



HAWAII WATER SERVICE

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February 9, 2022

Mr. M. Kaleo Manuel – Deputy Director
Commission on Water Resource Management
Department of Land and Natural Resources
State of Hawaii
P. O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Manuel:

Intention to Designate the Lahaina Aquifer Sector
as a Surface and Groundwater Management Area

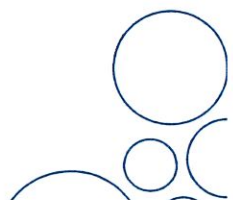
Hawaii Water Service Company (Hawaii Water) has prepared this response to the Commission on Water Resource Management's (CWRM) intention to designate the Lahaina Aquifer Sector as a Surface and Groundwater Management Area. The Staff Submittal presented at the Commission's January 18, 2022 meeting provides the basis for CWRM's intention to designate.

Hawaii Water's interest in the potential designation is substantial. It is the owner and operator of the KaaNapali Water System which has nine (9) wells in the Honokowai Aquifer System. It is the owner and operator of the Kapalua Water System in the Honolua Aquifer System. It also has a contract with Maui Land & Pineapple Company to operate and maintain the Honokohau Ditch System which originates in the Honokohau Aquifer System.

Questions and Comments on the Basis of Designation as Presented in the Staff Submittal

As a general comment, information in the Staff Submittal is limited to a summary of existing and projected water use amounts. It does not provide the backup data which would allow Hawaii Water or any other interested party to be able to verify the validity of the summary numbers presented. For example, Table 2 on page 7 of the Staff Submittal. Hawaii Water would like the following information supporting the groundwater amounts in the table to be made public, including:

- Actual measurement data of the tunnel discharge rates, including how many measurements were made, the dates of these measurements, and how the time-varying rates of discharge were accounted for.





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- A list of wells and their respective potential uses which comprise the “entitled / authorized planned use” for each Aquifer System.
- A list of wells and uses which comprise “other permitted well capacity” and a justification of their inclusion in the comparison of each aquifer system’s existing and planned pumpage versus its sustainable yield.
- We believe that the “other permitted well capacity” is not a justifiable inclusion in the basis for designation. If it is not included, only the Honokowai Aquifer system exceeds the 90 percent criterion for designation, making designation of the other five (5) aquifer systems without an actual basis to do so.

In the Staff Submittal’s sections on the Honokowai and Launiupoko Aquifer it is stated that withdrawals from either of these aquifers “...will most likely affect neighboring aquifers.” This generalization, made without actual supporting field data, is the only justification for including the other five (5) aquifer systems that do not otherwise meet any of the criteria for designation. Please provide any actual field evidence that supports this rather broad generalization regarding the contrasting permeabilities. We are of the opinion that the extent of this possibility is a very modest impact at best.

CWRM has one (1) monitor well in the Lahaina Aquifer Sector. It is the Mahinahina Deep Monitoring Well (DMW), identified as State No. 5739-003 and located in the Honokowai Aquifer System. The narrative description on page 9 of the Staff Submittal indicates that measurements since 2013 indicate that the Aquifer System has been quite stable. On Figure 6 on page 11 of the Staff Submittal, it states that the water table has risen 0.49 feet since August 2001, although it is not known if this has been corrected for sea level rise over the same period. Regardless, the actual data provided by the DMW does not portray an aquifer that has been degraded over the eight-year period since 2013. This contradicts a number of generalizations to the contrary throughout the Staff Submittal.

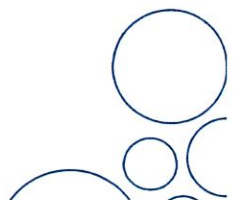
The time required for the designation process to be completed will delay Hawaii Water from moving forward with needed new sources of supply. This delay is also likely to translate into significant additional costs. For that reason, Hawaii Water is requesting that a complete disclosure of the basis of the summary amounts presented in the Staff Submittal be made available for review by all impacted parties prior to scheduling a public hearing or moving forward on the process for designation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anthony Lane", is written over a light blue horizontal line.

Hawaii Water Service, General Manager

Email Copy: Tom Nance – TNWRE Inc.



From: [Koa 'Ohana](#)
To: [Hyatt, RaeAnn P;](#) cwrm.dlnr@hawaii.gov
Subject: [EXTERNAL] CWRM 2/15/22 agenda item B-4
Date: Friday, February 11, 2022 1:17:32 PM

Commission on Water Resource Management
State of Hawai'i Department of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl Street, Room 227
Honolulu, Hawai'i 96813
Email: dlnr.cwrm@hawaii.gov

RE: Agenda Item #B4, Accept Chair's Recommendation to Designate the Lahaina Aquifer Sector, Maui as a Surface Water and Ground Water Management Area under HRS § 174C-41, and to Notice and Hold a Public Hearing

Aloha Chair Case and Water Commissioners,

As a resident of Lāhainā, mahalo for this opportunity to testify in support of the Chair's recommendation to designate the entire Lāhainā Aquifer Sector as a surface water and ground water management area. For some time now, we have been experiencing drought and related impacts, including declines in stream flow. As we prepare for our new climate reality, we believe that dual designation, and the water use permitting that goes with it, are the best tools to address these challenges.

Our Water Code requires designation when resources "may be threatened by existing or proposed withdrawals" of water. HRS § 174C-41(a). As a resident of Lāhainā, I believe that "regulation is necessary to preserve diminishing groundwater supply for future needs." HRS. § 174C-44(3).

Your well-researched staff submittal highlights many of the water challenges our community is facing, including water harm to ground water quantity and quality by saltwater intrusion, climate uncertainty due to prolonged drought and declining rainfall, as well as the connection between ground and surface water resources. More numeric IIFSs have encouraged new well construction. The County's Department of Water Supply has not notified you of the new wells they have been planning in areas of severe water conflict. In designated areas, you are better able to manage well placement to protect the long-term health of our precious ground water. And perhaps most importantly, our public trust doctrine requires preservation of Kānaka Maoli cultural practices but these practices have been harmed and will continue to be harmed without additional protective action by this Commission. The ability of Maui Komohana to maintain ancestral traditions and lifeways is at risk.

For example, there are major conflicts over water use in our community, which makes designation necessary for pono management of our resources. We cannot continue to have kalo farmers, whose water use is a protected public trust purpose, receiving their water at the mercy of plantation water systems and the developers who currently operate them. Competition over declining water resources in our area has already led to conflicts over water, and we only expect that to get worse. The Water Code proclaims that designation is appropriate where "serious disputes respecting the use of surface water resources are occurring." HRS §174C-45. Serious disputes are occurring in our community right now and we appreciate that your submittal confirms that.

Not all current uses of water are beneficial. Designation would help your Commission balance requests for water and ensure that public trust purposes, such as water for kalo, have priority. Without adequate water, our lāhui are unable to continue Kānaka Maoli practices that define who Kānaka are as a people and that made Lāhainā the "Venice of the Pacific." It is important to secure our water future now for the generations to come. We believe that State designation is the best tool to address these and other issues our community faces because without designation, the County has proven it cannot manage the wai and Maui Department of Water Supply has recently admitted to the county water board that the County is in the "position of begging" private corporations/landowners for help. Some of those private entities are culpable for water violations and have initiated aggressive conflicts with kuleana families with appurtenant water rights. This situation and the County's conflicted position is untenable.

Under the Hawai'i Supreme Court's ruling in Waiāhole, "the lack of full scientific certainty should not be a basis for postponing effective measures to prevent environmental degradation" and "where [scientific] uncertainty exists, a trustee's duty to protect the resource mitigates in favor of choosing presumptions that also protect the resource." We do not believe uncertainty exists, but even if you do, please vote today to move forward with the designation process.

Mahalo for this opportunity to testify, for considering my concerns, and for fulfilling your kuleana as a steward of our public trust by proactively protecting our resources.

Mahalo nui loa,

Fay McFarlane
Lahaina, HI 96761

From: [Uilani Kapu](#)
To: [Hyatt, RaeAnn P](#); [DLNR.CW.DLNR.CWRM](#)
Subject: [EXTERNAL] Agenda item#B4
Date: Saturday, February 12, 2022 6:38:26 PM

Commission on Water Resource Management State of Hawaii Department of Land and Natural Resource
Kalanimoku Building
1151 Punchbowl St. Room 227
Honolulu, Hawai'i 96813

Re: Agenda item #B4, Accept, Chairs Recommendation to Designate the Lahaina Aquifer Sector, Maui as a Surface Water and Ground Water Management Area under HRS174 C-41, and to Notice and Hold A Public Hearing

Aloha Chair Case and Water Commission,

I am a resident of Lahaina and Support the Designation of Lahaina Aquifer Sector, Maui as a Surface Water and Ground Water Management Area under HRS 174 C-41. I reside in this Designated area called Kaua'ula Valley above our sacred island Moku'ula (Mokuhinia).

This Lahaina region has experienced steadily decreasing rainfall and stream flow in recent years. Designation and the permitting requirements that accompany it, are critical to address these and other Water availability issues brought on by climate change.

The ground and surface Water Resources are connected and should be managed together to ensure sustainability. Designation is necessary to protect and restore traditional and customary Native Hawaiian Rights and practices including Kalo cultivation and just to let you know we are kalo farmers. Our water runs through the sacred Island Mokuhinia which will never ever happen, if our Water is not managed right.

I have been to Waiahole Waikane and Na Wai Eha, so I know how beneficial it is for this Management and ask this commission to please, Designate the Lahaina Aquifer Sector.

A wise Kupuna once said ligure is for drinking and water is for fighting! Here I am standing for our Public Trust Water Use.

The studies have been done and the people have shared, Climate Change is Here!

Mahalo nui
Uilani Kapu

Sent from my iPhone