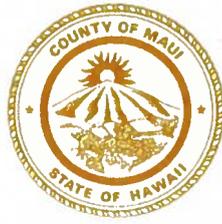


MICHAEL P. VICTORINO
Mayor

HELENE KAU
Acting Director

SHAYNE R. AGAWA, P.E.
Deputy Director



DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET WAILUKU,
MAUI, HAWAII 96793
www.mauicounty.gov/water

April 25, 2022

VIA MAIL AND EMAIL

dlnr.cwrn@hawaii.gov

raeann.p.hyatt@hawaii.gov

Ms. Suzanne D. Case, Chairperson and Members
State of Hawaii Department of Land and Natural Resources
Commission on Water Resource Management
1151 Punchbowl Street, Board Room 132
Honolulu, Hawaii 96809

SUBJECT: Testimony on Recommended Designation of the Lahaina
Aquifer Sector, Maui as Surface Water and Ground Water
Management Area, April 26, 2022 Public Hearing

Dear Ms. Case and Members,

The Maui County Department of Water Supply (MDWS) provided written and oral testimony at the January 18, 2022 Commission meeting. We offer additional testimony **supporting** designation of Honokōwai Aquifer System and **opposing** designation of the entire Lahaina Aquifer Sector as a Surface Water and Ground Water Management Area.

Investigations or studies in cooperation with MDWS for the benefit of the commission, in accordance with HRS §174C-43, have not yet been conducted. As such, MDWS testimony is based on the information released to date by the CWRM.

Public Hearing Notice

The March 23, 2022 Public Hearing Notice describes legal subdivisions as part of the Lahaina Aquifer Sector, none of which are located in Lahaina Aquifer Sector, as required in HRS §174C-42.

"By Water All Things Find Life"

Climate uncertainty and Sustainable Yield

Climate uncertainty such as drought and decline in rainfall applies throughout aquifer systems statewide and is not an isolated Lahaina phenomenon. Changes in groundwater recharge should be addressed in CWRM's calculations of sustainable yield. The Staff Submittals rely on 2015 and 2017 studies available at the time CWRM updated the Water Resources Protection Plan and sustainable yield for each aquifer system. The Staff Submittals rely on the mid-century and dry-climate scenarios and disregard the wet-climate scenario published in the same 2019 U.S Geological Survey (USGS) Study, which projects an increase in groundwater recharge for Honokōhau, Honolua, Honokōwai and Olowalu aquifers.¹

Threats to water resources by existing and proposed withdrawals:

Table 2 in the Staff Submittals includes development tunnel discharge. CWRM's new approach in this initiative to count 100% of tunnel discharge against basal sustainable yield remains inconsistent with the 2019 Water Resources Protection Plan, the findings of the USGS Report 2012-510 *Groundwater Availability in the Lahaina* and the approach CWRM applied to qualify high-level tunnel sources in the `Īao Groundwater Management Area (GWMA) designation, and upheld in the Na Wai 'Ehā contested case. This discretionary interpretation of 3.91 mgd tunnel discharge results in existing and proposed withdrawals exceeding sustainable yield in Launiupoko aquifer.

Authorized Planned Use (APU) is defined in HRS §174C-3 as the use or projected use of water by a development that has received the proper state land use designation and county development plan/community plan approvals. Table 2 in the Staff Submittals refers to the excel table provided via email by MDWS September 3, 2020 but double counted certain data. The correct APU for each aquifer system **if also** including meter reservations, source agreements and DHHL aquifer reservations from CWRM is shown below. Simply calculating APU by the aquifer system underlying each project is misleading as projects may be served by adjacent aquifer systems, surface water or recycled water, as explained in the Maui Island WUDP for Lahaina aquifer sector.

¹ Mair, A. *et al.* 2019. Estimated groundwater recharge from a water-budget model incorporating selected climate projections, Island of Maui, Hawai`i. USGS SIR 2019-5064.

| | Ukumehame | Olowalu | Launiupoko | Honokōwai | Honolua | Honokōhau |
|------------|-----------|---------|------------|-----------|---------|-----------|
| APU* (MGD) | 1.080 | 0.003 | 0.9364 | 2.4102 | 1.8473 | 0.000 |

*Projects with county land use entitlements known to MDWS. Projects may have partial building permits issued (overlapping with Open Building Permits). Project may or may not be served by underlying ASYA, may be served by surface water or recycled water.

Correcting for APU and factoring in that 100% of tunnel discharge have **not** been qualified or quantified against basal sustainable yield, current groundwater withdrawals, new permitted wells and APU represent about 57% of sustainable yield for Launiupoko aquifer. Threats to water resources by existing and proposed withdrawals is limited to **Honokōwai aquifer**.

Serious disputes over surface and groundwater

The county favors a collaborative approach among water purveyors to ensure sustainable water pumpage throughout each aquifer system. The Maui Island WUDP was adopted unanimously by Maui County Council and submitted to CWRM for approval . The plan strategies offer compromises to address community concerns and disputes, align with the General Plan and Community Plan for the Lahaina region to allocate water to planned land use. In fact, CWRM staff in their review noted the benefit of strategies to meet future needs, including transfers from adjacent aquifers, to help guide CWRM in future decision-making on water management area designation. In the February 5, 2022 Staff Submittal, CWRM responds to testimony questioning the role of the Maui Island WUDP but neglects to respond to MDWS’s written testimony.² The MDWS January 13, 2022 testimony is also not included in the Draft Findings of Facts “Summary of Written Testimony”. We are concerned over the hasty approach to designate the entire district and motivation to do so before exploring solutions provided in the WUDP, including to support collaboration between water purveyors in lieu of state control. Subjective designation that is not grounded in undisputed facts risk triggering a contested case petition by an affected party and closes the door to proactive collaboration among all parties.

The state water code provides CWRM the option to invite water users in the aquifer sector to assess the groundwater situation and devise mitigative measures (HRS §174C-44). As advocated for in our previous testimony, MDWS believes that proactive guidance by CWRM to interpret and utilize available groundwater models and monitoring data to ensure adequate pump distributions are arguably better tools to enhanced and integrated management, than designation.

² MDWS Testimony on January 18, 2022 Agenda Item A.2. Email to Raeann.p.hyatt@hawaii.gov 01/14/22.

Harm to groundwater quantity and quality by saltwater intrusion

Low initial chloride levels in wells underlying previously irrigation sugarcane and pineapple cultivation are expected to increase as agricultural cultivation ceased and irrigation return recharge to the aquifer decreased. MDWS wells in Honolua aquifer underlie former pineapple fields. Chlorides in MDWS Kanaha wells 1 & 2 in Launiupoko directly respond to changes in pumpage and MDWS current well exploration in Launiupoko aquifer would help redistribute pumpage from this well field, guided by the 2012 USGS study on groundwater availability in the Lahaina district. MDWS has funded multiple cooperative studies with the USGS to guide resource management and to address threats to water quantity and quality and climate change impacts. These tools underpin the proposed WUDP strategies to allocate water to land use, guide sustainable groundwater pumpage, address declining rainfall and climate uncertainty.

Water shortage

MDWS has a significant responsibility to serve the public, providing about 5.5 mgd or 59% of potable water needs in the region. MDWS is actively preparing to shift to groundwater to reduce reliance on surface water long term, comply with adopted IIFS and to provide for planned growth of the Lahaina community. Water conservation and infrastructure improvements relieve some stress on the MDWS systems and resource. However, the community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for **existing** uses and wells are processed first, before any WUPs for **new** source are awarded. Completing construction of new well sites currently in the works will be further delayed. Once MDWS reduce diversions from Kanaha Stream we no longer have reliable capacity to serve additional customers, which triggers a water shortage declaration per Maui County Code Chapter 14 and de facto building moratorium per MDWS Administrative Rules Title 16, Chapter 201.

Lessons learned

GWMA Designation of `Īao aquifer was triggered by alleged withdrawals exceeding 90% of sustainable yield (SY). CWRM subsequently issued water use permits exceeding 95% of SY but any guidance on well spacing, pump optimization and adaptation has not been forthcoming. MDWS has funded multiple cooperative studies with the USGS to guide resource management and distribute aquifer pumpage in a sustainable fashion.

Ms. Suzanne D. Case, Chair
and Members
April 25, 2022
Page 5 of 5

All Molokai aquifers were designated as GWMA's regardless of any realistic future pumpage of most aquifer systems. In Ualapue, the MDWS request for an additional 165,000 gallons per day were met with strong objection and a petition for a contested case. If granted, the WUP would have increased total water use to 4% of Ualapue 8 million gallons per day sustainable yield. The Ualapue community now face a de facto building moratorium on the MDWS system as no additional meters can be issued to waiting applicants.

Designation does not necessarily provide for better integration of land use and water planning. The county, private purveyors and community members can and have to step up on a local level. Ultimately all of us depend on responsible use and management of every resource. MDWS does **not** support designation of the entire aquifer sector. We believe a better approach is proactive collaboration between CWRM, public and private purveyors and community representatives to ensure implementation of WUDP strategies and refine integrated management.

Surface water designation and IIFS

Designation of a Surface Water Management Area (SWMA) may be warranted where ongoing conflicts over water use have not been resolved, such as Kaua'ula. MDWS acknowledges that we have yet to comply with Kanaha Stream IIFS. MDWS and USGS have actively pursued access to install gages on Kanaha Stream since 2018. MDWS has budgeted and pursued well development to offset reduced diversions. Designation does not resolve the obstacles to develop wells, improve infrastructure and balance water needs between the MDWS sources and subsystems. On the contrary, designation would prevent or at the very least seriously delay much needed new source development on the MDWS system.

In conclusion, MDWS supports designation of **Honokōwai Aquifer System** only.

Sincerely,



Helene Kau
Acting Director of Water Supply

June 10, 2022

VIA EMAIL To:

raeann.p.hyatt@hawaii.gov

Ms. Suzanne D. Case, Chairperson
State Department of Land and Natural Resources
and Members of Commission on Water Resource Management
1151 Punchbowl Street, Bard Room 132
Honolulu, Hawaii 96809

RE: Testimony on Designation of the Lahaina Aquifer Sector, Maui as a Surface and Ground Water Management Area, June 14, 2022

Aloha Chair Case and Members,

My name is Steve Miller and I'm testifying on behalf of myself, my children and my grandchildren as a concerned citizen and resident of Maui.

It goes without saying that everyone needs water and wants to preserve and conserve our water. Whether Maui's water is actually a diminishing resource is another question for the experts to figure out.

You, the Commissioners, should have received and hopefully read, volumes of written testimony explaining the wide-ranging extent of unintended consequences that will affect thousands of Maui residents as a result of the extraordinary scope of this proposed designation, including a de facto moratorium on water meters for affordable housing for the entire west side of Maui.

Therefore, I respectfully request that you to ask your staff to answer these 3 questions which I believe the public has a right to know:

1. How long will it take to approve permits for all existing users before any new permits can be reviewed, and how many existing users are there?
2. Does CWRM intend to increase its staff to be able to implement this additional layer of regulation in order to avoid delays in granting new permits as is the case with the Na Wai Eha WMA where local people are still waiting for existing use permits after 13 years? Even simple diversion permits for qualified instream uses in Kahoma have taken over 2 years with still no response from CWRM.
3. Why are there arguments from credible sources like MDWS disputing the methodology used to justify the scope of this designation while ignoring USGS data that would show otherwise, including that only the Honokowai Aquifer System should be designated?

My recommendation would be for CWRM to collaborate with its stakeholders including MDWS, DOH, HHFDC, MDHHC, DHHL, farmers and others to figure out how to achieve CWRM's laudable goals in a way that minimizes the unintended consequences that have plagued the previous WMA's designated by CWRM in Maui County.

Thank you in advance for receiving and taking this testimony to heart.

Sincerely,

S.H. Miller



June 10, 2022

WRITTEN TESTIMONY (via e-mail)
Commission on Water Resources Management
dlnr.cwrmm@hawaii.gov
raeann.p.hyatt@hawaii.gov

Testimony of West Maui Preservation Association to the Commission on Water Resources Management, Item C-1: Designation of the Lahaina Aquifer Sector, Maui as a Surface Water and Ground Water Management Area, June 14, 2022.

Please accept this testimony on behalf of the West Maui Preservation Association (WMPA), a nonprofit organization based in Lahaina, Maui, in **strong support** of the designation of the Lahaina aquifer sector as ground and surface water management areas (WMAs). WMPA is organized for the purposes of preserving, protecting and restoring the natural and cultural environment of West Maui, including land conservation and educational activities related thereto. For nearly two decades, WMPA has advocated for community interests alongside West Maui's natural resources.

WMPA applauds the Commission's proactive approach to managing our public trust resources. Water management area designation is sorely needed in West Maui to address the inertia preventing implementation of more equitable and sustainable solutions to protect water resources and public trust uses thereof. Given the effusive community support throughout the process thusfar, our comments are directed at arguments raised in opposition to WMA designation as described in the Commission's proposed Surface and Ground Water Management Area Designation Findings of Fact Report, Jun. 8, 2022 (Lahaina Aquifer FOFs).

1. *Those most confused by the water use permitting process can most likely afford consultants and attorneys to advise them on the process.* Several, including Kaanapali Land Management Corporation (KLMC) and West Maui Land representatives have pointed to the Commission's diagram of the water use permitting process as evidence that permitting is difficult and therefore should not be attempted.¹ No such complaint is evident from community members, including those who are planning to submit water use permit applications for water uses pursuant to kuleana and appurtenant rights. The diagram describes every permutation of the permitting process for differently situated applicants. To the extent it is a "confuse-o-gram" to these larger, monied entities, they would have

¹ See "Water Use Permit Process: Designated WMA," available at: files.hawaii.gov/dlnr/cwrmm/forms/dgwup.pdf.

the resources to hire consultants and attorneys to guide them through the permitting process. Lahaina Aquifer FOFs at 155 (KLMC comment).

2. *Continuing to allow the County and large landowner “stakeholders” to direct water resource development is improper.* Those opposed to WMA designation, including Maui Land and Pineapple, AOA Golf Villas, and the Maui Department of Water Supply (MDWS) itself, have insisted MDWS’ management is adequate, or, alternatively, advanced that the Commission should “allow these Maui-based groups [West Maui community, various stakeholders in water delivery systems and MDWS] opportunity to reach a reasonable solution on water usage” prior to considering designation. Lahaina Aquifer FOF at 152. Why have these groups not been able to reach a “reasonable solution” prior to the proposal for WMA designation? The reasonable inference is they were not compelled to do so until at least some of the “stakeholders” determined to oppose the Commission’s proposal to designate the Lahaina aquifer sector.

The County and private industry have not been able to meet the challenges of water resource management. As MDWS concedes, the Honokōhau ditch and associated Honokōwai Stream, Wahikuli Gulch and the Honokōwai diversion system “is fragmented as to function and use, ownership and management, and system connectivity, which hampers the ability to resolve responsibilities for operation and maintenance of the entire system.” WUDP at 944. Any “working group” proposed to displace and defer Lahaina WMA designation would merely delay and complicate the important work of water resource management. Rather than MDWS and private landowners, the greatest strides in water resource management for West Maui in recent years have come through the Commission’s interim instream flow standard (IIFS) amendment proceedings and community-led initiatives utilizing legal mechanism of the Commission, such as water wasting complaints against wastage by large commercial water users in Honokōhau, Honokōwai, and Kauauala.

3. *County Department of Water Supply cannot meet water management challenges alone.* MDWS’ 2019 Maui Water Use and Development Plan Update already acknowledges Commission action as a necessary part of the County’s ability to resolve ongoing issues in the Lahaina aquifer sector. For instance, the WUDP identifies as a “key issue” the community input obtained through the Commission’s instream flow standards process in addressing “unresolved issues pertaining to West Maui streams and water rights” and seeks the Commission’s resolution through establishment of IIFS for Kanahā Stream and other diverted streams with kuleana parcels. WUDP at 927, 1000 (proposing gage installation at Kanahā stream).

Without the Commission’s tools of water use permitting, MDWS cannot meet its planning objectives related to resource management, which seek to: “[m]aintain sustainable resources”, “[p]rotect water resources”, “[p]rotect and restore streams”, and “[m]inimize adverse environmental impacts”. WUDP at 978. This is because MDWS’ strategies of source development to meet water demand lack any controls to ensure they are interfering with resource management objectives, much less that those objectives are being met. That is, MDWS’ resource management goals are not tied to any indicators or controls from actual resource use and allocation. Resource use and protection do not operate separately. For instance, MDWS Strategies #4 and #5 encourage development of the basal aquifer to up to 19 mgd and “smart source development”, the latter of which includes “concentrating pumpage at a few large wells”. WUDP at 997, 998. Both of these strategies increase risks of salinity, which “generally increases with depth, proximity to the coast, and withdrawal rate” and potential upconing and perturbation of the basal aquifer lens. WUDP at 995. However, once developed by non-MDWS entities, wells causing these impacts will not be under the control of MDWS – notwithstanding its resource management objectives of ecological protection.

Drought, of which West Maui is suffering, is yet another factor for increasing salinity, which MDWS acknowledges but does not address as a long term trend. *Id.* (“Drought also results in increased salinity in the cautionary and threatened range, but the effects would be temporary if rainfall returns to normal.”). Climate change has wrought a new normal and new steps are needed. The Commission’s water use permitting regime allows for enforceable conditions to prevent degradation of the aquifer and could be designed to account for drought conditions.

4. *MDWS strategies require Lahaina aquifer WMA designation.* Many of MDWS’ strategies for meeting water demand depend on assumed, significant cooperation with private landowners. For instance, MDWS seeks to “[e]nsure ‘smart source development’ to ensure wells are installed in optimum areas for large source wells, but this requires “[c]ollaboration and coordination between MDWS, privately owned purveyors and the Department of Hawaiian Homelands[.]” WUDP at 998. Similarly, MDWS strategies include development basal groundwater wells and non-potable groundwater. WUDP at 997, 999. The County does not necessarily own all of the lands required to implement this strategy as many of the lands overlying the basal aquifer are privately owned. The County’s strategies depend on the willingness of private entities to cooperate with their unenforceable WUDP. Even the Commission cannot control where wells are developed in the absence of WMA designation, which is the only mechanism that would permit a government entity to manage the spacing and location of wells throughout the aquifer.

5. *Commission’s capacity to manage water resources.* Detractors allege the Commission is underfunded and lacks staffing to take on water management responsibilities. First, even if true, the next step would be to increase Commission funding, not to refrain from resource management. Second, there is no evidence that any delay in permitting is due to Commission staff shortages.

Further, commentators alleging the Commission’s incapacity referred to water use permitting on Moloka‘i and in Nā Wai ‘Ehā. This is significant because delays in the case of Well No. 17 on Moloka‘i water use from can be attributed to the applicant’s provision of incomplete information and the impropriety of the proposed non-public trust use in competition with public trust uses. Though broadly gesturing to Nā Wai ‘Ehā as an example of the failings of WMA designation, critics misread the caution from this event. It was the *delay* in designation of Nā Wai ‘Ehā that allowed demand to increase, in some places to a level beyond what was actually available. Similarly, it was the overly narrow designation of only the Waihe‘e aquifer, despite hydrological connection with other aquifers, that beleaguered these implementation of water management areas. The party that took the most of the Commission’s time and attention was a large commercial water user – the Wailuku Water Company. West Maui’s similarly situated commercial water users might rather take the lesson from Nā Wai ‘Ehā’s Wailuku Water Company and Moloka‘i’s Moloka‘i Ranch that contentious, non-compliance will lengthen and complicate WMA implementation to the detriment of all.

Mahalo for considering our testimony. Please contact us with any questions.

West Maui Preservation Association
Post Office Box 11150, Lahaina, Hawai‘i 96761
info@savewestmaui.com

From: [REDACTED]
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] I OPPOSE CWRM designation West Maui Water Designation
Date: Friday, June 10, 2022 5:04:15 PM

To whom it may concern,

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

Best Regards,
Marty Cooper

CWA Ventures, LLC - License 7350-A, Principal Architect
Cooper Design Build, Inc. - License BC 27530, RME / General Contractor

[REDACTED] Kahului, HI
[REDACTED] Puunene, Hawaii 96784

Cell: 808 [REDACTED]

All designs, plans, specifications and other contract documents (including all electronic files) prepared by CWA Ventures, LLC shall remain the property of CWA Ventures, LLC and CWA Ventures, LLC retains all rights thereto, including but not limited to copyright, statutory and common-law rights thereto unless otherwise specified by contract. No design changes or decisions made by e-mail shall be considered part of the contract documents unless otherwise specified, and all design changes and/or decisions made by e-mail must be submitted as an RFI or a submittal unless otherwise specified.

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From: [REDACTED]
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] I OPPOSE CWRM designation West Maui Water Designation
Date: Friday, June 10, 2022 5:16:54 PM

To whom it may concern,

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

Best Regards,

Sese Vave

CWA Ventures, LLC

[REDACTED] Kahului, HI
[REDACTED] Puunene, Hawaii 96784

Cell: 808 [REDACTED]

From: [Steve Pollack](#)
To: [DLNR.CW.DLNR.CWRM](#); [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] OPPOSE CWRM designation West Maui Water Designation
Date: Saturday, June 11, 2022 6:30:03 AM

Aloha,

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

It is my belief that:

- **The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.**
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, “threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer” only and not the entire Sector.
 - The State of Hawai‘i Department of Health similarly concluded “that criteria are not met for five (5) of the six (6) aquifer systems in this sector” and that “WMA designation is appropriate for the Honokōwai Aquifer System.”
- **New use permits cannot be processed until all existing use permits have been processed, which may take decades.**
 - A future use is any use that does not exist at the time a designation is made.
 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took the *three* applicants *five* years for to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
- **For these reasons, designation will likely mean a moratorium on future uses (for decades).**
 - DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: “[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new source are awarded.”
 - A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.
- **A moratorium on future uses means a moratorium on affordable housing.**
 - Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC and Todd Apo of the Hawai‘i Community Foundation support deferral

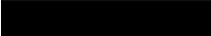
and the appointment of a working group.

- **A moratorium on future uses, including affordable housing and any other development, means jobs are not created.**
 - Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai'i Regional Council of Carpenters, William Kamai and Bruce U'u of the Maui Chapter of Hawai'i Carpenters Union, Dwight Burns of the Hawai'i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai'i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.

- **Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.**
 - The resource is important and needs to be managed.
 - With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.
 - Once a designation is made, it will be extremely difficult to undo. **If the designation is a good idea today, it will be a good idea next month or the month after.**
 - Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Mahalo,

Dr. Stephen Pollack

 Lahaina

From: [Ultima Morgan](#)
To: reaann.p.hyatt@hawaii.gov
Cc: [DLNR.CW.DLNRCWRM](#)
Subject: [EXTERNAL] OPPOSE designation West Maui Water Designation
Date: Saturday, June 11, 2022 6:45:30 AM

On behalf of [REDACTED] I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which stakeholders may collaboratively work to steward the resources.

Ultima Morgan manager for Degnan Legacy, LLC and UDM Investments,LLC

Sent from my iPad

From: [Kyle Anderson](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Delay the vote please.
Date: Saturday, June 11, 2022 6:47:40 AM
Importance: High

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

**Regards,
Kyle and Carole Anderson**

Kaanapali Coffee Farm,s Lot 48



Lahaina, HI 96761

From: [Debbie Arakaki](#)
To: [Hyatt, RaeAnn P](#); [DLNR.CW.DLNR.CWRM](#)
Cc: [Debbie Arakaki](#)
Subject: [EXTERNAL] Opposing CWRM designation for West Maui
Date: Saturday, June 11, 2022 7:35:47 AM

To the CWRM committee and Raeann,

I respectfully request that action on the designation be deferred until more information and input from our West Maui community has been given. It is unnerving to see how this has flown under the radar on West Maui without more of the residents knowing about it.

Putting a moratorium on future uses will have huge impacts on the housing market, the possibility of much needed affordable housing.

Let's look more closely at other viable solutions for the water for West Maui rather than having a moratorium put in place. The moratorium is not the right solution and can be much more detrimental to our residents and West Maui.

- **Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.**

- The resource is important and needs to be managed.
- With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.
- Once a designation is made, it will be extremely difficult to undo. **If the designation is a good idea today, it will be a good idea next month or the month after.**
- Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the water source.

Mahalo,

Debbie Arakaki

████████████████████
Lahaina Hi 96761
████████████████████

From: [Jean Tessmer](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] OPPOSE CWRM designation West Maui Water Designation we need more input from everyone this will affect
Date: Saturday, June 11, 2022 9:40:41 AM

Businesses on Maui will be drastically affected by this Draconian action. The County and State need more outside input from experts who can through their experience see what the future will bring.

Our rights are being taken away as businesses trying to operate here in Hawaii. I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

That working group should include contacting all parties who have expressed interest. So we can weigh in and show you how we all can be good stewards of our water resources including out reefs.

I hope your consider this seriously.

Jean Tessmer

From: [Jeff and Sue Anderson](#)
To: [Hyatt, RaeAnn P;](#) [DLNR.CW.DLNR.CWRM](#)
Subject: [EXTERNAL] Testimony Against Designating the Entire Westside a Water Management Area
Date: Saturday, June 11, 2022 1:03:46 PM

Aloha Commissioners,

I became aware today that the Commission on Water Resource Management may designate the entire Westside of Maui a surface and groundwater management area as early as this coming Tuesday, June, 14, 2022. There is very little awareness in my neighborhood that this enormous step is being considered. I understand there has been just one meeting to explain the proposal to the public and that the final CWRM report supporting the designation was just released for public review on June 10th. The rushed timing for a major decision like this, one that could impact residents' lives for decades, is way too fast.

I understand there is just one area, the Honokōwai aquifer, which may become oversubscribed, that triggered this action. As County of Maui Department of Water Supply explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire sector. But rather than focus on Honokōwai, CWRM proposes to inflate the scope and designate the entire West Side as a surface and groundwater management area. Both the County and the Hawaii Department of Health disagree with designating the entire area as a water management area. Management area designation will create massive bureaucratic permitting burdens, likely resulting in conflicts, lawsuits and water moratoriums as were seen with Molokai, Na Wai Eha and Iao. The water management designation should not be taken lightly and should be reserved only to address substantial problems.

I encourage your focus on solutions for Honokōwai.

Regarding a management area designation, I suggest you create a CWRM sponsored working group populated with water resource experts, Maui County and full representation from the entire West Side to determine the appropriate scope of any designation. Doing so may result in a better decision but either way, it will improve the opportunity for West Side communities to be involved with this important decision.

Jeff Anderson
Lahaina

From: [Susan DeLoria](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.
Date: Saturday, June 11, 2022 3:05:06 PM

Aloha, my name is Susan DeLoria and I have been a resident of Lahaina for 32 years. I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- **The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.**
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
 - The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."
- **New use permits cannot be processed until all existing use permits have been processed, which may take decades.**
 - A future use is any use that does not exist at the time a designation is made.
 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took the *three* applicants *five* years for to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
- **For these reasons, designation will likely mean a moratorium on future uses (for decades).**
 - DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new source are awarded."
 - A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.
- **A moratorium on future uses means a moratorium on affordable housing.**
 - Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz

Collaborative LLC and Todd Apo of the Hawai'i Community Foundation support deferral and the appointment of a working group.

- **A moratorium on future uses, including affordable housing and any other development, means jobs are not created.**
 - Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai'i Regional Council of Carpenters, William Kamai and Bruce U'u of the Maui Chapter of Hawai'i Carpenters Union, Dwight Burns of the Hawai'i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai'i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.

- **Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.**
 - The resource is important and needs to be managed.
 - With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.
 - Once a designation is made, it will be extremely difficult to undo. **If the designation is a good idea today, it will be a good idea next month or the month after.**
 - Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

I appreciate the opportunity to provide testimony. I do hope you will consider my concerns and act according.

Susan DeLoria

Susan C DeLoria R (B) ABR e-Pro Lic# RB-22721
C: 808 [REDACTED]

From: [Matt Blake](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Testimony RE: CWRM designating westside a Water Management Area
Date: Saturday, June 11, 2022 3:50:05 PM

Dear Commissioners

I just found out that CWRM is working towards designating the entire west side of Maui as a water management area just days after a report was provided.

- This is a big decision and it feels very rushed.
- The lack of time, education, input and collaboration feels unfair to the public.
- I think people in the affected area have very little awareness and understanding of what CWRM is trying to do.
- The report mentions one aquifer that is stressed, yet we are rushing a proposal to control the entire west side.

Can we please slow down and and fully involve the community and experts before pushing this through in such a hurry?

Mahalo!

Matt Rogers
Lahaina

From: [D McDysan](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please defer Designation and appoint CWRM Working Group to better evaluate impacts and data.
Date: Saturday, June 11, 2022 4:05:52 PM

Aloha,

My name is David E McDysan, and I am a resident of Lahaina. My HOA wrote a detailed email and provided detailed documentation regarding proposed designation of Lahaina as a CWRM. The process appears to have been rushed, and if it is a good idea now it will be a good idea even months after such a working group has time to convene, meet and discuss with stakeholders and analyze comparable situations in other parts of Maui.

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

The source is not oversubscribed, and both the County (DWS) and State (DOH) disagree with designating the entire Sector as a Surface Water and Groundwater Management Area.

- No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
- The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."

New use permits cannot be processed until all existing use permits have been processed, which may take decades.

- A future use is any use that does not exist at the time a designation is made.
- In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took *three* applicants *five* years for to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.

For these reasons, designation will likely mean a moratorium on future uses (for decades).

- DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new source are awarded."
- A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.

A moratorium on future uses means a moratorium on affordable housing.

- Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa

Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC and Todd Apo of the Hawai'i Community Foundation support deferral and the appointment of a working group.

A moratorium on future uses, including affordable housing and any other development, means jobs are not created.

- Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai'i Regional Council of Carpenters, William Kamai and Bruce U'u of the Maui Chapter of Hawai'i Carpenters Union, Dwight Burns of the Hawai'i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai'i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.

Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.

- The resource is important and needs to be managed.
- With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.
- Once a designation is made, it will be extremely difficult to undo. **If the designation is a good idea today, it will be a good idea next month or the month after.**
- Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

I appreciate your consideration of my comments and concerns and taking the time to consider the recommendation to create a working group to further study, discuss and analyze the best path forward before making a decision that could have significant long term impacts to many stakeholders as outlined above.

Mahalo,

David E. McDysan



Lahaina, HI 96761

CWRM DESIGNATION OF WEST MAUI

Unable to attend the June 14, 2022 CWRM meeting, I am submitting written testimony recommending that action on the West Maui designation be deferred to enable interested parties to collaborate and form a working group to determine guidelines, to collect data and to fully understand the impact of this designation upon current and future users as well as the community as a whole.

Availability of housing, especially affordable, is in crisis mode. Hawaii is losing much valuable talent with the housing shortage. One example is specialty physicians. Maui is in dire need of these physicians. But many are unable to find housing and choose not to relocate to Maui. The community suffers.

With no new housing, there are far less jobs for workers in the construction industry potentially forcing these workers to relocate to other states. This affects our economy and the community suffers.

I have learned that Na Wai Eha users still have not been granted their permits....after 13 years. Given this situation, will it take 13 years or more for the West Maui users to be granted their permits.

Let's form a working group to to enable vetting of this designation and to ensure that information is disseminated to all.

Beverly Kurokawa

Subject: Testimony Against Designating the Entire West Side a Water Management Area

Aloha Commissioners,

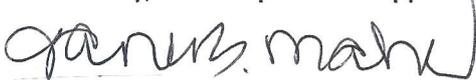
I recently became aware that the Commission on Water Resource Management may designate the entire Westside of Maui a surface and groundwater management area as early as this coming Tuesday, June, 14, 2022. There is very little awareness in my neighborhood that this enormous step is being considered. I understand there has been just one meeting to explain the proposal to the public and that the final CWRM report supporting the designation was just released for public review on June 10th. The rushed timing for a major decision like this, one that could impact residents' lives for decades, is way too fast.

I understand there is just one area, the Honokōwai aquifer, which may become oversubscribed, that triggered this action. As County of Maui Department of Water Supply explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire sector. But rather than focus on Honokōwai, CWRM proposes to inflate the scope to all 6 aquifers and designate the entire West Side as a surface and groundwater management area. Both the County and the Hawaii Department of Health disagree with designating the entire area as a water management area. The County went so far as to say "There are clearly aquifer systems included in the initiative with no basis for designation as set forth in the State Water Code. [Maui County Department of Water Supply] does **not** support designation of the entire aquifer sector."

Management area designation will create massive bureaucratic permitting burdens, likely resulting in conflicts, lawsuits and water moratoriums as were seen with Molokai, Na Wai Eha and Iao. Water management area designations should not be taken lightly and should be reserved only to address severe shortages.

I encourage you to focus on solutions for Honokōwai.

Regarding the management area designation, I suggest you create a CWRM sponsored working group populated with water resource experts, Maui County and full representation from the entire West Side to determine the appropriate scope of any designation. Doing so may result in a better decision but either way, it will improve the opportunity for West Side communities to be involved.



Lahaina

June 12, 2022

Hello Chair and Members of the CWRM

I would like to take this opportunity to testify in strong support of your staff's recommendation to designate the Lahaina Aquifer Sector as a surface and ground water management area. I normally would not venture into someone else's wahi, however our injuries are the same whether on the East or the West. For too long the Superior holders somehow are overlooked or absent from its rightful status. Our cultural and traditional works are one of expertise. With the findings evident to approve this recommendation using its own criteria, I would hope the decision is made and fulfilled based on such facts and testimony. May the kupuna guide your decision which moves me to thank you in advance.

Joyclynn Costa
Aha Moku Rep.
Hamakualoa
Nahiku ohana

Testimony of
Pacific Resource Partnership

State of Hawaii
Department of Land and Natural Resources
Commission on Water Resource Management

Defer Designation of the Lāhainā Aquifer Sector
Tuesday, June 14, 2022

Aloha Commissioners:

We are in an affordable housing crisis and the moratorium on all development that would likely be caused by this designation would devastate our community. We cannot continue to drag our feet on developing homes that long-time Maui residents can afford to buy. Development requires water, and under a designation water requires a new use permit. In other, smaller designated areas, applicants for a new water use permit have been waiting decades.

The designation not only means a moratorium on new development, such as affordable housing, it also means a moratorium on all new projects and the source of income of construction workers who build these projects. No new projects or expansions of existing projects means no jobs are created for those projects.

We rely on new projects, whether it is the rehabilitation or renovation of an existing structure or the development of new homes, to keep our community infrastructure in step with our evolving community needs. Without the ability to continue to construct, our schools fall into dilapidation and become too small for our growing community; our housing inventory continues to effectively shrink in comparison to our growing community; and our long-time residents will continue to leave Maui.

Water is life, and to sustain the livelihood of our community we ask that you defer designation of West Maui. We respectfully ask that you listen to our County (DWS) and to those who will be affected by the designation. Please defer and appoint a working group so the consequences and data can be evaluated.

Thank you for this opportunity to submit written testimony.





Testimony from the Pacific Regional Integrated Sciences and Assessments (RISA)

CWRM Meeting on June 14, 2022, 9am

ITEM C.1. Lahaina Aquifer Sector Designation

Dear Chair Case and Commission Members,

For the last 15 years, the Pacific RISA team has been dedicated to supporting a vision of resilient and sustainable Pacific communities using climate information to manage risks and support practical decision-making about climate variability and change. Several of Pacific RISA's researchers have contributed to projects addressing the impacts of climate change and land use on groundwater recharge on the Island of Maui. In this letter, we provide testimony adding to the science presented at the January 16, 2022 USGS-PIWSC testimony and the February 15, 2022 CWRM Staff Submittal in regard to the surface and groundwater designation of the Lahaina Aquifer Sector. To inform the Commission's decision, this testimony summarizes relevant research findings (mainly from Brewington et al., 2017; 2019) and uncertainties concerning: (1) future climate projections, (2) future land use scenarios and groundwater recharge, and (3) implications for long-term management applicable to Maui and the Lahaina Aquifer Sector. The main points are as follows, with details in the text:

- The large range in future groundwater recharge projections is mainly due to differences in rainfall projected by the two climate models. Our findings show that land use management in strategic locations could mitigate the impacts of climate change on groundwater.
- The two rainfall projections used in this research are so different because they were chosen as the driest and wettest from among the available projections for Hawai'i. This was done to provide a plausible range of future climate scenarios at the end of the century: one in which Maui receives much more rainfall overall, and one where it receives much less. These projections were selected so that decision-makers could consider the assets they manage under a range of plausible futures and evaluate each according to their tolerance for risk. Neither projection is "right" or "wrong": they represent the uncertainty in future conditions and should serve as a guide for evaluating risk.
- Land use scenarios were developed with input from dozens of stakeholders on Maui to represent different management decisions and trade-offs. When combined with future rainfall projections, we found that land use decisions could greatly influence and even mitigate the effects of climate change. In particular, a scenario in which urban development occurs jointly with watershed protection results in increased groundwater recharge for source aquifer systems. Integrated land and water planning should consider a range of future climate risks and management strategies.

1. Available Climate Projections, and Downscaling: *Global climate models* represent important processes in Earth's climate system. *Climate projections* help us understand how the climate might change based on the actions we take to increase or decrease greenhouse gas emissions. The Hawaiian Islands are very small and have extreme topography and microclimates. These factors have a big impact on the local climate, and global models are unable to represent relevant processes or provide estimates of weather and climate at the appropriate spatial scale. So, global climate models need to be **downscaled** to provide information at reasonable and usable resolutions.

- *Climate Projections and RCP scenarios {4.5, 8.5, A1b}*. The IPCC creates Representative Concentration Pathways (RCPs) to help us understand how the climate might change based on

how humans respond to the climate change crisis. For example, the “RCP8.5” scenario assumes we continue to burn fossil fuels at an ever increasing rate, while RCP4.5 is more optimistic and assumes we make a big shift toward renewable energy and reduce greenhouse gas (GHG) emissions. The A1b scenario is somewhere between the two.

- *Downscaling*. The goal of climate downscaling is to create locally-relevant projections of long-term climate patterns from global climate models. There are two main approaches to downscaling:
 - *Statistical Downscaling (SD)* uses observed local and large-scale climate data to create relationships that are used to make global climate model projections at a regional scale. Statistical downscaling assumes that the relationships between large-scale atmospheric circulation patterns and local climate outcomes will not change as the global climate changes. While the validity of this assumption is difficult to establish, the SD projections provide a useful alternative to consider alongside other downscaling methods.
 - *Dynamical Downscaling (DD)* uses principles of atmospheric physics to make global climate model projections regionally relevant and requires high-performance computing resources to simulate how regional climate reacts to defined boundary conditions such as increased GHG concentrations. The widely used “Pseudo Global Warming” (PGW) method might not capture future changes in the frequency of weather disturbances, instead simulating the effects of warming on the intensity of those events. Dynamical downscaling is best used to simulate end-of-century changes.
- Both statistical (Timm et al., 2015) and dynamical downscaled (Zhang et al., 2016) projections are available for Hawai‘i, covering a range of possible changes in future rainfall. For Hawai‘i, results from these two approaches represent the range of available future projections, and are often selected so that decision makers can consider the assets they manage under a range of plausible futures and evaluate each according to their tolerance for risk. For this research, two projections were chosen to encompass the range of feasible climate futures: The “dry future” SD results (at two timescales - mid- and end-of-century, for RCP4.5 and RCP8.5), and the “wet future” DD results (the HRCM1 and 2 models as presented by the USGS on 1/16/22 for the end-of-century, for RCP4.5, RCP8.5, and Scenario A1b). Each model has advantages and disadvantages. As with any future climate projection, both have significant uncertainties.

2. Land Use and Groundwater Recharge: Climate projections and four different land-use scenarios were used as inputs to the USGS-PIWSC water budget model for Maui and consider interactions between land use and groundwater recharge under a changing climate (Brewington et al. 2017, 2019).

- In Central and Leeward Maui, both the wet and dry climate projections show reduced rainfall and groundwater recharge, with implications for agricultural production and water resource development. In a drier climate future, additional water conservation efforts will be needed in these areas.
- In the higher elevations of West Maui, which are important for recharge and conservation, rainfall and groundwater recharge are projected to decrease under the dry future climate scenario, and increase under the wet. Upper watershed planning therefore must take place under conditions of deep uncertainty, with assets managed using the relative risk tolerance of the manager for the resource being managed.
- In the mid-to-lower elevations of West Maui, some aquifer sectors show increased recharge under the wet climate scenario, but this is largely driven by irrigation water to agriculture, golf courses, and lawns. Important to note is that the model does not track the sources of that water, so the net effects on water resources are unknown.

- Increasing the area of diversified agriculture in the water budget model resulted in large increases in recharge due to added irrigation water, but, again, the model does not indicate *where* that water would be sourced from.
- Development can and does have an impact on groundwater recharge. For example, developed open space and low-intensity development add some recharge in the model because they assume irrigation to lawns, whereas medium- and high-intensity development land cover decrease recharge, given their higher impervious surface cover.
- Due to zoning regulations, urban expansion is currently slated for coastal areas in the Lahaina aquifer sector that are already water-stressed. Further, aquifers would experience from 9.2% to 64% less recharge under the dry climate projection by the end of the century. Even under the wet climate projection these aquifers experience declines of as much as 4.5% and, where increases are projected, they only reach at most 10%).
- Careful land management has the potential to mitigate impacts to groundwater recharge. For example, in the modeled scenario in which grassland was converted to native or alien forest above the cloud zone (elevations between 2,000 and 8,200 feet), recharge increased. Below the cloud zone, recharge decreased when grassland was converted to alien forest. While watershed management at upper elevations is costly in financial and human resources, our research demonstrates this investment would have relatively large impacts on increasing recharge.

3. Implications for Long-Term Management: These results support integrating water and land use management decision-making and focusing management efforts on areas most at risk and those with co-benefits for multiple user groups (for example, watershed managers, agricultural producers, and urban water consumers).

- Freshwater has myriad non-market values that are often left out of decision making that privileges monetized returns. These diverse values benefit far more people than concentrated private values (Oleson et al., 2020).
- Increased future temperature projections are more certain than any change in rainfall. There is a great deal of uncertainty in the rainfall projections and resulting groundwater recharge. The two projected wet and dry extremes were chosen for this research because they bound that uncertainty with a plausible range. Planning should use all available projections and consider the risk tolerance regarding the asset to determine management actions.
- Changes in recharge are driven more by differences in projections of rainfall change than by land use change. Thus, all current and future dry areas with high or increasing groundwater demand should be managed carefully. Available future projections show reduced rainfall in Central and West Maui.
- However, our research shows that land management decisions can mitigate climate impacts in priority areas and ecosystems. For instance, managing and protecting forests above the cloud zone would increase recharge.

Sincerely,

Victoria Keener, PhD

Research Professor, Global Institute of Sustainability & Innovation, Arizona State University; Senior Fellow, East-West Center

Zena N. Grecni, M.E.M.

Sustained Climate Assessment Specialist, East-West Center; Affiliate Global Futures Scholar, Arizona State University

Laura Brewington, PhD

Research Professor, Global Institute of Sustainability & Innovation, Arizona State University; Fellow, East-West Center

Kirsten L.L. Oleson, PhD

Associate Professor - Ecological Economics Department of Natural Resources and Environmental Management University of Hawai'i at Mānoa

Thomas Giambelluca, PhD

Director, Water Resources Research Center University of Hawai'i at Mānoa

Chris Shuler, PhD

Researcher, Hydrology and Coastal Groundwater Research Group, University of Hawai'i at Mānoa

References: Summaries, publications, and data from the Pacific RISA's project '*Impacts of Future Climate on Groundwater Resources and Management in Maui, Hawai'i*' can be found at:
<https://www.pacificrisa.org/projects/maui-groundwater-project/>

Brewington, L., Keener, V., Finucane, M., and Eaton, P. (2017). *Participatory Scenario Planning for Climate Change Adaptation Using Remote Sensing and GIS*. In *Comprehensive Remote Sensing, Volume 9: Applications for Societal Benefits*; Liang, S., Walsh, S.J., Eds.; Elsevier: Amsterdam, The Netherlands; pp. 236–252, <https://doi.org/10.1016/B978-0-12-409548-9.10434-8>.

Brewington, L., Keener, V., and Mair, A. (2019) *Simulating Land Cover Change Impacts on Groundwater Recharge under Selected Climate Projections, Maui, Hawai'i*. *Remote Sens.* 11, 3048. <https://doi.org/10.3390/rs11243048>.

Oleson, K.L.L., K.J. Bagstad, C. Fezzi, M.D. Barnes, M.K. Donovan, K.A. Falinski, K.D. Gorospe, H. Htun, J. Lecky, F. Villa, T. Wong (2020). Linking land and sea through an ecological-economic model of coral reef recreation. *Ecological Economics* 177:106788.

Timm, O. E., Giambelluca, T. W., & Diaz, H. F. (2015). Statistical downscaling of rainfall changes in Hawai'i based on the CMIP5 global model projections. *Journal of Geophysical Research: Atmospheres*, 120(1), 92-112.

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SIERRA CLUB OF HAWAII

Testimony to
COMMISSION ON WATER RESOURCE MANAGEMENT

June 14, 2022 9 AM Room 132

COMMENTS on C-1:

ACCEPT FINDINGS OF FACT AND CHAIRPERSON'S RECOMMENDATION TO DESIGNATE THE LAHAINA AQUIFER SECTOR AREA AS BOTH A SURFACE WATER AND GROUND WATER MANAGEMENT AREA INCLUDING THE HONOKŌHAU, HONOLUA, HONOKAHUA, KAHANA, HONOKŌWAI, WAHIKULI, KAHOMA, KAUA'ULA, LAUNIUPOKO, OLOWALU, UKUMEHAME SURFACE WATER HYDROLOGIC UNITS AND THE HONOKŌHAU, HONOLUA, HONOKŌWAI, LAUNIUPOKO, OLOWALU, AND UKUMEHAME GROUNDWATER HYDROLOGIC UNITS, UNDER THE AUTHORITY OF § 174C-41, HRS, IN ACCORDANCE WITH DESIGNATION PROCEEDINGS BEGUN ON NOVEMBER 28, 2021, ISLAND OF MAUI, HAWAII.

Aloha Chair Case and members of the Water Commission,

The Sierra Club of Hawai'i, on behalf of its 20,000 members and supporters, **STRONGLY SUPPORTS** the designation of the Lahaina Aquifer Sector Area as a ground water and surface water management area. **The ever-increasing demands for West Maui's diminishing water resources; the uncertainties associated with the climate crisis, aquifer recharge, and the impacts of increased groundwater withdrawals in the West Maui region; and the reported denial of water to Native Hawaiian cultural practitioners and kuleana farmers otherwise protected under the public trust doctrine and state water code; all strongly counsel timely Water Commission oversight and regulation as would be provided for under the proposed water management area designation.**

The Hawai'i State Constitution makes clear that our water resources are subject to the public trust, and therefore must be managed and protected for the benefit of present and future generations.¹ This includes a high level of consideration and precautionary presumptions in favor of public trust purposes such as environmental and ecological benefits, Native Hawaiian traditional and customary practices, the appurtenant rights of kuleana landowners, domestic uses, and the water needs of the Department of Hawaiian Home Lands.² The Hawai'i State Legislature has accordingly tasked the Commission on Water Resource Management ("CWRM") to serve as the principle agency responsible for upholding the state's public trust obligations with respect to our

¹ See *In Re Water Use Permit Applications*, 94 Hawai'i 97 (2000), HAW. CONST. ART. XI SECS. 1, 4.

² *In re Water Use Permit Applications*, *supra* note 1; *In re Wai'ola o Moloka'i*, 103 Hawai'i 401 (2004).

water resources,³ and has adopted a State Water Code that envisions the use of water management area designation as a management tool whenever water resources may be threatened, wasted, or subject to serious disputes.⁴

The Sierra Club of Hawai'i applauds CWRM for its efforts over recent years to uphold the public trust, and update the interim instream flow standards ("IIFS") for a number of streams in West Maui. However, ample evidence provided by Water Commission staff and other sources now indicate the need for further oversight and regulatory mechanisms to ensure compliance with these IIFS, and to better uphold the public trust in both surface and ground water in the region. Severe droughts, diminishing rainfall patterns, and climate impacts are threatening West Maui's streams and aquifers at the same time that existing and planned development will only increase the demand for West Maui's water, in some cases beyond the current estimated sustainable yield;⁵ meanwhile, diverted stream water and increasing amounts of groundwater are being used to support luxury residential developments on agricultural lands,⁶ to the potential detriment of the environment and Native Hawaiian kuleana landowners, including small farmers.⁷

Accordingly, West Maui provides a textbook example of when water management area designation is not only appropriate, but necessary, to meaningfully fulfill the state's and CWRM's public trust obligations. With designation, CWRM will have the regulatory opportunities it needs to ensure that water uses are sufficiently protective of public trust purposes, including West Maui's environmental integrity and Native Hawaiian traditional and customary practices, and will also be able to balance and condition competing water uses to maximize benefits to present and future generations. For example, as suggested in the instant submittal, CWRM may be able to condition certain water uses on the exploration and implementation of water efficiency and conservation measures – including water reclamation and reuse and irrigation infrastructure upgrades – that can reduce the strains placed on West Maui's aquifers and streams; ensure that stream diverters adequately provide for kuleana and bona fide agricultural uses of surface waters; and ensure that private development projects plan for and accommodate the Department of Hawaiian Home Lands' water rights.

The Sierra Club of Hawai'i understands that there may be concerns regarding delays in development timelines should designation take place. However, the growing strains on and conflicts over West Maui's limited water resources call for careful and timely

³ HRS Chapter 174C.

⁴ HRS §§ 174C-41 et. seq.

⁵ Commission on Water Resource Management, Staff Submittal, Agenda Item A-2: Designation of Lahaina Aquifer Sector, Maui as a Surface Water and Ground Water Management Area, January 18, 2022 available at <https://files.hawaii.gov/dlnr/cwrmsubmittal/2022/sb20220118A2.pdf>.

⁶ See, e.g., Launiupoko Homes and Lands For Sale, Sotheby's International Realty, <http://www.luxuryrealestatemaui.com/launiupoko.php?p=2> (last accessed April 20, 2022); Ka'anapali Coffee Farms, Sotheby's International Realty, <https://www.hawaii realestate search.com/maui/kaanapali-coffee-farms> (last accessed April 20, 2022).

⁷ Teresa Dawson, *Threats to West Maui Ground, Surface Sources*, ENVIRONMENT HAWAII, February, 2022, available at <https://www.environment-hawaii.org/?p=14219>.

planning in the use of these resources, which will only benefit the long-term stability and sustainability of regional activities dependent on water. Given the tremendous cost impacts of readjusting projects and addressing conflicts that may only be exacerbated without up-front resource management, common sense counsels designation sooner, rather than later, to both uphold the public trust, and avoid the harms and costs of maintaining the status quo.

Accordingly, we urge CWRM to move forward with the water management area designation recommendation.

Sincerely,

A handwritten signature in black ink that reads "Wayne Tanaka". The signature is written in a cursive, flowing style.

Wayne Tanaka, Director
Sierra Club of Hawai'i

From: [Linda Cappellini Stizza](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Oppose CWRM designation West Maui Water Designation
Date: Sunday, June 12, 2022 7:14:58 AM

As a concerned citizen of Maui, I respectfully request that action on the designation that is set for June 14th, 2022 be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource. Mahalo for your time and we want only the best for our precious island.

Mahalo, Linda Stizza

From: [Linda Cappellini Stizza](#)
To: [Hyatt, RaeAnn P](#)
Cc: [Denis Stizza](#)
Subject: [EXTERNAL] Oppose CWRM designation West Maui Water Designation
Date: Sunday, June 12, 2022 7:17:36 AM

I respectfully request that action on the designation that is set for June 14th, 2022 be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource. Mahalo, Linda Cappellini

From: [Denis Stizza](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL]
Date: Sunday, June 12, 2022 7:42:46 AM

I respectfully request that action on the designation that is set for June 14th, 2022 be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

Mahalo, Denis Stizza

Important Notice:

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you have received this message in error, you are hereby notified that we do not consent to any reading, dissemination, distribution or copying of this message. If you received this communication in error, please notify the sender immediately and destroy the transmitted information. Thank you.

From: [kim.von.blohn](mailto:kim.von.blohn@hawaii.gov)
To: [Hyatt, RaeAnn P](mailto:Hyatt.RaeAnn.P@hawaii.gov)
Subject: [EXTERNAL] CWRM Working Group
Date: Sunday, June 12, 2022 8:29:41 AM

To: raeann.p.hyatt@hawaii.gov

Subject: Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.

My name is Kim von Blohn, and I am a resident of Lahaina. I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- **The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.**
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
 - The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."
- **New use permits cannot be processed until all existing use permits have been processed, which may take decades.**
 - A future use is any use that does not exist at the time a designation is made.
 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took the *three* applicants *five* years for to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
- **For these reasons, designation will likely mean a moratorium on future uses (for decades).**
- DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new source are awarded."
- A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.
- **A moratorium on future uses means a moratorium on affordable housing.**
- Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of

Schatz Collaborative LLC and Todd Apo of the Hawai'i Community Foundation support deferral and the appointment of a working group.

- **A moratorium on future uses, including affordable housing and any other development, means jobs are not created.**
- Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai'i Regional Council of Carpenters, William Kamai and Bruce U'u of the Maui Chapter of Hawai'i Carpenters Union, Dwight Burns of the Hawai'i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai'i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.
- **Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.**
- The resource is important and needs to be managed.
- With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.
- Once a designation is made, it will be extremely difficult to undo. **If the designation is a good idea today, it will be a good idea next month or the month after.**
- Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

I appreciate the opportunity to provide testimony.

Respectfully,

Kim von Blohn

From: [Debbie Arakaki](#)
To: [DLNR.CW.DLNRCWRM](#); [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Re: OPPOSE CWRM designation West Maui Water Designation
Date: Sunday, June 12, 2022 8:48:40 AM

To Whom it concerns:

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

It is my belief that:

- **The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.**
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, “threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer” only and not the entire Sector.
 - The State of Hawai‘i Department of Health similarly concluded “that criteria are not met for five (5) of the six (6) aquifer systems in this sector” and that “WMA designation is appropriate for the Honokōwai Aquifer System.”
- **New use permits cannot be processed until all existing use permits have been processed, which may take decades.**
 - A future use is any use that does not exist at the time a designation is made.
 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took the *three* applicants *five* years for to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
- **For these reasons, designation will likely mean a moratorium on future uses (for decades).**
 - DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: “[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new source are awarded.”
 - A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.

- **A moratorium on future uses means a moratorium on affordable housing.**
 - Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC and Todd Apo of the Hawai'i Community Foundation support deferral and the appointment of a working group.
- **A moratorium on future uses, including affordable housing and any other development, means jobs are not created.**
 - Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai'i Regional Council of Carpenters, William Kamai and Bruce U'u of the Maui Chapter of Hawai'i Carpenters Union, Dwight Burns of the Hawai'i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai'i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.
- **Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.**
 - The resource is important and needs to be managed.
 - With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.
 - Once a designation is made, it will be extremely difficult to undo. **If the designation is a good idea today, it will be a good idea next month or the month after.**
 - Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Thanks for listening.

Debbie Arakaki



Lahaina Hi

96761

From: [Thomas P English](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.
Date: Sunday, June 12, 2022 9:22:19 AM

My name is Tom English and I am a resident of Lahaina. I write to express my concerns regarding the Commission on Water Resource Management's ("**CWRM**") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- **The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.**
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
 - The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."
- **New use permits cannot be processed until all existing use permits have been processed, which may take decades.**
 - A future use is any use that does not exist at the time a designation is made.
 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took the *three* applicants *five* years for to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
- **For these reasons, designation will likely mean a moratorium on future uses (for decades).**
 - DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new source are awarded."
 - A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.
- **A moratorium on future uses means a moratorium on affordable housing.**
 - Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC and Todd Apo of the Hawai'i Community Foundation support deferral

and the appointment of a working group.

- **A moratorium on future uses, including affordable housing and any other development, means jobs are not created.**
 - Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai'i Regional Council of Carpenters, William Kamai and Bruce U'u of the Maui Chapter of Hawai'i Carpenters Union, Dwight Burns of the Hawai'i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai'i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.

- **Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.**
 - The resource is important and needs to be managed.
 - With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.
 - Once a designation is made, it will be extremely difficult to undo. **If the designation is a good idea today, it will be a good idea next month or the month after.**
 - Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

I appreciate the opportunity to provide testimony

Respectfully,

Tom English

From: [REDACTED]
To: [Hyatt, RaeAnn P](mailto:Hyatt.RaeAnn.P)
Subject: [EXTERNAL] Designation of Water
Date: Sunday, June 12, 2022 9:56:16 AM
Attachments: [email template.docx](#)

To: raeann.p.hyatt@hawaii.gov

Subject: Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.

My name is Pamela Boyd, and I am a resident of Lahaina. I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- **The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.**
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
 - The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."
- **New use permits cannot be processed until all existing use permits have been processed, which may take decades.**
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 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took the *three* applicants *five* years for to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
- **For these reasons, designation will likely mean a moratorium on future uses (for decades).**
 - DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new source are awarded."

- A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.
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- Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely and Respectfully,

Pamela Boyd

From: [Shawn Hecht](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Fwd: Lahaina Sector Water Management Designation Deferral
Date: Sunday, June 12, 2022 10:01:54 AM

To: raeann.p.hyatt@hawaii.gov

Subject: Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.

My name is Shawn Hecht, and I am a resident of Lahaina. I write to express my strong concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

GIVEN THE SPEED WITH WHICH CWRM PREVIOUSLY ACTED TO COMPLETELY CUT OFF AGRICULTURAL WATER TO THE LAUNIOPOKU AREA WITH NO TIME BEING ALLOWED FOR THE DEVELOPMENT OF ALTERNATIVE GROUNDWATER SOURCES, AND NOW THE UNPRECEDENTED SPEED THEY ARE AGAIN ACTING WITH TO MORE TIGHTLY RESTRICT WATER USE OF ANY KIND IN LAHAINA WITH VERY LITTLE OPPORTUNITY FOR THE COMMUNITY TO MAKE ITS CASE FOR WATER NEEDS, IT FEELS LIKE OUR COMMUNITY IS BEING UNFAIRLY TREATED BY A GOVERNMENT AGENCY THAT SOMETIMES SEEMS LIKE IT'S OUT TO GET US. THESE ARE UNNECESSARILY ABRUPT AND SEVERE ACTIONS THAT SEEM OVERLY HARSH AND EVEN PUNITIVE TOWARD PEOPLE IN THESE COMMUNITIES WHO ARE DEEPLY AFFECTED BY SUDDEN WATER RESTRICTIONS.

WE ARE NOT EVIL PEOPLE TRYING TO TAKE OVER THE LAND OR DO ANYTHING NEFARIOUS WITH IT WHO DESERVE TO BE PUNISHED BY CWRM. WE ARE GOOD CITIZENS AND TAX PAYERS WHO HAVE INVESTED OUR LIFE SAVINGS INTO PROPERTIES IN THESE AREAS WHERE WE LIVE AND CONTRIBUTE TO THE COMMUNITY AND THE LOCAL ECONOMY. WE HAVE PLANTED MANY TREES AND OTHER VEGETATION ON OUR PROPERTIES AND MADE A HEALTHY COMMUNITY IN AN AREA THAT IS NATURALLY VERY DRY AND THAT USED TO USE FAR MORE WATER AS A PLANTATION IN THE PAST.

WHEN STREAM DIVERSION STANDARDS WERE ABRUPTLY CHANGED SOME YEARS AGO, RESULTING IN SUDDEN DISRUPTIONS TO AG WATER SUPPLIES, NO TIME WAS GIVEN TO ESTABLISH OTHER SOURCES OF WATER EVEN THOUGH GROUNDWATER IS PLENTIFUL IN THE AREA, EXISTING WELLS COULD EASILY BE REACTIVATED AND NEW WELLS DUG. BUT NO, CWRM JUST CUT OFF OUR WATER RIGHT AWAY, EVERYBODY HAD TO SCRAMBLE AND MANY PLANTS DIED UNNECESSARILY. THE HOA'S AND LAUNIOPOKO WATER COMPANY HAVE SINCE DEVELOPED WELLS WHILE THE COMMUNITY HAS TRIED TO CONSERVE IN THE MEANTIME, AND NOW THAT WE FINALLY HAVE THEM ONLINE IT APPEARS CWRM IS NOW SWIFTLY MOVING TO RESTRICT OUR USE OF GROUNDWATER AS WELL. IT'S LIKE THEY ARE OUT TO GET US.

WE ARE BEING UNFAIRLY AND PUNITIVELY TARGETED BY CWRM WHO SEEM TO HAVE TAKEN IT UPON THEMSELVES TO DEPRIVE US OF READILY AVAILABLE AND USABLE WATER AND DESTROY OUR PROPERTY VALUES FOR NO GOOD REASON OTHER THAN SOME APPARENT DISDAIN FOR PEOPLE LIKE US WHO ARE TRYING TO LIVE HERE AND WHO PROVIDE JOBS FOR MANY LOCAL RESIDENTS. CWRM'S APPROACH OF TRYING TO "RAM IT THROUGH BEFORE ANYBODY HAS A CHANCE TO OBJECT OR COMMENT OR PROPOSE ALTERNATIVE APPROACHES" IS AN ABUSE OF OFFICE AND OF PUBLIC TRUST AND IS CAUSING ECONOMIC AND EMOTIONAL HARM TO INDIVIDUALS AND BUSINESSES IN THESE COMMUNITIES. TO WHAT EXTENT ARE WE AS PROPERTY OWNERS AND MEMBERS OF THE COMMUNITY ALL SUFFERING BECAUSE OF ONE AGENCY'S ZEALOUSNESS IN PURSUING A SUPPOSEDLY "GREEN" AGENDA IN A WAY THAT SEEMS DESIGNED TO DRY OUT AND RUIN OUR LAND AND DRIVE US AWAY FROM MAUI?

IF THIS CONTINUES, I FEEL I WILL HAVE TO RESPOND BY AT LEAST SHINING A LIGHT ON THIS UNFAIR AND ABUSIVE TREATMENT OF RESIDENTS AND BUSINESSES IN LAHAINA BY RECRUITING EXTENSIVE

SOCIAL MEDIA RESOURCES TO MAKE IT CLEAR TO THE BROADER PUBLIC HOW PROPERTY OWNERS AND RESIDENTS ARE BEING HARMED BY CWRM IN THIS MARKET AND HOW REAL ESTATE INVESTMENTS HERE ARE NOT SAFE FROM THE HOSTILITIES DIRECTED AT US BY APPOINTED PUBLIC OFFICIALS WHO SEEM TO HAVE AN AXE TO GRIND AGAINST PEOPLE IN THESE COMMUNITIES. I IMAGINE CWRM HAS ENOUGH POWER TO DO WHAT IT WANTS IN ANY EVENT, BUT THIS IS TANTAMOUNT TO DRIVING PEOPLE OFF THEIR LAND FOR NO GOOD REASON AND THE PUBLIC DESERVES TO KNOW WHAT ITS APPOINTED GOVERNMENT AGENCIES ARE DOING WITH THEIR POWER.

I HOPE YOU WILL CONSIDER THE BELOW ARGUMENTS PERTAINING TO THE SECTOR DESIGNATION, RECONSIDER YOUR ACTIONS AND NOT PROCEED WITH THIS UNFAIR AND HIGHLY ABRUPT DESIGNATION WITHOUT DUE AND RESPONSIBLE CONSIDERATION OF ALTERNATIVES THAT ARE LESS DESTRUCTIVE AND RESTRICTIVE TO OUR COMMUNITIES.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- **The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.**
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, “threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer” only and not the entire Sector.
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- **For these reasons, designation will likely mean a moratorium on future uses (for decades).**
 - DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: “[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new source are awarded.”
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• **Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.**

- The resource is important and needs to be managed.
- With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.
- Once a designation is made, it will be extremely difficult to undo. **If the designation is a good idea today, it will be a good idea next month or the month after.**
- Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

I appreciate the opportunity to provide testimony and to provide my personal perspective as a resident who is being affected by these issues.

Respectfully,

Shawn Hecht



Lahaina, HI 96761

From: [Dylan Payne](#)
To: [Hyatt, RaeAnn P;](#) [DLNR.CW.DLNR.CWRM](#)
Subject: [EXTERNAL] OPPOSE CWRM designation West Maui Water Designation
Date: Sunday, June 12, 2022 11:16:30 AM

Aloha Commissioners,

Please **oppose designation of West Maui as a water management area.**

Water is a valuable resource and one that should be stewarded and valued properly. **Sustainability is important**, but must be looked at holistically. If the downstream effects of designation on Molokai and in Na Wai Eha are any indication, designation of West Maui would be disastrous to say the least.

In the name of conservation and perhaps with the best of intentions, such a designation could cripple the most vulnerable among us. We are in the midst of a dire housing crisis in West Maui and designation would by most reasonable accounts create a de facto moratorium on new housing built in West Maui (perhaps with the exception of DHHL). The regulatory burden of designation and the moratorium of new building that will necessarily come with it will supercharge the soaring rents and home prices of an already inadequate housing inventory that exists today. This will send more of our best and brightest to the mainland in search of a life that is more *sustainable*. Is this the best path forward for our children? I would answer a resounding no. Please do not place such a burden on us.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward our water resources. Ola i ka wai.

Thank you,

Dylan Payne
West Maui Resident
Lahainaluna c/o 2003

From: [Melissa Dale Berry](#)
To: [DLNR.CW.DLNR.CWRM](#)
Subject: [EXTERNAL] OPPOSITION of CWRM Designation of West Maui WMA
Date: Sunday, June 12, 2022 12:08:34 PM

I respectfully request that action on the designation (set for June 14, 2022) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

Respectfully,
Melissa Dale Berry
(Maui Realtor and west Maui homeowner)

MELISSA DALE BERRY

Principal Broker

Berry Realty Group

[REDACTED] Carlsbad ,CA 92011

CA DRE #01314760, HI DCCA# RS-65182

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From: [Joachim Schreiber](#)
To: [Hyatt, RaeAnn P](#); [DLNR.CW.DLNR.CWRM](#)
Subject: [EXTERNAL] Testimony re: CWRM designating entire west maui westside a water management area
Date: Sunday, June 12, 2022 12:39:09 PM

Aloha Commissioners,

I live and farm in Lahaina on the west side of Maui.

I just heard about the possibility of the entire west side of Maui being designated as a water management area.

Nobody I know is aware this is going on.

This is a big decision with many potentially damaging and unintended consequences.

I urge you to go slowly and inform the public, especially the many farmers in our community who may suffer severe unintended consequences.

Please reach out to all stakeholders and make sure they have the opportunity to have their voices heard.

We live in a democracy where the citizens should have the right to participate in the creation of the laws by which they will be governed. Please give them the chance.

Please, for everyone involved, take it slow so we get it right and no one is hurt.

Thank you,
Joe Schreiber
Lahaina

From: [Patty Cassidy](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Testimony for CWRM Meeting for June 14, 2022
Date: Sunday, June 12, 2022 2:34:58 PM
Attachments: [Urgent Water 2022-6-12.doc](#)



R. B. (Rick) & Patricia Cassidy



Lahaina, HI 96761

June 12, 2022

Subject: Testimony Against Designating the Entire West Side a Water Management Area

Dear Commissioners,

We recently became aware that the Commission on Water Resource Management may designate the entire Westside of Maui a surface and groundwater management area as early as this coming Tuesday, June, 14, 2022. There is very little awareness in my neighborhood that this enormous step is being considered. We understand there has been just one meeting to explain the proposal to the public and that the final CWRM report supporting the designation was just released for public review on June 10th. The rushed timing for a major decision like this, one that could impact residents' lives for decades, is way too fast.

We understand there is just one area, the Honokōwai aquifer, which may become oversubscribed, that triggered this action. As County of Maui Department of Water

Supply explains, “threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer” only and not the entire sector. But rather than focus on Honokōwai, CWRM proposes to inflate the scope to all 6 aquifers and designate the entire West Side as a surface and groundwater management area. Both the County and the Hawaii Department of Health disagree with designating the entire area as a water management area. The County went so far as to say “There are clearly aquifer systems included in the initiative with no basis for designation as set forth in the State Water Code. [Maui County Department of Water Supply] does **not** support designation of the entire aquifer sector.”

Management area designation will create massive bureaucratic permitting burdens, likely resulting in conflicts, lawsuits and water moratoriums as were seen with Molokai, Na Wai Eha and Iao. Water management area designations should not be taken lightly and should be reserved only to address severe shortages.

We encourage you to focus on solutions for Honokōwai.

Regarding the management area designation, I suggest you create a CWRM sponsored working group populated with water resource experts, Maui County and full representation from the entire West Side to determine the appropriate scope of any designation. Doing so may result in a better decision but either way, it will improve the opportunity for West Side communities to be involved.

/name/ Lahaina

We respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

<!--[if !supportLists]-->• <!--[endif]-->• **The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.**

o No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, “threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer” only and not the entire Sector.

o The State of Hawai'i Department of Health similarly concluded “that criteria are not met for five (5) of the six (6) aquifer systems in this sector” and that “WMA designation is appropriate for the Honokōwai Aquifer System.”

<!--[if !supportLists]-->• <!--[endif]-->• **New use permits cannot be processed until all existing use permits have been processed, which may take decades.**

o A future use is any use that does not exist at the time a designation is made.

o In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took the *three* applicants *five* years for to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.

o Note that this would apply to all of the West Side including areas projected for smart growth in the West Maui Community Plan to meet housing demand.

<!--[if !supportLists]-->• <!--[endif]-->• **For these reasons, designation will likely mean a moratorium on future uses (for decades).**

o DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: “[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new source are awarded.”

o A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.

• **A moratorium on future uses means a moratorium on affordable housing.**

o Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative

LLC and Todd Apo of the Hawai‘i Community Foundation support deferral and the appointment of a working group.

• **A moratorium on future uses, including affordable housing and any other development, means jobs are not created.**

o Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai‘i Regional Council of Carpenters, William Kamai and Bruce U‘u of the Maui Chapter of Hawai‘i Carpenters Union, Dwight Burns of the Hawai‘i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai‘i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.

• **Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.**

o The resource is important and needs to be managed.

o With the appointment of a Working Group would be the establishment of an action plan

with firm deadlines to ensure the necessary evaluation remains a priority.

o Once a designation is made, it will be extremely difficult to undo. **If the designation is a good idea today, it will be a good idea next month or the month after.**

o Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

R. B. Cassidy II



Patricia J. Cassidy





R. B. (Rick) & Patricia Cassidy

[REDACTED]
Lahaina, HI 96761

June 12, 2022

Subject: Testimony Against Designating the Entire West Side a Water Management Area

Dear Commissioners,

We recently became aware that the Commission on Water Resource Management may designate the entire Westside of Maui a surface and groundwater management area as early as this coming Tuesday, June, 14, 2022. There is very little awareness in my neighborhood that this enormous step is being considered. We understand there has been just one meeting to explain the proposal to the public and that the final CWRM report supporting the designation was just released for public review on June 10th. The rushed timing for a major decision like this, one that could impact residents' lives for decades, is way too fast.

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We encourage you to focus on solutions for Honokōwai.

Regarding the management area designation, I suggest you create a CWRM sponsored working group populated with water resource experts, Maui County and full representation from the entire West Side to determine the appropriate scope of any designation. Doing so may result in a better decision but either way, it will improve the opportunity for West Side communities to be involved.

/name/ Lahaina

We respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

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- o The State of Hawai‘i Department of Health similarly concluded “that criteria are not met for five (5) of the six (6) aquifer systems in this sector” and that “WMA designation is appropriate for the Honokōwai Aquifer System.”

- **New use permits cannot be processed until all existing use permits have been processed, which may take decades.**

- o A future use is any use that does not exist at the time a designation is made.

- o In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took the *three* applicants *five* years for to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.

- o Note that this would apply to all of the West Side including areas projected for smart growth in the West Maui Community Plan to meet housing demand.

- **For these reasons, designation will likely mean a moratorium on future uses (for decades).**

- o DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: “[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new source are awarded.”

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• **A moratorium on future uses, including affordable housing and any other development, means jobs are not created.**

o Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai'i Regional Council of Carpenters, William Kamai and Bruce U'u of the Maui Chapter of Hawai'i Carpenters Union, Dwight Burns of the Hawai'i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai'i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.

• **Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.**

o The resource is important and needs to be managed.

o With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.

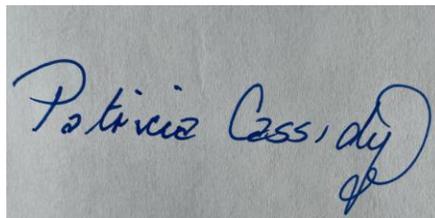
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o Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,



R. B. Cassidy II



Patricia J. Cassidy

From: [Anis Bel](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] OPPOSE CWRM designation West Maui Water Designation
Date: Sunday, June 12, 2022 2:41:21 PM

Aloha,

My name is Anis Bel and I am a Lahaina resident.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

Mahalo,

Anis Bel

Realtor (S) 83243



From: [Mark Nigh](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.
Date: Sunday, June 12, 2022 3:26:22 PM

Please defer action on the designation (set for June 14) in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

**Mark Nigh
Launiupoko**

From: [Eric Fitzgerald](#)
To: [DLNR.CW.DLNRCWRM](#)
Subject: [EXTERNAL] Please consider my family and Agriculture.
Date: Sunday, June 12, 2022 4:04:55 PM

Aloha, I am writing to beg you to consider families like mine, who bought up here in Launiupoko that have grown up here on Maui. Worked hard to afford to buy a property, build my home, Have children who go to local public schools. Plant and farm on my land. And now have trouble keeping fruit growing on my trees with no water. When I was younger I always loved the way the west maui mountains were all patch work of green from sugar cane and pineapple. I was happy to be a steward of this 2 acres whom I know I only take care of for my time on this planet. I do not want to live anywhere else but here. In these times with everything stacked up against people with rising cost of living, I was really planning on growing and providing for my family. My wish is that your division of government can have someone like myself help what is best for this area of Maui. Just deciding to cut off the stream flows and not provide water not only makes this land barren and dry it also doesn't provide for the future of my kids. The water that my plants don't drink, does go back into the earth and continues the circle. Cutting off the water just to flow back into the ocean, even our ancestors would find pointless. Im just hoping instead of making a decision without all the facts and making it so cut and dry would not be best. It would be nice to have a group that could work together and come up with ideas that could benefit all.

Thanks for taking the time to read my letter. My family and I thank you very much.

Eric Fitzgerald

[REDACTED]

Lahaina Hi

808 [REDACTED]

From: [Douglas R. Bigley](#)
To: [Hyatt, RaeAnn P](#); [DLNR.CW.DLNR.CWRM](#)
Subject: [EXTERNAL] Written Testimony on Action Item C1
Date: Sunday, June 12, 2022 4:31:48 PM

RE: Defer Designation of the Lāhainā Aquifer Sector

My name is Douglas Bigley, and our company Ikaika Ohana is currently developing two affordable / workforce housing projects in West Maui. One of our projects is scheduled to open this September and has received nearly 500 applications for 88 units in 3 days which is an indication of the desperate need for affordable housing in West Maui. While I recognize the need for water management in the area, I am concerned that the existing plan does not adequately address the disruption to the development of affordable housing and by extension adversely affecting the very goals this plan is trying to achieve. Though most would agree that affordable housing provides a substantial benefit to a community it is **not exempt** from addressing how the development would impact the surrounding area whether it be traffic, cultural significance, and water usage, among many other things. In other word, just because we are providing a “**social good**”, it does not mean we can ignore the impact our development will have on other priorities of equal value such as water conservation. This is how we help the State of Hawaii and the County of Maui address a balance between competing agendas. I am wondering if the report, supporting the proposed designation, related to West Maui, has been held to the **same high standard**. Without a comprehensive understanding of the spillover costs of implementation, of the plan, how can you understand the total cost. A couple of questions I would like answered:

1. If the plan is implemented, will it prohibit or significantly delay the development of affordable / workforce housing in West Maui? Affordable housing addresses issues surrounding economic justice. This would include education, healthcare, addressing the issue of kids at home alone because both mom and dad work three jobs and have long commutes, food insecurity, among many other things. How does the report address a balance between water conservation in West Maui and economic justice? If we remove the decision making from local control will this structure delay the County of Maui and for that matter the State of Hawaii from creating urgently needed affordable housing in West Maui? Keep in mind that West Maui is where many jobs are.
2. If the calculation of water use overstates the problem in West Maui that will lead to bad decision making on the other priorities of equal value such as affordable housing. If the report is overly conservative, the State of Hawaii will deny relief to its most venerable seniors and families for the wrong reasons.
3. Does the implementation of this plan contribute to global warming? That would certainly be true if it prevents or delays the development of affordable housing in West Maui. By way of example, we know that the lack of affordable housing has increased the burning of fossil fuel. We know that families spend many hours on the road unnecessarily because they cannot live near where they work. Also, because any new affordable housing stock must adhere to strict environmental guideline e.g., LEED standards, affordable housing reduces a family’s carbon footprint and water usage. Have the negative impacts of delaying or eliminated the development of affordable housing in West Maui been evaluated?
4. Does the implementation of this plan contribute to the use of more water in the area per capita? By way of examples if there is significant overcrowding in an area because of the lack of new modern affordable housing does the implementation of the plan encourage higher per person use of the available water resources?

5. Does a potential moratorium in this area stress water supplies elsewhere? If the implementation of the plan negatively impacts the development of affordable housing in West Maui where does the affordable housing go, and what is the impact?

In conclusion based upon my initial review of the report, while comprehensive related to water in West Maui, is inadequate as it relates to the spillover costs to affordable housing. Consequently, I would ask that this body defer and take the time to evaluate what this designation will mean to affordable housing in West Maui.

From: [Michael Finnegan](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Opposition to Impending CWRM Action on West Maui Water Management
Date: Sunday, June 12, 2022 5:04:15 AM

Aloha. We are residents of Kaanapali Coffee Farms and are writing to express our concern over impending CWRM action. We respectfully submit that this subject is serious enough that it requires more time and community input than has been conducted to date.

We request that the action on the designation of West Maui as a water management area (scheduled for 14 June) be deferred and that working groups be formed to examine whether designation is the best available solution and, if not, identify alternative ways in which the stakeholders who live in West Maui May work together to provide stewardship of this critical community resource.

Mahalo for your attention to this matter.

Respectfully,
Mike and Mi Ra Finnegan
Kaanapali, Lahaina, Maui

Sent from my iPhone -- WIJG?

From: [sylvia singh](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please let our voices be heard!
Date: Sunday, June 12, 2022 5:36:59 PM

Hi there,

I am a homeowner in west Maui and I am very unnerved that CWRM may now be handling ALL of our water resources in West Maui. They have done such a poor job with the management of the stream-falls! We cannot trust them to manage everyone's access to this precious resource.

And the way that they are going about this is such an unprecedented power grab. It seems like it is being rammed thru so fast to avoid any pushback from anyone. How can this be allowed to happen? And why? Please stand up for the rights of all constituents and water users and do not let this happen!

Thanks for listening

Sylvia Singh

[REDACTED]

Lahaina

From: [REDACTED]
To: [Hyatt, RaeAnn P; DLNR.CW.DLNR.CWRM](#)
Subject: [EXTERNAL] CWRM West Maui Water Designation
Date: Sunday, June 12, 2022 5:37:49 PM

Aloha members of the Commission on Water Resource Management,

I am writing to express my disappointment and dismay that an irrevocable vote may be taken by the CWRM as early as June 14 (this Tuesday!) regarding whether to designate all of the Lahaina Aquifer Sector as a Water Management Area. This vote seems premature in the extreme. The staff recommendation in favor of the designation may indeed be the correct course of action but this cannot be determined without further careful study and without input from all stakeholders. It is an important decision and it should be made with all the care it deserves.

There is nothing to be lost and everything to be gained by setting up something like a special subcommittee to work with Maui County and other stakeholders to examine the issues, inform the public and develop solutions. Meetings should be well publicized well in advance, they should be open to all and they should be held in a format that allows virtual participation and that provides video documentation of each meeting. Most importantly any conflicts of interest must be identified and remediated. The current procedure is hasty, untransparent, unprofessional, undemocratic and entirely lacking in proper governance.

Please reconsider this vote.

Respectfully,

Susan Haviland

[REDACTED]
Lahaina

From: [Gary A Barss](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data
Date: Sunday, June 12, 2022 5:40:29 PM

My name is Gary Barss and I am a resident of Lahaina. I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- **The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.**
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
 - The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."
- **New use permits cannot be processed until all existing use permits have been processed, which may take decades.**
 - A future use is any use that does not exist at the time a designation is made.
 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took the *three* applicants *five* years for to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
- **For these reasons, designation will likely mean a moratorium on future uses (for decades).**
- DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new source are awarded."
- A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.
- **A moratorium on future uses means a moratorium on affordable housing.**

- Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC and Todd Apo of the Hawai'i Community Foundation support deferral and the appointment of a working group.
- **A moratorium on future uses, including affordable housing and any other development, means jobs are not created.**
- Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai'i Regional Council of Carpenters, William Kamai and Bruce U'u of the Maui Chapter of Hawai'i Carpenters Union, Dwight Burns of the Hawai'i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai'i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.
- **Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.**
- The resource is important and needs to be managed.
- With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.
- Once a designation is made, it will be extremely difficult to undo. **If the designation is a good idea today, it will be a good idea next month or the month after.**
- Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

I appreciate the opportunity to provide testimony. It seems completely reasonable at this time to defer until more time can be allocated toward evaluating the impacts and data. Thank you for reading my email I really appreciate it.

Respectfully,

Gary Barss

From: [randall.SCHARNHORST](#)
To: [Hyatt, RaeAnn P](#)
Cc: [Vicki Marti](#); [liz Santillan](#); [Randall Scharnhorst](#); [Heidi Bigelow](#); [Thomas P English](#); [Inc. West Maui Land Company](#); [Tyler Coons](#); [Nura-Nal Coons](#)
Subject: [EXTERNAL] LAHAINA AQUIFER DESIGNATION
Date: Sunday, June 12, 2022 6:24:25 PM

TO PUC

My name is Randall Scharnhorst. I am the homeowner and reside at 968 Kai Hele Ku street Lahaina Hawaii.

I built the home and got my final in 2004. I have been a resident of Hawaii since 1976.

I am very familiar with the water problems in Maui County.

I am against designating the Lahaina Aquifer as a “water management” area.

I am asking that you defer your decision until there can be the opportunity for more public input and the study of other options.

The fact that there was only one Public Hearing on such important designation is disturbing to say the least.

It would appear your rush to judgement is not in the Public Interest.

PLEASE POSTPONE THIS UNTIL THERE CAN BE MORE TRANSPARENCY OF THE CONSEQUENCES.

RANDALL R. SCHARNHORST

[REDACTED]
LAHAINA HAWAII 96761
808 [REDACTED]
[REDACTED]

From: [Christopher Laidlaw](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Defer action on CWRM designation of west Maui
Date: Sunday, June 12, 2022 8:05:14 PM

Aloha commission members,

My name is Christopher Laidlaw and I live in wailuku on Maui. While I do not live in the area threatened by this designation, I do work in the area and have lots of friends that live in the area that would be affected. I am very concerned about the effects that this decision could have on our economy. I work in the construction sector and am worried about there being a building moratorium because of this designation. I am also worried about friends of mine that are farmers in that area that could lose their farms if they don't get the water they need. If this designation passes this commission then I foresee many lawsuits that are going to both stretch the finances of the people fighting the designation and taking lots of tax payer money. I am most concerned about the effect that this could have on affordable housing projects for our west Maui working class people. No water, no new building, no farms and no homes for our people. I would ask that this commission defer action on this designation so that you can talk more with our county and all the people and businesses that will be affected by this and create a working group to look at whether this is needed and come up with solutions that don't require years of lawsuits and permit paperwork.

I appreciate your time and the work that you do.

Thanks

Christopher Laidlaw

From: [REDACTED] on behalf of [REDACTED]
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] DEFER Designation of W Maui as a Water Management Area
Date: Sunday, June 12, 2022 10:38:09 PM

Aloha CWRM Committee,

Please defer action on the designation of ALL of W Maui as a Water Management Area at your June 14 meeting.

There are too many unanswered questions and the effects too far reaching for a rushed decision on this unprecedented action that impacts all west Maui residents.

1. Is designation the best tool? In other designated areas the result has been years of litigation and increased conflict between neighbors and community members. And those were smaller areas, with only on designation of either ground or surface – not BOTH). I wonder if those testifying in support understand that they too will need to apply for their existing uses and have their applications scrutinized by the public? There is no question that water is one our most valuable resources, but does a decision that results years of litigation the right answer?
2. What are the impacts of designation? Will there be a moratorium on building permits and new source development until all existing uses are litigated? Sheltering our families is critical for the community's health and family stability. We already have a housing shortage in west Maui (which causes domino effect on a shortage of teachers and healthcare workers). What are the impacts on building new homes?
3. What's the implementation process if designation occurs? Will every user have to file four applications? One for ground water existing use, a second ground water proposed uses, a third for surface water existing use and a fourth one for surface water future uses? The flow chart for water use applications is complicated. Who will need to apply? Who polices the individual uses? Does CWMR have the staff to process 1000's of applications? Is there funding for all the legal challenged that will occur on many of the applications?
4. Does the data hold up? Is it certain 100% the water development tunnels or dikes – that empty into the streams - is ground water? Should 100% of that be deducted from the ground water sustainable yield, especially with the new in-stream flow standards? If so, then shouldn't the water from the development tunnels be allowed to be diverted and be deducted from the natural stream flows when setting the instream flow standards?
5. How does an area with the one of the wettest spots in the world that had the ability to sustain one of the thirstiest crops suddenly not have enough water?
6. Why is this being rushed? This started about 6 months ago, with limited outreach. One public hearing – that was noticed only in the Star Bulletin – a predominantly Oahu paper. The first 'in person' only meeting since Covid, and the commissioners were not present. There are some critical questions posed months ago that CWRM have not answered. Why the lack of transparency?

Please postpone the vote today and recommend the formation of a working group to review the impacts, data and options before making a decision that may do more harm than good to West Maui residents. The islands are all facing drought conditions, let's find a solution that helps everyone without being in limbo for years – maybe even decades - while uses are battled in the courts like we have seen in other designated areas.

Mahalo for your consideration,

Heidi Bigelow

From: [Kainoa Wilson](#)
To: [DLNR.CW.DLNRCWRM](#)
Cc: [R. Tereari'i Chandler-'Iao](#)
Subject: [EXTERNAL] RE: Agenda Item #C1, Designation of the Lahaina Aquifer Sector, Maui as a Surface Water and Ground Water Management Area
Date: Sunday, June 12, 2022 10:56:13 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.cwrn@hawaii.gov
Fax: (808) 587-0219

Aloha Chair Case and Members of the Commission on Water Resource Management:

Mahalo for this opportunity to testify in strong support of your staff's recommendation to designate the Lahaina Aquifer Sector as a surface and ground water management area.

Community members have detailed serious disputes over water use across Maui Komohana, but this Commission is well aware of those conflicts given the many citizen complaints and other enforcement actions you have pending. In January, February, and again in April, 'ohana have offered specific examples of how designation is necessary to protect and restore traditional and customary Native Hawaiian rights and practices, such as kalo cultivation from Ukumehame to Honokōhau. We are also concerned about drought, changing weather patterns, and the need to act today to preserve our resources for the future. We understand that this process is complex, but believe that water use permitting is the best tool to address the many issues our community faces. A handful of financial interests are now seeking to delay and twist the powers that be to allow them to exploit our aina, but please stay the course.

Mahalo again for the opportunity to testify in support of designation for the entire Lahaina Aquifer Sector, for considering my concerns and looking out for our future and the future of our keiki. I reiterate again my whole-hearted support for the Designation of the LAS as a surface and ground water management area.

Respectfully
Kainoa Wilson
Honokohau Valley

From: [Michael Dega](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Oppose CWRM Designation West Maui Water Designation
Date: Sunday, June 12, 2022 11:32:24 PM

Aloha Ms. Hyatt

Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Thus, I move for deferment of this issue and designation to a further date. This will have great impacts on many people and needs to be vetted beyond a single meeting.

Mahalo,

Michael

Sent from [Mail](#) for Windows

From: [Jasmine Vergara](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Defer designation of West Maui as a Water Management Area
Date: Sunday, June 12, 2022 11:57:06 PM

To whom it may concern:

Please defer action on the designation in order to allow for more time to review the data, and to examine the impacts of the designation.

Mahalo,

Jasmine Vergara



June 13, 2022

Aloha Chair Case and Members of the Water Commission;

I am Co-Founder of the Hawaii chapter of 350.org, the largest international organization dedicated to fighting climate change. 350Hawaii is very concerned about the water crisis that has resulted from the Navy's contamination of Oahu's sole source aquifer. Hawaii's drinking water supply is already at risk due to the effects of climate change. All the more reason to ensure we take great care in protecting our aquifer from further fuel contamination, or any other source of pollution, keeping it safe for current and future generations.

It's been seven months since the November 2021 fuel spill that poisoned thousands of Oahu residents, yet the Red Hill tanks remain an imminent threat to our water security. The Navy has been abusing the public's trust for years, declaring that the Red Hill facility was safe, and ignoring public concerns about contamination of Oahu's sole-source aquifer. As recently as the October 2021 fuel tank advisory committee meeting, the Navy assured the public that the water was safe, and that the bulk fuel storage facility was needed to be available for us to drain in the case of an emergency to feed HECO, the airport, and the harbor. Now a report comes out indicating the facility is so decrepit that up to two years may be necessary to fix a litany of problems and safety hazards before the military can even begin to defuel. That is complete unacceptable. Two years is too long to allow this threat to our water to continue. If the Navy truly regarded the contamination of our water to be the crisis and emergency that it is, this timeline would be shortened. Moreover, the Navy is continuing to act in bad faith after poisoning our aquifer by over-pumping their Waiawa shaft in violation of their water use permit. Again, completely unacceptable.

As the overseer of our most precious resource, tasked with ensuring that our public trust water is appropriately used and protected from waste, 350Hawaii urges the Commission to act to impose transparency and accountability conditions on the Navy that would require:

- 1) A comprehensive and quantified accounting of all water uses by the Navy water system, to be provided on a monthly basis, beginning no later than July of this year;
- 2) A plan, to be developed and submitted for approval by CWRM no later than August of this year, and with implementation to begin no later than September of this year, to cease the wasting of water from the Red Hill shaft, and to put such water to a reasonable beneficial use;
- 3) Until the Red Hill Bulk Fuel Storage Facility is defueled and decommissioned, our groundwater aquifer is remediated, and the current contamination crisis is deemed resolved with respect to the impacts to our water resources:

- a. No public trust water shall be used for uses by the U.S. Navy not essential to health and safety, including but not limited to landscaping, golf courses, swimming pools, car washes, or other inappropriate uses;
- b. A 24-hour hotline shall be maintained by the Navy to help identify potential water waste and inappropriate uses of water from the Navy's water system, and any water waste complaints shall be addressed promptly; a monthly report of all hotline calls and detailed information regarding the Navy's response to such calls shall be provided to CWRM;
- c. All reports and information relating to the contamination status of our groundwater aquifer shall be fully disclosed to CWRM and the public;

and

- d. A monthly public briefing and question-and-answer session shall be held for members of the public to ask questions to and receive answers from leadership from Indo-Pacific Command, Joint Base Pearl Harbor Hickam, NAVFAC, and other agencies tasked with actions necessary to defuel the Red Hill Facility, as well as any residential property managers with management authority over properties served by the Navy's water system.

No one has said it better than Ernie Lau of the BWS when he stated, "Every moment that facility contains fuel right over our aquifer is a moment too long for me because it's a threat to further damage to our resource."

We urge the Commission to use its constitutional authority to expedite the defueling and decommissioning of the Red Hill Bulk Fuel Storage Facility by imposing strict restrictions and conditions, as listed above, on the Navy's continued use of our public trust water resources. Two years is too long to know our water is safe.

Mahalo for the opportunity to provide testimony.

Sherry Pollack
Co-founder, 350Hawaii

SUBJECT: Defer Designation of the Lāhainā Aquifer Sector

Testimony requesting to defer the Designation of the Lāhainā Aquifer Sector

Aloha,

My name is Dave Minami and I currently own property in west maui. It was our goal to keep this land for our children to have a place to build a home at some time in the future. Like our parents we all strive to make things better our children. I was born and raised in maui with my mother and father buried there and my brother in the cemetery near the old prison in Lahaina.

It is my hope that we defer the designation of the Lahaina Aquifer and start getting the ENTIRE community and all agencies involved on a collaborative effort and look at how this face paced decision could impact many of our local families resulting in years of litigation and losing more of our local residents that make Maui their home to other places in our country. Regions all over the world are looking into multi prong approaches to supplement fresh water and Hawaii needs to do the same. Its time that our government agencies along with the private sector look at improving and implementing use of recycled water, desalination of brackish & sea, and using renewable energy to help get it.

I do not feel that CWRM has fully considered the all ramifications and consequences of the designation and there could be more harm to our residents and community.

Mahalo,

Dave Minami

808 [REDACTED]

GRASSROOT INSTITUTE OF HAWAII

June 14, 2022

9 a.m.

Hawaii Department of Land and Natural Resources
1151 Punchbowl Street, Honolulu, HI 96813
Boardroom and Videoconference

To: Commission on Water Resource Management

Suzanne D. Case, Chair

From: Grassroot Institute of Hawaii

Joe Kent, Executive Vice President

RE: Designating the Lahaina Aquifer Sector Area as both a Surface Water and Ground Water Management Area

Comments Only

Aloha, Chair and Commission members.

My name is Joe Kent and I am the executive vice president of the Grassroot Institute of Hawaii, a 501(c)3 nonprofit policy research organization.

The institute is a taxpayer watchdog group that promotes the values of individual liberty, economic freedom and accountable government.

We have concerns that designating West Maui as a Surface Water and Ground Water Management Area could add significant time and regulatory burdens to the creation of housing on Maui. Such an impactful decision should be given more time for consideration.

It already takes more than 10 years to obtain full approval to build a typical housing project in Hawaii, but adding this designation could add many more years to the process.

For this reason, we ask that more time be given for consideration.

Mahalo,

Joe Kent
Executive vice president
Grassroot Institute of Hawaii

June 13, 2022



CWRM

raeann.p.hyatt@hawaii.gov

Gerard C. Gibson
President
Hawaii Hotel Alliance

RE: Please Defer Designation of the Lāhainā Aquifer Sector

On behalf of the Hawai'i Hotel Alliance, please accept this testimony in **strong support of a deferral** of the proposed designation of the entire Lāhainā Aquifer Sector as a groundwater and surface water management area. The proposed designation will gravely affect existing hotels and businesses in West Maui that house and sustain the visitor industry. According to the Maui County Office of Economic Development, approximately 80% of every dollar earned in Maui is generated directly or indirectly by the visitor industry. We are proud to be an economic driver and support a significant number of Maui families.

Downscaling operations inevitably results in downscaling the labor force. For a hotel that can get approval to continue its existing uses, that hotel is exposed to a contested case hearing requested by anyone who disagrees with the approval of its existing use permit. The fight over a permit, subject to the repetitive and expensive cycle of appeal and remand, is hardly a victory for anyone when resolved years later. To budget in the risk and cost of protracted litigation may similarly cause a number of hotels to scale back existing operations.

The hotel community relies on renovations and upgrades to our existing facilities to provide premier accommodations and stay competitive in our market. As described by the County (MDW), the proposed designation would cause a de facto moratorium on development within the area. Without the ability to renovate, a hotel will quickly lose its edge and visitors will look elsewhere for more modern and luxurious accommodations.

Please defer this decision to give the community and its stakeholders time to understand the risks and benefits associated with the proposed designation and allow us to be part of the discussion for West Maui.

Sincerely,

Gerard C. Gibson
President

STARN • O'TOOLE • MARCUS & FISHER

A LAW CORPORATION

June 13, 2022

VIA E-MAIL

raeann.p.hyatt@hawaii.gov

Ms. Suzanne D. Case, Chairperson and Members
State of Hawaii Department of Land and Natural Resources
Commission on Water Resource Management
1151 Punchbowl Street, Board Room 132
Honolulu, Hawaii 96813

RE: Testimony for the June 14, 2022, 9:00 a.m.,
Hearing of the Commission on Water Resource Management,
Agenda Item C.1.

Aloha Chairperson Case and Members of the
Commission on Water Resource Management:

I am legal counsel for the Hawaii Hotel Alliance (“HHA”) and support the position of HHA, as stated in President Gerard C. Gibson’s written testimony dated June 13, 2022.

I also support the position of the County of Maui Department of Water Supply’s (“MDWS”) **collaborative approach**, as presented in its previous written testimonies dated January 13, 2022 and April 25, 2022, both of which testimonies are attached.

As MDWS stated in its April 25, 2022 testimony, “The county favors a collaborative approach among water purveyors to ensure water pumpage throughout each aquifer system. The Maui Island WUDP was adopted unanimously by the Maui County Council and submitted to CWRM for approval. The plan strategies offer compromises to address community concerns and disputes, align with the General Plan and Community Plan for the Lahaina region to allocate water to planned land use. . . We are concerned over the hasty approach to designate the entire district and motivation to do so before exploring solutions provided in the WUDP, including to support collaboration between water purveyors in lieu of state control.”

MDWS further stated in its January 13, 2022 testimony as follows: “Designation of a Surface Water Management Area (SWMA) is premature and also inconsistent with the WUDP. We believe CWRM’s ability to enforce IIFS is at the heart of the problem, a concern that is echoed by the community. At the same time, IIFS decisions must be flexible enough to adapt to the obstacles and time it takes water supply purveyors to transition to practicable alternatives.”

Ms. Suzanne D. Case, Chairperson and Members
State of Hawaii Department of Land and Natural Resources
Commission on Water Resource Management
June 13, 2022
Page 2

HHA would like to participate as a partner in the process described by the above MDWS's testimonies. Such a process through deferral for a reasonable time would enable the following:

1. A fuller and more meaningful discussion of the issues raised by the MDWS, water purveyors, water users and community members with the objective of forging a fair and working plan acceptable by the interested parties.
2. Greater opportunity to address concerns by affordable housing developers like HHFDC which is concerned that unintended consequences of the designation would impair its mission of providing needed affordable units because of obstruction of requirements of investors, such as to place its capital timely with known market factors such as prevailing interest rates.
3. Input from water users like HHA members who are seeking to avoid impairment of their current ability to service their customers.

HHA respectfully requests a deferral for a reasonable time.

Mahalo nui loa for considering our request.

Mahalo nui,



Ivan M. Lui-Kwan

Attachments

MICHAEL P. VICTORINO
Mayor

JEFFREY T. PEARSON, P.E.
Director

HELENE KAU
Deputy Director



DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/water

January 13, 2022

Ms. Suzanne D. Case, Chairperson and Members
State of Hawaii Department of Land and Natural Resources
Commission on Water Resource Management
1151 Punchbowl Street, Board Room 132
Honolulu, Hawaii 96809

SUBJECT: Testimony on January 18, 2022 Agenda Item A.2: Designation of the Lahaina Aquifer Sector, Maui as Surface Water and Ground Water Management Area

Dear Ms. Case and Members,

The Maui County Department of Water Supply (MDWS) offers the following comments on this Commission on Water Resource Management (CWRM) initiative. In the absence of any briefing materials ahead of the January 18, 2022 meeting, at this point MDWS does not understand the rationale and methodology CWRM employed to initiate designation of the entire Lahaina Aquifer Sector on Maui.

Threats to water resources by existing and proposed withdrawals:

Reported pumpage on a 12-month moving average basis, as provided by CWRM, in relation to sustainable yield (SY) is approximately as follows:

| | Ukumehame | Olowalu | Launiupoko | Honokōwai | Honolua | Honokōhau |
|------------------------------|-----------|---------|------------|-----------|---------|-----------|
| SY (mgd) | 2 | 2 | 7 | 6 | 8 | 9 |
| 2021 12 Mo MAV Pumpage (mgd) | 0.049 | 0.074 | 1.434 | 3.777 | 2.450 | 0.000 |
| Pumpage/SY | 2.45% | 3.70% | 20.49% | 62.95% | 30.63% | 0.00% |

It's unclear how tunnel discharge in Launiupoko and Honokōwai aquifers can be counted both against basal sustainable yield, as calculated in the 2019 Water Resources Protection Plan, and as dike source to basal recharge, and how calculations of high level tunnel discharge is consistent with how high-

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level tunnel sources were qualified in the Iao Groundwater Management Area designation and in the Na Wai Eha contested case.

Reported pumpage of Honokōwai aquifer, potentially unreported and varying pumpage, projected future groundwater needs to offset non-potable uses of Honokōwai Stream along with issued groundwater reservation for the Department of Hawaiian Homelands **may** exceed established sustainable yield of this aquifer system only. Factors that influence projections include assumptions about Interim Instream Flow Standards, yet to be established for Honokōwai Stream, water duty for agricultural irrigation needs, expansion of recycled water availability, conservation measures implemented by private water purveyors and implementation of the policies and strategies proposed in the Draft Maui Island Water Use and Development Plan (WUDP), as well as the West Maui Community Plan update.

CWRM has consulted with the MDWS and the Maui County Planning Department on interpreting demand projections and Authorized Planned Use (APU), as defined in the State Water Code. We find that current groundwater use and APU does not reach 90% of sustainable yield for any other aquifer system than Honokowai. Tentatively, MDWS supports investigations to consider designation of **Honokowai Aquifer System** only.

Serious disputes over current and planned water uses:

The Draft WUDP is the culmination of a 3 year long public process, followed by public hearings conducted by the Board of Water Supply, and deliberations over 2 ½ years in council committees. In 2021, council committee chair Sinenci conducted additional consultations with the `Aha Moku Councils to ensure culturally generational Kanaka Maoli perspectives were incorporated. The plan's strategies offer compromises to address community concerns and disputes, align with the General Plan and Community Plan for the Lahaina region to allocate water to planned land use. In their review of WUDP strategies, CWRM staff noted the benefit of strategies to meet future needs, including transfers from adjacent aquifers, to help guide CWRM in future decision-making on water management area designation.

The WUDP is the tool to allocate water to land use in consistency with the water resource protection policies set forth under the overall Hawaii Water Plan Framework. The Maui County Planning Department worked closely with MDWS in their update of the West Maui Community Plan and incorporated proposed WUDP strategies into the community plan. CWRM was consulted with regards to water policies and implementing actions. Both planning documents have included rigorous community scrutiny and CWRM had ample opportunity to provide guidance in the planning process and address any serious disputes over current and planned water uses. The current initiative to designate the entire aquifer sector seriously undermines the enormous effort to engage the community, private purveyors and sister county agencies and the progress in land use and water planning integration the county agencies have achieved to date.

Harm to groundwater quantity and quality by saltwater intrusion and climate uncertainty:

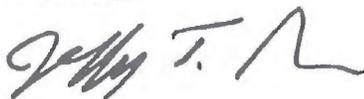
MDWS has funded multiple cooperative studies with the U.S Geological Survey (USGS) to guide resource management for Central Maui and Lahaina regions that specifically address threats to water quantity and quality and climate change impacts. These tools underpin the proposed WUDP strategies to allocate water to land use, guide sustainable groundwater pumpage, address declining rainfall and climate uncertainty. Specifically, distribute pumpage throughout Launiupoko aquifer where increased pumpage in MDWS wells result in high chloride levels. Current well exploration in Launiupoko aquifer is guided by the 2012 USGS study on groundwater availability in the Lahaina district. MDWS is actively preparing to shift to groundwater to reduce reliance on surface water long term and to provide for planned growth of the Lahaina community. Sustainable well development should consider optimal withdrawals of a groundwater unit and the interaction with surface water.

We believe that proactive guidance by CWRM to interpret and utilize available groundwater models and monitoring data to ensure adequate pump distributions are arguably better tools to enhanced and integrated management, than designation.

There are clearly aquifer systems included in this initiative with no basis for designation as set forth in the State Water Code. MDWS does **not** support designation of the entire aquifer sector. We believe a better approach is proactive collaboration between CWRM, public and private purveyors and community representatives to ensure implementation of WUDP strategies as well as resource management policies established in the WRPP. The WUDP has passed unanimously out of Council Committee and we expect the adopted WUDP to be before CWRM in the first quarter of 2022. At a minimum, commissioners should have the opportunity to review the WUDP in lieu of the designation process.

Designation of a Surface Water Management Area (SWMA) is premature and also inconsistent with the WUDP. We believe CWRM's ability to enforce IIFS is at the heart of the problem, a concern that is echoed by the community. At the same time, IIFS decisions must be flexible enough to adapt to the obstacles and time it takes water supply purveyors to transition to practicable alternatives. MDWS respectfully requests CWRM to **defer** SWMA proceedings until IIFS can be adopted for other priority streams, including all diverted streams in East Maui and until CWRM can secure adequate staffing to monitor and enforce decisions.

Sincerely,



Jeffrey T. Pearson, P.E.
Director of Water Supply

MICHAEL P. VICTORINO
Mayor

HELENE KAU
Acting Director

SHAYNE R. AGAWA, P.E.
Deputy Director



DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET WAILUKU,
MAUI, HAWAII 96793
www.mauicounty.gov/water

April 25, 2022

VIA MAIL AND EMAIL
dlnr.cwrn@hawaii.gov
raeann.p.hyatt@hawaii.gov

Ms. Suzanne D. Case, Chairperson and Members
State of Hawaii Department of Land and Natural Resources
Commission on Water Resource Management
1151 Punchbowl Street, Board Room 132
Honolulu, Hawaii 96809

SUBJECT: Testimony on Recommended Designation of the Lahaina
Aquifer Sector, Maui as Surface Water and Ground Water
Management Area, April 26, 2022 Public Hearing

Dear Ms. Case and Members,

The Maui County Department of Water Supply (MDWS) provided written and oral testimony at the January 18, 2022 Commission meeting. We offer additional testimony **supporting** designation of Honokōwai Aquifer System and **opposing** designation of the entire Lahaina Aquifer Sector as a Surface Water and Ground Water Management Area.

Investigations or studies in cooperation with MDWS for the benefit of the commission, in accordance with HRS §174C-43, have not yet been conducted. As such, MDWS testimony is based on the information released to date by the CWRM.

Public Hearing Notice

The March 23, 2022 Public Hearing Notice describes legal subdivisions as part of the Lahaina Aquifer Sector, none of which are located in Lahaina Aquifer Sector, as required in HRS §174C-42.

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Climate uncertainty and Sustainable Yield

Climate uncertainty such as drought and decline in rainfall applies throughout aquifer systems statewide and is not an isolated Lahaina phenomenon. Changes in groundwater recharge should be addressed in CWRM's calculations of sustainable yield. The Staff Submittals rely on 2015 and 2017 studies available at the time CWRM updated the Water Resources Protection Plan and sustainable yield for each aquifer system. The Staff Submittals rely on the mid-century and dry-climate scenarios and disregard the wet-climate scenario published in the same 2019 U.S Geological Survey (USGS) Study, which projects an increase in groundwater recharge for Honokōhau, Honolulu, Honokōwai and Olowalu aquifers.¹

Threats to water resources by existing and proposed withdrawals:

Table 2 in the Staff Submittals includes development tunnel discharge. CWRM's new approach in this initiative to count 100% of tunnel discharge against basal sustainable yield remains inconsistent with the 2019 Water Resources Protection Plan, the findings of the USGS Report 2012-510 *Groundwater Availability in the Lahaina* and the approach CWRM applied to qualify high-level tunnel sources in the 'Īao Groundwater Management Area (GWMA) designation, and upheld in the Na Wai 'Ehā contested case. This discretionary interpretation of 3.91 mgd tunnel discharge results in existing and proposed withdrawals exceeding sustainable yield in Launiupoko aquifer.

Authorized Planned Use (APU) is defined in HRS §174C-3 as the use or projected use of water by a development that has received the proper state land use designation and county development plan/community plan approvals. Table 2 in the Staff Submittals refers to the excel table provided via email by MDWS September 3, 2020 but double counted certain data. The correct APU for each aquifer system **if also** including meter reservations, source agreements and DHHL aquifer reservations from CWRM is shown below. Simply calculating APU by the aquifer system underlying each project is misleading as projects may be served by adjacent aquifer systems, surface water or recycled water, as explained in the Maui Island WUDP for Lahaina aquifer sector.

¹ Mair, A. *et al.* 2019. Estimated groundwater recharge from a water-budget model incorporating selected climate projections, Island of Maui, Hawai'i. USGS SIR 2019-5064.

| | Ukumehame | Olowalu | Launiupoko | Honokōwai | Honolua | Honokōhau |
|------------|-----------|---------|------------|-----------|---------|-----------|
| APU* (MGD) | 1.080 | 0.003 | 0.9364 | 2.4102 | 1.8473 | 0.000 |

*Projects with county land use entitlements known to MDWS. Projects may have partial building permits issued (overlapping with Open Building Permits). Project may or may not be served by underlying ASYA, may be served by surface water or recycled water.

Correcting for APU and factoring in that 100% of tunnel discharge have **not** been qualified or quantified against basal sustainable yield, current groundwater withdrawals, new permitted wells and APU represent about 57% of sustainable yield for Launiupoko aquifer. Threats to water resources by existing and proposed withdrawals is limited to **Honokōwai aquifer**.

Serious disputes over surface and groundwater

The county favors a collaborative approach among water purveyors to ensure sustainable water pumpage throughout each aquifer system. The Maui Island WUDP was adopted unanimously by Maui County Council and submitted to CWRM for approval . The plan strategies offer compromises to address community concerns and disputes, align with the General Plan and Community Plan for the Lahaina region to allocate water to planned land use. In fact, CWRM staff in their review noted the benefit of strategies to meet future needs, including transfers from adjacent aquifers, to help guide CWRM in future decision-making on water management area designation. In the February 5, 2022 Staff Submittal, CWRM responds to testimony questioning the role of the Maui Island WUDP but neglects to respond to MDWS's written testimony.² The MDWS January 13, 2022 testimony is also not included in the Draft Findings of Facts "Summary of Written Testimony". We are concerned over the hasty approach to designate the entire district and motivation to do so before exploring solutions provided in the WUDP, including to support collaboration between water purveyors in lieu of state control. Subjective designation that is not grounded in undisputed facts risk triggering a contested case petition by an affected party and closes the door to proactive collaboration among all parties.

The state water code provides CWRM the option to invite water users in the aquifer sector to assess the groundwater situation and devise mitigative measures (HRS §174C-44). As advocated for in our previous testimony, MDWS believes that proactive guidance by CWRM to interpret and utilize available groundwater models and monitoring data to ensure adequate pump distributions are arguably better tools to enhanced and integrated management, than designation.

² MDWS Testimony on January 18, 2022 Agenda Item A.2. Email to Raeann.p.hyatt@hawaii.gov 01/14/22.

Harm to groundwater quantity and quality by saltwater intrusion

Low initial chloride levels in wells underlying previously irrigation sugarcane and pineapple cultivation are expected to increase as agricultural cultivation ceased and irrigation return recharge to the aquifer decreased. MDWS wells in Honolua aquifer underlie former pineapple fields. Chlorides in MDWS Kanaha wells 1 & 2 in Launiupoko directly respond to changes in pumpage and MDWS current well exploration in Launiupoko aquifer would help redistribute pumpage from this well field, guided by the 2012 USGS study on groundwater availability in the Lahaina district. MDWS has funded multiple cooperative studies with the USGS to guide resource management and to address threats to water quantity and quality and climate change impacts. These tools underpin the proposed WUDP strategies to allocate water to land use, guide sustainable groundwater pumpage, address declining rainfall and climate uncertainty.

Water shortage

MDWS has a significant responsibility to serve the public, providing about 5.5 mgd or 59% of potable water needs in the region. MDWS is actively preparing to shift to groundwater to reduce reliance on surface water long term, comply with adopted IIFS and to provide for planned growth of the Lahaina community. Water conservation and infrastructure improvements relieve some stress on the MDWS systems and resource. However, the community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for **existing** uses and wells are processed first, before any WUPs for **new** source are awarded. Completing construction of new well sites currently in the works will be further delayed. Once MDWS reduce diversions from Kanaha Stream we no longer have reliable capacity to serve additional customers, which triggers a water shortage declaration per Maui County Code Chapter 14 and de facto building moratorium per MDWS Administrative Rules Title 16, Chapter 201.

Lessons learned

GWMA Designation of `Īao aquifer was triggered by alleged withdrawals exceeding 90% of sustainable yield (SY). CWRM subsequently issued water use permits exceeding 95% of SY but any guidance on well spacing, pump optimization and adaptation has not been forthcoming. MDWS has funded multiple cooperative studies with the USGS to guide resource management and distribute aquifer pumpage in a sustainable fashion.

Ms. Suzanne D. Case, Chair
and Members
April 25, 2022
Page 5 of 5

All Molokai aquifers were designated as GWMA's regardless of any realistic future pumpage of most aquifer systems. In Ualapue, the MDWS request for an additional 165,000 gallons per day were met with strong objection and a petition for a contested case. If granted, the WUP would have increased total water use to 4% of Ualapue 8 million gallons per day sustainable yield. The Ualapue community now face a de facto building moratorium on the MDWS system as no additional meters can be issued to waiting applicants.

Designation does not necessarily provide for better integration of land use and water planning. The county, private purveyors and community members can and have to step up on a local level. Ultimately all of us depend on responsible use and management of every resource. MDWS does **not** support designation of the entire aquifer sector. We believe a better approach is proactive collaboration between CWRM, public and private purveyors and community representatives to ensure implementation of WUDP strategies and refine integrated management.

Surface water designation and IIFS

Designation of a Surface Water Management Area (SWMA) may be warranted where ongoing conflicts over water use have not been resolved, such as Kaua`ula. MDWS acknowledges that we have yet to comply with Kanaha Stream IIFS. MDWS and USGS have actively pursued access to install gages on Kanaha Stream since 2018. MDWS has budgeted and pursued well development to offset reduced diversions. Designation does not resolve the obstacles to develop wells, improve infrastructure and balance water needs between the MDWS sources and subsystems. On the contrary, designation would prevent or at the very least seriously delay much needed new source development on the MDWS system.

In conclusion, MDWS supports designation of **Honokōwai Aquifer System** only.

Sincerely,



Helene Kau
Acting Director of Water Supply



June 13, 2022

Commission on Water Resource Management
1151 Punchbowl St #227
Honolulu, HI. 96813
raeann.p.hyatt@hawaii.gov

RE: PLEASE DEFER DESIGNATION OF THE LĀHAINĀ AQUIFER SECTOR

Aloha Commissioners:

My name is Lahela Aiwohi and I am testifying on behalf of the Hawai'i Hotel Alliance. Please accept my testimony in **strong support of a deferral** of the proposed designation of the entire Lāhainā Aquifer Sector as a groundwater and surface water management area. The proposed designation will gravely affect existing hotels and businesses in West Maui that house and sustain the visitor industry in Maui. According to the Maui County Office of Economic Development, approximately 80% of every dollar earned in Maui is generated directly by the visitor industry. We are proud to be an economic driver and support a significant number of Maui families.

Under the proposed designation, existing hotels and businesses would be required to obtain a permit for existing use of water for both use and quantities of water for each use. For a hotel that cannot get approval to continue its existing uses, operations would be hampered. Downscaling operations inevitably results in downscaling the labor force. For a hotel that can get approval to continue its existing uses, that hotel is exposed to a contested case hearing requested by ANYONE who disagrees with the approval of its existing permit. The fight over a permit, subject to the repetitive and expensive cycle of appeal and remand, is hardly a victory for anyone when resolved years later. To budget in the risk and cost of protracted litigation may similarly cause a number of hotels to scale back existing operations.

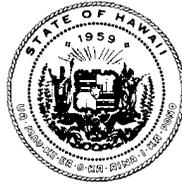
The Hawai'i Hotel Alliance is also proud to provide safe and desirable updated hotel accommodations in West Maui that organize visitor use and activities within certain areas and provide the leading choice of visitor accommodations over those in the residential areas of West Maui. We rely on renovations and upgrades to our existing facilities to provide premier accommodations and stay competitive in our market. This proposed designation would cause a de facto moratorium on development within the area as described by the County (MDW). Without the ability to renovate, hotels will lose its edge and competitiveness to other destination areas. This will also push visitors to look outside of hotel accommodations and use other means that may be rental spaces in our communities.

HAWAI'I HOTEL
ALLIANCE

Please defer this designation to give the community and its stakeholders time to understand the risks and benefits associated with the proposed designation, and to partake in the decision.

Maharānui,

A handwritten signature in black ink, appearing to be 'Aki', written over the printed name 'Maharānui'.



STATE OF HAWAII

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION
677 QUEEN STREET, SUITE 300
HONOLULU, HAWAII 96813
FAX: (808) 587-0600

IN REPLY PLEASE REFER TO:

Testimony of
DENISE ISERI-MATSUBARA, EXECUTIVE DIRECTOR
Hawaii Housing Finance and Development Corporation

BEFORE THE COMMISSION ON WATER RESOURCES MANAGEMENT (CWRM)

June 14, 2022 at 9:00 a.m.

Agenda Item C. 1.

Defer Designation of the Lāhainā Aquifer Sector

Housing that people can afford is one of our State's biggest challenges and it's been a priority for this administration since the Governor took office in December 2014. The Hawaii Housing Finance and Development Corporation's (HHFDC's) mission is to increase and preserve affordable housing in Hawai'i through its financing and development programs.

Because of the shortage of affordable rentals, particularly in Lahaina, and the unknown impacts this action may have on both current and future affordable housing projects, HHFDC respectfully requests that the Commission consider **deferring the designation of the Lāhainā Aquifer Sector** as a groundwater and surface water management area at this time.

While we support the prudent management of water use, we are concerned about the unintended consequence this designation may have on the delivery of affordable housing. HHFDC is concerned about adverse impact to projects that are currently being developed but have not begun to use water. The state has invested nearly \$40,000,000 in rental housing revolving funds; allocated approximately \$7,633,000 in Low-Income Housing Tax Credits (LIHTC), and \$83,000,000 in private activity bond ceiling to a 200-unit affordable rental project called Kaiāulu o Kūku'ia in the Villages of Leialii (which is located in Lahaina).

It is unclear whether projects that are not using water at the time of designation will be considered existing uses. In other words, will these projects be able to use water as soon as they are completed and then apply for and be processed as existing uses? Or will these projects be considered future uses to be processed after all existing use permits have been processed? This may take years.

As a state agency charged with managing a limited resource (housing tax credits and state funds for gap financing), HHFDC can appreciate CWRM's desire to manage a limited resource *before* a crisis develops. This is why we are so concerned. ***The shortage of affordable housing, particularly low-income rentals, is already a crisis.*** This is evidenced by the growing housing waitlists and rate of homelessness.

Aaron and Katherine Kamaunu are examples of the crisis in Lahaina. After 35 years of living in the Lahaina Crossroads Apartments, the elderly couple, along with 20 other families are being forced out so the owner can renovate and nearly double the rents, according to an article posted by Maui Now this past weekend.¹ According to the article, a report from the University of Hawai'i Economic Research Organization released last month said that rent prices spiked over the first few months this year, with [Maui seeing a 41% surge](#) in asking prices compared with the same time last year.

There simply isn't enough housing to address the demand and Hawai'i has experienced an outmigration of its workforce for the past three or four years. Our college-educated, young professionals -- our intellectual capacity and our tax base -- are continually leaving the state.

With rising construction costs, labor and supply chain shortages adversely affecting housing development, we, as a state, need to avoid increasing costs and creating further barriers to housing. If an affordable housing project's use or quantity of water is contested during the application process for water use permits, the project will be subject to a contested case hearing. If it results in an appeal, it could add months -- even years to the development process. Litigation is very costly and affordable housing projects operate on thin margins. These projects cannot afford protracted litigation to obtain their water use permits.

Given the uncertainty regarding the handling of permits, the additional time this change may involve, and the potential impact to affordable housing, HHFDC respectfully requests that the Commission consider deferring action until relevant state and county agencies and other interested stakeholders can better understand the impacts.

Both water and housing are basic needs. Let's find a way to work together to serve the community by ensuring both of their basic needs are met.

Mahalo for your consideration.

¹ Cerizo, K. "Tenants Forced out of Lahaina Crossroads Apartments", Maui Now.com; 11 June, 2022.
<https://mauinow.com/2022/06/11/tenants-getting-kicked-out-of-lahaina-crossroads-apartments-rent-nearly-doubling/>



Real Estate

Real Estate Maui Now is brought to you in part by



Tenants forced out of Lahaina Crossroads Apartments; rent nearly doubling

By [Kehaulani Cerizo](#)

June 11, 2022, 6:00 AM HST

* Updated June 11, 5:57 PM

133 Views

Listen to this Article

4 minutes



Katherine (left) and Aaron Kamaunu are being forced to leave their home by June 30, according to a letter from Kokua Realty LLC. The couple and other tenants are not sure where they will go.

UPDATE: According to a deed of trust, 1515 South King LLC was no longer the owner of the property as of April 27, 2022, despite county property tax records that list the entity as the current owners. Maui Now is attempting to locate the existing Lahaina Crossroads Apartment owners.

—

Katherine Kamaunu, 71, has lived at Lahaina Crossroads Apartments for more than 35 years.

Now, she and her husband, Aaron Kamaunu, 60, are being forced out of the complex, along with nearly 20 other families — a handful of whom are kūpuna on fixed incomes.

“To have my life ripped out from under me is not what I planned,” she said.

The Kamaunus and other tenants said Lahaina Crossroads Apartments ownership is kicking them out to renovate — then charge nearly double the rent. After all, units are located a couple blocks mauka of Front Street and outsiders are paying outrageous prices to live in Hawai‘i, they said.



Lahaina Crossroads Apartments tenant and Maui native Freeman Tam Lung, 79, said he’s not sure what will happen next but he hopes he does not end up homeless. PC: Kehaulani Cerizo



Lahaina Crossroads Apartments at 767 Luakini St., Lahaina, is giving tenants a notice to vacate and will nearly double rent, according to tenants. PC: Kehaulani Cerizo

UPDATE: According to a deed of trust, 1515 South King LLC was no longer the owner of the property as of April 27, 2022, despite county property tax records that list the

entity as the current owners. Maui Now is attempting to locate the existing Lahaina Crossroads Apartment owners.

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The Kamaunus and other tenants said Lahaina Crossroads Apartments ownership is kicking them out to renovate — then charge nearly double the rent. After all, units are located a couple blocks mauka of Front Street and outsiders are paying outrageous prices to live in Hawai‘i, they said.

“My husband is Hawaiian for Christ’s sake, and he can’t even live on this island. People are greedy, money hungry.”

KATHERINE KAMAUNU, LAHAINA RESIDENT

The 767 Luakini St. complex is managed by Kokua Realty LLC, which sent a letter to the Kamaunus, saying they have until June 30 to vacate.

Rent will go from about \$1,220 to \$2,200 for a one bedroom in the 20-unit apartment building, which has some two-bedroom units, tenants said. The Kamaunus live on the fourth story, and phased renovations will force people out floor by floor.

With low housing inventory on the west side, retirees, nurses, teachers, service industry workers and others at Lahaina Crossroads are left scrambling for places.

Freeman Tam Lung, 79, said he's been living at Lahaina Crossroads for nearly 20 years and he doesn't know what he will do next.

"I gotta go homeless then," said Tam Lung.

He said he could try and move to Kentucky where his son lives, but he wants to stay in Lahaina, where he is from.

"I was born here — I want to be buried here," said Tam Lung, a Native Hawaiian.

Another tenant, Steven K. Scott, 68, who has lived in the complex for 14 years, said Maui's housing crisis is displacing elderly people.

"Being evicted so they can renovate it and then move it to \$2,200, \$2,250 — we can't afford that, we just can't afford that," he said.

Aaron Kamaunu, who served in the US military and in Maui Police Department, is now working as a caretaker to make ends meet. He broke his shoulder recently, so his wife helps him at various jobs.

He said he feels pushed out of Maui and asked why local politicians haven't done more to address the housing crisis on an island with limited resources.

"It's crazy — there's nothing I can do," he said. "This is what Hawai'i is. It's all about tourism. Yeah, I'm pissed, I'm sad, I'm frustrated — but that's business."

His wife, Katherine Kamaunu, said she's been crying all the time.

"My husband is Hawaiian for Christ's sake, and he can't even live on this island," she said. "People are greedy, money hungry."

On Friday, Stan Franco, president of Stand Up Maui, a nonprofit that advocates for affordable housing, said the Lahaina Crossroads Apartments situation is “very distressing.”

“Everybody is talking about creating affordable housing, and here is a real situation: What can we do to save this? What can we do so local people can stay in their homes?” he asked.

“We cannot take inventory out and not add any inventory. It doesn’t make sense. It’s just compounding the problem for local residents,” Franco added. “To me, it’s just crazy.”

A report from the University of Hawai’i Economic Research Organization released last month said that rent prices spiked over the first few months this year, with [Maui seeing a 41% surge](#) in asking prices compared with the same time last year.

In March 2021, the median-priced Craigslist posting for a rental unit on Maui was \$1,850, while in March 2022 it had risen to \$2,600, according to rental postings on Craigslist, which may not be representative of the overall market, UHERO said.

Thaddeus Marckesano, Kokua Realty residential property manager for Lahaina Crossroads Apartments, did not respond to multiple requests for comment.



Kehaulani Cerizo

Kehaulani Cerizo was born and raised on Maui and worked for nearly 15 years as a news reporter, copy editor and features editor at daily newspapers. She earned awards at The Maui News in Wailuku and at Today’s Local News in San Diego.

[READ FULL BIO →](#)



HYATT
REGENCY[®]
MAUI RESORT & SPA

June 13, 2022

RE: Please Defer Designation of the Lāhainā Aquifer Sector

I am the writing on behalf of Hyatt Corporations (“Hyatt”) with respect to the Hyatt Regency Maui Resort and Spa (the “Hyatt Maui”) located in Lāhainā.

The Hyatt Maui urges this Commission to defer the proposed designation of the entire Lāhainā Aquifer Sector as a groundwater and surface water management area. The proposed designation will likely significantly and detrimentally impact existing hotels and businesses in West Maui that house and sustain the visitor industry. According to the Maui County Office of Economic Development, approximately 80% of every dollar earned in Maui is generated directly or indirectly by the visitor industry. We are proud to be an economic engine and support a significant number of Maui families.

Under the proposed designation, existing resorts would be required to obtain a permit for existing use of water for both use and quantities of water for each use. For a resort that cannot get approval to continue its existing uses (or amount for each use), operations could be curtailed. Downscaling operations inevitably results in downscaling the labor force. For a resort that can get approval to continue its existing uses, that resort is exposed to a contested case hearing requested by anyone who disagrees with the approval of its existing use permit. The dispute over a permit, subject to the repetitive and expensive cycle of appeal and remand, is hardly a victory for anyone when resolved years later.

The Hyatt Maui is proud to provide premier luxury resort accommodations in West Maui. We rely on renovations and upgrades to our existing facilities to provide premier accommodations and stay competitive in our market. As described by the County (DWS), the proposed designation would likely cause a de facto moratorium on development within the area. Without the ability to renovate or expand, a hotel will quickly lose its edge and visitors will look elsewhere for more modern and luxurious accommodations.

Please defer this designation and appoint a working group, including the County (DWS), community representative and other affected stakeholders so that the consequences of the designation can be examined and less drastic solutions identified and evaluated.

Sincerely,

Fred Findlen
General Manager

Subject: Testimony **Against** Designating the Entire West Side a Water Management Area

Aloha Commissioners,

We recently became aware that the Commission on Water Resource Management may designate the entire Westside of Maui a surface and groundwater management area as early as this coming Tuesday, June, 14, 2022. There is very little awareness in my neighborhood that this enormous step is being considered. I understand there has been just one meeting to explain the proposal to the public and that the final CWRM report supporting the designation was just released for public review on June 10th. The rushed timing for a major decision like this, one that could impact residents' lives for decades, is way too fast. I understand there is just one area, the Honokōwai aquifer, which may become oversubscribed, that triggered this action. As County of Maui Department of Water Supply explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire sector. But rather than focus on Honokōwai, CWRM proposes to inflate the scope to all 6 aquifers and designate the entire West Side as a surface and groundwater management area. Both the County and the Hawaii Department of Health disagree with designating the entire area as a water management area. The County went so far as to say "There are clearly aquifer systems included in the initiative with no basis for designation as set forth in the State Water Code. [Maui County Department of Water Supply] does not support designation of the entire aquifer sector." Management area designation will create massive bureaucratic permitting burdens, likely resulting in conflicts, lawsuits and water moratoriums as were seen with Molokai, Na Wai Eha and Iao. Water management area designations should not be taken lightly and should be reserved only to address severe shortages. I encourage you to focus on solutions for Honokōwai. Regarding the management area designation, I suggest you create a CWRM sponsored working group populated with water resource experts, Maui County and full representation from the entire West Side to determine the appropriate scope of any designation. Doing so may result in a better decision but either way, it will improve the opportunity for West Side communities to be involved.

John & Sara Powers



Lahaina

Launiupoko Irrigation Company, INC

305 E. Wakea Ave., Suite 100
Kahului, Maui, Hawaii 96732

Phone: (808) 877-4202
Fax: (808) 877-9409

June 13, 2022

M. Kaleo Manuel
Deputy Director
Commission on Water Resource Management
1151 Punchbowl Street #227
Honolulu, Hawai'i 96813

Re: Please **DEFER** the designation of the Lahaina Aquifer Sector as a groundwater and surface water management area

My name is Glenn Tremble, and I am the Treasurer and Secretary for Launiupoko Water Company Inc. ("LIC"). On behalf of LIC, I support **deferral** of the designation and appointment of a working group that will evaluate the data regarding the Lahaina Sector and consequences of the proposed designation.

The MDWS has concluded that it does not support the designation of the entire Lahaina Aquifer Sector, but Honokowai only.

The State Department of Health ("DOH") has also concluded that it does not support the designation of the entire Lahaina Aquifer Sector, but Honokowai only.

The MDWS has indicated that there will likely be a moratorium on building permits for the MDWS system. That moratorium will likely extend to all building permits in West Maui.

LIC has raised many concerns regarding the data, questions regarding the permitting process and concerns regarding the impacts of the designation. The County Department of Water Supply ("MDWS") has raised many concerns regarding the data, questions regarding the permitting process and concerns regarding the impacts of the designation. These questions have gone unaddressed and these concerns have gone unconsidered.

As LIC has said before, designation is an extraordinary event. It will subject existing uses to decades of delay. Any dispute over type of use or quantity of water will result in litigation. It will halt any new uses. The impacts will not be felt by only developers and large landowners but will also extend to Maui families who need water for their lands, affordable housing projects and Kuleana tenants.

For all of these reasons, LIC respectfully requests the Commission defer designation and appoint a working group to include CWRM staff, MDWS, DOH, DHHL, water purveyors and other affected stakeholders. As a private water purveyor, LIC makes its commitment to this working group.

I appreciate the opportunity to provide testimony.

Launiupoko Irrigation Company, INC

305 E. Wakea Ave., Suite 100
Kahului, Maui, Hawaii 96732

Phone: (808) 877-4202
Fax: (808) 877-9409

Respectfully,

Glenn E. Tremble
Treasurer/Secretary

Launiupoko Water Company, INC

305 E. Wakea Ave., Suite 100
Kahului, Maui, Hawaii 96732

Phone: (808) 877-4202
Fax: (808) 877-9409

June 13, 2022

M. Kaleo Manuel
Deputy Director
Commission on Water Resource Management
1151 Punchbowl Street #227
Honolulu, Hawai'i 96813

Re: Please **DEFER** the designation of the Lahaina Aquifer Sector as a groundwater and surface water management area

My name is Glenn Tremble, and I am the Treasurer and Secretary for Launiupoko Water Company Inc. ("LWC"). On behalf of LWC, I support **deferral** of the designation and appointment of a working group that will evaluate the data regarding the Lahaina Sector and consequences of the proposed designation.

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LWC has raised many concerns regarding the data, questions regarding the permitting process and concerns regarding the impacts of the designation. The County Department of Water Supply ("MDWS") has raised many concerns regarding the data, questions regarding the permitting process and concerns regarding the impacts of the designation. These questions have gone unaddressed and these concerns have gone unconsidered.

As LWC has said before, designation is an extraordinary event. It will subject existing uses to decades of delay. Any dispute over type of use or quantity of water will result in litigation. It will halt any new uses. The impacts will not be felt by only developers and large landowners but will also extend to Maui families who need water for their lands, affordable housing projects and Kuleana tenants.

For all of these reasons, LWC respectfully requests the Commission defer designation and appoint a working group to include CWRM staff, MDWS, DOH, DHHL, water purveyors and other affected stakeholders. As a private water purveyor, LWC makes its commitment to this working group.

I appreciate the opportunity to provide testimony.

Launiupoko Water Company, INC

305 E. Wakea Ave., Suite 100
Kahului, Maui, Hawaii 96732

Phone: (808) 877-4202
Fax: (808) 877-9409

Respectfully,

Glenn E. Tremble
Treasurer/Secretary



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June 13, 2022

raeann.p.hyatt@hawaii.gov
dlnr.cwrn@hawaii.gov

Commission on Water Resource Management
Department of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

Re: Meeting of the Commission on Water Resource
Management ("CWRM")
Date: June 14, 2022
Time: 9:00 a.m.

Testimony from HOA non-potable water customers
concerning CWRM's proposed acceptance of FOF
from Chairperson's Recommendation to Designate
the Lahaina Aquifer Sector Area as both a Surface
Water and Ground Water Management Area
("Request to Accept FOF")

Dear Honorable Commissioners:

This testimony is submitted on behalf of the Mahanalua Nui Homeowners Association, Inc., Pu'unoa Homeowners Association, Inc., and Makila Plantation Homeowners Association, Inc. who represent the interests of nearly 400 paying non-potable water customers within Launiupoko Irrigation Company, Inc.'s ("LIC") service area in West Maui, comprising the vast majority of LIC's entire paying customer base for its non-potable water service, and who have been granted Intervenor status in the

ongoing rate proceeding before the Public Utilities Commission of the State of Hawaii (“PUC”) in Docket No. 2020-0089 (collectively, the “HOA Intervenors”).¹

By this submission, the HOA Intervenors strongly urge CWRM to defer its proposed action on the pending Request to Accept FOF, as they understand said action may likely cause significant negative impacts to their vested rights and improperly impact their ability to properly maintain their land. Moreover, the proposed Staff Submittal for the Request to Accept FOF which seeks to pejoratively minimize the HOA Intervenors’ concerns as “residents of Launiupoko’s gentlemen estates whose irrigation water is supplied by LIC are crying foul and complaining about the state of their lawns which has been compared to ‘a war zone,’” is dubious, offensive, and contrary to the robust public record established in Docket No. 2020-0089. As you know, each of the HOA Intervenors’ members are governmentally-mandated to maintain and perform a level of agricultural activities on their land, and therefore sufficient access to an acceptable level of non-potable water is essential towards both complying with Maui County ag use requirements, as well as ensuring proper protection against the growing risk of wildfires.²

The HOA Intervenors understand that some of their members have urged for the creation of a CWRM-sponsored working group including water experts, other relevant governmental agencies (like the PUC), Maui County, and full representation from all other key stakeholders of the West Side to determine the appropriate scope of any such

¹ This office represents the HOA Intervenors in Docket No. 2020-0089 before the PUC.

² Moreover, you should know that the HOA Intervenors’ have already been advised that CWRM action is already impacting their members’ interests regarding relief sought in the ongoing PUC proceeding. As noted above, for over the past two years, the HOA Intervenors – in PUC Docket No. 2020-0089 – has been working with the PUC, the Consumer Advocate, LIC, and other Kuleana Intervenors to fashion an appropriate temporary rate increase for LIC’s non-potable water service (pending LIC’s permanent rate increase request) in order to obtain some desperately needed relief from the extreme non-potable curtailment policies that have been in place now for years. On May 23, 2022, the PUC finally issued Order No. 38396 Conditionally Approving a Temporary Rate Increase for LIC; a result that the HOA Intervenors have been waiting for, and working towards, for over two years. However, the HOA Intervenors have now been advised that when LIC sought to take action pursuant to the PUC’s Order to restore non-potable water service to pre-curtailment levels, said action could not be put into effect without CWRM approval – which remains pending. The result, of course, is that the HOA Intervenors and their members continue to suffer the negative effects of LIC’s curtailment, and are now precluded from enjoying the benefits that were intended to be provided by way of the PUC’s decision and order. Respectfully, from the HOA Intervenors’ perspective, that a public utility is being hindered from carrying out required action directed by way of an official Order issued from one governmental agency (i.e., the PUC), by another arm of government, underscores that there does not appear to be a sufficient level of coordination and consultation from all necessary stakeholders who are to be impacted by CWRM’s proposed action.

CWRM
June 13, 2022
Page 3

designation, and to this, the HOA Intervenors strongly concur. Accordingly, the HOA Intervenors respectfully request that CWRM defer action on the Request to Accept FOF.

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Bruce Nakamura', written over a horizontal line.

BRUCE NAKAMURA

for

KOBAYASHI, SUGITA & GODA, LLP
Attorneys for HOA Intervenors

June 13, 2022

Via e-mail to dlnr.cwrwm@hawaii.gov

Ms. Suzanne D. Case
Chairperson
Commission on Water Resource Management
Department of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

Re: Designation of the Lahaina Aquifer Sector, Maui, as a Surface Water and Ground Water Management Area

Aloha Chair Case,

My name is Mapuana Samonte and I am a small business owner, a Kumu Hula, and am the sole provider for my family. I was born and raised in the town of Lahaina. I was renting in Lahaina for more than 32 years and I was forced to move to Central Maui for the past 5 years, due to the lack of inventory and the high cost of rental housing in Lahaina.

I have a unique situation that I would like to share as a person of part Hawaiian Ancestry, and I would like to speak on behalf of those that DO NOT meet the 50% blood quantum requirement to qualify for Hawaiian Homelands. Since 1982, my mother who was 48.5% Hawaiian was on the Hawaiian Homelands waitlist in case the laws changed and the blood quantum was reduced to less than 50%. About 5 years ago my mother passed away at the age of 82 and with her went our family's best shot at acquiring affordable housing.

My understanding is that there are multiple affordable housing projects for Lahaina that have been approved or are being planned, including some Hawaiian Homelands projects. I am requesting that you not take action on designation unless you are 100% sure that it will not affect or delay these much needed projects.

Aloha and Mahalo for your consideration.

Mapuana Samonte



MAUI

CHAMBER OF COMMERCE
VOICE OF BUSINESS

Item C-1
West Maui Water Management Area
Tuesday, June 14, 2022

Aloha Chairperson Case, and
Members of the Commission on Water Resource Management,

The Maui Chamber of Commerce opposes the action in item C-1 to designate all of the Lahaina Aquifer Sector Area as a Surface Water and Ground Water Management Area.

Based on evidence cited in the Department of Health's testimony on April 14th and the County of Maui Department of Water Supply testimony on April 25th, we understand that designating the entire Lahaina Aquifer Sector Area is not needed and only 1 of the 6 aquifer systems in the sector meet the qualifications.

Additionally, if all of West Maui is designated a water management area, it could severely hinder the development of affordable housing and rentals, which is a critical and growing need for this community. The Maui community needs to have every option to expedite affordable housing and rentals on the table. West Maui is a major hub of commerce on Maui and also severely lacks affordable housing and rentals, which means residents have to commute. For those of us who live on Maui, we know that could mean a 30-minute drive or a 1.5-hour drive, depending on other factors and traffic, and we have seen instances where fires, car wrecks, and other hazards can close the highway to West Maui, completely cutting residents off from work or their homes. Because of this, there has long been a push for more affordable housing and rentals to be built in that area specifically and we cannot afford to lose any momentum.

Lastly, we understand the Commission Director has reached out to all community groups on Maui. However, we have no record of them reaching out to the Maui Chamber. Did you reach out to us and if so, by what means?

For the reasons noted above, we believe that this item should be filed and deferred, and a working group of West Maui stakeholders should be created. We are better when we work together and having a stakeholder group collaborate on ways to take care of and preserve this precious resource could result in better outcomes that focus on balance and sustainability, while not hindering the development of affordable housing and rentals.

Mahalo for the opportunity to provide testimony.

Sincerely,

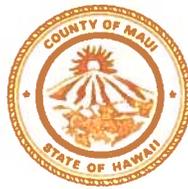
Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.

MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Director

JORDAN E. HART
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

June 13, 2022

Ms. Suzanne D. Case, Chairperson
and Members of the Commission on Water Resource Management
State of Hawaii Department of Land and Natural Resources
1151 Punchbowl Street, Board Room 132
Honolulu, Hawaii 96809

VIA EMAIL: raeann.p.hyatt@hawaii.gov and clnr.cwrmm@hawaii.gov

**SUBJECT: ACTION ITEM C1 - RECOMMENDED DESIGNATION OF
THE LAHAINA AQUIFER SECTOR AREA AS A
SURFACE WATER AND GROUND WATER MANAGEMENT
AREA**

Dear Chairperson Case and Members,

The County of Maui Department of Planning (Department) supports the position of the County of Maui Department of Water Supply (DWS) in their **support** of the designation of the Honokowai Aquifer System and their **opposition** to the designation of the entire Lahaina Aquifer Sector as a Surface Water and Ground Water Management Area.

The Department defers to DWS's testimony relating to compliance with applicable statutes and the technical aspects of each aquifer system, including drought, climate change, groundwater recharge, saltwater intrusion, and sustainable yield. However, we absolutely agree with their statements that the County's approach to ensuring sustainable water pumpage must be a collaborative effort. We participated in DWS's creation of the Maui Island Water Use and Development Plan (WUDP), which was adopted unanimously by the Maui County Council. The WUDP aligns with the Maui County General Plan, which includes the Maui Island Plan (MIP) and the Countywide Policy Plan, and with the recently adopted West Maui Community Plan (WMCP). These plans together aim to connect and integrate land use and water resource planning to allow for responsible growth.

The WMCP is a community-driven document that has numerous policies and actions that relate to water resources management. It also designates areas for growth within the MIP's urban growth boundaries. As you are certainly aware, there is a dire need for housing, particularly workforce and affordable housing, in West Maui, and the WMCP aims to allow for responsible residential growth. Some of the WMCP's actions relating to water resources include:

1.28 – Preserve and maintain existing reservoir and water storage infrastructure within West Maui for fire protection capabilities and agriculture.

1.29 – Develop basal groundwater sources in West Maui to timely serve planned population growth and offset decreased surface water diversions.

1.30 – Improve interconnection between Department of Water supply subsystems in West Maui.

1.31 – Develop contingency agreements between the County and private water purveyors.

1.32 – Continue to support the allocation of water resources to Department of Hawaiian Home Lands (DHHL) as identified in the 2019 Water Use and Development Plan (19.0 Lahaina Aquifer Sector Area), to ensure there is ample water resources allocated for DHHL projects.

The Department is responsible for overseeing the implementation of the WMCP, which means that we will collaborate with DWS on the implementation of these actions. Compliance with the WMCP is required at several stages of the entitlement and development process. Responsible land use planning goes hand-in-hand with responsible water resources planning; this can best be accomplished at the County level.

It is our understanding that there are reasonable, responsible, viable and codified options that you can pursue before going so far as the subject designation for the entire district, including collaboration with and between water purveyors. We would encourage that these options be explored.

Echoing DWS's testimony, designation does not necessarily provide for better integration of land use and water resource planning. A proactive and collaborative approach is what is needed for West Maui, involving water users, purveyors, DWS and your Commission. This approach is how long-range plans, such as the WUDP and the WMCP, are successfully implemented. All parties must participate. DWS is ready and willing to play their role, and we are confident that water users and purveyors are also willing participants; hopefully your Commission is, too.

Thank you for your consideration of this testimony.

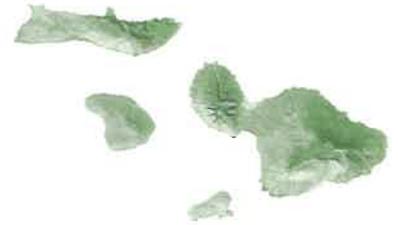
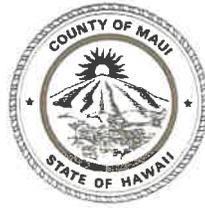
Sincerely,



MICHELE MCLEAN, AICP
Planning Director

MICHAEL P. VICTORINO
Mayor

SANDY K. BAZ
Managing Director



COUNTY OF MAUI
OFFICE OF THE MAYOR
200 SOUTH HIGH STREET
WAILUKU, HI 96793

June 13, 2022

VIA MAIL AND EMAIL

Dlnr.cwrm@hawaii.gov

Raeann.p.hyatt@hawaii.gov

Ms. Suzanne D. Case, Chairperson
and Members of the Commission on Water Resource Management
State of Hawaii
Department of Land and Natural Resources
1151 Punchbowl Street, Board Room 132
Honolulu, Hawaii 96809

Dear Chair Case and Commission Members,

**SUBJECT: DEFFERAL OF THE DESIGNATION OF THE
HONOKOWAI AQUIFER SYSTEM ("SYSTEM")**

As Mayor of the County of Maui, I want to thank you for your time and effort in the management of West Maui's water resources.

I have discussed the matter relating to the System with the Department of Water Supply ("Department") and at this time, the staff does not believe they have been appropriately engaged by the Commission staff on the issues. Furthermore, their views regarding the System have not been considered nor has their questions been answered. While the Department supports the proposed designation of the System, the Department does not **support** the proposed designation of the entire sector.

The Department's reasons for its position have been set out in written testimony to the Commission and in public hearings before the Commission as well as the Board of Water Supply. Attached for your reference is a copy of testimony submitted by Ms. Helene Kau, Director of Water Supply for the County of Maui.

Ms. Suzanne D. Case, Chair
and Members
June 13, 2022
Page 2

At this time, I humbly request the designation of the entire sector as a Surface and Ground Water Management Area be deferred to allow all parties to engage in productive discussion and decision making.

With the Department and the Commission staff's willingness, the deferral will allow us time to develop a community working group, including private water service providers, the Commission and its staff, the Department of Hawaiian Homelands, and other community groups to improve our efforts to responsibly manage West Maui's natural resources.

Mahalo for your time and consideration to defer the matter for the benefit of the entire community.

Sincerely,

A handwritten signature in black ink that reads "Michael P. Victorino". The signature is written in a cursive style with a prominent initial "M".

MICHAEL P. VICTORINO
Mayor

Attachment

MICHAEL P. VICTORINO
Mayor

HELENE KAU
Acting Director

SHAYNE R. AGAWA, P.E.
Deputy Director



DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET WAILUKU,
MAUI, HAWAII 96793
www.mauicounty.gov/water

April 25, 2022

VIA MAIL AND EMAIL
dlnr.cwrm@hawaii.gov
raeann.p.hyatt@hawaii.gov

Ms. Suzanne D. Case, Chairperson and Members
State of Hawaii Department of Land and Natural Resources
Commission on Water Resource Management
1151 Punchbowl Street, Board Room 132
Honolulu, Hawaii 96809

SUBJECT: Testimony on Recommended Designation of the Lahaina
Aquifer Sector, Maui as Surface Water and Ground Water
Management Area, April 26, 2022 Public Hearing

Dear Ms. Case and Members,

The Maui County Department of Water Supply (MDWS) provided written and oral testimony at the January 18, 2022 Commission meeting. We offer additional testimony **supporting** designation of Honokōwai Aquifer System and **opposing** designation of the entire Lahaina Aquifer Sector as a Surface Water and Ground Water Management Area.

Investigations or studies in cooperation with MDWS for the benefit of the commission, in accordance with HRS §174C-43, have not yet been conducted. As such, MDWS testimony is based on the information released to date by the CWRM.

Public Hearing Notice

The March 23, 2022 Public Hearing Notice describes legal subdivisions as part of the Lahaina Aquifer Sector, none of which are located in Lahaina Aquifer Sector, as required in HRS §174C-42.

"By Water All Things Find Life"

Climate uncertainty and Sustainable Yield

Climate uncertainty such as drought and decline in rainfall applies throughout aquifer systems statewide and is not an isolated Lahaina phenomenon. Changes in groundwater recharge should be addressed in CWRM's calculations of sustainable yield. The Staff Submittals rely on 2015 and 2017 studies available at the time CWRM updated the Water Resources Protection Plan and sustainable yield for each aquifer system. The Staff Submittals rely on the mid-century and dry-climate scenarios and disregard the wet-climate scenario published in the same 2019 U.S Geological Survey (USGS) Study, which projects an increase in groundwater recharge for Honokōhau, Honolulu, Honokōwai and Olowalu aquifers.¹

Threats to water resources by existing and proposed withdrawals:

Table 2 in the Staff Submittals includes development tunnel discharge. CWRM's new approach in this initiative to count 100% of tunnel discharge against basal sustainable yield remains inconsistent with the 2019 Water Resources Protection Plan, the findings of the USGS Report 2012-510 *Groundwater Availability in the Lahaina* and the approach CWRM applied to qualify high-level tunnel sources in the 'Āao Groundwater Management Area (GWMA) designation, and upheld in the Na Wai 'Ehā contested case. This discretionary interpretation of 3.91 mgd tunnel discharge results in existing and proposed withdrawals exceeding sustainable yield in Launiupoko aquifer.

Authorized Planned Use (APU) is defined in HRS §174C-3 as the use or projected use of water by a development that has received the proper state land use designation and county development plan/community plan approvals. Table 2 in the Staff Submittals refers to the excel table provided via email by MDWS September 3, 2020 but double counted certain data. The correct APU for each aquifer system **if also** including meter reservations, source agreements and DHHL aquifer reservations from CWRM is shown below. Simply calculating APU by the aquifer system underlying each project is misleading as projects may be served by adjacent aquifer systems, surface water or recycled water, as explained in the Maui Island WUDP for Lahaina aquifer sector.

¹ Mair, A. *et al.* 2019. Estimated groundwater recharge from a water-budget model incorporating selected climate projections, Island of Maui, Hawai'i. USGS SIR 2019-5064.

| | Ukumehame | Olowalu | Launiupoko | Honokōwai | Honolua | Honokōhau |
|------------|-----------|---------|------------|-----------|---------|-----------|
| APU* (MGD) | 1.080 | 0.003 | 0.9364 | 2.4102 | 1.8473 | 0.000 |

*Projects with county land use entitlements known to MDWS. Projects may have partial building permits issued (overlapping with Open Building Permits). Project may or may not be served by underlying ASYA, may be served by surface water or recycled water.

Correcting for APU and factoring in that 100% of tunnel discharge have **not** been qualified or quantified against basal sustainable yield, current groundwater withdrawals, new permitted wells and APU represent about 57% of sustainable yield for Launiupoko aquifer. Threats to water resources by existing and proposed withdrawals is limited to **Honokōwai aquifer**.

Serious disputes over surface and groundwater

The county favors a collaborative approach among water purveyors to ensure sustainable water pumpage throughout each aquifer system. The Maui Island WUDP was adopted unanimously by Maui County Council and submitted to CWRM for approval . The plan strategies offer compromises to address community concerns and disputes, align with the General Plan and Community Plan for the Lahaina region to allocate water to planned land use. In fact, CWRM staff in their review noted the benefit of strategies to meet future needs, including transfers from adjacent aquifers, to help guide CWRM in future decision-making on water management area designation. In the February 5, 2022 Staff Submittal, CWRM responds to testimony questioning the role of the Maui Island WUDP but neglects to respond to MDWS's written testimony.² The MDWS January 13, 2022 testimony is also not included in the Draft Findings of Facts "Summary of Written Testimony". We are concerned over the hasty approach to designate the entire district and motivation to do so before exploring solutions provided in the WUDP, including to support collaboration between water purveyors in lieu of state control. Subjective designation that is not grounded in undisputed facts risk triggering a contested case petition by an affected party and closes the door to proactive collaboration among all parties.

The state water code provides CWRM the option to invite water users in the aquifer sector to assess the groundwater situation and devise mitigative measures (HRS §174C-44). As advocated for in our previous testimony, MDWS believes that proactive guidance by CWRM to interpret and utilize available groundwater models and monitoring data to ensure adequate pump distributions are arguably better tools to enhanced and integrated management, than designation.

² MDWS Testimony on January 18, 2022 Agenda Item A.2. Email to Racann.p.hyatt@hawaii.gov 01/14/22.

Harm to groundwater quantity and quality by saltwater intrusion

Low initial chloride levels in wells underlying previously irrigation sugarcane and pineapple cultivation are expected to increase as agricultural cultivation ceased and irrigation return recharge to the aquifer decreased. MDWS wells in Honolua aquifer underlie former pineapple fields. Chlorides in MDWS Kanaha wells 1 & 2 in Launiupoko directly respond to changes in pumpage and MDWS current well exploration in Launiupoko aquifer would help redistribute pumpage from this well field, guided by the 2012 USGS study on groundwater availability in the Lahaina district. MDWS has funded multiple cooperative studies with the USGS to guide resource management and to address threats to water quantity and quality and climate change impacts. These tools underpin the proposed WUDP strategies to allocate water to land use, guide sustainable groundwater pumpage, address declining rainfall and climate uncertainty.

Water shortage

MDWS has a significant responsibility to serve the public, providing about 5.5 mgd or 59% of potable water needs in the region. MDWS is actively preparing to shift to groundwater to reduce reliance on surface water long term, comply with adopted IIFS and to provide for planned growth of the Lahaina community. Water conservation and infrastructure improvements relieve some stress on the MDWS systems and resource. However, the community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for **existing** uses and wells are processed first, before any WUPs for **new** source are awarded. Completing construction of new well sites currently in the works will be further delayed. Once MDWS reduce diversions from Kanaha Stream we no longer have reliable capacity to serve additional customers, which triggers a water shortage declaration per Maui County Code Chapter 14 and de facto building moratorium per MDWS Administrative Rules Title 16, Chapter 201.

Lessons learned

GWMA Designation of ʻĪao aquifer was triggered by alleged withdrawals exceeding 90% of sustainable yield (SY). CWRM subsequently issued water use permits exceeding 95% of SY but any guidance on well spacing, pump optimization and adaptation has not been forthcoming. MDWS has funded multiple cooperative studies with the USGS to guide resource management and distribute aquifer pumpage in a sustainable fashion.

Ms. Suzanne D. Case, Chair
and Members
April 25, 2022
Page 5 of 5

All Molokai aquifers were designated as GWMA's regardless of any realistic future pumpage of most aquifer systems. In Ualapue, the MDWS request for an additional 165,000 gallons per day were met with strong objection and a petition for a contested case. If granted, the WUP would have increased total water use to 4% of Ualapue 8 million gallons per day sustainable yield. The Ualapue community now face a de facto building moratorium on the MDWS system as no additional meters can be issued to waiting applicants.

Designation does not necessarily provide for better integration of land use and water planning. The county, private purveyors and community members can and have to step up on a local level. Ultimately all of us depend on responsible use and management of every resource. MDWS does **not** support designation of the entire aquifer sector. We believe a better approach is proactive collaboration between CWRM, public and private purveyors and community representatives to ensure implementation of WUDP strategies and refine integrated management.

Surface water designation and IIFS

Designation of a Surface Water Management Area (SWMA) may be warranted where ongoing conflicts over water use have not been resolved, such as Kaua'ula. MDWS acknowledges that we have yet to comply with Kanaha Stream IIFS. MDWS and USGS have actively pursued access to install gages on Kanaha Stream since 2018. MDWS has budgeted and pursued well development to offset reduced diversions. Designation does not resolve the obstacles to develop wells, improve infrastructure and balance water needs between the MDWS sources and subsystems. On the contrary, designation would prevent or at the very least seriously delay much needed new source development on the MDWS system.

In conclusion, MDWS supports designation of **Honokōwai Aquifer System** only.

Sincerely,



Helene Kau
Acting Director of Water Supply



June 13, 2022

Via e-mail to dlnr.cwrn@hawaii.gov

Ms. Suzanne D. Case
Chairperson
Commission on Water Resource Management
Department of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

Re: Deferral of the Designation of the Lahaina Aquifer Sector, Maui, as a Surface Water and Ground Water Management Area

Dear Chair Case,

My name is Paulus Subrata, and I write on behalf of Maui Land & Pineapple Company (“MLP”) to request that the Commission on Water Resource Management’s (“CWRM”) defer designation of the entire Lahaina Aquifer Sector as a Surface Water and Groundwater Management Area. In our previous testimony we requested that further advice and guidance be provided to the West Maui Community, the various stakeholders in water delivery systems and the County of Maui, through its Department of Water Supply (“MDWS”), and allow these Maui-based groups the opportunity to reach a reasonable resolution on water usage before resorting to the extreme measure of water management area designation. We ask that designation be deferred until the following items may be properly addressed:

1. Discussions with MDWS and the State Department of Health regarding designation.
2. Creation of a clearly defined water use permit application process.
3. Consideration of reasonable alternatives to designation.
4. Examination of the effects of the upgrades to the West Maui Recycled Water System on ground and surface water use in Lahaina.
5. Further monitoring of the existing Interim Instream Flow Standards.

MDWS has previously expressed skepticism regarding CWRM’s proposal to designate, in part due to concerns with designation short circuiting finalization of its Water Use and Development Plan which is required by Section 174C-31, Hawaii Revised Statutes. The Water

MAUI LAND & PINEAPPLE COMPANY, INC.
200 Village Road • Lahaina, Maui, Hawai'i 96761 • 808-757-2666 • Fax 808-665-0641
psubrata@kapalua.com • mauland.com

Use and Development Plan is intended to set forth the allocation of water to land uses in Lahaina and is based on much work and consultation with West Maui community members and stakeholders. MDWS and CWRM should reach an understanding in regards to designation and its impact on the Water Use and Development Plan before a decision is made.

MDWS has indicated that designation will likely lead to a moratorium on the issuance of water meters. While we don't believe the moratorium will be indefinite, it will serve to delay housing for years, at a time when we are in an affordable housing crisis. It is imperative that other conservation/preservation options be explored before designation leads to a moratorium.

Designation will lead to many users being required to apply for water use permits. At this time the water use permit application process is unclear at best. It is impossible to look to other water management areas for guidance as the Lahaina Aquifer Sector designation, both surface and ground water designation over 6 aquifers, is unprecedented. The involvement of multiple private water companies along with numerous individual users will lead to a prolonged water use permitting process resulting in contested case hearings and subsequent litigation.

While we recognize the Precautionary Principle, the rationale behind designation at this time is somewhat contradictory, on the one hand there is the argument that all aquifers must be designated as there is a level of interconnectivity, however when taken as a sum the current level of use is well below 90% of sustainable yield:

| Aquifer System | Sustainable Yield ("SY") | Total Use | % of SY |
|-----------------------|---------------------------------|------------------|----------------|
| Ukumehame | 2 | 1.145 | 57.25% |
| Olowalu | 2 | 0.167 | 8.35% |
| Launiupoko | 7 | 7.682 | 109.74% |
| Honokowai | 6 | 9.041 | 150.68% |
| Honolua | 8 | 4.503 | 56.28% |
| Honokohau | 9 | 3.751 | 41.68% |
| Total | 34 | 26.289 | 77.32% |

The Findings of Fact Report notes that the Launiupoko, Olowalu, and Ukumehame aquifers have a high level of interconnectivity, as do the Honokowai, Honolua, and Honokohau aquifers. Applying the same logic, use in these smaller subsets of interconnected aquifers also does not exceed 90% of sustainable yield:

| Aquifer System | Sustainable Yield | Total Use |
|-----------------------|--------------------------|------------------|
| Ukumehame | 2 | 1.145 |
| Olowalu | 2 | 0.167 |
| Launiupoko | 7 | 7.682 |
| Total | 11 | 8.994 |
| | % of Total SY | 81.76% |

| Aquifer System | Sustainable Yield | Total Use |
|-----------------------|--------------------------|------------------|
| Honokowai | 6 | 9.041 |
| Honolua | 8 | 4.503 |
| Honokohau | 9 | 3.751 |
| Total | 23 | 17.295 |
| | % of Total SY | 75.2 % |

We recognize that “scientific certainty” is not a requirement for designation however as shown in the below table, the Development Tunnels account for a very large percentage of the sustainable yield for certain aquifers. The FOF Report counts 100% of the estimated flows from Development Tunnels against the sustainable yield for the aquifer. It seems unlikely that 100% of the water extracted by Development Tunnels reaches its desired destination without any water being lost to ground seepage.

| Aquifer System | Sustainable Yield | Development Tunnel | % of SY |
|-----------------------|--------------------------|---------------------------|----------------|
| Olowalu | 2 | 0.1 | 5% |
| Launiupoko | 7 | 3.91 | 55.86% |
| Honokowai | 6 | 2.5 | 41.67% |
| Honokohau | 9 | 3.75 | 41.67% |

The expansion of the West Maui Recycled Water System should be considered in regards to potential reductions in water use due to wastewater re-use. The Sustainable Yield for entire Lahaina Aquifer Sector is 34 million gallons per day, currently the County injects between 3-5 million gallons per day of treated wastewater which if reused could reduce use anywhere from 11% - 19%.

MLP recognizes that water is a very precious resource that must be protected, however at this time we respectfully request that CWRM defer designation as the overall use of ground water in the Lahaina Aquifer Sector does not warrant designation and the current Interim Instream Flow Standards adequately protect surface water. The magnitude of this designation and the speed at which this designation has proceeded are unprecedented. CWRM has brought the issues relating to water use in Lahaina to light and we now ask that CWRM defer designation to allow the public and various stakeholders the opportunity to establish a system that works best for Lahaina. Please allow Maui the opportunity to work with CWRM to resolve this and avoid years of litigation.

Sincerely,



Paulus Subrata
Vice President
Maui Land & Pineapple Company

June 13, 2022

Via e-mail to dlnr.cwrwm@hawaii.gov

Ms. Suzanne D. Case
Chairperson
Commission on Water Resource Management
Department of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

Re: Designation of the Lahaina Aquifer Sector, Maui, as a Surface Water and Ground Water Management Area

Dear Chair Case,

Maui Oceanview LP is developing Puelehua, a 304-acre master-planned community which will contain up to 1,000 residential units comprised of 400 affordable rentals and for sale condos, market-rate rentals, single family lots and ohanas. We have obtained all necessary zoning entitlements to begin development and our plans for Phase 1 are already in the County for approvals. We have a well program in application for nearly a year and we are finalizing steps to begin well drilling on a part of the aquifer that is on the far northern end and this section of the aquifer is deemed by recognized and respected long time experts such as Tom Nance to be not in draw down stress.

History

Up until a few years ago, surface water from the rainy side of the island was providing substantial amount of the consumption demands on the West side via an aqueduct system. Since the Hurricane a few years ago, surface water supply has been much less reliable due to storm caused diversions and aqueduct damages that has proven difficult to completely repair. The need for aquifer water would be significantly reduced if such much needed repairs can be taken by the State immediately. A healthy again surface water transport system would certainly be a good support mechanism to minimize use of aquifer water on the West side. This surface water has also traditionally been used downstream to the south by agricultural demand and thus is much needed.

We understand that there are multiple criteria relating to designation of the West side aquifer by CWRM. Furthermore, there are multiple aquifer sub-zones that may or may not have issues to concern CWRM upon detailed technical examinations. We are sure the Commission will take great care in reviewing all relevant issues before making a final Designation decision.

Ask

We humbly ask that the Commission to please consider any adverse effects that designation may have on Pulelehua's ability to move forward expeditiously with the construction of its water system when making its final decision. Please take into account our plans have been in for

review and approval for a long time prior to this issue and is on the cusp of being activated for a good cause – to provide much needed meaningful units of affordable housing on the West side of the island. Our actual demand needs are also nominal in the scale of things because we have a R1 complete reuse arrangement worked out with County of Maui whereby we are reusing all the R1 water we generate for fire-flow and landscape purposes.

Our plan is to provide affordable housing opportunities for the people of West Maui as soon as possible. We truly appreciate your time affording us the opportunity to make this request of the Commission. We do support the conservation and protection of water resources in the Lahaina Aquifer Sector (south of where our project wells are).

Sincerely,

A handwritten signature in cursive script that reads "Paul Cheng".

Paul Cheng,
Managing Partner
Maui Oceanview LP – owner of Pulelehua

Olowalu Water Company, INC

305 E. Wakea Ave., Suite 100
Kahului, Maui, Hawaii 96732

Phone: (808) 877-4202
Fax: (808) 877-9409

June 13, 2022

M. Kaleo Manuel
Deputy Director
Commission on Water Resource Management
1151 Punchbowl Street #227
Honolulu, Hawai'i 96813

Re: Please **DEFER** the designation of the Lahaina Aquifer Sector as a groundwater and surface water management area

My name is Glenn Tremble, and I am the Treasurer and Secretary for Olowalu Water Company Inc. ('OWC'). On behalf of OWC, I support **deferral** of the designation and appointment of a working group that will evaluate the data regarding the Lahaina Sector and consequences of the proposed designation.

The MDWS has concluded that it does not support the designation of the entire Lahaina Aquifer Sector, but Honokowai only.

The State Department of Health ("DOH") has also concluded that it does not support the designation of the entire Lahaina Aquifer Sector, but Honokowai only.

The MDWS has indicated that there will likely be a moratorium on building permits for the MDWS system. That moratorium will likely extend to all building permits in West Maui.

OWC has raised many concerns regarding the data, questions regarding the permitting process and concerns regarding the impacts of the designation. The County Department of Water Supply ("MDWS") has raised many concerns regarding the data, questions regarding the permitting process and concerns regarding the impacts of the designation. These questions have gone unaddressed and these concerns have gone unconsidered.

As OWC has said before, designation is an extraordinary event. It will subject existing uses to decades of delay. Any dispute over type of use or quantity of water will result in litigation. It will halt any new uses. The impacts will not be felt by only developers and large landowners but will also extend to Maui families who need water for their lands, affordable housing projects and Kuleana tenants.

For all of these reasons, OWC respectfully requests the Commission defer designation and appoint a working group to include CWRM staff, MDWS, DOH, DHHL, water purveyors and other affected stakeholders. As a private water purveyor, OWC makes its commitment to this working group.

I appreciate the opportunity to provide testimony.

Olowalu Water Company, INC

305 E. Wakea Ave., Suite 100
Kahului, Maui, Hawaii 96732

Phone: (808) 877-4202
Fax: (808) 877-9409

Respectfully,

Glenn E. Tremble
Treasurer/Secretary

**Testimony of The Nature Conservancy
Supporting on the Recommendation to Designate the Lāhaina Aquifer Sector Area as both a
Surface Water and Ground Water Management Area**

**Commission on Water Resource Management
June 14, 2022, 9:00 AM
Department of Land and Natural Resources Boardroom
1151 Punchbowl Street, 1st Floor**

Aloha Chair Case and Members of the Commission:

Successful restoration and management of the reef, lo'i and wetlands in Olowalu and Ukumehame require freshwater. Freshwater buffers the effects of climate change on reef and algal ecosystems, is essential for traditional management practices, and will make possible wetland restoration.

The Nature Conservancy (TNC) is currently working with local partners in West Maui to engage the community in a planning process to identify effective nature-based solutions to restore coral reef systems, in concert with other coastal and watershed planning processes in the region. Together, our goal is to improve the condition of the coastal ecosystem while engaging and empowering the local community through collaborative development of goals and support for traditional management practices. We look to reduce coastal erosion and flooding, improve coastal water quality, and increase the coastal fisheries of West Maui while demonstrating the power and value of nature-based solutions with and for the Maui community.

In this testimony we will discuss the best available science on how ground and surface waters affect the ecosystem through their roles in mitigating climate change impacts, enhancing nearshore productivity, restoring traditional management practices, and nourishing critical wetland habitats.

Groundwater buffers the effects of climate change

Over the past century, populations of some commercially important reef fish populations have declined by over 90% in the main Hawaiian islands, and coral cover in some areas has declined by at least 40% in just the last 40 years. Work across West Maui has shown that coral reefs are at risk, with declines documented over the last 20 years in many areas. These declines are partly attributed to large die-off events like the 2015 and 2019 coral bleaching events where water temperatures exceeded the thermal tolerance of corals. Change over time has been drastic. For instance, in Honolua Bay, coral cover was 15.3% in 1999 and only 6% in 2008 (DAR, 2009). Today the percentage of live coral hovers between 7% and 31% along the entire West Maui coastline, compared with 14% for the entire archipelago.

Warmer waters are harmful for corals, making them more prone to disease and mortality, and more sensitive to increases in other threats such as land-based pollution. Figure 1 below shows the extent of the mortality during the 2019 marine heatwave. Marine heatwaves have been increasing in the last decade and are expected to continue. Even though the impacts of excess nutrients inputs from

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large scale sugar and pineapple agriculture are declining in West Maui, reefs continue to decline with warming ocean temperatures.

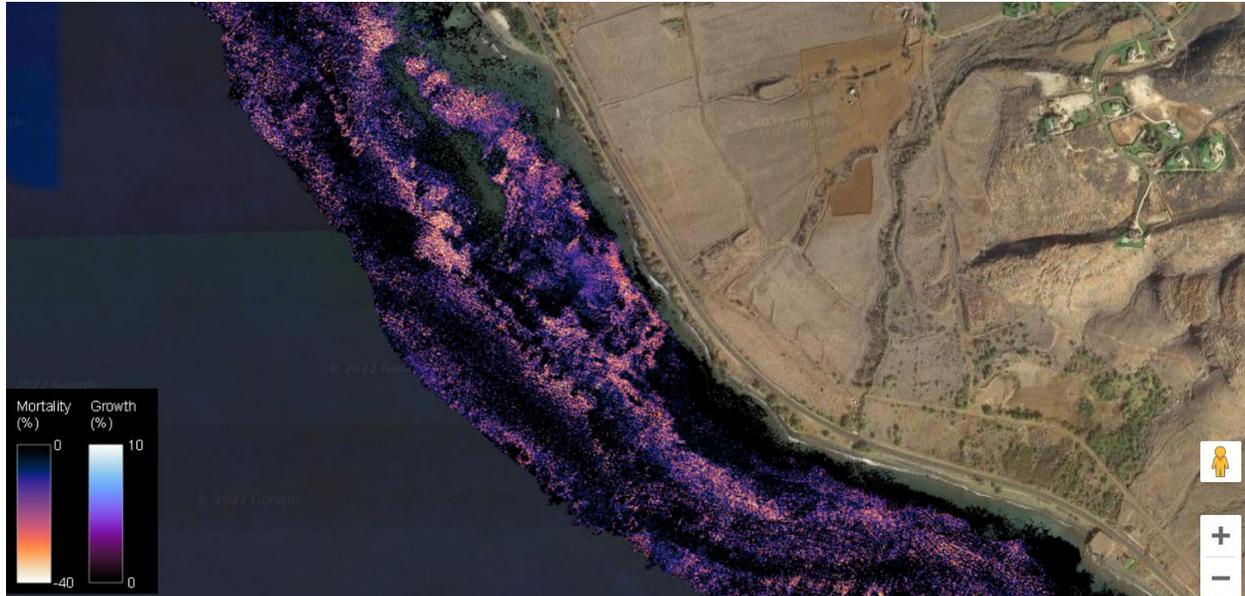


Figure 1: Response of coral community at Olowalu point to the 2019 bleaching season, with lighter shades indicating areas with coral mortality, Asner et al., 2022.

Submarine groundwater discharge happens when groundwater flows to the coastline, creating a brackish mixing zone as it seeps into nearshore ocean waters (Figure 2). Groundwater can emerge as springs in the intertidal zone or diffuse flow directly from the reef. These mixed-salinity waters support a unique ecosystem and are sensitive to changes in groundwater and surface water flow. Submarine groundwater discharge buffers the effects of warming ocean waters by adding colder, nutrient rich waters that benefit our coral reef ecosystems, limu (macroalgae) and fisheries.

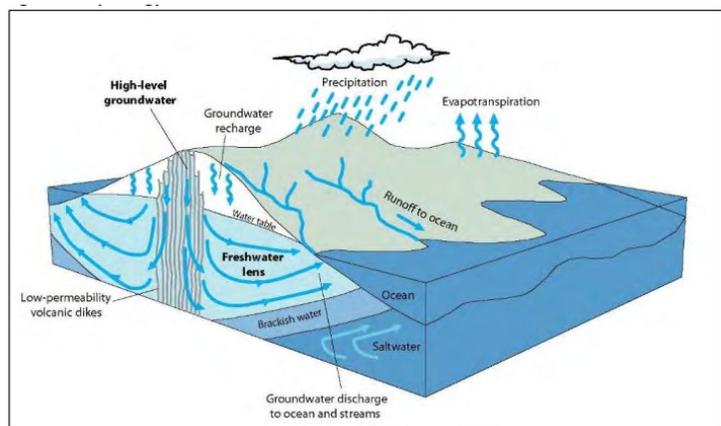


Figure 2: Generalized hydrology of an oceanic island, USGS Pacific Science Center

Rates of groundwater movement along a coastline can be heavily influenced by water and land use within the watershed. For volcanic islands like Maui, up to 100% of the water arriving at the coast comes in the form of submarine groundwater. Work by Joe Kennedy and Craig Glenn documented where submarine groundwater discharge is most prevalent along the Maui coast (Figure 3).

Honolua, Kahekili, Olowalu, north Kīhei and ‘Āhihi Kīna‘u have some of the coolest waters, indicating the highest rates of groundwater discharge and associated thermal buffering. The majority of these areas have already been identified as significant habitats with protected management and conservation status, indicating the ecological importance of areas with greater submarine groundwater discharge.

The upper reaches of some streams on Mount Kahālāwai flow perennially and are fed by persistent rainfall and groundwater discharging from dike-impounded water bodies. During dry-weather conditions, lower reaches of some streams have reduced or no streamflow because of water captured by diversion systems and water infiltrating the subsurface where the water table is at a lower elevation than the streamflow level (Maui Water Use and Development Plan). This subsurface water flow then connects with the coastal areas, producing submarine groundwater discharge. Along the West Maui coast, where once many streams provided continuous freshwater inputs to the coast, today only a few streams provide surface flow - the rest is delivered as groundwater.

In Honolua Bay, too, the only source of freshwater in the bay during baseflow is from groundwater discharge. Amato et al. have documented $4.4 \pm 2.5 \text{ m}^3 \text{ m}^{-1} \text{ d}^{-1}$ as the average discharge rate along the coast at Honolua – or approximately one million gallons per day (1 MGD). The permitted well capacity in Honolua is documented at 1.15 MGD, indicating that the amount of groundwater emerging at the coast approximates the amount taken by wells.

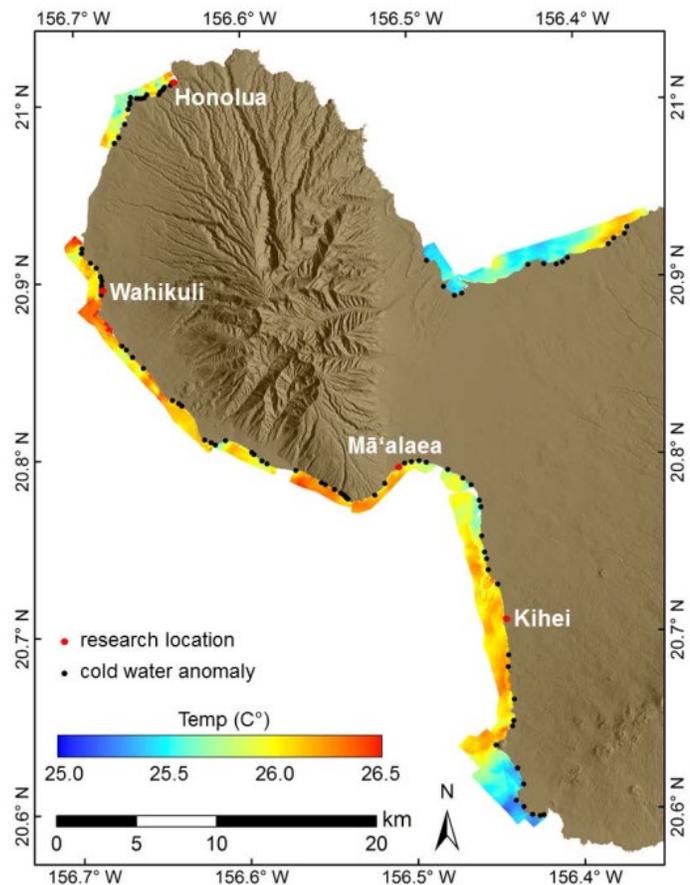


Figure 8: Regional scale TIR imagery of Maui obtained 07-08 June 2014 showing locations of potential SGD.

Figure 3: Temperature anomalies along the leeward Maui coast, showing areas where groundwater may be important (Kennedy, 2014).

Groundwater delivers essential water quality for a balanced ecosystem

Many marine and estuarine species thrive in areas of groundwater discharge. Honolua Bay Marine Life Conservation District (MLCD), located at the north of the West Maui aquifer systems, has one of the most diverse, unique and abundant reef formations on the island (DAR, 2022; Environmental Consultants, 1974; AECOS, 1981). In the bay, schools of the goatfish *weke* overlap areas of groundwater discharge, where salinities can be as low as 3ppt (very fresh) at the shoreline. Research

has shown that native limu is adapted well, compared to non-native limus, to the salinity and nutrient gradients (Dulai et al, 2021) in these discharge areas, and is at risk when sustainable yield of an aquifer is exceeded and groundwater recharge decreases because of less rainfall.

Data collected by volunteers for the Hui o ka Wai Ola, a community-supported effort to collect coastal water quality data along the leeward Maui coast, demonstrates the tight relationship between groundwater and nutrient delivery. Our reefs depend on the nutrients that percolate through volcanic geology and are delivered through groundwater. Groundwater is a source of alkalinity for corals, which is important in supporting coral growth and counteracting the impacts of ocean acidification. While only certain species of corals are adapted to and thrive in lower salinity conditions, changes to the salinity composition have been shown to be detrimental to the reef community overall.

Maintenance and development of wetland ecosystems

The history of West Maui includes descriptions of the lush wetlands that were all around Lāhaina in all of the lowland regions, including Olowalu, Ukumehame and Lāhaina town. Today, only 62.2 acres of regulatory-approved wetlands exist in the West Maui region. Wetlands provide habitat for native birds such as stilts and herons, vegetation zones to support native hydrophilic plants, and filters and cleans surface water before it goes into the ocean. Freshwater dependent Hawaiian resource management techniques, such as lo'i kalo farming by partners like Kīpuka Olowalu, provide food and medicine in addition to wetland habitat.

TNC is invested in ensuring that former wetlands in the Olowalu and Ukumehame region can be restored and grow under changing climate conditions, including sea level rise. But these groundwater-fed systems rely on fresh water to thrive. Sea level rise is expected to induce saltwater intrusion into groundwater, which may lead to some current wetland areas becoming more brackish (Habel et al., 2017). Ensuring a reliable source of fresh water the area would ensure that there remains a possibility for restoration in the future.

Conclusion

In summary, consistent, abundant freshwater flow provides the temperature, salinity and nutrient gradients needed for coastal ecosystems – including corals, algae, and fisheries – to thrive now and into the future.

Mahalo for the opportunity to provide comments in support of the proposed designation.

Sincerely,



Ulalia Woodside Lee

Executive Director

The Nature Conservancy, Hawai'i and Palmyra

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June 13, 2022

VIA EMAIL (RAEANN.P.HYATT@HAWAII.GOV; DLNR.CWRM@HAWAII.GOV)

Suzanne D. Case, Chairperson
Commission on Water Resource Management
Department of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

Re: June 14, 2022 Action Item C-1, Testimony Against Designation of Lahaina Aquifer Sector as a Surface Water and Ground Water Management Area

Dear Chairperson Case and Members of the Commission:

Our firm represents Ukumehame Water Association, Inc., and Ukumehame Homeowners Association, Inc. (collectively, "Ukumehame"), who are the legal and beneficial owners of the private water system serving the 45 subdivided lots in the Ukumehame agricultural subdivision.

This letter is to state our strong opposition to the Proposed Findings of Fact and Chairperson's Recommendation to Designate the Lahaina Aquifer Sector Area, and in particular, the designation of the Ukumehame Hydrologic Unit, as both a Surface Water and Ground Water Management Area ("Proposed Findings").

The public and stakeholders have been afforded insufficient time to review the Proposed Findings. To our knowledge, the Proposed Findings were only released for public review at the end of the day on Friday, June 10, 2022. This late release does not afford all interested parties sufficient time for review. For the following reasons, we respectfully request that the Commission on Water Resource Management ("CWRM" or "Commission") defer action on Item C-1 at its meeting of June 14, 2022.

A. None of the Criteria for Designation are met at Ukumehame

In response to the need to identify and describe aquifers for each island of the state of Hawai'i to serve as a framework for groundwater protection strategy, a program has been initiated to classify and assign codes to the principal aquifers of the State. Water systems are separated by Sector and then Areas within the Sectors.

The State Water Code allows the Commission to designate, where appropriate, water management areas. Water management area designation is a serious matter – effectively, it removes County jurisdiction from water issues on their Islands and places it with the Commission. As noted in the State Water Code, the decision to designate must be science-based and designed to protect the water resources in the specific area designated.

When the Commission decided to designate ‘Iao as a water management area, it did not designate the entire Wailuku Aquifer Sector Area, it designated only the ‘Iao Aquifer System Area. Likewise, when the Commission designated Nā Wai ‘Ehā rivers and streams, it designated certain streams in the area, not all surface water systems in the Sector.

However, in this case, the staff recommendation is to designate the entire Lahaina Aquifer Sector as a water management area. As noted, several of the Aquifer System Areas within the Lahaina Aquifer Sector are threatened. It appears from the staff submittal that part of the recommendation in this proposed designation is not science-based nor is it specific to affected water System Areas, relying instead on the precautionary principle to fill in the factual gaps.

The Commission’s staff suggests that the designation should be on a Sector basis. Based on our understanding of the calculations, the current (December 2021) 12-month Moving Average ("MAV") for the Lahaina Aquifer Sector Area Sustainable Yield ("SY") is 34 mgd. See CWRM staff data found on page 4, Table 13 of the Staff Submittal. The total existing plus the entitled/authorized planned use ("APU") in the Sector is 24.856 mgd (73.1% of SY). The total existing plus other permanent capacity of wells in the Sector is 26.289 mgd (77.3% of SY). These percentages of SY fall short of both the 80% of SY, where the Water Code suggests that the Commission invite the participation of water users in the area to an informational hearing to work together in assessing the situation and devising mitigative measures (as suggested by Ukumehame here), and the 90% threshold noted in the State Water Code for designation (HRS §174C-44, Ground water criteria for designation - Criteria 1).

The legal standard for designation of a water management area is set forth in the State Water Code as follows:

§174C-41 Designation of water management area. (a)
When it can be reasonably determined, after conducting scientific investigations and research, that **the water resources in an area may be threatened by existing or proposed withdrawals or diversions of water, the commission shall designate the area** for the purpose of establishing administrative control over the withdrawals and diversions of ground and surface waters in the area to ensure reasonable-beneficial use of the water resources in the public interest.

This legal standard is not met for the Ukumehame System Area.

- **Ukumehame water use does not meet any of the criteria for water management area designation**
- **Ukumehame withdrawals (existing and authorized planned use) are only 57% of Sustainable Yield (Table 13 of Submittal)**
- **Ukumehame is different from other water systems/uses in the Lahaina Aquifer Sector Area and should not be lumped in with other water systems**
- **Ukumehame is an independent water system that is not interconnected with other water systems in the Lahaina Aquifer Sector Area and cannot/will not resolve over-pumping in other areas**

The State Water Code establishes groundwater criteria for designation; Ukumehame does not meet any of these criteria:

§174C-44 Ground water criteria for designation. In designating an area for water use regulation, the commission shall consider the following:

(1) **Whether an increase in water use or authorized planned use may cause the maximum rate of withdrawal from the ground water source to reach ninety per cent of the sustainable yield of the proposed ground water management area;**

(2) **There is an actual or threatened water quality degradation** as determined by the department of health;

(3) **Whether regulation is necessary to preserve the diminishing ground water supply for future needs**, as evidenced by excessively declining ground water levels;

(4) **Whether the rates, times, spatial patterns, or depths of existing withdrawals of ground water are endangering the stability or optimum development of the ground water body due to upconing or encroachment of salt water;**

(5) **Whether the chloride contents of existing wells are increasing** to levels which materially reduce the value of their existing uses;

(6) **Whether excessive preventable waste of ground water is occurring;**

(7) **Serious disputes respecting the use of ground water resources are occurring;** or

(8) **Whether water development projects that have received any federal, state, or county approval may result, in the opinion of the commission, in one of the above conditions.**

Notwithstanding an imminent designation of a ground water management area conditioned on a rise in the rate of ground

water withdrawal to a level of ninety per cent of the area's sustainable yield, **the commission, when such level reaches the eighty per cent level of the sustainable yield, may invite the participation of water users in the affected area to an informational hearing for the purposes of assessing the ground water situation and devising mitigative measures.**

Again, Ukumehame does not meet any of these criteria for designation.

B. Ukumehame Groundwater

Per the Maui Water Use and Development Plan,

The Ukumehame Subdivision Potable Water System serves a 46-lot agricultural subdivision and draws water from the Ukumehame aquifer system. The system consists of Ukumehame Shaft (aka Pioneer Mill Pump P), Ukumehame Well 1 which is thermal and brackish, and Wells 2 and 3. Wells 2 and 3 currently serve the domestic uses of the subdivision; each lot is allowed a maximum of two farm dwellings. The 2014 average pumpage was reported at 0.006 mgd with pump capacity of 0.638. There is a separate agricultural water system designed to accommodate all agricultural uses. The system has not been classified as a public water system per the Department of Health classification (A system serving more than 15 service connections or 25 persons).

Maui Water Use and Development Plan (Draft, 2019); Ordinance 5335-Bill No. 14 (2022).

The Ukumehame water system is an independent, freestanding system that serves the domestic and agricultural water needs in the immediate vicinity. Water use in this system is independent of and not interconnected with other water systems. Thus, as a practical matter, water from Ukumehame cannot be used to address the water needs/uses within the larger Lahaina Aquifer Sector Area (i.e., Ukumehame water cannot be used to address the over-use at Launiupoko and or Honokōwai).

C. Surface Water

The State Water Code establishes surface water criteria for designation; Ukumehame does not meet any of these criteria.

[§174C-45] Surface water criteria for designation. In designating an area for water use regulation, the commission shall consider the following:

(1) Whether regulation is necessary to preserve the diminishing surface water supply for future needs, as evidenced by

excessively declining surface water levels, not related to rainfall variations, or increasing or proposed diversions of surface waters to levels which may detrimentally affect existing instream uses or prior existing off stream uses;

(2) **Whether the diversions of stream waters are reducing the capacity of the stream to assimilate pollutants** to an extent which adversely affects public health or existing instream uses; or

(3) **Serious disputes respecting the use of surface water resources are occurring.**

For the Ukumehame Hydrologic Unit in particular, the Commission's adoption of the Proposed Findings will have drastic effects on the owners of lots within the Ukumehame subdivision. The Maui County Water Use and Development Plan states for Ukumehame Stream: "CWRM adopted an IIFS of 2.9 mgd for Ukumehame Stream below its main diversion at 220 feet above sea level. IIFS will satisfy taro demand 0.13 mgd. Agricultural and irrigation demand, totaling 0.11 mgd by 2035 can be met by stream flow during median stream flow conditions but not during drought conditions. The revised strategy is an additional 0.11 mgd non-potable groundwater use from existing wells."

The proposed designation of a water management area ("WMA"), layered on top of the CWRM's 2018 adoption of the Amended Interim Instream Flow Standard ("IIFS") for Ukumehame Stream (6004), creates an impossible situation for our clients and the lot owners. The proposed designation, coupled with the prior IIFS action, will prevent the 45 existing agricultural lots (and the farm dwellings on each lot) in the Ukumehame subdivision from receiving sufficient domestic and irrigation water for their reasonable and beneficial needs.

The Proposed Findings do not address the impacts of the prior IIFS on the Ukumehame subdivision. The Staff Submittal justifying the 2018 IIFS decision offered the following in support of the IIFS:

Finally, the availability of alternate water sources to meet the needs of offstream uses is considered. In each of the hydrologic units considered here, the maximum sustainable yield for groundwater withdrawals is substantially greater than the current total groundwater pumping rates or total installed pump capacity (Table 6). Thus, groundwater is a viable alternative to support the current and future offstream water demands.

March 20, 2018 Item B-1, Staff Submittal on West Maui IIFS, at page 10 (Emphasis added).

The Commission's position in the Proposed Findings is at odds with its IIFS justification. If there is more than ample groundwater, there is no rationale for imposing a water management area. On the other hand, if CWRM's justification for eliminating Ukumehame's ability to use the

surface waters from Ukumehame Stream was premised upon easy access to groundwater as a replacement, the Proposed Findings undermine that justification.

Additionally, the facts recited in the Proposed Findings are incorrect in that they do not consider the 45 legally subdivided agricultural lots within the Ukumehame subdivision. See Proposed Findings at 25-26, quoted below.

West Maui Investors Service Area: Ukumehame Hydrologic Unit

In the Ukumehame hydrologic unit, Uka LLC, (West Maui Investors) is the major developer that uses water from Ukumehame Stream for non-potable uses. Two wells are also available to provide potable water for the planned 45 lot subdivision of former Pioneer Mill agricultural lands. Non-potable water from the stream is distributed throughout the hydrologic unit for irrigation of commercial (two) and residential (two) properties. There are two commercial farms in the Ukumehame Hydrologic Unit that produce sod or nursery trees with an estimated demand of 45,400 gallons per day. The interim IFS in Ukumehame has created conflicts between cultural practitioners that rely upon a diversion managed by a mainland investment agency and the use of water for landscape irrigation of agriculturally-zoned parcels.

Table 9. Estimated Non-Potable Water Demand by Use Within the Ukumehame Service Area
Estimated water demand for various agricultural crops [mgd = million gallons per day; gallons per acre per day, gad]

| Water Use | Method | Area (acres) | Water Demand (mgd) |
|------------------------------|---------------|---------------------|---------------------------|
| Landscaping | Estimated | 0.813 | 0.004 |
| agriculturally-zoned parcels | IWREDSS | 9.089 | 0.045 |
| Lo'i x4, (consumption) | Reported | | 0.086 |
| | | Total = | 0.092 |

The assumptions in Table 9 of the Proposed Findings (provided above) appear to assume that there are only 9.089 acres of agriculturally zoned parcels within the Ukumehame subdivision that will require non-potable water. In fact, the Ukumehame subdivision consists of approximately 269 acres comprised of 45 subdivided lots ranging in size from about 2.8 acres to about 13 acres, along with a bulk parcel of 55.887 acres, and miscellaneous roadway and well site parcels, all totaling about 333.86 acres.

It is unclear what "mainland investment agency" CWRM seeks to discount in its findings. Each of the 45 legally subdivided agricultural lots have been sold to third-party purchasers, who intend to use their properties as allowed under the law, including for farm dwellings pursuant to

HRS Chapter 205 (State Land Use Law) and the County of Maui Zoning Code. These farm dwellings will all require domestic potable water, as well as non-potable water for irrigation of their agricultural uses.

To be clear, this is not a criticism of the CWRM staff. It is obvious that the scope of study for the proposed WMA designation was very broad (albeit overly-broad in our view), but it is apparent that CWRM staff and others worked hard to produce a substantive report to support the Proposed Findings. Instead, we mention this in support of our request for CWRM to defer action at its June 14th meeting. Perhaps if there were further discussions directly with the stakeholders to confirm the facts and goals with all parties, it would afford the parties an opportunity to find areas of common ground. As it stands now, the Proposed Findings are presented as a "take it or leave it" proposition for the entire Lahaina Aquifer Sector on an expedited action schedule, one which is not best suited to reach consensus.

D. Precautionary Principle

The staff submittal at page 26 invokes the 'Precautionary Principle' as an explanation for designation, suggesting "that scientific uncertainty should not be a basis for postponing effective measures to prevent environmental degradation" and that "the Commission as a trustee has a duty to take anticipatory action to prevent harm to public resources."

We agree that the Commission should take appropriate steps to protect the resources. The law also addresses this, especially in the context of withdrawals versus sustainable yield.

Under the section of groundwater management designation (HRS §174C-44 Ground water criteria for designation), the law states, "Notwithstanding an imminent designation of a ground water management area conditioned on a rise in the rate of ground water withdrawal to a level of ninety per cent of the area's sustainable yield, the commission, when such level reaches the eighty per cent level of the sustainable yield, may invite the participation of water users in the affected area to an informational hearing for the purposes of assessing the ground water situation and devising mitigative measures."

As a precaution to impacts to the water resources – and as called for in the law - we encourage the Commission to establish a Working Group in the affected area to assess the situation and consider mitigative measures.

Also, with respect to the Precautionary Principle, we remind the Commission that the threats to the resources need to be plausible and the action taken should address those threats. As noted in the testimonies by Maui Department of Water Supply ("DWS") and the State Department of Health ("DOH"):

- DWS: "Threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer."
- DWS: "We are concerned over the hasty approach to designate the entire district and motivation to do so before exploring solutions provided in the WUDP, including to

support collaboration between water purveyors in lieu of state control. Subjective designation that is not grounded in undisputed facts risk triggering a contested case petition by an affected party and closes the door to proactive collaboration among all parties.”

- DOH: “DOH’s assessment of the need for WMA designation for the Lahaina Aquifer Sector is that criteria are not met for five (5) of the six (6) aquifer systems in this sector. However, WMA designation is appropriate for the Honokōwai Aquifer System.”

Finally – and we do not support this unreasonable conclusion – if you extend the argument of Commission staff that the entire Lahaina Aquifer Sector Area, rather than only the appropriate Aquifer System Areas within it, should be designated due to the Precautionary Principle, Climate Change and/or “prudent” management, then the Commission should be looking at designating the entire state as a water management area. Of course, that is an unnecessary extreme, as is the argument that the entire Lahaina Aquifer Sector Area should be designated a water management area in light of the substantial evidence on the record at this time.

There is no scientific evidence, nor plausible explanation, to include the Ukumehame Aquifer System Area in the proposed water management area. The Staff Submittal clearly states that water withdrawals for the Ukumehame Hydrologic Unit are only at 57% of sustainable yield as of December 2021. See Table 13 at page 4.

The Precautionary Principle is being used to justify WMA designation of Ukumehame and other hydrologic units, even though the areas with higher water withdrawals (such as Honokōwai) are located several Hydrologic Units away, and in some cases 10 miles away. The analogy being used by CWRM staff is the Waihe‘e / ‘Iao example where, after CWRM rescinded the automatic triggers for designation of the Waihe‘e aquifer in 2004, several new wells were approved in Waihe‘e immediately adjacent to the WMA of the ‘Iao Aquifer Sector. That situation is clearly not analogous to the case here. The use of the Precautionary Principle in this case turns the principle on its head, so should be reserved for use by the Commission only in the appropriate cases.

In furtherance of its request to defer action, Ukumehame also hereby requests that CWRM order dispute resolution proceedings between the affected stakeholders, governmental agencies and CWRM under its authority granted in HRS §174C-10 and HAR §13-167-23. These proceedings would allow the parties to fully develop the facts, and may lead to a resolution or resolutions acceptable to all.

Lastly, Ukumehame has reviewed and concurs with the following points developed by other stakeholders, who we understand are opposed to the designation of the Lahaina Aquifer Sector, and/or have requested further dialogue with CWRM staff prior to finalizing any action on the WMA designations.

- **The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.**
 - No supply issue warrants the designation of the entire Sector. As the County of Maui DWS explains, “threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer” only and not the entire Sector.
 - The State of Hawai‘i Department of Health similarly concluded “that criteria are not met for five (5) of the six (6) aquifer systems in this sector” and that “WMA designation is appropriate for the Honokōwai Aquifer System.”
- **New use permits cannot be processed until all existing use permits have been processed, which may take decades.**
 - A future use is any use that does not exist at the time a designation is made.
 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took the *three* applicants *five* years to obtain permits in the Iao aquifer (Maui ground water) after the designation in 2003.
- **For these reasons, designation will likely mean a moratorium on future uses (for decades).**
 - DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: “[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new source are awarded.”
 - A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.
- **A moratorium on future uses means a moratorium on affordable housing.**
 - Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC, and Todd Apo of the Hawai‘i Community Foundation support deferral and the appointment of a working group.

- **A moratorium on future uses, including affordable housing and any other development, means jobs are not created.**
 - Concerned unions, organizations and associations including ILWU Local 142, Hawai‘i Regional Council of Carpenters, Maui Chapter of Hawai‘i Carpenters Union, Hawai‘i Operating Engineers Industry Stabilization Fund, Hawai‘i Hotel Alliance and the Hyatt Regency Maui support deferral and the appointment of a working group.

- **Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.**
 - The resource is important and needs to be managed.
 - With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.
 - Once a designation is made, it will be extremely difficult to undo. **If the designation is a good idea today, it will be a good idea next month or the month after.**
 - Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Ukumehame respectfully requests that any action on the proposed designation of the entire Lahaina Aquifer Sector be deferred to allow additional time for the stakeholders and CWRM staff to evaluate whether the WMA designations are appropriate at this time, and to work collaboratively to propose a management scheme that truly protects the resource without creating havoc and harm to stakeholders.

Please feel free to contact me if you have any questions.

Sincerely,

/s/ Steven S.C. Lim
Steven S.C. Lim

June 13, 2022

Chair Case and Members of the Commission on Water Resource Management:

First, thank you for allowing me to testify on a shorter notice. Your protocol says 48 hours' notice, with Maui's boards, commissions, and County Council, testimony may be submitted at the actual meeting.

My name is William Spence I was the Planning Director from 2011 to mid 2018, and the Director of Housing and Human Concerns from mid 2018 to March of 2019.

I understand it has been said the Commission has been considering the West Maui resources and possible designation since approximately 2011. At no time during my tenure as a director in Maui County government did the commission engage with the Planning Department or DHHC regarding this potentially onerous regulation of water resources. This action is of such importance that we would have assigned staff specifically to review, follow, comment, and report directly to myself, the mayor, DWS, and Corporation Counsel. As such, Maui County has not been engaged sufficiently to provide meaningful discussion regarding this designation.

DWS has testified that designation will essentially create a moratorium on all permits. My greatest concern is for the local people, those born and raised on Maui who are now struggling to stay in the place where they grew up. Maui is in the middle of a severe housing crisis. Large numbers of residents are moving to the mainland because of a lack of housing and extraordinarily expensive cost of living. To combat this, Maui County has been actively encouraging small homeowners to construct Accessory Dwelling Units, have adopted "fast track" legislation for affordable housing.

Designating the aquifer will greatly hinder our efforts to help our families by placing yet one more hurdle in their way to improve their lives, and essentially stopping the construction of affordable housing.

I pray the commission defers this action and conducts a thorough investigation as to the consequences of such a designation.

Sincerely,

William Spence

From: [Erik Meade](#)
To: [DLNR.CW.DLNR.CWRM](#)
Subject: [EXTERNAL] 6/14/22 Water Commission Meeting Agenda Item #C1 written testimony
Date: Monday, June 13, 2022 2:22:33 AM

VIA EMAIL TRANSMITTAL

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.cwrn@hawaii.gov
Fax: (808) 587-0219

RE: Agenda Item #C1, Designation of the Lahaina Aquifer Sector, Maui as a Surface Water and Ground Water Management Area

Aloha Chair Case and Members of the Commission on Water Resource Management:

Mahalo for this opportunity to testify in strong support of your staff’s recommendation to designate the Lahaina Aquifer Sector as a surface and ground water management area.

We are grateful for yet another chance to share our mana‘o on this issue and note that the West Maui community has spoken overwhelmingly in support of designation. Community members have detailed serious disputes over water use across Maui Komohana, but this Commission is well aware of those conflicts given the many citizen complaints and other enforcement actions you have pending. In January, February, and again in April, ‘ohana have offered specific examples of how designation is necessary to protect and restore traditional and customary Native Hawaiian rights and practices, such as kalo cultivation from Ukumehame to Honokōhau. We are also concerned about drought, changing weather patterns, and the need to act today to preserve our resources for the future.

After carefully considering all of the scientific evidence, kama‘āina testimony, and other mana‘o, Commission staff determined that 2 of the 3 criteria for surface water and 6 of the 8 criteria for ground water management area designation have been satisfied. Mahalo ke Akua! Designation is important to secure our water future now for the generations to come. We understand that this process is complex, but believe that water use permitting is the best tool to address the many issues our community faces.

A handful of financial interests are now seeking to delay, but please stay the course. The idea that a working group might somehow be a substitute for designation is offensive to the many ‘ohana who have been seeking water justice for multiple generations.

Mahalo for the opportunity to testify in support of designation for the entire Lahaina Aquifer Sector, for considering my concerns, and for fulfilling your kuleana as a steward of our public trust by proactively protecting our resources.

Mahalo nui loa,
Erik Meade

From: Erik Meade [REDACTED]
Sent: Monday, June 13, 2022 2:22 AM
To: DLNR.CW.DLNR.CWRM
Subject: [EXTERNAL] 6/14/22 Water Commission Meeting Agenda Item #C1 written testimony

VIA EMAIL TRANSMITTAL

Commission on Water Resource Management
State of Hawai'i Department of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl Street, Room 227
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Mahalo nui loa,
Erik Meade

From: [Lynn F](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Defer Designation of the Lāhainā Aquifer Sector
Date: Monday, June 13, 2022 6:04:33 AM

Aloha Ms. Hyatt:

I am a resident of West Maui.

I understand that if designated, I may not be able to continue to use water in the way I've used it. I may not be able to use the amount of water I've been using.

I understand that if designated, and someone else doesn't agree with a use of water or the amount that is being used, there could be litigation.

I understand that if designated, and I want to use water in a new way, then I have to get a new use permit, which may take decades.

This means that if I want more water for my farm or yard, I may have to wait decades.

This means that if I want to build an ohana unit, I may have to wait decades.

This means that affordable housing may be halted for decades. Where will our children live?
Not West Maui.

Because there's no development, meaning housing and new businesses or farming, this means jobs are not created.

The water experts (CWRM, County Department of Water Supply and State Dept. of Health) disagree that the data supports designation. They disagree that there is a supply issue. They disagree that there is a health and safety issue.

DWS raised concerns about the consequences of the designation. CWRM has never responded to those concerns. CWRM has never evaluated the consequences of the designation. Because the consequences could be substantially detrimental to West Maui, I believe CWRM should sit down with the other water experts (County DWS and State DOH) to evaluate the data. I believe CWRM should consider the consequences. I support deferral so that the water experts, others (such as affordable housing developers) and the community can together decide if this is the best course for West Maui.

Mary Lynn Fisher
Lahaina, HI 96761

From: [David Dizon](#)
To: [DLNR.CW.DLNR.CWRM](#); [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Re: Agenda Item C1
Date: Monday, June 13, 2022 6:28:35 AM

Aloha Kakou,

My name is David Kahiwa Dizon. I am a lineal descendant of the Na'kaikua'ana 'Ohana nei.

I need to express how extremely important it is to have designation of the entire Lahaina aquifer sector as a ground and surface water management area (WMA)

Right now due to climate change rainfall is decreasing which leads to low streamflow. The process of designation and the permitting requirements that accompany it are critical to address these and other water availability issues brought on by climate change and rampant mismanagement. If you (we) don't get a handle on this now and Proactively manage the water to its fullest capacity then there will be no water for anyone. Yes not even the rich can buy water when there is none to be had. Right now this decision by CWRM is one of the most crucial decision it would ever make. Because this vote will decide the true future of Lahaina. Do what is right! Do what is pono !You all reap what you sow! So sow good things!

Hear us O Lord, the holy father and eternal God and graciously send your holy angel from heaven to watch over us to protect us to cherish us and to abide with us and defend all who dwell in this house. In Jesus name we pray, Amen. Amama ua noa, A lele waleaku la. Ka Wai Ola, The Water Of Life. Let's not wait until Ka Wai A'ole, No water. I vote YES for designation thank you and Mahalo

David Kahiwa Dizon
Kaua'ula Valley, Lahaina

--

Mahalo,

David K Dizon

Lahaina, HI 96767

From: David Dizon [REDACTED]
Sent: Monday, June 13, 2022 6:28 AM
To: DLNR.CW.DLNR.CWRM; Hyatt, RaeAnn P
Subject: [EXTERNAL] Re: Agenda Item C1

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Amama ua noa, A lele waleaku la. Ka Wai Ola, The Water Of Life. Let's not wait until Ka Wai A'ole, No water. I vote YES for designation thank you and Mahalo

David Kahiwa Dizon
Kaua'ula Valley, Lahaina

--
Mahalo,

David K Dizon
[REDACTED]
Lahaina, HI 96767

VIA EMAIL TRANSMITTAL

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: dlnc.cwrn@hawaii.gov

**Re: Agenda Item C1, Designation of the Lahaina Aquifer Sector,
Maui as a Surface Water and Ground Water Management Area**

Aloha Chair Case and Members of the Commission on Water Resource Management,

Mahalo nui for the opportunity to testify in strong support of designation of the Lahaina Aquifer as a Surface Water and Ground Water Management Area under Hawai‘i Revised Statutes § 174C-41. My name is MJ Palau-McDonald, and I’ve had the great privilege of working with community members from Lahaina who are directly impacted by your decision.

Mahalo to you Commissioners and your staff for your diligent work throughout this process. Designation is a first step towards na‘au pono—a deep sense of justice—for Maui Komohana communities and ecosystems that have been besieged by corporate interests for over one hundred years. As you heard from public testimony in January, February, and April, there is overwhelming support for designation. Community members, whose ‘ohana have been stewarding the ‘āina long before the plantation owners ever even washed up on Hawai‘i’s shores, need your support today to continue their traditional lifeways. These expert practitioners, who hold place-based ‘ike kūpuna (ancestral knowledge) amassed over centuries of kilo (close observation) and data collection, are essential to perpetuating traditional and customary Native Hawaiian practices, such as lo‘i kalo cultivation, and resilience in the face of the impending climate crisis. So many Kānaka, myself included, were unable to learn the ‘ike of our ancestors because our ‘ohana were forced off the land—by violence and fraud, by quiet title action, by diverting entire waterways to ensure that downstream life could no longer exist. Designation is critical to ensuring that Maui Komohana practitioners can continue to revitalize their ancestral lifeways and teach their constitutionally protected traditional and customary Native Hawaiian practices to the next generation.

Please vote to designate today. Any further delay and anything short of designating the entire Lahaina Aquifer Sector only rewards the handful of corporate interests that, along with their predecessors, have placed profits above people time and time again. Do not allow them to rip any more ‘ohana from their ‘āina.

Mahalo,

MJ Palau-McDonald

E: [REDACTED]

From: [Ed Mark](#)
To: [Hyatt, RaeAnn P;](#) [DLNR.CW.DLNR.CWRM](#)
Subject: [EXTERNAL] Testimony Against Designating the Entire West Side a Water Management Area Aloha Commissioners,
Date: Monday, June 13, 2022 6:40:33 AM

CWRM,

I recently became aware that the Commission on Water Resource Management may designate the entire Westside of Maui a surface and groundwater management area as early as this coming Tuesday, June, 14, 2022. There is very little awareness in my neighborhood that this enormous step is being considered. I understand there has been just one meeting to explain the proposal to the public and that the final CWRM report supporting the designation was just released for public review on June 10th. The rushed timing for a major decision like this, one that could impact residents' lives for decades, is way too fast.

I understand there is just one area, the Honokōwai aquifer, which may become oversubscribed, that triggered this action. As County of Maui Department of Water Supply explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire sector. But rather than focus on Honokōwai, CWRM proposes to inflate the scope to all 6 aquifers and designate the entire West Side as a surface and groundwater management area. Both the County and the Hawaii Department of Health disagree with designating the entire area as a water management area. The County went so far as to say "There are clearly aquifer systems included in the initiative with no basis for designation as set forth in the State Water Code. [Maui County Department of Water Supply] does not support designation of the entire aquifer sector."

Management area designation will create massive bureaucratic permitting burdens, likely resulting in conflicts, lawsuits and water moratoriums as were seen with Molokai, Na Wai Eha and Iao. Water management area designations should not be taken lightly and should be reserved only to address severe shortages.

I encourage you to focus on solutions for Honokōwai.

Regarding the management area designation, I suggest you create a CWRM sponsored working group populated with water resource experts, Maui County and full representation from the entire West Side to determine the appropriate scope of any designation. Doing so may result in a better decision but either way, it will improve the opportunity for West Side communities to be involved.

Thank you,
Ed Mark

[REDACTED]
Lahaina, HI 96761

[REDACTED]
805. [REDACTED]

From: Ed Mark [REDACTED]
Sent: Monday, June 13, 2022 6:40 AM
To: Hyatt, RaeAnn P; DLNR.CW.DLNRCWRM
Subject: [EXTERNAL] Testimony Against Designating the Entire West Side a Water Management Area Aloha Commissioners,

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Thank you,

Ed Mark

[REDACTED]
Lahaina, HI 96761

[REDACTED]
805 [REDACTED]

From: [Gloomy Terrier](#)
To: dlnr.cwr@hawaii.gov; [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Re: Agenda Item C1
Date: Monday, June 13, 2022 6:52:18 AM

Hello everyone,

Thank you for taking your time to read my email testimony.

I am Shaileann Moon Kuluwaimakalani Dizon from Kaua'ula Valley in Lahaina. I am 16 years old and I attend Lahainaluna High School. My parents are David and Samantha Dizon. And my grandparents are Albert and Yolanda Dizon. I am here to vote YES for the designation. My future depends on this vote. This vote depends on my future. With no help from Launiupoko Irrigation Company of having to turn off the water on us, without any notification, does not help me feel safe knowing they may have a say. It was irresponsible and cruel. thank you again.

Shaileann-Moon Dizon

From: [Kaike Dizon](#)
To: [DLNR.CW.DLNRCWRM](#); [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Agenda Item C1
Date: Monday, June 13, 2022 7:14:55 AM

Have you ever ran for your life from a supposed “wildfire” and lost everything you owed. Have you ever lost your water because a white man feels like it. I feel like nothing has changed we are still living in old times. Where my Hawaiian family and I are being deceived by the white man just because he has money. He’s evil and only cares about his bigger picture and will do anything to help his family no matter who he hurts. I have live stock fifty ducks to be exact. And when he turned it off. My ducks were dehydrated and yearning for something to drink. I’m tired of being messed with and I know you guys can fix that. So either help us or not. Because when it’s my turn to lead my family. There will be no bullshit anymore. It stops now or later. Either way it’s happening. If he wins it just goes to show that only money will change your mind and not the lives of innocent humans or animals. So I vote Yes for designation. I am ka’ikekaikaikaohalmano Devin Dizon third generation to live for my Great grandma Mahelona Who fought for this land.



June 13, 2022

Honorable Suzanne Case, Chair
And Members of the Commission on Water Resource Management
Department of Land and Natural Resources
State of Hawaii
1151 Punchbowl Street, Board Room 132
Honolulu, Hawaii 96809

Agenda item C.1. Comments in Opposition to and Requesting Deferral of the Designation of the Lahaina Aquifer Sector as a Surface Water and Ground Water Management Area.

Tuesday, June 14, 2022, at 9:00 a.m.
DLNR Boardroom. 1151 Punchbowl Street, 1st Floor

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers, and utility companies. LURF's mission is to advocate for reasonable, rational, and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources, and public health and safety.

LURF appreciates the opportunity to submit comments in **opposition to and requesting a deferral of** the proposal by the Commission on Water Resource Management (the Commission) to designate the Lahaina Aquifer Sector as a Surface Water and Ground Water Management Area.

LURF's request for **deferral** is to allow time for the **establishment of a working group** to collaboratively share and evaluate scientific data and information, address scientific interpretations and conclusions, and explore alternatives to address the water issues relating to the Lahaina Aquifer. The working group could be comprised of scientific experts, including, but not limited to, the Commission and its staff, Maui County Department of Water Supply (DWS), State Department of Health (DOH), water providers, water experts, Department of Hawaiian Homelands, Housing Finance and Development Corporation, affected landowners, businesses, housing developers, agricultural interests, other community groups, and legislators (affected stakeholders).

The Proposed Designation.

The Commission has proposed the subject designation, citing water supply issues (“threats to water resources by existing and proposed withdrawals”) and contending that the County of Maui (the County) does not have adequate assurance that there will be sufficient water to sustain resources in the future. However, the Commission’s Petition and its findings are **inconsistent** with the scientific data and conclusions of the DOH, DWS, and other water experts, and **conflicts** with County plans.

The Commission’s pursuit of the proposed designation also ignores the critical fact that it has **disregarded** appropriate procedural vehicles; did not identify the County and Maui Department of Water Supply (DWS) as the proper authorities with which it should **collaborate** to justify such unprecedented designation; and failed to first consider reasonable alternatives and exhaust appropriate administrative remedies available to it prior to considering the subject designation, and by doing so, has attempted to shortcut and **circumvent** existing laws, rules and regulations, and local planning and policy decisions to the **detriment** of affected stakeholders, community members, and the County.

LURF’s Position.

In Maui County and throughout the state, LURF members have continued to serve as stewards of Hawaii’s water resources and active partners with the State and counties in the conservation of water resources, and the preservation and protection of existing and potential water sources. LURF, therefore, unquestionably **supports** the objectives of the Commission to preserve and protect the State’s precious water resources.

Based, however, on its understanding and review of the information presented relating to the Lahaina Sector and underlying the proposed designation, LURF must respectfully **oppose** the designation and request a **deferral** for the following reasons:

A. Use of a Petition for Designation Should Not be Allowed as a Mechanism to Shortcut or Circumvent Current State and County Laws and Regulations Which Already Exist to Protect and Manage Water Resources.

1. Designation Being Sought Should Properly be Obtained in Collaboration with the County, and Not Directly by the Commission.

State and County laws and regulations regarding water resources that address the stated concerns of the Commission **already exist and are properly administered** by the County via powers conferred upon it by the State Legislature through Hawaii Revised Statutes (HRS), Chapters 46 and 174C.¹

¹ HRS Chapter 46 confers certain powers, including powers relating to land use and waterworks to the counties, and HRS Chapter 174C-31 grants unto the counties the power to establish, pursuant to the State Water Code,

Also, HRS 174C-2 (e) provides that the state water code shall be liberally interpreted and applied in a manner which **conforms** with intentions and plans of the counties in terms of land use planning.

Because the issues identified by the Commission arise from local land use planning determinations and policy decisions made by the County, it is LURF's position that the redress currently being sought by the Commission should rightfully be obtained in **collaboration** with the County and DWS, and not solely by this Commission.

2. The Role of the Commission is to Set Policies, Protect Resources, Define Uses and Establish Priorities Relating to the State's Water Resources.

Pursuant to HRS 174C, the Commission is the entity charged with the policy-making responsibilities of the State, as trustee of water resources, including setting policies, defining uses, establishing priorities while assuring rights and uses, and establishing regulatory procedures.

LURF believes that the Commission's election to intervene into the County's administrative and operational jurisdiction over water issues by directly proposing the subject designation which is **inconsistent** with the scientific data and conclusions of DOH and DWS, and **conflicts** with the county planning decisions, would lead to the **confusing and chaotic** situation wherein the Commission itself would then be required to administer ground water issues within the designated management areas separate and apart from administration by the counties. Such action by the Commission would set **bad precedent** and lead to **further complicated issues** such as the determination of the extent or boundaries of any management area identified pursuant to such designations.

B. The Petition is Void of Undisputed Scientific Facts or Evidence Proving that Existing or Proposed Withdrawals of Water Have Had or Will Have Adverse Effects or Impacts on Water Resources in the Area.

Despite the fact that science serves as the foundation of the Commission's management area designation decision-making, and also that State law (State Water

water use development plans which include, amongst other things, future land uses and related water needs (HRS 174C-31(f)(2)); and "regional plans for water developments and relationship to the water resource protection" (HRS 174C-31(f)(3)).

Maui County Charter, Article 8, Chapter 11 affords the DWS the authority to manage and operate all water systems owned by the county (Section 8-11.2.1); in order to protect and manage the water resources in the county, the DWS is required to make studies, surveys, and investigations relating to the locations and sources of water supply within the county, the amounts available for current and prospective uses, the water resources which may be available for such uses and the maximum sustainable yield of such sources (Section 8-11.2.2); and the DWS is required to implement the county's general plan and community plans in the administration of its affairs, and is also required to prepare and annually update a long-range capital improvement plan and an updated water use and development plan, which shall be subject to the approval of the council, as provided by law. (Section 8-11.2.3).

Code, HRS Chapter 174C – specifically, §174C-41) expressly requires that designation of water management areas shall occur only when it can be reasonably determined, after conducting scientific investigations and research, that the water resources in an area may be threatened, the Commission’s proposal **fails to contain satisfactory evidence** proving the detrimental effect or impact on water resources in the area.²

The **prior testimony of DOH (April 14, 2022) and DWS (April 25, 2022)**, as well as respected experts in the areas of geology and hydrology have unanimously concluded that to date, **no data or evidence exists** showing an impact to groundwater and surface water resources in the identified area that would justify designation of five (5) of the six (6) aquifer systems in the Lahaina Aquifer Sector, and thus **conflicts** with the findings in the Commission’s proposal.

C. The Commission’s Designation is Flawed Because an Environmental Impact Statement (EIS) Was Not Prepared.

LURF believes that the Commission’s Petition **violated** the letter, if not the spirit of the EIS law, because an EIS was not prepared, when the Commission knew, or should have known that the proposed designation of the Lahaina Aquifer will involve state or county lands or funding, which are well-established triggers that require the preparation of an EIS or an Environmental Assessment under HRS §343-5.

HRS §343-1, states that the purpose of the EIS law is to establish a system of environmental review which will ensure that environmental concerns are given appropriate consideration in decision making along with **economic and technical considerations**; that the environmental review process will integrate the review of environmental concerns with **existing planning processes of the State and counties**; and that the process of reviewing environmental effects is desirable because **cooperation and coordination** are encouraged, and **public participation** during the review process benefits all parties involved and society as a whole.

The EIS Rules³ require a summary that discusses proposed **mitigation** measures; **alternatives** considered; **unresolved issues**; and compatibility with **land use plans and policies**. Also required is a general description of the action’s technical,

² It should be noted that HRS Section 174C-5(2) in fact sets forth an even higher qualification for designation of an area as a water management area, requiring that the Commission must find, after conducting the research and investigation mentioned in Section 174C-5(1), and consulting with the appropriate county council and county water agency, and after public hearing and published notice, that water resources of the areas **ARE BEING** (not **MAY BE**) threatened by existing or proposed withdrawals of water.

HRS Section 174C-5(1) specifically requires that designation of water management areas be made by the Commission only after it has conducted “topographic surveys, research, and investigations into all aspects of water use and water quality.”

³ Hawaii Administrative Rules, Title 11, Chapter 200.1 Subchapter 10, (HAR) §11-200.1-24 Content requirements; draft environmental impact statement; and HAR §11-200.1-27 Content requirements; final environmental impact statement.

economic, social, cultural, and environmental characteristics; phasing and timing of the action; and a summary of the technical data, diagrams, and other information. Most importantly, an EIS would require **a detailed discussion of the alternatives**,⁴ which could include legislative funding, which is **lacking** in the Commission's staff report.

The affected stakeholders have repeatedly testified about the scientific data discrepancies, conflicts in scientific interpretations and conclusions, explained the unintended negative consequences, expressed disappointment relating to the lack of Commission outreach to Stakeholders, and have noted that the Commission has not seriously considered other reasonable alternatives. All these stakeholders are requesting a **deferral** to allow for the establishment of a working group with more **public participation, cooperation, and coordination** with the Commission, and to explore **alternatives**. We believe that if the Commission followed the law and engaged in the EIS process, that much of the disputed data and conflicting interpretations could have been **resolved**, and **reasonable and cost-effective alternatives** could have been agreed upon.

D. The Proposed Designation Would Result in Substantial Unnecessary Costs for the County.

Should the designation be approved, landowners and businesses would need to invest **significant time and money** complying with the requirement to obtain State Water Use Permits for certain uses in the management area, and the application process

⁴ HAR §11-200.1-24 (h) requires "in a separate and distinct section discussion of the alternative of no action as well as reasonable alternatives that could attain the objectives of the action. The section shall include a rigorous exploration and objective evaluation of the environmental impacts of all such alternative actions. Particular attention shall be given to alternatives that might enhance environmental quality or avoid, reduce, or minimize some or all of the adverse environmental effects, costs, and risks of the action. Examples of alternatives include:

- (1) Alternatives requiring actions of a significantly different nature that would provide similar benefits with different environmental impacts;
- (2) Alternatives related to different designs or details of the proposed action that would present different environmental impacts; and
- (3) Alternative locations for the proposed action.

In each case, the analysis shall be sufficiently detailed to allow the comparative evaluation of the environmental benefits, costs, and risks of the proposed action and each reasonable alternative. For alternatives that were eliminated from detailed study, the section shall contain a brief discussion of the reasons for not studying those alternatives in detail. For any agency actions, the discussion of alternatives shall include, where relevant, those **alternatives not within the existing authority of the agency**.

for such Permits would entail **Contested Case Hearings**⁵. County DWS staff would need to invest substantial time reviewing permit applications and renewals, and monitoring conditions imposed. Further, all parties would incur **time and cost for legal challenges**, including those associated with the specific delineation of management areas.

LURF believes the proposed designation is also unsound because it fails to include **specific cost information** regarding the need for additional employees, equipment, and other costs which is unnecessary and would overlap the efforts of State and County agencies. The proposal also fails to address the aforementioned cost of legal challenges relating to the designation. The Commission's approval of this designation without determining or even identifying the potential resulting costs to the County taxpayers would be imprudent and **in violation** of the EIS Rules.⁶

E. The Proposed Designation Will Discourage Future Water Source Development in the County.

The unnecessary additional requirements and restrictions imposed by the proposed designation will make future development of additional ground water supplies on Maui even **more expensive and cost-prohibitive**. Private landowners will be less willing to provide land for new water well sites since the designation would restrict uses on lands that surround water wells.

The proposed designation could also create **unintended negative consequences** on the development of new water resources by the County. To avoid restrictions and impacts on surrounding land uses and landowners, the County may be forced to site future water sources such as drinking water wells in remote locations in areas currently zoned conservation, which will also increase the costs of new water development due to higher capital, power, and transmission costs required by such remote well locations.

F. The Proposed Designation Will Negatively Impact Landowners in the Management Area by Imposing Restrictions on the Use of Their Lands.

As discussed above, the proposed management area designation would prohibit certain uses in the vicinity of existing water sources and require a State Water Use Permit, the application process for which would entail a Contested Case Hearing. These new restrictions and requirements are another strong **disincentive** for property owners to expand, reconstruct, or develop their property.

New investment in property in such areas would also be **discouraged** as any new land use in the vicinity could be prohibited or may be required to obtain State Water Use

⁵ Every State Water Use Permit in the designation process is subject to a Contested Case Hearing by which there is no guarantee of a permit (even for existing permittees).

⁶ (HAR) §11-200.1-24(b) requires at appropriate points, **cost-benefit analyses**.

Permits, which could affect financing or negate justification for any substantial investment.

G. The Proposed Designation May Subject the County to Legal Challenges by Surrounding Property Owners.

The proposed designation may also subject the County to legal challenges which could result in the County compensating landowners for the loss of value of surrounding properties.

H. The Proposed Designation Will Negatively Impact the “Vested Rights” of Landowners, Owner-Builders, and Developers of Master Planned Communities.

The fact that the proposed designation may prohibit and restrict any new land uses or facilities - even those which have been **fully approved and permitted** by the County but not yet built, is one of the most significant and serious concerns about the petition.

The proposed designation would detrimentally affect areas on Maui that have been designated for urban and other land uses; that have obtained approved zoning for those uses; or that have secured other land use and building permits which are consistent with the Maui County General Plan and other Community Development Plans. The designation would impose new laws, rules and regulations that would change existing laws and regulations by prohibiting or restricting the approved land uses which are consistent with the above-referenced County plans, thereby rendering the prior governmental land use plans and approvals **void or ineffective**. County landowners who have already obtained government approvals and assurances for certain land uses and developers of master planned communities have all expended substantial funds **in reliance** on those existing governmental land use approvals.

Because the proposed designation would change the existing laws and regulations to prohibit or substantially restrict a use or project **after** the government has already granted land use, subdivision, or building permit approval, and the landowner has altered its position in reliance upon such governmental land use approval, the prohibitions and restrictions of the proposed designation could provoke **“vested rights”** and **“zoning estoppel”** claims against the County, resulting in expensive and lengthy litigation.

I. The Proposed Designation Violates the Spirit and Intent of the “Right to Farm” Law and Will Negatively Impact Farmers and Agricultural Operations.

The proposed designation would also restrict the agricultural use of reclaimed water for agricultural irrigation, confined animal feeding operations, and the use of fumigants and pesticides on lands within the management area. These restrictions would create **major obstacles** for farmers and agricultural operators and violate the

spirit and intent of the Hawaii State Planning Act and Hawaii's "Right to Farm" law, HRS Chapter 165. Under the Hawaii State Planning Act, it is a declared policy of this State to "foster attitudes and activities conducive to maintaining agriculture as a major sector of Hawaii's economy." Accordingly, Hawaii's "Right to Farm" law protects farmers from nuisance lawsuits "if the farming operation has been conducted in a manner consistent with generally accepted agricultural and management practices." The "Right to Farm" law further creates a rebuttable presumption that a farming operation does not constitute a nuisance.

The proposed designation is **inconsistent** with Hawaii's "Right to Farm" law because it would restrict farming and agricultural operations even if the farming operation has been conducted in a manner consistent with generally accepted agricultural and management practices. It would put farmers in the **impossible position** of having to prove no impact of a practice, rather than regulators having to show a detrimental impact.

Conclusion.

LURF's procedural objection to this designation effort being furthered solely and directly by this Commission aside, based on the inability of the Commission to present any undisputed material facts or evidence to conclusively prove that the proposed designation is warranted, the lack of consideration of reasonable alternatives, together with the fact that this scientifically unjustified proposal could result in significant negative economic repercussions for the County, the State, and various industries, LURF must, despite of its steadfast support of efforts to protect and preserve Hawaii's precious water resources, respectfully **oppose** and request a **deferral** of the proposed designation and establishment of a **working group**.

Thank you for the opportunity to provide comments and concerns regarding this important matter.

From: [Uilani Kapu](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Testimony of Item C-1
Date: Monday, June 13, 2022 7:36:18 AM

Aloha Commission

My name is Uilani Kapu and I am a lineal Descendant of the Lahaina Aquifer Sector and still reside in the Ahupua'a of Kaua'ula Valley, in the Lahaina Aquifer Sector.

I am in favor of the Designation of Lahaina Aquifer Sector as a Surface Water and Ground Water Management Area.

I have 4 children and 14 grandchildren who all live in Kaua'ula Valley who are also in favor of this Designation. Wē have been part of this process from 2011 to know and been apart of the meetings and assisting in Water monitoring.

This is important to our future generation to be able to work in the loi as there Kupuna have and to know what o'opu and hīhīwai are in a running stream, mauka to makai.

I have reviewed the Staff recommendation and am grateful for the information that has been provided and how important it is to have this information. The private Sector would not have made this information public, wē know first hand for wē have been dealing with LIC since they took over.

Mahalo for the great job, the Kapu Ohana all 24 of us are in STRONG SUPPORT of Item C-1 Designation of the Lahaina Aquifer Sector as a Surface w Water and Ground Water Management Area.

E Ola I Ka Wai, for our future!

Mahalo
U'ilani Kapu

Sent from my iPhone

From: [Samantha Dizon](#)
To: [Hyatt, RaeAnn P](#); [DLNR.CW.DLNR.CWRM](#)
Subject: [EXTERNAL] Re: Agenda Item C1
Date: Monday, June 13, 2022 7:39:48 AM

Aloha everyone,

Mahalo nui for allowing the community to have this opportunity with you all. To express how we feel on this very important issue.

I am Samantha Ho'oipo Dizon. I was born and raised in Pukalani almost all my life. My grandfather, Henry C Inciong was a forest ranger who still today has an arboretum named after him. If you're not familiar, it's the Ke'anae Arboretum, in Ke'anae Maui. He taught us the importance of water. The essence of it all. I was 10 years old when he passed away but in that short time spent with him, he taught us the different fruits, flowers, and trees. They all share the same common thing.... water. Without it, nothing can be grown. So, as we know, in Lahaina, water is scarce. With that said, mismanaged and those who are uneducated in this field, don't know anything. We have proven that to you. LIC aka Launiupoko Irrigation Company turned off our water, WITHOUT and notices, heads up, FYI, email, text, phone call, NOTHING to let us know they were going to do that. It was evil. Where we live, in Kaua'ula Valley, in our property, we have kalo, papaya trees, banana trees, sweet potatoes, a chili pepper tree, a lot of ti leaves, orange trees, and many other plants and trees that are being grown. We also have live stock. We have ducks and chickens and our neighbors have goats. After the fire, back in 2018, when our home was finally built 2 years later, my husband David and I started to grow all of these plants. And at that time there was enough water. But then we noticed our pressure was getting low month after month and then one day it was just shut off. Our families has gone through A LOT with WML who is also LIC who we all know is Peter Martin. Can we and shall we go through a different route??? Yes, I think it's time! It is time to say YES on Designation. My papa would have agreed. I feel it. I feel it's the pono thing to do. I pray and hope that, not only you make the right decision but our Governor will too.

Mahalo
Samantha Dizon
Kaua'ula Valley

From: [Mary Anderson](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data
Date: Monday, June 13, 2022 7:48:06 AM

Aloha,

My name is Mary Anderson, and I am a resident of Lahaina. I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- **The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.**
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
 - The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."
- **New use permits cannot be processed until all existing use permits have been processed, which may take decades.**
 - A future use is any use that does not exist at the time a designation is made.
 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took the *three* applicants *five* years for to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
- **For these reasons, designation will likely mean a moratorium on future uses (for decades).**
 - DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: **"[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without new source to offset surface water from Kanaha Stream.** Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new source are awarded."

<!--[if !supportLists]-->◦ <!--[endif]-->A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.

- **A moratorium on future uses means a moratorium on affordable housing.**

<!--[if !supportLists]-->◦ <!--[endif]-->Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC and Todd Apo of the Hawai‘i Community Foundation support deferral and the appointment of a working group.

- **A moratorium on future uses, including affordable housing and any other development, means jobs are not created.**

<!--[if !supportLists]-->◦ <!--[endif]-->Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai‘i Regional Council of Carpenters, William Kama'i and Bruce U‘u of the Maui Chapter of Hawai‘i Carpenters Union, Dwight Burns of the Hawai‘i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai‘i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.

- **Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.**

<!--[if !supportLists]-->◦ <!--[endif]-->The resource is important and needs to be managed.

<!--[if !supportLists]-->◦ <!--[endif]-->With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.

<!--[if !supportLists]-->◦ <!--[endif]-->Once a designation is made, it will be extremely difficult to undo. **If the designation is a good idea today, it will be a good idea next month or the month after.**

<!--[if !supportLists]-->◦ <!--[endif]-->Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

I appreciate the opportunity to provide testimony, and I look forward to seeing a working group put in place on this topic.

Respectfully,

Mary Anderson

From: [Jeanie Brandt Gmail](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.
Date: Monday, June 13, 2022 8:00:45 AM

My name is Jeanie Brandt, and I am a resident of Lahaina. I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.
 - o No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
 - o The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."
- New use permits cannot be processed until all existing use permits have been processed, which may take decades.
 - o A future use is any use that does not exist at the time a designation is made.
 - o In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took the three applicants five years for to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
- For these reasons, designation will likely mean a moratorium on future uses (for decades).
 - o DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new source are awarded."
 - o A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.
- A moratorium on future uses means a moratorium on affordable housing.
 - o Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC and Todd Apo of the Hawai'i Community Foundation support deferral and the appointment of a working group.
- A moratorium on future uses, including affordable housing and any other development, means jobs are not created.
 - o Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai'i Regional Council of Carpenters, William Kamai and Bruce U'u of the Maui Chapter of Hawai'i Carpenters Union, Dwight Burns of the Hawai'i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai'i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.
- Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.
 - o The resource is important and needs to be managed.
 - o With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.
 - o Once a designation is made, it will be extremely difficult to undo. If the designation is a good idea today, it will be a good idea next month or the month after.
 - o Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Respectfully,

Jeanie Brandt

From: [dean guizot](#)
To: [DLNR.CW.DLNRCWRM](#)
Subject: [EXTERNAL] Object to water management area
Date: Monday, June 13, 2022 8:01:19 AM

I am a West Maui resident, living full time in the Oluwalu Makai subdivision. At the present time, there appears to be an inadequate evidentiary foundation that will allow evaluation of the consequences of any proposed action to be taken by the Commission. I am unaware of any community outreach efforts that have been undertaken by the Commission.

For these reasons, I oppose undertaking any final Commission action before the issues presented are thoroughly studied and the community is adequately informed of the effects the Commission's proposed action may have on present water users and future development in West Maui.

Thank you.

Sincerely,

Dean Guizot



Lahaina ,HI
96761

From: [Hunton Conrad](#)
To: [DLNR.CW.DLNRCWRM](#)
Subject: [EXTERNAL] Oppose CWRM designation for west Maui
Date: Monday, June 13, 2022 8:13:10 AM

I oppose the vote on the 14th(tomorrow) there should be more community input before rushing to judgment.

Sincerely , Hunton Conrad

From: [arlenet.t](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] West Maui as Water Management Area – Please DEFER Designation
Date: Monday, June 13, 2022 8:20:58 AM

Aloha Commissioners,

The June 14, 2022, Meeting Agenda of The Commission on Water Resource Management includes an Action Item to “Accept Findings of Fact and Chairperson’s Recommendation to Designate the Lahaina Aquifer Sector Area as both a Surface Water and Ground Water Management Area...”

As a multi-generation resident of Maui, I am concerned with yet another decision regarding an increasingly precious resource that may gravely impact our lives and future here on the island. Please DEFER this Designation Decision to allow time for a more thorough review of information and to study the impacts of your decision.

The County of Maui’s Department of Water Supply has indicated that this Designation may result in a “de facto building moratorium.” This means no more new uses: businesses, farms, schools, medical facilities etc. potentially for decades – what kind of impact will this Designation have?

Na Wai Eha users are still in court after more than a decade. With far more existing and proposed uses in the West Maui area, what kind of impact will this Designation have?

Rainfall on the island seems to be getting less every year – what kind of impacts will this Designation have?

Designation would result in thousands of applications for water uses and amounts for each existing use (both surface and ground water) to be filed and processed by CWRM. And each application may be legally challenged – what other impacts will this Designation have?

Before voting, the commission should fully evaluate and understand the processes, time frames and other unintended consequences. Please defer this Designation to allow more time to fully consider and evaluate the impacts your decision will have on the lives and future of the residents on Maui.

Thank you for your time and consideration.
Arlene Torricer

From: [Ann Fischer Hecht](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.
Date: Monday, June 13, 2022 8:34:08 AM

Dear CWRM members,

My name is Ann Fischer Hecht and I am a resident of Lahaina. I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- **The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.**
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
 - The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."
- **New use permits cannot be processed until all existing use permits have been processed, which may take decades.**
 - A future use is any use that does not exist at the time a designation is made.
 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took the *three* applicants *five* years for to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
- **For these reasons, designation will likely mean a moratorium on future uses (for decades).**
- DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new source are awarded."
- A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.
- **A moratorium on future uses means a moratorium on affordable housing.**
- Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC and Todd Apo of the Hawai'i Community Foundation support deferral and the appointment of a working group.
- **A moratorium on future uses, including affordable housing and any other development, means jobs are not created.**
- Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai'i Regional Council of Carpenters, William Kamai and Bruce U'u of the Maui Chapter of Hawai'i Carpenters Union, Dwight Burns of the Hawai'i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai'i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.
- **Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.**

- The resource is important and needs to be managed.
- With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.
- Once a designation is made, it will be extremely difficult to undo. **If the designation is a good idea today, it will be a good idea next month or the month after.**
- Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

I appreciate the opportunity to provide testimony. One of the aspects of living in this community that we treasure is the sense of community that exists and is fostered by the local culture. We are at our best when we work together to solve our collective challenges. A working group will provide the time and space for this to happen. Maui is not a colony of Oahu, and for CWRM to go ahead with this designation without the input from Maui Nui, Maui Island or residents of West Maui feels like an echo of the suffering caused by a colonial paternalistic approach to our precious natural resources in history. Let us learn from this history and not repeat it. Let us solve our challenges together— as a community, with the participation of the community.

Respectfully,

Ann F Hecht

From: [Gary Armistead](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Deferral of June 14 Action on Designation of Lahaina Sector as a Surface Water and Groundwater Management Area
Date: Monday, June 13, 2022 8:34:26 AM

My name is Gary Armistead, and I am a full time resident of Lahaina.

I am writing to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

I submit the following points in support of deferring the action on designation set for June 14:

- o The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.
- o No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
- o The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."
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- o For these reasons, designation will likely mean a moratorium on future uses (for decades).
- o DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand

the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new source are awarded."

- o A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.

- o A moratorium on future uses means a moratorium on affordable housing.

- o Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC and Todd Apo of the Hawai'i Community Foundation support deferral and the appointment of a working group.

- o A moratorium on future uses, including affordable housing and any other development, means jobs are not created.

- o Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai'i Regional Council of Carpenters, William Kamai and Bruce U'u of the Maui Chapter of Hawai'i Carpenters Union, Dwight Burns of the Hawai'i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai'i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.

Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.

- o The resource is important and needs to be managed.

- o With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.

- o Once a designation is made, it will be extremely difficult to undo. If the designation is a good idea today, it will be a good idea next month or the month after.

Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Respectfully,

Gary A. Armistead, Colonel, USAF, ret.

From: [Patrick Rolfes](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] OPPOSE CWRM designation West Maui Water Designation
Date: Monday, June 13, 2022 8:38:24 AM

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

Patrick Rolfes

From: [Milford Walker](#)
To: [Hyatt, RaeAnn P](#)
Cc: [DLNR.CW.DLNRCWRM](#)
Subject: [EXTERNAL] West Maui WMA
Date: Monday, June 13, 2022 8:44:32 AM

Commission on Water Resource Management

My wife, Gwendolyn, and I have recently completed our home in the Kaanapali Coffee Farm. We have just become aware of the proposed designation of West Maui as a water management area (WMA) set for tomorrow June 14th, 2022. Our association is just now in the process of transitioning to a board elected by the homeowners as opposed to being appointed by the developer Kaanapali Land Management.

Given that the farm will be significantly impacted by this designation, that we as homeowners are just becoming aware of this proposal, that the coffee farm is likely a significant water user, and by the fact that others in our neighborhood are expressing the need for more clarity and input, we request that you establish a working group of those concerned to allow our association and others to give informed input before making this designation.

Thank you for your consideration.

Sincerely
Milford Walker


Lahaina, HI 96761
206 
808 

Sent from my iPhone

From: [Uilani Kapu](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Item C-1
Date: Monday, June 13, 2022 8:45:36 AM

Hī

My name is Manuia Kapu my dad is Jacob Kapu and my Papa is Ke'eaumoku Kapu and my Tūtū Kāne is Paul Kapu. Wē all live in Kaua'ula and are Kalo farmers.

I am in STRONG SUPPORT of this designation I dont like that we come home sometimes and dont have Water. Please help us and pass this today for my future.

Mahalo

Manuia Kapu

Sent from my iPhone

From: [Leonard Nakoa](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL]
Date: Monday, June 13, 2022 8:56:16 AM

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
Fax: (808) 587-0219

RE: Agenda Item #C1, Designation of the Lahaina Aquifer Sector, Maui as a Surface Water and Ground Water Management Area

Aloha Chair Case and Members of the Commission on Water Resource Management:

Mahalo for this opportunity to testify in strong support of your staff's recommendation to designate the Lahaina Aquifer Sector as a surface and ground water management area.

We are grateful for yet another chance to share mana'o on this issue and note that the West Maui community has spoken overwhelmingly in support of designation. Community members have detailed serious disputes over water use across Maui Komohana, but this Commission is well aware of those conflicts given the many citizen complaints and other enforcement actions you have pending. In January, February, and again in April, 'ohana have offered specific examples of how designation is necessary to protect and restore traditional and customary Native Hawaiian rights and practices, such as kalo cultivation from Ukumehame to Honokohau. We are also concerned about drought, changing weather patterns, and the need to act today to preserve our resources for the future.

After carefully considering all of the scientific evidence, kama'aina testimony, and other mana'o, Commission staff determined that 2 of the 3 criteria for surface water and 6 of the 8 criteria for ground water management area designation have been satisfied. Mahalo ke Akua! Designation is vital to secure our water future now for the generations to come. We understand that this process is complex, but believe that water use permitting is the best tool to address the many issues our community faces.

A handful of financial interests are now seeking to delay, but please stay the course. The idea that a working group might somehow be a substitute for designation is offensive to the many 'ohana who have been seeking water justice for multiple generations.

Mahalo for the opportunity to testify in support of designation for the

entire Lahaina Aquifer

Sector, for considering my concerns, and for fulfilling your kuleana as a steward of our public trust by proactively protecting our resources.

Shoots,

Leonard Nakoa III (JUNYA)

From: [Rosemarie Panish](#)
To: [Hyatt, RaeAnn P](#); [DLNR.CW.DLNRCWRM](#)
Cc: [REDACTED] [Bergson Chuck](#); [Morgan Ultima](#); [Morgan John](#)
Subject: [EXTERNAL] WRITTEN TESTIMONY SUBMISSION FOR HEARING dated JUNE 14, 2022 - DESIGNATION of the LAHAINA AQUIFER SECTOR, MAUI as SURFACE WATER and GROUND WATER MANAGEMENT AREA.
Date: Monday, June 13, 2022 9:00:27 AM

Dear Members,

We are Homeowners in West Maui. We respectfully request that action on the designation of the LAHAINA AQUIFER SECTOR (set for JUNE 14) be DEFERRED in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the vital resources for all affected individuals and entities.

As you know both County (DWS) and State (DOH) disagree with designating the entire Sector. Also, future uses will most likely result in moratoriums on future uses for decades which could result in many undue hardships and harm> For example it is likely to result in affecting affordable housing for residents and other business developments would impact creating much needed jobs for residents. To be fair and just, this designation needs be delayed so it can be studied and further evaluated to address all stakeholders' interests.

Thank you for your attention to this matter.

Respectfully submitted,
Rosie and Brian Panish
[REDACTED]
LaHaina, Maui 96761

Rosie Panish
[REDACTED]

From: [Uilani Kapu](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Item C-1
Date: Monday, June 13, 2022 9:13:09 AM

Aloha Kākou

I am the granddaughter of U'ilani and Ke'eaumoku Kapu.

I am in Support of the Lahaina Aquifer Designation as a Surface Water and Ground Water Management.

I was born in Kaua'ula Valley and will be raising my children in Kaua'ula, where I have learned how to grow kalo, pound kalo to make poi so that wē Can way it.

My family and friends like to help in our loi patches and pound poi so they Can take home to there Ohana.

Sometimes wē dont have Water, but wē manage.

I Support this Water Designation

Mahalo

Jahnoalyn Biga- Kapu

Sent from my iPhone

From: [Uilani Kapu](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Item C-1
Date: Monday, June 13, 2022 9:18:00 AM

My name is Po'okela Kapu and I live in Kaua'ula Valley. I Support is Water Designation. My māmā and papa are Uilani and Keeaumoku Kapu.

Mahalo

P'okela Kapu

Sent from my iPhone

From: [Lea Tamayose](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] DEFER designation of West Maui as a Water Management Area
Date: Monday, June 13, 2022 9:22:15 AM

Please defer action on the designation of West Maui as a Water Management area to allow time for review of the information, and to study the impacts of the designation. Also to answer all the questions on the water use application and permitting process.

Mahalo,
Lea Tamayose

From: [Uilani Kapu](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Item C-1
Date: Monday, June 13, 2022 9:37:10 AM

My name is A'ina Kapu with my sisters Makamae and Ka'iulani.
Wē Support this Designation. My Mom and Dad say I was baptised in our loi. Our loi is life and so is the Water that help it to grow.
My sisters and I with the help of my māmā Ui help us to always have Water to our loi
Mahalo
A'ina Kapu

Sent from my iPhone

From: [Lars Linder](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] PLEASE DEFER designation of West Maui as a Water Management Area
Date: Monday, June 13, 2022 9:44:48 AM

Aloha!

Please defer action on the designation that is set for June 14 to allow adequate time for review of the information, and to study the impacts of designation.

The water experts CWRM, County Department of Water Supply and State Dept. of Health disagree that the data supports designation. They disagree that there is a supply issue. They disagree that there is a health and safety issue.

DWS raised concerns about the consequences of the designation.

CWRM has never responded to those concerns.

CWRM has never evaluated the consequences of the designation.

Because the consequences could be substantially detrimental to West Maui, I believe CWRM should sit down with the other water experts (County DWS and State DOH) to evaluate the data.

I believe CWRM should consider the consequences. I support deferral so that the water experts, affordable housing developers and the community can together decide if this is the best course for West Maui.

Designation would result in thousands of applications for existing water uses and amounts for each existing use for both surface and groundwater filed and processed by CWRM.

Existing use applications are processed first. Each application can be challenged legally. What happens to the proposed new uses?

The County Water Dept. has indicated that there may be a de facto building moratorium. This means no new uses for anyone, any business, farm, school, or medical facility potentially decades.

CWRM has not considered the consequences of designation. The County Department of Water Supply brought up the affordable housing concern. CWRM has not responded.

Many have asked how the water use application and permitting process role out if designation occurs. CWRM has not responded

There were questions about CWRM's data supporting a designation. CWRM has not responded.

Please, again I ask you to defer action on the designation to allow adequate time for review of the information, and to study the impacts of designation.

Mahalo!

Lars Linder
Maui Resident

From: [Danae Dean](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Defer action on CWRM designation of West Maui
Date: Monday, June 13, 2022 10:03:42 AM

Hello, my name is Joshua Dean. Born and raised in Lahaina. I also own and operate a construction company that has built affordable housing projects, public, private and commercial projects. The unintended consequences of this designation are tremendous. There are still way too many unanswered questions regarding the process and how it will impact affordable housing, schools, hospitals, businesses, farms or other projects. DWS is against this designation and has stated that this would be a “de facto building moratorium” in West Maui. CWRM has not published the data used to come up with their numbers. The public has not been given sufficient time to review the information from CWRM. This designation will have a massive impact on our West Maui Community. We need more time. Slow this down, publish the facts, answer the questions.

Thanks,
Josh

From: [Tam Kim](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] CWRM west maui designation
Date: Monday, June 13, 2022 10:30:57 AM

To whom it may concern,

This email is regarding CWRM's attempt to designate West Maui as a water management area tomorrow.

It seems to many of us that the CWRM has not done due diligence on the affects of designating West Maui as water management area. By doing so, west Maui residence will have significantly negative impact on current and future usage. We see usage permit apps pending for years and years held up by the commission and can be legally stopped.

The county water department stated there may be a building moratorium, which may mean no new water usage for anyone for years to come. They also brought up issues of affordable housing and CWRM has not responded.

There is no clear permit and application a process outlined by CWRM. CWRM has no responded to this.

CWRM has not allowed public input on this issue by trying to push this designation through on a holiday Friday and hearing on following Tuesday. That appears suspiciously sneaky and fast steps to pass this designation under the radar or public. Why are they not giving enough time for public to review and have a voice in the matter?

Where did CWRM obtain the data to generate this report? They have not answered. Their findings appear suspicious due to lack of data sources.

I appeal to delay the designation vote until many questions are answered and the public has weighed in on this very impactful issue to the west side community.

Sincerely,

Tam Kim

From: [Tabatha Patel](#)
To: [Hyatt, RaeAnn P](#); [DLNR.CW.DLNR.CWRM](#)
Subject: [EXTERNAL] OPPOSE CWRM designation West Maui Water Designation
Date: Monday, June 13, 2022 10:32:21 AM

Aloha,

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

It is my belief that:

- **The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.**
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, “threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer” only and not the entire Sector.
 - The State of Hawai‘i Department of Health similarly concluded “that criteria are not met for five (5) of the six (6) aquifer systems in this sector” and that “WMA designation is appropriate for the Honokōwai Aquifer System.”
- **New use permits cannot be processed until all existing use permits have been processed, which may take decades.**
 - A future use is any use that does not exist at the time a designation is made.
 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took the 3 *applicants* 5 years to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
- **For these reasons, designation will likely mean a moratorium on future uses (for decades).**
 - DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: “[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new source are awarded.”
 - A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.
- **A moratorium on future uses means a moratorium on affordable housing.**
 - Concerned affordable housing developers include Mohannad Mohanna of

Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC and Todd Apo of the Hawai'i Community Foundation support deferral and the appointment of a working group.

- **A moratorium on future uses, including affordable housing and any other development, means jobs are not created.**
 - Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai'i Regional Council of Carpenters, William Kamai and Bruce U'u of the Maui Chapter of Hawai'i Carpenters Union, Dwight Burns of the Hawai'i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai'i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.

- **Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.**
 - The resource is important and needs to be managed.

 - With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.

 - Once a designation is made, it will be extremely difficult to undo. **If the designation is a good idea today, it will be a good idea next month or the month after.**

 - Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Respectfully,

Tabatha Noel-Patel

Tabatha Noel Patel

Realtor (S) 83594

m: (808) [REDACTED]

[REDACTED]



From: [Hannah Miyamoto](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] DEFER action on CWRM designation of West Maui
Date: Monday, June 13, 2022 10:33:45 AM

Hello,

My name is Hannah Miyamoto and I am a resident of West Maui. I have lived here all of my life and as someone who will be directly impacted on the matter of the CWRM designation of West Maui, I would like to submit testimony to DEFER this action.

Please defer action on the designation (set for June 14) in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

With such a hasty designation, we must consider the consequences and negative impact this will have on our community. The County Water Dept. has indicated that there may be a “de facto building moratorium.” This means no new uses for anyone, any business, farm, school, or medical facility potentially decades. The thought of this alone is scary and it is not fair for the future and progression of West Maui.

In conclusion I ask that on behalf of the well-being of our precious community, listen to those affected by the consequences of the designation. There is a lot of uncertainty and obscurities regarding this matter that I hope will soon be addressed. In the meantime, please defer the vote and action for the designation of West Maui as a ground and surface water management area.

Best Regards,

Hannah Miyamoto

West Maui Resident

From: [Ke"eaumoku Kapu](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL]
Date: Monday, June 13, 2022 10:35:13 AM

Aloha kakou to the commission.on Water resources for the State of Hawai'i, my name is Kaulana Kapu and I am a descendant of Kaua'ula valley an actual heir tonthe case kumuliilii versus horner case that set precedence to water laws in the Hawaii Supreme court of 1897. We have waited tirelessly for justice to be done that the State of Hawaii take responsible action towards the management of our resources. We have waited tirelessly for justice to prevail over the injustice that have happened to our families lives subjected by a private company our rights and liberties awarded us have been micro managed. Please support the designation for Lahaina.

Mahalo nui

Jesse Kaulana Kapu

From: [Kamuela Guth](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] DEFER action on CWRM designation on West Maui
Date: Monday, June 13, 2022 10:38:48 AM

Aloha,

I would like to respectfully request that the Commission defer action on the designation (set for June 14) in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

As a Lahaina resident and water user, I know we need to manage our water. This however, is not the answer at this time. There are so many unintended consequences that this decision will affect. Our own County Dept of Water Supply is not in favor of this decision. State and County need to work together. How does this affect future Workforce Housing Projects, Hawaiian Homes, Fire Protection, and existing users. The flowchart that is proposed is confusing for anyone trying to obtain a permit. We need to take a step back and defer this action until we can answer all these questions. We need to make sure this makes sense and not rush this decision.

--

Mahalo,

Kamuela Guth

From: [E Ernisse](#)
To: [Hyatt, RaeAnn P;](#) [DLNR.CW.DLNRCWRM](#)
Subject: [EXTERNAL] Defer Designation of the Lahaina Aquifer Sector
Date: Monday, June 13, 2022 10:47:24 AM

SUBJECT: Defer Designation of the Lāhainā Aquifer Sector

Testimony requesting to defer the Designation of the Lāhainā Aquifer Sector

We are residents of West Maui in Olowalu Mauka. We have been full time residents of Maui for 35 years, living in Wailea, Kihei, Makena, Napili and now Olowalu for the past 11+ years.

We understand that if designated, we may not be able to continue to use water in the way we have been using it for the past 11+ years, here in Olowalu. We may not be able to use the amount of water we have been using, both potable and non-potable, for our landscaping and farm.

We also understand that if designated, and someone else doesn't agree with a use of water or the amount that is being used, there could be litigation.

We understand that if designated, and we want to use water in a new way, then we will need to obtain a new use permit, which may take decades.

This means that if we want more water for our farm or yard, we may have to wait decades. As seniors over the age of 75, we do not have time to wait decades or even months for additional water.

This means that if we want to build an ohana unit, we may have to wait decades.

This means that affordable housing may be halted for decades. Where will our children live? Not West Maui.

Because there's no development, meaning housing and new businesses or farming, this means jobs are not created.

This will affect all of West Maui, with **NO** new development: no new schools, no affordable housing, no new businesses, no new farming and no new medical facilities.

The water experts (CWRM, County Department of Water Supply and State Dept. of Health) disagree that the data supports designation. They disagree that there is a supply issue. They disagree that there is a health and safety issue.

DWS raised concerns about the consequences of the designation. CWRM has never responded to those concerns. CWRM has never evaluated the consequences of the designation. Because the consequences could be substantially detrimental to West Maui, we believe CWRM should sit down with the other water experts (County DWS and State DOH) to evaluate the data. **We believe CWRM should consider the consequences. We support deferral so that the water experts, others (such as affordable housing developers) and the community can together decide if this is the best course for West Maui.**

Please defer this designation until all the concerns have been address for the possible catastrophic consequences of this designation on West Maui for decades into the future.

Thank you.

Ellen and David Ernisse



Lahaina, HI 96761

From: [Chuck Bergson](#)
To: [Hyatt, RaeAnn P;](#) [DLNR.CW.DLNR.CWRM](#)
Subject: [EXTERNAL] WRITTEN TESTIMONY SUBMISSION FOR HEARING dated JUNE 14, 2022 - DESIGNATION of the LAHAINA AQUIFER SECTOR, MAUI as SURFACE WATER and GROUND WATER MANAGEMENT AREA
Date: Monday, June 13, 2022 10:49:07 AM

Dear Members,

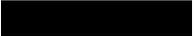
We have been Homeowners in West Maui for 32 and 44 years. We respectfully request that action on the designation of the LAHAINA AQUIFER SECTOR (set for JUNE 14) be DEFERRED in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the vital resources for all affected individuals and entities.

To be fair and just, this designation needs to be delayed so it can be studied and further evaluated to address all stakeholders' interests.

Thank you for your attention to this matter.

Respectfully submitted,

Richard C. "Chuck" and Gail Bergson


Lahaina, HI. 96761

From: [Carlos Mendez](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Monday, June 13, 2022 10:50:05 AM

Dear Commission Secretary Hyatt,

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
 - The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."
- New use permits cannot be processed until all existing use permits have been processed, which may take decades.
 - A future use is any use that does not exist at the time a designation is made.
 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took three applicants five years to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
- For these reasons, designation will likely mean a moratorium on future uses (for decades).
 - DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without a new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new sources are awarded."
 - A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.
- A moratorium on future uses means a moratorium on affordable housing.
 - Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC and Todd Apo of the Hawai'i Community Foundation support deferral and the appointment of a working group.
- A moratorium on future uses, including affordable housing and any other development, means jobs are not created.
 - Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai'i Regional Council of Carpenters, William Kama and Bruce U'u of the Maui Chapter of Hawai'i Carpenters Union, Dwight Burns of the Hawai'i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai'i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.
- Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.
 - The resource is important and needs to be managed.
 - With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.
 - Once a designation is made, it will be extremely difficult to undo. If the designation is a good idea today, it will be a good idea next month or the month after.
 - Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders,

including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Carlos Mendez

[REDACTED]

Lahaina, HI 96761

[REDACTED]

From: [Daniel Kisiel](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Monday, June 13, 2022 10:50:04 AM

Dear Commission Secretary Hyatt,

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
 - The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."
- New use permits cannot be processed until all existing use permits have been processed, which may take decades.
 - A future use is any use that does not exist at the time a designation is made.
 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took three applicants five years to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
- For these reasons, designation will likely mean a moratorium on future uses (for decades).
 - DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without a new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new sources are awarded."
 - A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.
- A moratorium on future uses means a moratorium on affordable housing.
 - Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC and Todd Apo of the Hawai'i Community Foundation support deferral and the appointment of a working group.
- A moratorium on future uses, including affordable housing and any other development, means jobs are not created.
 - Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai'i Regional Council of Carpenters, William Kama and Bruce U'u of the Maui Chapter of Hawai'i Carpenters Union, Dwight Burns of the Hawai'i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai'i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.
- Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.
 - The resource is important and needs to be managed.
 - With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.
 - Once a designation is made, it will be extremely difficult to undo. If the designation is a good idea today, it will be a good idea next month or the month after.
 - Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders,

including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Daniel Kisiel

[REDACTED]

Kihei, HI 96753

[REDACTED]

From: [Mark Waite](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Monday, June 13, 2022 10:50:06 AM

Dear Commission Secretary Hyatt,

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
 - The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."
- New use permits cannot be processed until all existing use permits have been processed, which may take decades.
 - A future use is any use that does not exist at the time a designation is made.
 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took three applicants five years to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
- For these reasons, designation will likely mean a moratorium on future uses (for decades).
 - DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without a new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new sources are awarded."
 - A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.
- A moratorium on future uses means a moratorium on affordable housing.
 - Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC and Todd Apo of the Hawai'i Community Foundation support deferral and the appointment of a working group.
- A moratorium on future uses, including affordable housing and any other development, means jobs are not created.
 - Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai'i Regional Council of Carpenters, William Kama and Bruce U'u of the Maui Chapter of Hawai'i Carpenters Union, Dwight Burns of the Hawai'i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai'i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.
- Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.
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including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Mark Waite

[REDACTED]

Kihei, HI 96753

[REDACTED]

From: [Jakob Wormser](#)
To: [Hyatt, RaeAnn P;](#) [DLNR.CW.DLNR.CWRM](#)
Subject: [EXTERNAL] Please DEFER designation of West Maui as a Water Management Area
Date: Monday, June 13, 2022 10:54:07 AM

To whom it may concern,

Please DEFER the upcoming decision to designate West Maui as a Water Management Area. I do not believe CWRM has considered the massive scope of negative consequences that such a designation will immediately create.

A water management area designation must only be made with the utmost caution and research, as such a designation will act as a de facto moratorium on ALL new building permit applications for ALL of West Maui. Such a designation would negatively impact the housing supply in West Maui and further contribute to skyrocketing home prices.

This vast designation would also result in a litany of legal challenges that, without a thoroughly researched scientific, regulatory, community, and legal basis, would result in an administrative and financial nightmare for the County/State, which are already stretched too thin.

Sincerely,
Jakob K. Wormser
Attorney at Law

--

Jakob K. Wormser, Attorney at Law, LLC

[REDACTED]
Haiku, HI 96708

Phone: (808) [REDACTED]
[REDACTED]

The electronic transmission above is legally privileged and is intended exclusively for the personal and confidential use and information of each Addressee named above. If you receive this transmission and are not an Addressee, then you are hereby notified that you have received this transmission in error, and any use, dissemination, distribution, copying or disclosure of any information in or attached to this transmission is strictly prohibited.

From: [Don Harris](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Monday, June 13, 2022 11:00:04 AM

Dear Commission Secretary Hyatt,

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
 - The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."
- New use permits cannot be processed until all existing use permits have been processed, which may take decades.
 - A future use is any use that does not exist at the time a designation is made.
 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took three applicants five years to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
- For these reasons, designation will likely mean a moratorium on future uses (for decades).
 - DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without a new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new sources are awarded."
 - A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.
- A moratorium on future uses means a moratorium on affordable housing.
 - Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC and Todd Apo of the Hawai'i Community Foundation support deferral and the appointment of a working group.
- A moratorium on future uses, including affordable housing and any other development, means jobs are not created.
 - Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai'i Regional Council of Carpenters, William Kamai and Bruce U'u of the Maui Chapter of Hawai'i Carpenters Union, Dwight Burns of the Hawai'i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai'i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.
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 - The resource is important and needs to be managed.
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 - Once a designation is made, it will be extremely difficult to undo. If the designation is a good idea today, it will be a good idea next month or the month after.
 - Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders,

including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Don Harris

[REDACTED]

Lahaina, HI 96761

[REDACTED]

From: [Fred Sconfienza](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Monday, June 13, 2022 11:00:05 AM

Dear Commission Secretary Hyatt,

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
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 - DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without a new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new sources are awarded."
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- A moratorium on future uses, including affordable housing and any other development, means jobs are not created.
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 - Once a designation is made, it will be extremely difficult to undo. If the designation is a good idea today, it will be a good idea next month or the month after.
 - Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders,

including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Fred Sconfienza

[REDACTED]

Kahului, HI 96732

[REDACTED]

From: [Nancy Montoya](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Monday, June 13, 2022 11:00:03 AM

Dear Commission Secretary Hyatt,

Please defer the designation on June 14, 2022 and let's form a working group to look at this issue prior to making any big decisions. Thank you

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
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- For these reasons, designation will likely mean a moratorium on future uses (for decades).
 - DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without a new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new sources are awarded."
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- A moratorium on future uses, including affordable housing and any other development, means jobs are not created.
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 - The resource is important and needs to be managed.
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- Once a designation is made, it will be extremely difficult to undo. If the designation is a good idea today, it will be a good idea next month or the month after.

- Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Nancy Montoya

[REDACTED]

Lahaina, HI 96761

[REDACTED]

From: [Bryan Goodnight](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Monday, June 13, 2022 11:10:11 AM

Dear Commission Secretary Hyatt,

I am a Lahaina Resident, and this is very concerning to me.

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.
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will be a good idea next month or the month after.

- Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Bryan Goodnight

[REDACTED]

Lahaina, HI 96761

[REDACTED]

From: [Derek Escalera](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Monday, June 13, 2022 11:10:13 AM

Dear Commission Secretary Hyatt,

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

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Sincerely,

Derek Escalera

[REDACTED]

Lahaina, HI 96761

[REDACTED]

From: [Janice Goodnight](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Monday, June 13, 2022 11:10:10 AM

Dear Commission Secretary Hyatt,

I am a Lahaina resident so this is something very concerning personally.

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

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Sincerely,

Janice Goodnight

[REDACTED]

Lahaina, HI 96761

[REDACTED]

From: [Lara Schoeppner](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Monday, June 13, 2022 11:10:12 AM

Dear Commission Secretary Hyatt,

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

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 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took three applicants five years to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
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- Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.
 - The resource is important and needs to be managed.
 - With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.
 - Once a designation is made, it will be extremely difficult to undo. If the designation is a good idea today, it will be a good idea next month or the month after.
 - Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders,

including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Lara Schoepner

[REDACTED]

Kahului, HI 96732

[REDACTED]

From: [Rich Wu](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Monday, June 13, 2022 11:10:12 AM

Dear Commission Secretary Hyatt,

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
 - The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."
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including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Rich Wu

[REDACTED]

Kihei, HI 96753

[REDACTED]

From: [Sid Kirkland](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Monday, June 13, 2022 11:10:13 AM

Dear Commission Secretary Hyatt,

Be responsible and slow down this process to properly inform the public and educate everyone on what this designation means. Don't play games like this with us!

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.
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- Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Sid Kirkland

[REDACTED]

Kihei, HI 96753

[REDACTED]

From: [Lynette Pendergast](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Monday, June 13, 2022 11:20:07 AM

Dear Commission Secretary Hyatt,

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

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including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Lynette Pendergast

[REDACTED]

Makawao, HI 96768

[REDACTED]

From: [FM](#)
To: [DLNR.CW.DLNR.CWRM](#)
Cc: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Support for dual designation of Lāhainā aquifer
Date: Monday, June 13, 2022 11:26:50 AM

Aloha e Director Case and Commissioners.

As a longtime resident of Lāhainā, I support the precautionary principle and the water commission's well-researched and long-awaited recommendation to designate both surface and ground water in the Lahaina aquifer sector as a whole.

Without designation, we have arrived at the current critical situation where no government agency has the legal ability to oversee appropriate spacing and distribution of wells. Without designation, we have already exceeded sustainable yields in West Maui. The connectivity of the Lāhainā aquifer system has not been refuted by hydrologists; absent designation, we can expect continued overtaking of wai resources akin to Honokōwai. The projected sustainable yields didn't account for many of our present conditions, including droughts, explosive rise in water users, water-intensive luxury "ag" developments, and other hotel and housing projects.

In developing the County's Water Use Development Plan, many Maui organizations and residents consulted and commented on the plan with the hope and expectation that West Maui would be designated by the state for water management due to water shortages and our long history of sharp conflicts between private water companies and the people of Lāhainā. The County and its WUDP alone cannot ensure that public trust uses are prioritized.

West Maui developers and water profiteers have been lobbying hard with hundreds of emails blasted out to water users this past week, attacking CWRM. They lobby us by accessing HOA mailing lists as well as their own, to solicit recipients for ill-informed testimony, without offering any credible data to refute the Commission's finding of facts. There are folks on the HOA boards who are associated with or related to developers, realtors, and those with financial relationships to private water companies.

Those HOA boards do not represent the views of the 400 owners they claim. My neighbors and I have never asked the HOAs to oppose designation nor request deferral. So who wants deferral? The private water companies and their affiliated developers. My voice and the voices of other owners are not reflected in the HOA statements made on my behalf.

Please don't defer this item when the public has spent so many hours writing testimony, appearing live at the Board of Water Supply, live at the County Council, live at the Council's APT Committee, and even now appearing before your Commission on more than one occasion. Deferral sends the message to the public that our testimony supporting designation shouldn't count because we aren't the right kind of people or because previous testifiers aren't "in the game" as mentioned to me by an HOA boardmember today. We shouldn't have to be "in the game" for our testimony to count. How many more times will we all have to cut time out of our lives, work, and families to testify? Enough already.

Please adopt the commission's Recommendation to designate surface and ground water in the entire Lāhainā aquifer sector.

Mahalo for your serious consideration,

Fay McFarlane
Lāhainā, Hawai'i

From: [Alin Peterson](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Stop CWRM designation West Maui
Date: Monday, June 13, 2022 11:28:31 AM

Please stop action on the designation set for June 14. It is unfair, bias and racist.

Alin Peterson

From: [Jim Hammett](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Testimony to Defer Designation of the Lahaina Aquifer Sector
Date: Monday, June 13, 2022 11:28:51 AM

RE: Defer Designation of the Lāhainā Aquifer Sector

Sharing Connexion, Hawai'i is a workforce housing developer and our concern is the speed with which CWRM is proceeding towards a designation without adequate public notice, outreach or community engagement. The designation being proposed by CWRM will have serious implications for the future of West Maui that will impact every aspect of a healthy community.

The Maui County Department of Water Supply has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: “[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new source are awarded.”

Maui needs affordable housing, and affordable housing needs water. As noted, DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector and that moratorium may extend to all building permits within the Lāhainā Aquifer Sector, including permits for affordable housing which will only exacerbate the workforce housing crisis on Maui.

The lack of a comprehensive and transparent public process raises concerns that CWRM has given appropriate consideration to the consequences to affordable housing, and the community, in general; even though the County has raised this critical impact.

Our request is a deferral of the decision process, until such time as the community has appropriate input and to evaluate what this designation will mean to affordable housing in West Maui.

Best Regards

Jim Hammett

CEO
Sharing Connexion, Hawai'i
Office: 808 [REDACTED]
Cell 808 [REDACTED]



SHARING

CONNEXION

HAWAI'I

From: [Traci Bean](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Monday, June 13, 2022 11:40:04 AM

Dear Commission Secretary Hyatt,

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
 - The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."
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 - The resource is important and needs to be managed.
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including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Traci Bean

[REDACTED]

Wailuku, HI 96793

[REDACTED]

From: [Chris Nutter](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Opposed to CWRM - West Maui Water Designation
Date: Monday, June 13, 2022 11:44:53 AM

There is no due process noted in this proceeding. I am very critical of your water management policies, specifically injection wells of stormwater and wastewater products. Additionally, every time I see brown water flowing into the salt water, this demonstrates additional errors in your management abilities. You have left only 3 days to evaluate your report, which is very unfair to interested parties.
Dr. David Nutter

David & Chrissy Nutter

[REDACTED]

Lahaina, HI 96761

808-[REDACTED] David Mobile

808-[REDACTED] Chrissy Mobile

[REDACTED]

From: [Patrick Franta](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Monday, June 13, 2022 11:50:06 AM

Dear Commission Secretary Hyatt,

It is my opinion this process has been rushed and the appropriate steps were not taken to ensure this is in fact the proper course of action. Without proper assessment this decision could have significant negative impacts for West Maui residents. Please Defer to a working group to better assess the situation.

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

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Sincerely,

Patrick Franta

[REDACTED]

Haiku, HI 96708

[REDACTED]

From: [Cheri Miller](#)
To: [Hyatt, RaeAnn P;](#) [DLNR.CW.DLNR.CWRM](#)
Subject: [EXTERNAL] Testimony Against Designating the Entire West Side a Water Management Area
Date: Monday, June 13, 2022 11:53:24 AM

Aloha,

I recently became aware that the Commission on Water Resource Management may designate the entire Westside of Maui a surface and groundwater management area as early as this coming Tuesday, June, 14, 2022. There is very little awareness in my neighborhood that this enormous step is being considered. **Why were we not given more notice? What is the urgency of this decision that does not allow public input?**

I understand there has been just one meeting to explain the proposal to the public and that the final CWRM report supporting the designation was just released for public review on June 10th. The rushed timing for a major decision like this, one that could impact residents' lives for decades, **is way too fast.** I understand there is just one area, the Honokōwai aquifer, which may become oversubscribed, that triggered this action.

As County of Maui Department of Water Supply explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire sector. But rather than focus on Honokōwai, CWRM proposes to inflate the scope to all 6 aquifers and designate the entire West Side as a surface and groundwater management area. Both the County and the Hawaii Department of Health disagree with designating the entire area as a water management area. The County went so far as to say "There are clearly aquifer systems included in the initiative with no basis for designation as set forth in the State Water Code. [Maui County Department of Water Supply] does not support designation of the entire aquifer sector."

Management area designation will create massive bureaucratic permitting burdens, likely resulting in conflicts, lawsuits and water moratoriums as were seen with Molokai, Na Wai Eha and Iao. Water management area designations should not be taken lightly and should be reserved only to address severe shortages. I encourage you to focus on solutions for Honokōwai.

Regarding the management area designation, I suggest you create a CWRM sponsored working group populated with water resource experts, Maui County and full representation from the entire West Side to determine the appropriate scope of any designation. Doing so may result in a better decision but either way, it will improve the opportunity for West Side communities to be involved.

Please take time to allow public input and discussion by deferring this decision.

Sincerely,

Greg and Cheri Miller

From: [Lesa Warner-Burke](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Monday, June 13, 2022 12:00:05 PM

Dear Commission Secretary Hyatt,

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
 - The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."
- New use permits cannot be processed until all existing use permits have been processed, which may take decades.
 - A future use is any use that does not exist at the time a designation is made.
 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took three applicants five years to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
- For these reasons, designation will likely mean a moratorium on future uses (for decades).
 - DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without a new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new sources are awarded."
 - A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.
- A moratorium on future uses means a moratorium on affordable housing.
 - Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC and Todd Apo of the Hawai'i Community Foundation support deferral and the appointment of a working group.
- A moratorium on future uses, including affordable housing and any other development, means jobs are not created.
 - Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai'i Regional Council of Carpenters, William Kamai and Bruce U'u of the Maui Chapter of Hawai'i Carpenters Union, Dwight Burns of the Hawai'i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai'i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.
- Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.
 - The resource is important and needs to be managed.
 - With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.
 - Once a designation is made, it will be extremely difficult to undo. If the designation is a good idea today, it will be a good idea next month or the month after.
 - Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders,

including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Lesia Warner-Burke

[REDACTED]

Kihei, HI 96753

[REDACTED]

From: [Brooklyn](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] DEFER action on CWRM designation of West Maui
Date: Monday, June 13, 2022 12:19:28 PM

Aloha!

Please defer action on the designation (set for June 14) in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

Please defer the designation of the Lāhainā Sector at this time.

- Listen to those affected by the consequences of the designation. Take the time to look at those consequences. It is the community of West Maui that will suffer from the long-term impacts of a hasty designation.
- Hit pause so CWRM can talk with the County and affected stakeholders and answer some of the unanswered questions.
- CWRM has only done the bare minimum in outreach on something that will impact all of West Maui residents, businesses and farms. Why?
- CWRM has not published the data used to come up with their numbers.
- They have rushed this through and published their report and recommendation on Friday afternoon (a state holiday), for a hearing on Tuesday. Why aren't they giving people time to review the information? Why aren't they responding to questions on the source of their data?
- After 13 years, Na Wai Eha water users are still in court. How long will this take in west Maui? What's the process? What are the impacts?
- All Existing Uses must apply for and receive water use permits. This could take decades. See CWRM's own chart on water use permit applications.
- Designation would result in thousands of applications for existing water uses and amounts for each existing use for both surface and ground water filed and processed by CWRM.
- The County Water Dept. has indicated that there may be a "de facto building moratorium."
- This means no new uses for anyone, any business, farm, school, or medical facility potentially decades.
- There are unanswered questions about CWRM's data supporting a designation.

--

Sincerely,
Brooke Guth

From: [H bay](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] CWRM agenda item C-1
Date: Monday, June 13, 2022 12:19:17 PM

Aloha, my name is Kazuo Flores. Cell # (808) [REDACTED]. I support the designation mahalo

From: [Li Hay](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Monday, June 13, 2022 12:30:05 PM

Dear Commission Secretary Hyatt,

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
 - The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."
- New use permits cannot be processed until all existing use permits have been processed, which may take decades.
 - A future use is any use that does not exist at the time a designation is made.
 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took three applicants five years to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
- For these reasons, designation will likely mean a moratorium on future uses (for decades).
 - DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without a new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new sources are awarded."
 - A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.
- A moratorium on future uses means a moratorium on affordable housing.
 - Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC and Todd Apo of the Hawai'i Community Foundation support deferral and the appointment of a working group.
- A moratorium on future uses, including affordable housing and any other development, means jobs are not created.
 - Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai'i Regional Council of Carpenters, William Kama'i and Bruce U'u of the Maui Chapter of Hawai'i Carpenters Union, Dwight Burns of the Hawai'i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai'i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.
- Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.
 - The resource is important and needs to be managed.
 - With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.
 - Once a designation is made, it will be extremely difficult to undo. If the designation is a good idea today, it will be a good idea next month or the month after.
 - Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders,

including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Li Hay

[REDACTED]

Makawao, HI 96768

[REDACTED]

From: [Victoria Andrews](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Monday, June 13, 2022 12:30:06 PM

Dear Commission Secretary Hyatt,

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
 - The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."
- New use permits cannot be processed until all existing use permits have been processed, which may take decades.
 - A future use is any use that does not exist at the time a designation is made.
 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took three applicants five years to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
- For these reasons, designation will likely mean a moratorium on future uses (for decades).
 - DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without a new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new sources are awarded."
 - A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.
- A moratorium on future uses means a moratorium on affordable housing.
 - Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC and Todd Apo of the Hawai'i Community Foundation support deferral and the appointment of a working group.
- A moratorium on future uses, including affordable housing and any other development, means jobs are not created.
 - Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai'i Regional Council of Carpenters, William Kama and Bruce U'u of the Maui Chapter of Hawai'i Carpenters Union, Dwight Burns of the Hawai'i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai'i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.
- Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.
 - The resource is important and needs to be managed.
 - With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.
 - Once a designation is made, it will be extremely difficult to undo. If the designation is a good idea today, it will be a good idea next month or the month after.
 - Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders,

including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Victoria Andrews

[REDACTED]

Lahaina, HI 96761

[REDACTED]

From: tammie.evangelista
To: [Hyatt, RaeAnn P](mailto:Hyatt.RaeAnn.P)
Subject: [EXTERNAL] Testimony for Designation of Water Resources
Date: Monday, June 13, 2022 12:35:40 PM

My name is Tammie Evangelista , and I'm kama'āina to Kaua'ula. My 'ohana descend from defendants in the Horner v. Kumuli'ili'i case and we have been battling to see our water rights honored for centuries. Mahalo for taking a step in the right direction by recommending designation of our water resources as ground and surface water management areas. We need you to take action today. Dont be swayed by the developers who seek only to line their pockets. Honor the kānaka who have been struggling for centuries to ensure that our super water rights are honored. We have suffered long enough. Please vote in support of designation today.

Mahalo

Tammie Evangelista

(808) [REDACTED]

From: [Todd Erickson](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Defer Designation of the Lāhainā Aquifer Sector
Date: Monday, June 13, 2022 12:47:35 PM

To whom it may concern,

I am a resident of West Maui.

I understand that if designated, I may not be able to continue to use water in the way I've used it. I may not be able to use the amount of water I've been using.

I understand that if designated, and someone else doesn't agree with a use of water or the amount that is being used, there could be litigation.

I understand that if designated, and I want to use water in a new way, then I have to get a new use permit, which may take decades.

This means that if I want more water for my farm or yard, I may have to wait decades. This means that if I want to build an ohana unit, I may have to wait decades.

This means that affordable housing may be halted for decades. Where will our children live? Not West Maui.

Because there's no development, meaning housing and new businesses or farming, this means jobs are not created.

The water experts (CWRM, County Department of Water Supply and State Dept. of Health) disagree that the data supports designation. They disagree that there is a supply issue. They disagree that there is a health and safety issue.

DWS raised concerns about the consequences of the designation. CWRM has never responded to those concerns.

CWRM has never evaluated the consequences of the designation. Because the consequences could be substantially detrimental to West Maui, I believe CWRM should sit down with the other water experts (County DWS and State DOH) to evaluate the data. I believe CWRM should consider the consequences. I support deferral so that the water experts, others (such as affordable housing developers) and the community can together decide if this is the best course for West Maui.

I believe CWRM should consider the consequences. I support deferral so that the water experts, others (such as affordable housing developers) and the community can together decide if this is the best course for West Maui.

Sincerely,

J. Todd Erickson

 Lahaina, HI 96761

Sent from my iPhone

From: [Kahiks ."](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Support designation for the West Maui aquifer
Date: Monday, June 13, 2022 12:48:35 PM

Aloha,

My name is Kahikilaniwahinemaika'i'opuna, I am a recognized lineal descendant of Lahaina and my ohana are of the valleys of Kaua'ula as well as Kahoma and Kanaha. My kūpuna were defendants in the Horner v. Kumuli'ili'i case and we have yet to see our water rights honored, especially in this day and time.

Mahalo for taking a step in the right direction by recommending designation of our water resources as ground and surface water management areas. We need you to take action today and support this designation of the West Maui aquifer. Dont be fooled by the developers who seek only to fill their own pockets. We also need another entity to hold them accountable for their actions and make sure they abide by the laws of our water. Honor the kūpuna and the kānaka who have been battling for centuries to ensure that our superior water rights are upheld and honored. We have suffered long enough! Please vote in support of designation today!

Mahalo!

Kahikilaniwahinemaika'i'opuna Niles

From: [Terry Craven](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Monday, June 13, 2022 12:50:06 PM

Dear Commission Secretary Hyatt,

This issue is much too important to be rushed through with no responsible study and research. This issue needs thorough study by ALL interested parties in Maui County. This issue needs to be studied OPENLY at community meetings, NO ZOOM meetings. Faces need to be connected to names and bios. No more stealth rules passed in the dead of night unbeknownst to those of us who will be forced to live under this reckless process.

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.

- No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.

- The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."

- New use permits cannot be processed until all existing use permits have been processed, which may take decades.

- A future use is any use that does not exist at the time a designation is made.

- In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took three applicants five years to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.

- For these reasons, designation will likely mean a moratorium on future uses (for decades).

- DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without a new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new sources are awarded."

- A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.

- A moratorium on future uses means a moratorium on affordable housing.

- Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC and Todd Apo of the Hawai'i Community Foundation support deferral and the appointment of a working group.

- A moratorium on future uses, including affordable housing and any other development, means jobs are not created.

- Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai'i Regional Council of Carpenters, William Kamai and Bruce U'u of the Maui Chapter of Hawai'i Carpenters Union, Dwight Burns of the Hawai'i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai'i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.

- Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.

- The resource is important and needs to be managed.

- With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.
- Once a designation is made, it will be extremely difficult to undo. If the designation is a good idea today, it will be a good idea next month or the month after.
- Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Terry Craven

[REDACTED]

Lahaina, HI 96761

[REDACTED]

From: [REDACTED]
To: [Hyatt, RaeAnn P; DLNR.CW.DLNR.CWRM](#)
Subject: [EXTERNAL] Opposition to CWRM Designation of Lahaina Aquifer Sector
Date: Monday, June 13, 2022 12:57:49 PM

Dear Ms. Case and Members of the Commission on Water Resource Management:
I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

Additionally, I oppose designation of a surface and groundwater management area that both the Maui County Department of Water Supply and Hawaii State Department of Health don't feel is necessary, nor support and would create a defacto moratorium on new water service in West Maui.

Thank you for the opportunity to comment.

Kirk T. Tanaka

PLEASE CONFIRM RECEIPT OF THIS EMAIL

From: [Donavan OToole](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Monday, June 13, 2022 1:00:04 PM

Dear Commission Secretary Hyatt,

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
 - The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."
- New use permits cannot be processed until all existing use permits have been processed, which may take decades.
 - A future use is any use that does not exist at the time a designation is made.
 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took three applicants five years to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
- For these reasons, designation will likely mean a moratorium on future uses (for decades).
 - DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without a new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new sources are awarded."
 - A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.
- A moratorium on future uses means a moratorium on affordable housing.
 - Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC and Todd Apo of the Hawai'i Community Foundation support deferral and the appointment of a working group.
- A moratorium on future uses, including affordable housing and any other development, means jobs are not created.
 - Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai'i Regional Council of Carpenters, William Kama'i and Bruce U'u of the Maui Chapter of Hawai'i Carpenters Union, Dwight Burns of the Hawai'i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai'i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.
- Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.
 - The resource is important and needs to be managed.
 - With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.
 - Once a designation is made, it will be extremely difficult to undo. If the designation is a good idea today, it will be a good idea next month or the month after.
 - Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders,

including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Donavan OToole

[REDACTED]

Kihei, HI 96753

[REDACTED]

From: [Rory Frampton](#)
To: [DLNR.CW.DLNR.CWRM](#)
Subject: [EXTERNAL] Designation of Lahaina Aquifer as surface and ground water management areas
Date: Monday, June 13, 2022 1:05:58 PM

Dear Commissioners:

Please defer the above referenced item. Designation of the entire aquifer rather than looking at each specific hydrologic unit appears to be an overly broad and sweeping designation with no factual basis or rationale.

As previously pointed out by the Maui County's Department of Water Supply, West Maui's hydrologic units vary greatly in terms of existing pumpage, usage and future demand. One sweeping designation for all of the units on its face cannot be based on sound hydrologic principles, facts and analysis.

Rory Frampton
Land Use Planning Consultant
Rory Frampton Consulting Inc.

[REDACTED]
Kula, Hawaii 96790
(808) [REDACTED]
[REDACTED]

From: [Colleen Case](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] DEFER action on CWRM designation of West Maui
Date: Monday, June 13, 2022 1:06:16 PM

To Whom It May Concern:

This has been rushed through and the report published on State holiday with a hearing scheduled Tuesday. This seems like it is being pushed through without providing the public with adequate answers or time to review the information.

There are too many unanswered questions. How did you come up with the numbers? How will the potentially thousands of water use permits be issued?

I urge you to defer action on the designation in favor of forming a working group to examine whether designation is appropriate.

Thank you for your time.

Colleen Case

From: [consuelo apolo-gonsalves](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Cwrn item#C-1
Date: Monday, June 13, 2022 1:08:30 PM

My name is consueloapolo-gonsalves, and i'm kama'āina to Kaua'ula. My 'ohana descend from defendants in the Horner v. Kumuli'ili'i case and we have been battling to see our water rights honored for centuries. Mahalo for taking a step in the right direction by recommending designation of our water resources as ground and surface water management areas. We need you to take action today. Dont be swayed by the developers who seek only to line their pockets. Honor the kānaka who have been struggling for centuries to ensure that our super water rights are honored. We have suffered long enough. Please vote in support of designation today.

Mahalo Consuelo Apolo-Gonsalves

Sent from my T-Mobile 5G Device
Get [Outlook for Android](#)

From: [Kellie Schipper](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] DEFER action on CWRM designation of West Maui
Date: Monday, June 13, 2022 1:09:40 PM

To Whom It May Concern:

Please defer action on the designation (set for June 14) in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

This has been rushed through and the report published on State holiday with a hearing scheduled Tuesday. This seems like it is being pushed through without providing the public with adequate answers or time to review the information.

There are too many unanswered questions. How did you come up with the numbers? How will the potentially thousands of water use permits be issued?

I urge you to defer action on the designation in favor of forming a working group to examine whether designation is appropriate.

Thank you for your time.

Kellie Schipper

From: [Mike](#)
To: [DLNR.CW.DLNRCWRM](#); [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] June 14 meeting re: Lahaina ASA designation as a surface and ground water management area
Date: Monday, June 13, 2022 1:15:09 PM

As an individual resident of West Maui, I would support the concept of this management area if it truly meets all of the stated objectives. However,

- o West Maui water resources are important and need to be managed carefully and efficiently.
- o Similar designations in Hawaii have a track record of massive delays in processing permits and unnecessary / excessive litigation. This is not in the best interest of the community. A carefully designed practical plan can go a long way to providing better management and accountability.
- o Before the final vote on this designation, the CWRM should perform a more thorough community impact assessment and develop a management plan with metrics for administering the permitting and monitoring necessary to achieve the stated objectives of this designation.
- o A short delay will also provide time for data that appears to be incomplete to be verified such as Appendix L. It can also evaluate the water needs for fire protection which do not seem to appear in June 14, 2022 material.

Respectfully,

Michael Gronemeyer

From: [Christie Harth](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Monday, June 13, 2022 1:20:05 PM

Dear Commission Secretary Hyatt,

A rush to judgement

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
 - The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."
- New use permits cannot be processed until all existing use permits have been processed, which may take decades.
 - A future use is any use that does not exist at the time a designation is made.
 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took three applicants five years to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
- For these reasons, designation will likely mean a moratorium on future uses (for decades).
 - DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without a new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new sources are awarded."
 - A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.
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 - Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC and Todd Apo of the Hawai'i Community Foundation support deferral and the appointment of a working group.
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- Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.
 - The resource is important and needs to be managed.
 - With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.
 - Once a designation is made, it will be extremely difficult to undo. If the designation is a good idea today, it

will be a good idea next month or the month after.

- Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Christie Harth

[REDACTED]

Kihei, HI 96753

[REDACTED]

From: [Barbara Potts](#)
To: [DLNR.CW.DLNR.CWRM](#)
Subject: [EXTERNAL] OPPOSE CWRM designation West Maui Water Designation
Date: Monday, June 13, 2022 1:25:53 PM

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

Aloha,

Barbara Potts

Barbara S. Potts, R(B), GRI, ABR, RSPS, SRS, SFR, SRES, MBA
Aloha Group Maui/Keller Williams Realty Maui

[REDACTED]

Lahaina, HI 96761

808-[REDACTED]

[REDACTED]

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From: [Pomaika'i Balagso](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] designation of the Lahaina aquifer
Date: Monday, June 13, 2022 1:37:40 PM

Aloha, my name is Pomaika'i Balagso and I strongly support the designation of the Lahaina aquifer sector as ground and surface water management area. Mahalo!

From: [Amy Johnson](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Monday, June 13, 2022 1:40:04 PM

Dear Commission Secretary Hyatt,

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
 - The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."
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 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took three applicants five years to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
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 - The resource is important and needs to be managed.
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 - Once a designation is made, it will be extremely difficult to undo. If the designation is a good idea today, it will be a good idea next month or the month after.
 - Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders,

including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Amy Johnson

[REDACTED]

Makawao, HI 96768

[REDACTED]

From: [Jennifer Noelani Ahia](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Support for Lahaina Aquifer designation
Date: Monday, June 13, 2022 1:41:03 PM

My name is Noelani Ahia, and i'm a descendant to Kaua'ula. Mahalo for taking a step in the right direction by recommending designation of our water resources as ground and surface water management areas. We need you to take action today. Dont be swayed by the developers who seek only to line their pockets. Honor the k̄naka who have been struggling for centuries to ensure that our superior water rights are honored. We have suffered long enough. Please vote in support of designation today.

Me ke aloha,
Noelani

Sent from my iPhone

From: [Isadora Sicking](#)
To: [DLNR.CW.DLNRCWRM](#)
Subject: [EXTERNAL] Lahaina aquifer
Date: Monday, June 13, 2022 1:46:58 PM

Aloha,

I am writing in support of designating the Lahaina aquifer as a surface and ground water management area. Fresh water is a precious resource that needs to be protected and managed with care. By protecting ground and surface water areas we ensure that our water will be healthy and safe for everyone.

Mahalo,
Isadora Sicking
Registered voter

From: [Mr. & Mrs. Dennis and Carol Shearer](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Monday, June 13, 2022 1:50:06 PM

Dear Commission Secretary Hyatt,

Water is one of our most important resources, but the proposed action is ridiculously premature and ill-advised.

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.
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 - Once a designation is made, it will be extremely difficult to undo. If the designation is a good idea today, it

will be a good idea next month or the month after.

- Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Dennis and Carol Shearer

[Redacted]

Lahaina, HI 96761

[Redacted]

From: [Kamalani Uehara](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] June 14 CWRM written testimony agenda item C.1
Date: Monday, June 13, 2022 2:10:57 PM

Aloha e Ms. Case and committee members,

My name is Kamalani Uehara and I am testifying in support of designating Lahaina Aquifer Sector Area a surface and ground water management area. I have been a water microbiologist for the County of Maui Department of Water Supply from 2017 and I can disclose the well sites of Lahaina aquifer run dangerously low and require close monitoring to ensure acceptable limits of water properties are met before being served to the public. Also, it has already become a regular practice to shut down the Mahinahina surface water treatment plant due to low surface water levels.

As a State Distribution System Operator Grade 4 with the Safe Drinking Water Branch, I believe without proper management in this area, West Maui will soon be demanding more water supply than is available. This will result in permanent damage to our valuable water resource, an inadequate water supply to the public and unsafe levels of contaminants in both ground and surface waters. As a board member of Hui o Na Wai 'Eha, I believe without proper management priorities of kuleana-land-owning kalo farmers and farming community members will also be easily overlooked.

Mahalo for your time.

--

Me ka ho'omaika'i,
Kamalani Uehara



From: [Jen Mather](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] CWRM Testimony: Action Item C-1
Date: Monday, June 13, 2022 2:11:03 PM

Aloha e Rae Ann,

Hoping you are well and that this testimony is in time for the meeting tomorrow.

Mahalo!

Jen

Aloha e Chair Case and Honorable Commissioners,

My name is Jen Mather and although I currently reside in Kahului, my heart belongs to Lahaina. Nearly four years ago we sat down as a small group of community members to discuss what could be done to protect the water resources of West Maui and today you have the opportunity to ensure that future generations are able to thrive by accepting the staff recommendation to designate the Lahaina Aquifer Sector as a Surface Water and Ground Water Management Area.

I support the findings, the voices, and the efforts of the staff in collaboration with the community. I believe we have all agreed and understand the consequences of this designation and are ready to move forward to ensure the continuation of our po'e and the protection of our 'āina.

Please vote to support and accept this designation.

Mahalo for your commitment to our island home and your invaluable efforts to protect our water resources.

Me ka ha'aha'a,
Jen Mather

From: [Janelle Kanekoa](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] lahaina aquifer
Date: Monday, June 13, 2022 2:16:47 PM

Aloha I am Janelle Kanekoa and I strongly support the designation of the Lahaina aquifer sector as a ground/ and surface water management area.

--

May the Heavenly Father bless you and yours
May the light of Jesus christ shine upon you
Janelle Nehaulani Kanekoa

From: [Rachel Phillips](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Monday, June 13, 2022 2:21:07 PM

Dear Commission Secretary Hyatt,

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.
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 - The resource is important and needs to be managed.
 - With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.
 - Once a designation is made, it will be extremely difficult to undo. If the designation is a good idea today, it will be a good idea next month or the month after.
 - Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders,

including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Rachel Phillips

[REDACTED]

Kula, HI 96790

[REDACTED]

From: [Dave Sullivan](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Defer action on CWRM designation of West Maui
Date: Monday, June 13, 2022 2:36:59 PM

Please defer action on the designation (set for June 14) in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

They have rushed this through and published their report and recommendation on Friday afternoon (a state holiday), for a hearing on Tuesday. Why aren't they giving people time to review the information? Why aren't they responding to questions on the source of their data? Thank you for your consideration in this matter

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From: [r.v](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] C1
Date: Monday, June 13, 2022 2:36:53 PM

Aloha my name is Rhonda Vincent. I'm a Kuleana heir with ties to Kaua'ula Valley. I support the designation of the Lahaina Aquifer Sector as a Ground and Surface Water Management Area.

**Mahalo for your time,
Rhonda**

Sent from my iPhone

From: [Suzette Montalvo](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] C-1
Date: Monday, June 13, 2022 2:27:14 PM

Aloha,

I'm a kanaka maoli of Lahaina and my family the Keahi, Haia and Kahu has been fighting for these water rights for generations. My cousins have fought to get these waters flowing again in these valleys. Especially Kahoma and Kanaha. I'm in support of the Lahaina areas of designation of Our water resources as ground and surface water management.

Mahalo ,
Suzette Felicilda

Sent from my iPhone

From: [Kent Lambrecht](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Defer designation of the Lahaina Aquifer Sector
Date: Monday, June 13, 2022 2:53:14 PM

To whom it may concern,

I am writing as a concerned resident of West Maui. I feel that this designation is not only unjustified, but also moving against recommendations of the water experts in Hawaii. Can we please slow down this process and re-evaluate if this is truly best for Lahaina?

Sincerely,

--

Dr. Kent S Lambrecht, Pharm.D., FAARM, ABAAHP



Lahaina, HI

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From: [Kahoku Lindsey-Asing](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] He Leo Kāko'o
Date: Monday, June 13, 2022 2:59:05 PM

Aloha,

‘O wau nō ‘o Kahōkū Lindsey-Asing.

I strongly support the designation of the Lahaina aquifer sector as ground and surface water management area.

Mahalo.

--



Kahōkū Lindsey-Asing

Kahu, Site Coordinator



808-

Pūnana Leo o Mānoa



Honolulu, Hawai'i 96822



From: [Suzanne Bender-Van Spyk](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Monday, June 13, 2022 3:00:08 PM

Dear Commission Secretary Hyatt,

Please listen to your constituents and defer action.

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

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- Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Suzanne Bender-Van Spyk

[REDACTED]

Lahaina, HI 96761

[REDACTED]

From: [Tim Gardner](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Monday, June 13, 2022 3:00:04 PM

Dear Commission Secretary Hyatt,

This seems like a rush job without proper consideration of property owners rights, etc. Please defer action on the CWRM Designation and allow further study of this issue. Thank you, Tim Gardner
Maui Resident since 1977

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

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- For these reasons, designation will likely mean a moratorium on future uses (for decades).
 - DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without a new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new sources are awarded."
 - A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.
- A moratorium on future uses means a moratorium on affordable housing.
 - Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC and Todd Apo of the Hawai'i Community Foundation support deferral and the appointment of a working group.
- A moratorium on future uses, including affordable housing and any other development, means jobs are not created.
 - Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai'i Regional Council of Carpenters, William Kamai and Bruce U'u of the Maui Chapter of Hawai'i Carpenters Union, Dwight Burns of the Hawai'i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai'i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.
- Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.
 - The resource is important and needs to be managed.
 - With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to

ensure the necessary evaluation remains a priority.

- Once a designation is made, it will be extremely difficult to undo. If the designation is a good idea today, it will be a good idea next month or the month after.

- Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Tim Gardner

[REDACTED]

Makawao, HI 96768

[REDACTED]

From: [Kyle Nakanelua](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Support of West Maui Water Designation plan
Date: Monday, June 13, 2022 3:19:18 PM

My Name is Kyle Nakanelua and I am Aha Moku Maui Island Council Ko'olau Representative and Water committee member. And I support the Maui Komohana/West Maui Water designation Plan. The Government has to live up to its constitution and protect Public Trust Doctrine and purposes.

Mahalo

From: [Mapuana Lukela](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] My name is Mapuana kekai Lukela I'm testifying in support
Date: Monday, June 13, 2022 3:23:03 PM

Sent from my iPhone

From: [Anissa Cummings](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] CWRM agenda item C-1
Date: Monday, June 13, 2022 3:28:31 PM

My name is Maile Cummings and i'm kama'āina to Kaua'ula. My 'ohana descend from defendants in the Horner v. Kumuli'ili'i case and we have been battling to see our water rights honored for centuries. Mahalo for taking a step in the right direction by recommending designation of our water resources as ground and surface water management areas. We need you to take action today. Dont be swayed by the developers who seek only to line their pockets. Honor the kānaka who have been struggling for centuries to ensure that our super water rights are honored. We have suffered long enough. Please vote in support of designation today.

Nuff.

Sent from my iPhone

From: [Uilani Kapu](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Item C-1
Date: Monday, June 13, 2022 3:32:23 PM

Aloha Kākou

My name is Malihini Keahi-Heath as a lineal desendent of Lahaina for generation, wē Support the Water Commission recommendation that the State of Hawaii Designate Surface Water and Ground Water for special Management meaning that stream users will have to Apply for Water use permits and Rich people can't dig wells anywhere they want wē need to take action today.

Mahalo

Malihini Keahi-Heath

Sent from my iPhone

From: [Jodi McCarthy](#)
To: [Hyatt, RaeAnn P](#); [DLNR.CW.DLNR.CWRM](#)
Subject: [EXTERNAL] DEFER CWRM designation West Maui
Date: Monday, June 13, 2022 3:39:05 PM

Please defer action on the designation (set for June 14) in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource. Please defer the designation of the Lāhainā Sector at this time so CWRM can talk with the County and affected stakeholders. Designating the Lāhainā Aquifer Sector will impact all of West Maui. The County (DWS) has indicated that there may be a “de facto building moratorium.” This means no new uses for anyone, any business, farm, school, or medical facility potentially decades. The water experts disagree that the data supports designation. CWRM has not considered the consequences of designation. The County Department of Water Supply brought up the affordable housing concern. CWRM has not responded. Many have asked how the water use application and permitting process role out if designation occurs. CWRM has not responded. Clearly more information is needed before any decisions are made in this matter.

Respectfully

Jodi McCarthy
Launiupoko

From: [Uilani Kapu](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Item C-1
Date: Monday, June 13, 2022 3:39:05 PM

Aloha Kākou

My name is Namealani Keahi, I am a lineal desendent of Lahaina for generations and I Support the Water Commission recommendation to Designate Surface Water and Ground Water for the Lahaina Aquifer Sector. Wē need to take action know for the next generation.

Mahalo

Namealani Keahi

Sent from my iPhone

From: [cody_nemet](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL]
Date: Monday, June 13, 2022 3:45:51 PM

Aloha mai, my name is Cody Nemet Tuivaiti, I am a taro farmer and an advocate for a sustainable future for Hawai'i. I live on the island of Maui and am in strong support of the designation for the Lahaina water management. I believe that this designation will manage water usage and prioritize where water is most needed. Water is becoming a commodity and many Hawaiians and locals are struggling while luxury homes and hotels thrive for the price they are willing to pay to keep the rich happy and the poor miserable. Water is for everyone and we need to make sure that our Hawaiians and locals are taken care of, that they have water for their taro, so they can be sustainable, water for their house, so they can farm and wash clothes and take a bath. Management is needed to prioritize usage of water for the betterment of our future in Hawai'i.

Mahalo,
Cody Nemet Tuivaiti

we have until 4:00pm today to submit written testimony in support of the Lahaina Water management designation. The Homeowners associations are rallying their troops by way of the private developers to send in their testimonies to go against the designation, we need to get all our ohana to just go online and email raeann.p.hyatt@hawaii.gov and say your name and that you are in support of the designation for the Lahaina water management.

Mahalo nui.

From: [Charlene Rowland](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Water designation
Date: Monday, June 13, 2022 3:50:06 PM

Aloha, my name is Charlene Rowland and I have ties to Kauaula in Lahaina. I strongly support and am in favor of Water rights designation.

Mahaaalo,
~Char~

Sent from my iPhone

From: [Regina Van Buren](#)
To: [Hyatt, RaeAnn P;](#) info@westmauland.com
Cc: [Robert;](#) [Delores](#)
Subject: [EXTERNAL] Defer Designation of the Lahaina Aquifer Sector
Date: Monday, June 13, 2022 3:51:52 PM

To whom it may concern:

Testimony requesting to defer the Designation of the Lāhainā Aquifer Sector

I am a resident of West Maui.

I understand that if designated, I may not be able to continue to use water in the way I've used it. I may not be able to use the amount of water I've been using.

I understand that if designated, and someone else doesn't agree with a use of water or the amount that is being used, there could be litigation.

I understand that if designated, and I want to use water in a new way, then I have to get a new use permit, which may take decades.

This means that if I want more water for my farm or yard, I may have to wait decades.

This means that if I want to build an ohana unit, I may have to wait decades.

This means that affordable housing may be halted for decades. Where will our children live? Not West Maui.

Because there's no development, meaning housing and new businesses or farming, this means jobs are not created.

The water experts (CWRM, County Department of Water Supply and State Dept. of Health) disagree that the data supports designation. They disagree that there is a supply issue. They disagree that there is a health and safety issue.

DWS raised concerns about the consequences of the designation. CWRM has never responded to those concerns. CWRM has never evaluated the consequences of the designation. Because the consequences could be substantially detrimental to West Maui, I believe CWRM should sit down with the other water experts (County DWS and State DOH) to evaluate the data. I believe CWRM should consider the consequences. I support deferral so that the water experts, others (such as affordable housing developers) and the community can together decide if this is the best course for West Maui.

Sincerely,

Robert and Delores Laczynski



Lahaina, HI 96761

732-

From: [Skull Shoes](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] DEFER action on CWRM designation of West Maui
Date: Monday, June 13, 2022 3:55:59 PM

Please defer action on the CWRM management area designation of the Lahaina Aquifer Sector Area, to allow residents more time to read and process the recently published findings report. While the process of democracy is admittedly slow, it is slow by design because it is dependent on an educated and informed citizenship. As a resident of west maui, the deferral would give me the opportunity to process and digest the relevant information.

Sincerely,

John

From: [Brian Egan](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] SLOWDOWN THIS PROCESS PLEASE
Date: Monday, June 13, 2022 3:56:42 PM

Subject of email: DEFER action CWRM designation of West Maui

General Message: **Please defer action on the designation (set for June 14) in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.**

--

Brian Egan, CEO
EGAN REALTY AND CONSULTING, INC

[REDACTED]
Lahaina, HI. 96761

808-[REDACTED]

From: [Meleana Shim](#)
To: [Hyatt, RaeAnn P](#); [DLNR.CW.DLNR.CWRM](#)
Subject: [EXTERNAL] Support Testimony - Agenda Item #C1 6/14
Date: Monday, June 13, 2022 3:56:52 PM
Attachments: [CWRM Testimony 614.docx](#)

RE: Agenda Item #C1, Designation of the Lahaina Aquifer Sector, Maui as a Surface Water and Ground Water Management Area

Mahalo for the opportunity to testify in strong support of your staff's recommendation to designate the Lahaina Aquifer Sector as a surface and ground water management area.

I would like to highlight that the West Maui community has spoken overwhelmingly in support of designation. The serious and ongoing disputes over water use across Maui Komohana have been described through testimony as well as through citizen complaints and other enforcement actions pending. In January, February, and again in April, community members gave specific examples of how designation is essential to protect and restore traditional and customary Native Hawaiian rights and practices, particularly with climate change affecting the weather patterns in the area.

The Commission staff have already acknowledged that 2 of the 3 criteria for surface water and 6 of the 8 criteria for ground water designation have been satisfied, which is a clear determination that the time for designation is now. Designation is vital to secure our water for the generations to come. I understand that this process is complex, but I firmly believe that water use permitting is the best way to address the issues we are facing.

As a community, we must focus on the many community members who have invested their livelihoods in seeking water justice for their 'ohana, and not play into the financial interests that are suddenly showing up to delay the designation process. There's no need for a "working group" — there has already been a process, and our community members have consistently shown up, in person, throughout every step of it.

Mahalo for the opportunity to testify in support of designation for the entire Lahaina Aquifer Sector, for considering my concerns, and for fulfilling your kuleana as a steward of our public trust resources.

Mahalo nui loa,
Mana Shim

RE: Agenda Item #C1, Designation of the Lahaina Aquifer Sector, Maui as a Surface Water and Ground Water Management Area

Aloha Chair Case and Members of the Commission on Water Resource Management:

Mahalo for the opportunity to testify in **strong support** of your staff's recommendation to designate the Lahaina Aquifer Sector as a surface and ground water management area.

I would like to highlight that the West Maui community has spoken overwhelmingly in support of designation. The serious and ongoing disputes over water use across Maui Komohana have been described through testimony as well as through citizen complaints and other enforcement actions pending. In January, February, and again in April, community members gave specific examples of how designation is essential to protect and restore traditional and customary Native Hawaiian rights and practices, particularly with climate change affecting the weather patterns in the area.

The Commission staff have already acknowledged that 2 of the 3 criteria for surface water and 6 of the 8 criteria for ground water designation have been satisfied, which is a clear determination that the time for designation is now. Designation is vital to secure our water for the generations to come. I understand that this process is complex, but I firmly believe that water use permitting is the best way to address the issues we are facing.

As a community, we must focus on the many community members who have invested their livelihoods in seeking water justice for their 'ohana, and not play into the financial interests that are suddenly showing up to delay the designation process. There's no need for a "working group" — there has already been a process, and our community members have consistently shown up, in person, throughout every step of it.

Mahalo for the opportunity to testify in support of designation for the entire Lahaina Aquifer Sector, for considering my concerns, and for fulfilling your kuleana as a steward of our public trust resources.

Mahalo nui loa,
Mana Shim

From: [Uilani Kapu](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Item C-1
Date: Monday, June 13, 2022 3:59:55 PM

Aloha

My name is Jonnie Keahi and I am a lineal desendent of Lahaina for generation. My Ohana are Mahi'ai and Lawai'a of Lahaina. This Designation is important for generation to come. Please help us protect our resources. I Support the Lahaina Aquifer Sector Designation.

Mahalo

Jonnie Keahi

Sent from my iPhone

From: [Todd Boyd](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.
Date: Monday, June 13, 2022 4:03:43 PM

My name is Todd Boyd and I am a resident of Lahaina. I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- **The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.**
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
 - The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."
- **New use permits cannot be processed until all existing use permits have been processed, which may take decades.**
 - A future use is any use that does not exist at the time a designation is made.
 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took the *three* applicants *five* years for to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
- **For these reasons, designation will likely mean a moratorium on future uses (for decades).**
 - DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: **"[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without new source to offset surface water from Kanaha Stream.** Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new source are awarded."

<!--[if !supportLists]-->◦ <!--[endif]-->A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.

- **A moratorium on future uses means a moratorium on affordable housing.**

<!--[if !supportLists]-->◦ <!--[endif]-->Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC and Todd Apo of the Hawai‘i Community Foundation support deferral and the appointment of a working group.

- **A moratorium on future uses, including affordable housing and any other development, means jobs are not created.**

<!--[if !supportLists]-->◦ <!--[endif]-->Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai‘i Regional Council of Carpenters, William Kama and Bruce U‘u of the Maui Chapter of Hawai‘i Carpenters Union, Dwight Burns of the Hawai‘i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai‘i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.

- **Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.**

<!--[if !supportLists]-->◦ <!--[endif]-->The resource is important and needs to be managed.

<!--[if !supportLists]-->◦ <!--[endif]-->With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.

<!--[if !supportLists]-->◦ <!--[endif]-->Once a designation is made, it will be extremely difficult to undo. **If the designation is a good idea today, it will be a good idea next month or the month after.**

<!--[if !supportLists]-->◦ <!--[endif]-->Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

I appreciate the opportunity to provide testimony. Please defer this action until further review and community discussion.

Respectfully,

Todd Boyd

Todd Boyd
(808)



From: [Sarah Schmidt](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.
Date: Monday, June 13, 2022 4:04:37 PM

My name is Sarah Schmidt and I am a resident of Lahaina. I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- **The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.**
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
 - The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."
- **New use permits cannot be processed until all existing use permits have been processed, which may take decades.**
 - A future use is any use that does not exist at the time a designation is made.
 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took the *three* applicants *five* years for to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
- **For these reasons, designation will likely mean a moratorium on future uses (for decades).**
 - <!--[if !supportLists]-->○ <!--[endif]-->DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new source are awarded."

<!--[if !supportLists]-->◦ <!--[endif]-->A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.

- **A moratorium on future uses means a moratorium on affordable housing.**

<!--[if !supportLists]-->◦ <!--[endif]-->Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC and Todd Apo of the Hawai‘i Community Foundation support deferral and the appointment of a working group.

- **A moratorium on future uses, including affordable housing and any other development, means jobs are not created.**

<!--[if !supportLists]-->◦ <!--[endif]-->Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai‘i Regional Council of Carpenters, William Kama'i and Bruce U‘u of the Maui Chapter of Hawai‘i Carpenters Union, Dwight Burns of the Hawai‘i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai‘i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.

- **Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.**

<!--[if !supportLists]-->◦ <!--[endif]-->The resource is important and needs to be managed.

<!--[if !supportLists]-->◦ <!--[endif]-->With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.

<!--[if !supportLists]-->◦ <!--[endif]-->Once a designation is made, it will be extremely difficult to undo. **If the designation is a good idea today, it will be a good idea next month or the month after.**

<!--[if !supportLists]-->◦ <!--[endif]-->Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

I appreciate the opportunity to provide testimony. Please defer this action until further review and community discussion.

Respectfully,

Sarah Schmidt

Sarah Schmidt

[REDACTED]

[REDACTED]

917- [REDACTED]

From: [Katie Zimmerman](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Monday, June 13, 2022 4:10:05 PM

Dear Commission Secretary Hyatt,

Please do not make such a hasty decision without complete information. Please defer the designation and appoint a working group to further investigate it.

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
 - The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."
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 - A future use is any use that does not exist at the time a designation is made.
 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took three applicants five years to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
- For these reasons, designation will likely mean a moratorium on future uses (for decades).
 - DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without a new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new sources are awarded."
 - A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.
- A moratorium on future uses means a moratorium on affordable housing.
 - Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC and Todd Apo of the Hawai'i Community Foundation support deferral and the appointment of a working group.
- A moratorium on future uses, including affordable housing and any other development, means jobs are not created.
 - Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai'i Regional Council of Carpenters, William Kamai and Bruce U'u of the Maui Chapter of Hawai'i Carpenters Union, Dwight Burns of the Hawai'i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai'i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.
- Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.
 - The resource is important and needs to be managed.
 - With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.

- Once a designation is made, it will be extremely difficult to undo. If the designation is a good idea today, it will be a good idea next month or the month after.

- Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Katie Zimmerman

[REDACTED]

Lahaina, HI 96761

[REDACTED]

From: [Kapali Keahi](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Cwrm agenda item C-1
Date: Monday, June 13, 2022 4:25:03 PM

Welina mai Chair Case and members of the State Of Hawaii Commission on Water Resources Management,

My name is Kapali Keahi. Mahalo for another opportunity to express my support for Designation of the Lahaina Aquifer Sector as a special management area. The ground and surface water resources have been the topic of much controversy mostly because after a hundred years of plantation control of our resources and politics, the people and the environment are in conflict with the plantations practices.

The question is, what do they have to show for what they have done? What can we point to as a result of their collusion with u.s. geopolitical intrusion, that has amounted to any benefit towards the betterment of our society and communities, that we would not be able to accomplish without their existence?

The plantation's control of our watershed is the epitome of the fox guarding the chickens. But after over a hundred years of forced assimilation land theft and genocide, my generation can still hear the voices of our Aloha Aina ancestors. That generation who gave us Kue. They tell us to fight against the plantations' greed.

For far too long the state of Hawaii has aligned themselves with the plantations, and now my generation has to clean up that mess. It is time for the state to make a decision that is not anti haumea and by virtue of that, not anti kanaka maoli. The community has spoken. Designate the Lahaina Aquifer Sector for special management.

I mua.....

From: [Kelli Kobayashi](#)
To: [DLNR.CW.DLNR.CWRM](#)
Subject: [EXTERNAL] Testimony in Support of Lahaina Aquifer Designation (Agenda Item C1)
Date: Monday, June 13, 2022 4:25:18 PM

Aloha Chair Case and Members of CWRM,

I am a recent graduate of the University of Hawaii William S. Richardson School of Law. I worked with community members on Maui through the Native Hawaiian Law Clinic. I support the designation of the Lahaina Aquifer Sector as a Surface and Ground Water Management Area. Water management is a key tool to combat the effects of climate change, increased development, and years of environmental injustice against indigenous communities.

The Lahaina region has experienced decreased rainfall and stream flow in recent years. Global warming and climate change will include more droughts and less rainfall in the future. At the same time, Hawaii continues to experience an increase in development. Ukumehame, a very dry region, is quickly growing from the small town it used to be. With new development, in particularly dry areas, already stressed water sources will be spread even thinner. As is the case around the world, our indigenous families are suffering. Years of mistreatment have led many Native Hawaiian families and traditional kalo farmers off their land. After years of work in this area, Native Hawaiians who persevered despite the appalling environmental and social injustice they experienced, are once again threatened. Serious disputes in the community continue over water use. The State's water management system was created specifically to address situations like this. Designation is necessary, overdue, and highly recommended by many members of the community.

Please support your staff's recommendation and vote in favor of designation.

Thank you,
Kelli Ann

--

Kelli Ann Kobayashi

J.D. Candidate, Class of 2022
University of Hawai'i at Mānoa
William S. Richardson School of Law

From: [Lisa Raymond](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Supporting the designation of the Lahaina aquifer sector as a ground/surface water management area
Date: Monday, June 13, 2022 4:31:34 PM

Aloha

My name is Lisa Schattenburg Raymond. I was born and raised in Lahaina. I strongly support the designation of the Lahaina aquifer sector as ground and surface water management area. Mahalo for you time!

From: [Ryan Churchill](#)
To: [Hyatt, RaeAnn P](#); [DLNR.CW.DLNR.CWRM](#)
Subject: [EXTERNAL] CWRM Agenda for June 14 - Item C1
Date: Monday, June 13, 2022 4:41:47 PM

Aloha, I would like to provide testimony on item C1 on the June 14 agenda.

As a past President of Maui Land & Pineapple Company I became very familiar with both the ground and surface water resources of the Honolua and Honokohau aquifers as the area encompass most of Maui Land & Pine's land holdings. I spent many years supporting conservation efforts to manage the watershed of these aquifers and restoring stream flows as pineapple production wound down. I have been in the real estate business on Maui for over 20 years and have been involved with affordable, resort, and local housing projects around the island. I no longer work or have any projects in West Maui but feel I am well-informed on the subject and therefore provide this testimony for your consideration.

I oppose the designation of the entire Lahaina Sector as a water management area. The proposal to designate the entire Lahaina Sector is an overreach as there is no supply issue for all the aquifers such as Honolua and Honokohau. It appears both the Maui County Department of Water Supply and the State Department of Health agree with this based on testimony submitted by them.

We are in a severe housing crisis and one of the largest impediments to housing is the availability of water and the ability to process water applications in a timely manner. In my opinion, the designation of the entire Sector will bring future West-Maui affordable housing projects to a halt for many years. Ironically, the higher-end resort housing projects in Kapalua and Kaanapali will likely continue unfettered as their water source from various wells is already entitled and adequate for their needs. The locals, those needing housing the most, will suffer due to what I believe will be certain and extended delays due to the proposed designation.

Designating an entire sector the size of the Lahaina Sector will have a significant impact that will last perpetually. Based on comments from both DWS and the DOH it makes sense to tread cautiously and deny or defer the proposed action until more study can be done on the impacts such a broad designation will have on the community.

Mahalo for your consideration,

Ryan Churchill

From: [courtney okief](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Lahaina aquifer
Date: Monday, June 13, 2022 4:42:26 PM

Aloha, my name is Courtney OKief and I strongly support the designation of the Lahaina aquifer sector as ground and surface water management area. Mahalo!

Sent from my iPhone

From: [Jordan](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] CWRM agenda item C-1
Date: Monday, June 13, 2022 5:15:15 PM

Please submit my written testimony to the record:

Hello,

My name is Jordan Hocker and I want to submit this written testimony in support of the designation of ground and surface water resources of Lahaina Aquifer. There is a legal requirement that the state must uphold with regards to water rights for heirs of the area and it currently is not being honored. There are considerable outside forces that would prefer to see that water used for for-profit purposes to benefit themselves, despite the legal obligation this body and the state have to kānaka maoli regarding rights to their water. Please take the right action and vote in support of designation.

Jordan Hocker

(808) [REDACTED]
[REDACTED]

From: [MariaElena Marshall](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Save Maui Water.
Date: Monday, June 13, 2022 5:19:23 PM

My name is MariaElena, I am in support of saving Maui Water... Water is life that is what keep everything going... Without water everything will die!

MARIAELENA MAHALO NUI LOA

From: [Debbie Arakaki](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Monday, June 13, 2022 5:30:05 PM

Dear Commission Secretary Hyatt,

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
 - The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."
- New use permits cannot be processed until all existing use permits have been processed, which may take decades.
 - A future use is any use that does not exist at the time a designation is made.
 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took three applicants five years to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
- For these reasons, designation will likely mean a moratorium on future uses (for decades).
 - DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without a new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new sources are awarded."
 - A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.
- A moratorium on future uses means a moratorium on affordable housing.
 - Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC and Todd Apo of the Hawai'i Community Foundation support deferral and the appointment of a working group.
- A moratorium on future uses, including affordable housing and any other development, means jobs are not created.
 - Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai'i Regional Council of Carpenters, William Kamai and Bruce U'u of the Maui Chapter of Hawai'i Carpenters Union, Dwight Burns of the Hawai'i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai'i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.
- Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.
 - The resource is important and needs to be managed.
 - With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.
 - Once a designation is made, it will be extremely difficult to undo. If the designation is a good idea today, it will be a good idea next month or the month after.
 - Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders,

including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Debbie Arakaki

[REDACTED]

Lahaina, HI 96761

[REDACTED]

From: [Skyler Haggerty](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] COMMISSION ON WATER RESOURCE MANAGEMENT
Date: Monday, June 13, 2022 5:38:58 PM

Hello,

I'm writing to express my support for state designation and management of the Lahaina Aquifer Sector as both a surface and groundwater area. Access to clean, fresh water is becoming more scarce as climate change takes effect. Please vote to protect and regulate this vital natural resource.

Thank you,
Skyler Haggerty

From: [Tamar Goodfellow](#)
To: [Hyatt, RaeAnn P;](#) [DLNR.CW.DLNR.CWRM](#)
Subject: [EXTERNAL] Postpone Designation of the Lahaina Aquifer Sector
Date: Monday, June 13, 2022 6:10:06 PM

Dear Commission Chair and Members,

I am writing to ask you to postpone the decision to Designate the Lahaina Aquifer Sector Area as both a surface water and ground water management area. Instead I ask that you consider forming a working group to explore this issue more fully and determine if such a designation is merited, beneficial, and in the best interests of all Maui residents.

With only a single, in person public hearing having been held on this issue, there has not been adequate engagement from the public and all affected parties. Furthermore, the final report from CWRM staff supporting the designation was released last Friday, June 10, on Kamehameha Day, a State holiday, after 3pm, making it virtually impossible for the community to review and respond.

Why is this issue being rushed through without adequate input? What will the impacts be on affordable housing, the most critical issue on Maui?

Why, when the County Department of Water Supply (DWS) has stated that there is adequate supply, and both the DWS and the State Department of Health disagree with designating the entire sector, would you move ahead? These questions and many more need to be addressed before any decision is made.

Please vote against Action Item #1 on your 6/14/22 agenda.

Thank you for your consideration,

Tamar Chotzen Goodfellow

From: [Mina 81](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Support State designation
Date: Monday, June 13, 2022 6:19:07 PM

Good evening

My name is Alicia and i support State designation of all water(water streams and ground water in the island of Maui. Let the people of Hawaii be included.

From: [Karen Comcowich](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] SUPPORT the designation of the Lahaina aquifer sector as ground and surface water management area.
Date: Monday, June 13, 2022 6:41:10 PM

Aloha,

I support the designation of the Lahaina aquifer sector as ground and surface water management area to give the commission the authority to decide who may use water. West Maui is getting drier every year, and disputes over water rights and responsibilities have already arisen. Water is a natural and cultural resource. Please take this important step in protecting our water resources.

Mahalo!

Karen Comcowich
Lahaina, HI

[Sent from Yahoo Mail on Android](#)

From: dlsizemore@aol.com
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Subject: Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data
Date: Monday, June 13, 2022 7:20:29 PM

Aloha,

My name is Dan Sizemore, and I am a resident of Lahaina. I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- **The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.**
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
 - The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."
- **New use permits cannot be processed until all existing use permits have been processed, which may take decades.**
 - A future use is any use that does not exist at the time a designation is made.
 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took the *three* applicants *five* years for to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
- **For these reasons, designation will likely mean a moratorium on future uses (for decades).**
 - DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new source are awarded."
 - A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.
- **A moratorium on future uses means a moratorium on affordable housing.**

- Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC and Todd Apo of the Hawai'i Community Foundation support deferral and the appointment of a working group.
- **A moratorium on future uses, including affordable housing and any other development, means jobs are not created.**
 - Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai'i Regional Council of Carpenters, William Kama'i and Bruce U'u of the Maui Chapter of Hawai'i Carpenters Union, Dwight Burns of the Hawai'i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai'i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.
- **Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.**
 - The resource is important and needs to be managed.
 - With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.
 - Once a designation is made, it will be extremely difficult to undo. **If the designation is a good idea today, it will be a good idea next month or the month after.**
 - Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

I appreciate the opportunity to provide testimony. Fresh water is a commodity that is important to everyone. Please consider taking the time to evaluate the impact for all concerned before deciding on a course of action.

Mahalo,

Dan Sizemore

From: [REDACTED]
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Lahaina Aquifer
Date: Monday, June 13, 2022 7:23:21 PM

Aloha my name is Tiffany Teruya and I STRONGLY SUPPORT the designation of the Lahaina Aquifer sector as ground and surface water management area.
Mahalo.

Sent from my iPhone

From: [Jack Roden](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] CWRM - West Maui - Water Designation Opposition - Please Read
Date: Monday, June 13, 2022 7:51:13 PM

Aloha Raeann,

Please take a moment to consider the impact of tomorrow's vote for water rights on the future of the actual residents of Maui. Many times state and county legislation, while trying to exercise good, has had a detrimental impact on the residents and workforce of Maui. From a recent \$200K tax exemption for lessors resulting in a direct funneling of tax revenue off-island while these same lessors hiked the average rent 42% ([click here](#)); to now taking away water rights to all of west Maui; the era of hindsight is increasing. Please don't allow such a hasty decision that will once again make living on Maui increasingly unmanageable for our workforce and residents. We need properly researched decisions that have a beneficial impact on the environment without needless consequence for our residents. Therefore, please consider designating a working group to research and advise, and do not vote to designate West Maui as a water management area.

Best regards from down the road!



Jack Roden | Maui HI.

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English | Deutsch | Français (un peu)



■ [808](#) [REDACTED]

■ [REDACTED]

■ www.myrealthawaii.com



From: [Lyn Muegge](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Oppose CWRM designation West Maui Water Designation
Date: Monday, June 13, 2022 7:55:45 PM

I respectfully request that action on the designation(set for June 14) be deferred in favor of forming a working group to examine whether the designation is appropriate and, if not, identify the ways in which stakeholders may collaboratively work to steward the resource.

My husband and I have lived on the west side of Maui for the past 25 years. We currently own approximately ten acres of land 9 of which is actively farmed.

From: [Peter Koeneman](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Water
Date: Monday, June 13, 2022 8:05:16 PM

I support state designation of all rivers, streams. And ground water on Maui. Please protect our water.

[Sent from Yahoo Mail on Android](#)

From: [Holly Crouse](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Monday, June 13, 2022 8:20:05 PM

Dear Commission Secretary Hyatt,

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
 - The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."
- New use permits cannot be processed until all existing use permits have been processed, which may take decades.
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 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took three applicants five years to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
- For these reasons, designation will likely mean a moratorium on future uses (for decades).
 - DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without a new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new sources are awarded."
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 - Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders,

including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Holly Crouse

[REDACTED]

Makawao, HI 96768

[REDACTED]

From: [Napualani](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] CWRM Agenda Item C-1
Date: Monday, June 13, 2022 8:27:02 PM

Aloha! My name is Michelle Napualani Kitashima. I am in support of designation. Please vote in support of designation today! Mahalo! Aloha!

From: [Michael Trotto](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Monday, June 13, 2022 8:40:05 PM

Dear Commission Secretary Hyatt,

IT'S SIMPLE, "WATER IS LIFE", THEREFORE, ANY SUCH MANAGEMENT PLAN MUST BE WELL VETTED AND ESTABLISHED WITH THE UTMOST CARE AND NOT RUSHED AS PLANNED!

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

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- Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Michael Trotto

[REDACTED]

Kihei, HI 96753

[REDACTED]

From: [Doris Lang](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] In Support of Designation
Date: Monday, June 13, 2022 8:49:11 PM

Aloha,

My name is Doris Lang, we live in Launiupoko at 186 Paia Pohaku Pl. Lahaina

I SUPPORT THE STAFF RECOMMENDATIONS TO DESIGNATE THE LAHAINA
AQUIFER AS A MANAGEMENT AREA.

Mahalo,
Doris

From: [Brad Sheveland](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Fwd: Oppose CWRM Designation
Date: Monday, June 13, 2022 9:00:10 PM

Sent from my iPhone

Begin forwarded message:

From: Brad Sheveland [REDACTED]
Date: June 13, 2022 at 8:53:04 PM HST
To: [REDACTED]
Subject: Fwd: Oppose CWRM Designation

OPPOSE CWRM designation West Maui Designation

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways which the stake holders make collaboratively work to steward the resource.

Sincerely,

Brad Sheveland

From: [John Van Spyk](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Monday, June 13, 2022 9:00:05 PM

Dear Commission Secretary Hyatt,

I am an owner on the west side and am surprised to hear of the speed at which this is moving. Please consider proper time to fully explore this. I formally submit my concerns in writing to express regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

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 - DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without a new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new sources are awarded."
 - A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.
- A moratorium on future uses means a moratorium on affordable housing.
 - Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC and Todd Apo of the Hawai'i Community Foundation support deferral and the appointment of a working group.
- A moratorium on future uses, including affordable housing and any other development, means jobs are not created.
 - Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai'i Regional Council of Carpenters, William Kamai and Bruce U'u of the Maui Chapter of Hawai'i Carpenters Union, Dwight Burns of the Hawai'i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai'i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.
- Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.
 - The resource is important and needs to be managed.
 - With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.
 - Once a designation is made, it will be extremely difficult to undo. If the designation is a good idea today, it

will be a good idea next month or the month after.

- Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders, including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

John Van Spyk

[REDACTED]

Lahaina, HI 96761

[REDACTED]

From: [Shayne nameaaea Hoshino](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Support CWRM agenda item C-1
Date: Monday, June 13, 2022 9:42:56 PM

My name is Nameaaea Hoshino. I am from Lahaina Maui, my ohana is from Kahoma-Kanaha valley and Kauaula valley. I'm writing a testimony in full support for CWRM Agenda item C-1 Water Designation.

Aloha

[Sent from Yahoo Mail on Android](#)

From: [Patti Choy](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] West Maui Water Management Designation Area by
Date: Monday, June 13, 2022 9:42:37 PM

Aloha Chair Case and members of the Water Commission,

I am a resident of O'ahu and I support the designation of the Lahaina Aquifer Sector Area as a ground water and surface water management area. Stronger management of West Maui's water resources must be implemented in order to help secure water security for all residents.

Sincerely,

Patrice Choy

Shut Down Red Hill

WEST MAUI LAND COMPANY, INC.

LAUNIUPOKO — OLOWALU — KAUAULA — KAHOMA — MAKILA

305 E. Wakea, Suite 100
Kahului, Maui, Hawaii 96732

Phone: (808) 877-4202
Fax: (808) 877-9409

June 13, 2022

Ms. Susan Case, Chairperson
Commission on Water Resource Management
State of Hawaii
1151 Punchbowl Street #227
Honolulu, Hawai'i 96813

Re: DEFER Designation of the Lahaina Aquifer Sector as a Surface Water and Groundwater Management Area

Dear Ms. Case and Commissioners:

My name is Heidi Bigelow, and I am a Project Manager for West Maui Land Company ("WML"), Inc.. I write on behalf of West Maui Land Company, Inc. to request that the Commission on Water Resource Management's ("CWRM") defer designation of the Lahaina Sector as a Surface Water and Groundwater Management Area and form a working group. There are many too questions that remain unanswered, including those raised by the county DWS. A joint working group would allow for a deeper dive into the data, gain a better understanding of the impacts and opportunities, and most importantly to offer solutions that do not result years of court battles.

WML submitted testimony on April 25, 2022 and raised some questions on the process and the data sources. To date, there has been no response to the questions raised (questions are copied below).

1. How many existing use and new use applications does CWRM anticipate receiving and processing and in what time line? If projected timeline is quicker than Na Wai Eha, please provide the reasoning and justification.

June 13, 2022

DEFERAL of the designation of the Lahaina Aquifer Sector

Page 2 of 3

2. Provide a draft of the existing use applications that will be used in west Maui and outline of who will be required to submit applications.
3. Is there a different procedure for ground water and surface water use applications (existing and new)?
4. How much water will be left for other users after DHHL reservation? Will this or could this impact or limit the existing users?
5. What happens if an individual or business does not submit a use application? Who / how will this be policed?
6. Who polices the approved uses?
7. There are several private PUC regulated water companies in W Maui. Whose orders prevail: CWMR's or the PUC?
8. What are the impacts on housing? W Maui is in a housing crisis. Will the designation stifle housing including entitled, undeveloped land? There are several approved projects in w Maui, but they would not be considered existing users – what happens to those projects? Are they delayed?
9. The County is seeking to develop new ground water sources after the new instream flows were put in place by CWRM in 2018, drastically limiting the ability to divert water. The county is limiting water meters and restricting use until it develops this new source. Will they need to wait until all use applications are processed before they are issued a well permit if all of west Maui is designated?
10. Will all water companies and the County Dept. of Water Supply be directed to issue moratoriums on any new water meters until all existing use applications will be processed?
11. Please describe how the water from Development Tunnels applied.
12. Please provide detail of calculations and assumptions used for the Authorized Planned Uses. How will these be treated? As new uses?

June 13, 2022

DEFERAL of the designation of the Lahaina Aquifer Sector

Page 3 of 3

Given these concerns and unanswered questions, West Maui Land Company, Inc. requests DEFERAL of the designation of the Lahaina Aquifer Sector and the formation of a joint working group.

I appreciate the opportunity to provide testimony.

Respectfully,

A handwritten signature in black ink, appearing to read 'Heidi Bigelow', with a small '2022' written at the end.

Heidi Bigelow

Project Manager



HAWAI'I COMMUNITY FOUNDATION

TO: COMMISSION ON WATER RESOURCE MANAGEMENT

FROM: Micah A. Kāne, Chief Executive Officer & President – Hawai'i Community Foundation

RE: Testimony Regarding Agenda Item C.1 June 14, 2022

Relating to Designation of Water Management Area for Lahaina Aquifer Sector

Hearing: Tuesday, June 14, 2022, 9:00 a.m.

The Hawai'i Community Foundation (HCF) provides the following comments in regards to the proposed designation of the Lahaina Aquifer Sector Area as both a surface water and ground water management area as proposed in Agenda Item C.1 ("Proposed Designation"). We believe the community interest is best served by providing time to deepen stakeholder engagement and discussion around the Lahaina Aquifer. This comment comes from the recognition that, collectively, we need to move our attention for water resource solutions to one of creative and collective conversation amongst regional stakeholders, and where government designation comes as a last resort. With that lens, we see merit in the creation of a task force or working group to develop community solutions ahead of action on the Proposed Designation. Our comments are grounded in the important balance between water source management, housing opportunities for Maui residents, and cultural respect and sensitivity.

Because of the extreme housing crisis on Maui, HCF's **House Maui Initiative** has undertaken an effort to work with government, developers, community, and philanthropy to reduce the housing cost burden to Maui residents. Through this work, we have come to understand key factors that have created one of the highest median home prices in the nation, the migration of Maui residents out of Maui, and more homes being sold to non-residents than local families. One such factor is over-regulation that has caused an insufficient supply of housing for Maui residents. A recent UHERO study shared data showing every County in our State being amongst the highest regulated housing development environments in the nation. It is with this knowledge and data that we must balance decision making on matters such as the Proposed Designation.

HCF is also engaged in water issues through our **Fresh Water Initiative**, and therefore fully understands the importance of protecting our freshwater resource. The Initiative is focused on conservation, reuse, and recharge of water, with our Fresh Water Council seeking to lead thinking and efforts for freshwater security. It is through this initiative that we embrace creative, community driven solutions for water management that is most beneficial to the current and future needs of the region.

HCF is willing to participate in the task force or other effort to discuss and position the Proposed Designation in the best result for the community, bringing the information and focus of our initiatives which are, themselves, guided and focused on community. Thank you for the opportunity to provide this testimony.

From: [Noel Shaw](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Red Hill Testimony
Date: Monday, June 13, 2022 10:10:09 PM

Aloha Chair Case and members of the water commission,

My name is Noel Shaw and I am a resident of Kalāwahine Hawaiian Homestead. I am testifying today regarding agenda item C-2.

Seven months after the Navy poisoned thousand of ‘Oahu residents, the Red Hill fuel tanks remain a massive threat to our water security. My family and I have been diligently advocating through out this time to make this right. Our water is our most vital resource.

I urge the Commission to uphold its obligation to the public trust and use its constitutional authority to expedite the defueling and decommissioning of the Red Hill Bulk Fuel Storage Facility. We cannot wait at least another two years to know our water is safe. We need it to be made safe now!

Mahalo,

--

Noel Kaleikalaunuoka'oia'i'o Shaw



From: [Rogers, Andrew](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer Designation of the Lāhainā Aquifer Sector
Date: Monday, June 13, 2022 10:29:42 PM

My name is Andrew Rogers. I am the General Manager of the Ritz-Carlton Maui located in Kapalua (Kapalua Ritz-Carlton). On behalf of the Kapalua Ritz-Carlton, please accept this testimony in **support of a deferral** of the proposed designation of the entire Lāhainā Aquifer Sector as a groundwater and surface water management area.

The proposed designation will impact existing hotels and businesses in West Maui that house and sustain the visitor industry. According to the Maui County Office of Economic Development, approximately 80% of every dollar earned in Maui is generated directly or indirectly by the visitor industry. We are proud to be an economic engine and to support a significant number of Maui families.

The Kapalua Ritz-Carlton is also proud to provide premier luxury resort accommodations in West Maui. The Kapalua Ritz-Carlton relies on renovations and upgrades to our existing facilities and amenities, including new experiences such as restaurants and cultural showrooms, to provide premier accommodations and stay competitive in our market. As described by the County (DWS), the proposed designation would likely cause a de facto moratorium on development within the area. Without the ability to renovate, a resort will quickly lose its edge and visitors will look elsewhere for more modern and luxurious accommodations.

Under the proposed designation, existing resorts would be required to obtain a permit for existing use of water for both use and quantities of water for each use. For a resort that cannot get approval to continue its existing uses (or amount for each use), operations would be impacted. Downscaling operations inevitably results in downscaling the labor force. For a resort that can get approval to continue its existing uses, that resort is exposed to a contested case hearing requested by anyone who disagrees with the approval of its existing use permit.

The dispute over a permit, subject to the repetitive and expensive cycle of appeal and remand, is hardly a victory for anyone when resolved years later.

Please defer this designation to give the community and its stakeholders time to understand the consequences associated with the proposed designation, and to partake in the decision.

Mahalo,

Andrew

AndrewRogers

General Manager

The Ritz-Carlton Maui, Kapalua

808-665-7077

Pā'anaakalā Tanaka

[REDACTED]
Lahaina, Hawai'i 96761

email: [REDACTED]

Commission on Water Resource Management
State of Hawai'i Department of Land and Natural Resources
PO Box 621
Honolulu, Hawai'i 96809
Email: dlnr.cwrn@hawaii.gov

RE: Recommended Designation of the Lahaina Aquifer Sector as a Ground and Surface Water Management Area ("WMA")

Ke aloha nō e Chair Case and Water Commissioners,

I was raised in Lahaina since birth and a resident. My family are descendants from Kahoma valley and our 'ohana are currently restoring lo'i kalo on kuleana land. I am grateful for this opportunity to testify in support of the Chair's recommendation to designate the Lahaina Aquifer Sector as a surface water and ground water management area. We cannot delay this any longer. 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 designation, and the water use permitting that goes with it, are the best tools to address these challenges. If we wait any longer we risk severe negative impacts that will affect water availability for all who depend on it.

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 Lahaina and kalo farmer in Kahoma Valley that depends on Kahoma stream, I believe that "regulation is necessary to preserve our diminishing ground water supply for future needs." HRS. § 174C-44(3).

Your staff submittal highlights many of the water challenges our community is facing, including 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. 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 Native Hawaiian cultural practices have and will continue to be harmed without additional protective action by this Commission. Our ability to maintain our 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 your submittal confirms that.

Designation would help your Commission balance requests for water and ensure that public trust purposes, such as water for kalo, have priority. I am teaching my keiki to farm kalo as well and they are alongside us as we work in the lo‘i. It is because of wai (water) from Kahoma stream that we are able to maintain this practice that is vital to our identity as Hawaiians. Without the water we have no kalo (taro), we lose that ‘ai (food) that feeds us physically and connects us spiritually to our Native Hawaiian ancestors. Designation is necessary to ensure any hope for the future that my children and their descendants will always be able to have that connection and be actively engaged in maintaining those connections. We believe that designation is the best tool to address these and other issues our community faces.

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.

Na‘u me ka ‘oia‘i‘o,
Pā‘anaakalā Tanaka

From: [E.T.L](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Water is life
Date: Monday, June 13, 2022 11:03:12 PM

Aloha, I'm writing to inform you that I as a citizen & resident of Hawai'i SUPPORT state designation of all water streams & ground water on island of MAUI.

Mahalo

Etita Timon

From: [Kamanaio Gomes](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Lahaina Aquifer Sector Area
Date: Monday, June 13, 2022 11:46:21 PM

I Am In Support Of The Staff Recommendation To Designate The Lahaina Aquifer As A Water Management Area. My Name Is Kamanao'i'o Gomes I Am A 1998 Graduate Of Lahainaluna High School, Former Lahaina Resident/Current Lahaina Resident, & A Maui Moku Protector. Aloha & Mahalo

From: [Joshua Guth](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please defer the decision for designation
Date: Monday, June 13, 2022 11:59:59 PM

Aloha,

I am humbly asking that the commission defer its decision on the designation of the Lahaina aquifers, until lahaina at large is made aware of this push for designation, as well as the pros and cons of designation or non-designation.

As this recommendation for designation stands at this moment, I hear and understand the concern from our community. However I personally do not agree that the state water commission or CWRM have the capabilities or capacity to properly manage the Lahaina aquifers. My own experience with CWRM with regard to an application for surface water diversion permit, leads me to believe that CWRM does not have the staffing and resources to meet the current and existing demands.

I was told by a staff member that the commission and CWRM acknowledge the right of Hawaiians to water in the stream for such things as cultural and subsistence practices and farming of Kalo, however that same right does NOT allow us as Hawaiians to take that same water from

The stream for those uses, which is why they have you file for a surface water diversion permit. When is the last time anyone had this permit approved and how long did they have to sit in this system?

Under this proposed designation, as Hawaiians farming kalo in the kuleana lands, not only would we be subjects to trying to acquire a diversion permit, we will also have to file for a water use permit. We would have to file for a water use permit to receive our rights to water as native Hawaiians? I do not believe the Commission or CWRM are honoring the our state water code. I believe this system is flawed

In response the to the staff summary of oral testimony with regard to the footnote of the Guth's opposition, I want to be very clear, my parents application for a stream diversion permit is NOT the result of a violation letter. In late 2019 I met in person with CWRM staff members and started the application process. My parents' application was submitted and finalized after the violation, not because of it.

Mahalo,

Joshua Guth

****My email has changed. Please update your address book to [REDACTED]****

June 14, 2022

State of Hawaii
Department of Land and Natural Resources
Commission on Water Resource Management
(via email to raeann.p.hyatt@hawaii.gov)

Re: Designation of Lahaina Aquifer as a Surface and Ground Water Management Area

Please accept this letter as testimony to consider a delay in the designation of the Lahaina Aquifer as a Surface and Ground Water Management Area. My family and I are current owners of a home in the coffee tree agricultural area in the Kaanapali Coffee Farms. Our address is 275 Oka Kope Road in Lahaina. As you may be aware each home in this community is surrounded by approximately 4 acres of coffee trees which are vital to the community. Sufficient ongoing water, and a consistent supply of water, is vital to maintaining the coffee tree vegetation and productive capacity of the trees. This is also true for the vegetation and plantings surrounding the structures on each of the lots.

The property owners in our community, including my family, are not clear on the how the designation will affect our coffee trees and vegetation, or whether the supply will be restricted or change in some way that is detrimental to the community. We are concerned with what appears to be a rushed process and seek a delay any decisions until sufficient community involvement have been undertaken and we understand if the data supports the decision.

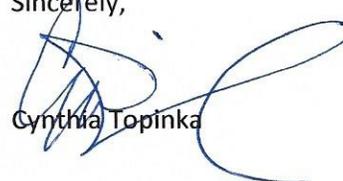
Thank you for your consideration.

Sincerely,



Alan Topinka

Sincerely,



Cynthia Topinka

MICHAEL P. VICTORINO
Mayor

HELENE KAU
Director

SHAYNE R. AGAWA, P.E.
Deputy Director



DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/water

June 14, 2022

Ms. Suzanne D. Case, Chairperson
Commission on Water Resource Management
State of Hawaii
Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

Dear Ms. Case:

Thank you for your time and dedication in taking up the important issue of water resource management in West Maui.

Please defer the designation at this time. I agree with Director Kau and the County of Maui's Department of Water Supply (DWS) in supporting the proposed designation of the Honokowai Aquifer System and opposing the designation of the entire Lahaina Aquifer System as a Surface and Ground Water Management Area. The reasons are clearly stated in Director Kau's DWS letter to the Commission dated April 25, 2022 (attached). To date, the Commission has not responded to DWS to address the points in the letter or prior correspondence and comments.

Director Kau, the DWS staff and I support formulating a collaborative working group of public and private purveyors who will engage with the private purveyors and landowners, your Commission and staff, as well as the Department of Hawaiian Homelands to integrate responsible management of Lahaina's resources.

Thank you very much for your consideration. We look forward to working together.

Sincerely,

A handwritten signature in black ink that reads "Shayne R. Agawa".

SHAYNE R. AGAWA, P.E.
Deputy Director

"By Water All Things Find Life"

From: [DeAnna G](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Commission on water resource management
Date: Tuesday, June 14, 2022 1:30:24 AM

I support state designation of all water streams and ground water in the island of Maui.

DeAnna Greenlee

From: [Kimokeo Kapahulehua](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Defer Action CWRM designation of West Maui
Date: Tuesday, June 14, 2022 3:09:51 AM

Please defer action (set for June 14th) in favor of forming a working group to examine whether designation is appropriate and if not identify the ways in which the stakeholders collaboratively work to steward the resource.

Many critical voices have not been heard and consider.

Kimokeo Kapahulehua
Honokohau, Maui

--

Kimokeo Kapahulehua

Cell: [REDACTED]

From: [James Kohler](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] West Maui water resource management
Date: Tuesday, June 14, 2022 5:54:25 AM

Realizing that fresh water is quite clearly the most important natural resource that we as citizens have I firmly believe that it should be managed by an independent entity that is set up to remain in close communication with the County Board of Water and the present and future users of this unfathomly important natural resource. I do strongly feel that the pace at which this commission is being brought into play is rather hasty. There is a need to get the community more involved, especially those that will be most effected by decisions and regulations that this new commission will be administering to. The last meeting was the only one I attended and I was surprised to see how few residents of the Launiupoko, and Kaua'ula area were in attendance. This resource is not finite and for future generations management of fresh water now will mean a steady flow for many years to come. But, we all know what happens when government gets involved in decision making and regulation....the essential purpose gets all caught up in bureaucratic paper shuffling and painfully slow decision making. I don't think we need that. What I would like to see happen is a couple more "question and answer sessions" between the community at large and the experts in the field. The meeting I went to was pointed but rather redundant and it seemed like much of the testimony was prepared by someone other than the person testifying. There are solutions to the current and future water shortages but I feel more discussion is needed to insure a clear path to a complicated solution. We'll over 100 years ago developers of the sugar industry took it upon themselves to bring fresh water to their future fields and mills by borrowing money at 18 percent interest to build these amazing ditches all over the Hawaiian Islands insuring irrigation for their product. There was little thought given to local landowners and farmers because of the big picture, which was profit...\$\$\$\$. Sugar was king. Today we clearly see the mistakes that were made back then and most of us want to make sure that it doesn't happen again. A commission to insure that the resource isn't abused is essential but also must be set up in a way that will work properly and efficiently for everyone. That's not an easy task and must not be rushed into.

One of the issues that really gets my goat is the 3 to 5 million gallons per day of treated sewage that is pumped back into the aquafer every single day. Water that flushed our toilets and washed our bodies and clothes. Why we keep doing this is a mystery to me. True, to alter that process into something that's not so wasteful of that resource, and damaging to the aquafer and ocean environment will not be cheap but obviously must be perused beyond the discussion level. Anyway, please don't rush into this action. It's worth the effort to do a good and unrushed job to get better results for all.

Aloha and Mahalo for your concerned efforts. James Kohler

Sent from my iPhone

From: [Barry gmail](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] please delay any formal vote today!
Date: Tuesday, June 14, 2022 6:47:43 AM

Aloha

My wife and I live at [REDACTED] Lahaina. This home is within the Kaanapali Coffee Farms neighborhood.

We request that any action by the Commission on Water Resource Management set for today June 14, be delayed until such time as sufficient publicity is creating to inform all parties within the affected areas of West Maui. It seems appropriate that a working group could be established to solicit input from all residents who could have their lives changed by a designation by your commission. Please allow time adequate to solicit input from the residents in the area.

Mahalo Nui Loa

Barry Nussbaum
Lot 34 Kaanapali Coffee Farms

Mailing Address:

[REDACTED]
Lahaina Maui 96761

From: [Jezelyn Gonsalves](#)
To: [DLNR.CW.DLNR.CWRM](#); [Hyatt, RaeAnn P](#)
Date: Tuesday, June 14, 2022 6:58:48 AM

Aloha,

My name is Jezelyn Gonsalves and I strongly support the designation of the Lahaina aquifer sector as ground and surface water management area.

Mahalo!

Sent from my iPhone

From: [Tina Bair](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Tuesday, June 14, 2022 7:30:06 AM

Dear Commission Secretary Hyatt,

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
 - The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."
- New use permits cannot be processed until all existing use permits have been processed, which may take decades.
 - A future use is any use that does not exist at the time a designation is made.
 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took three applicants five years to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
- For these reasons, designation will likely mean a moratorium on future uses (for decades).
 - DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without a new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new sources are awarded."
 - A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.
- A moratorium on future uses means a moratorium on affordable housing.
 - Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC and Todd Apo of the Hawai'i Community Foundation support deferral and the appointment of a working group.
- A moratorium on future uses, including affordable housing and any other development, means jobs are not created.
 - Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai'i Regional Council of Carpenters, William Kama and Bruce U'u of the Maui Chapter of Hawai'i Carpenters Union, Dwight Burns of the Hawai'i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai'i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.
- Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.
 - The resource is important and needs to be managed.
 - With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.
 - Once a designation is made, it will be extremely difficult to undo. If the designation is a good idea today, it will be a good idea next month or the month after.
 - Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders,

including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Tina Bair

[REDACTED]

Paia, HI 96779

[REDACTED]

From: [Vince Pinelli](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] CWRM proposed designation of all W Maui as a water management area
Date: Tuesday, June 14, 2022 7:46:37 AM

Aloha,

I wish to express my opposition to the proposed CWRM proposed designation of all W Maui as a water management area. I believe that this move is ill-advised and unsupported at this time. Having looked over the materials available I feel that there is not enough information to justify this move. More thought and investigation must be made to evaluate the impact on both commercial farming and individual homeowners in West Maui.

Mahalo, Vince Pinelli - a full time Hawian resident

[REDACTED]

Lahaina, HI 96761

From: [carol lee kamekona](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Lahaina
Date: Tuesday, June 14, 2022 7:59:23 AM

Aloha no!

I am writing in support to Accept Findings of Fact and Chairperson's Recommendation to Designate the Lahaina Aquifer Sector Area as both a Surface Water and Ground Water Management Area including the Honokōhau, Honolua, Honokahua, Kahana, Honokōwai, Wahikuli, Kahoma, Kaua'ula, Launiupoko, Olowalu, Ukumehame Surface Water Hydrologic Units and the Honokōhau, Honolua, Honokōwai, Launiupoko, Olowalu, and Ukumehame Groundwater Hydrologic Units, Under the Authority of § 174C-41, HRS, in Accordance with Designation Proceedings begun on November 28, 2021, Island of Maui, Hawai'i.

Mahalo for your consideration of my testimony.

Carol Lee Kamekona
Maui Island Resident

Sent from my iPhone

From: [Michelei Kahae](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Item C-1
Date: Tuesday, June 14, 2022 8:10:07 AM

Aloha, my name is Michelei Tancayo and I strongly support the designation of the Lahaina aquifer sector as ground and surface water management area. Mahalo!

Sent from my iPhone

From: [Teresa Adams](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Tuesday, June 14, 2022 8:20:06 AM

Dear Commission Secretary Hyatt,

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
 - The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."
- New use permits cannot be processed until all existing use permits have been processed, which may take decades.
 - A future use is any use that does not exist at the time a designation is made.
 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took three applicants five years to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
- For these reasons, designation will likely mean a moratorium on future uses (for decades).
 - DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without a new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new sources are awarded."
 - A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.
- A moratorium on future uses means a moratorium on affordable housing.
 - Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC and Todd Apo of the Hawai'i Community Foundation support deferral and the appointment of a working group.
- A moratorium on future uses, including affordable housing and any other development, means jobs are not created.
 - Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai'i Regional Council of Carpenters, William Kama and Bruce U'u of the Maui Chapter of Hawai'i Carpenters Union, Dwight Burns of the Hawai'i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai'i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.
- Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.
 - The resource is important and needs to be managed.
 - With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.
 - Once a designation is made, it will be extremely difficult to undo. If the designation is a good idea today, it will be a good idea next month or the month after.
 - Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders,

including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Teresa Adams

[REDACTED]

Lahaina, HI 96761

[REDACTED]

From: [Laura Johnson](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Agenda C1 Written Testimony
Date: Tuesday, June 14, 2022 8:29:52 AM

Aloha Kakou,

I am a Kanaka Maoli in support of the Designation in Agenda C1 which is necessary to protect and restore traditional and customary Native Hawaiian rights and practices, most important, to grow kalo which is written in our Hawaiian laws. Mahalo for your time to consider this information.

Lala Johnson

From: [kenny Cooley](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] WATER IS LIFE
Date: Tuesday, June 14, 2022 8:34:52 AM

I am writing this email in support of state designation of all water streams and ground water on Maui. We will never stop fighting for the protection and preservation of this 'Āina.

From: [Juan Ricci](#)
To: [Hyatt, RaeAnn P](#); [DLNR.CW.DLNR.CWRM](#)
Subject: [EXTERNAL] Water testimony for CWRM
Date: Tuesday, June 14, 2022 8:55:11 AM

To whom it might concern,

Im a resident of Maui for the last 21 years...

Our island has change a lot, since then, so did the climate.

Beside our population is growing in numbers, and our current infrastructure and services are not catching up accurately, our climate, that we depend so much is changing dramatically.

I been seeing more and more fires, rising sea levels and our island is becoming drier every year a little more.

For example, Haiku is the new Dryku... Same for the wet areas of West Maui, it just does not rain as much as it did 10 years plus ago...

I believe is time, to pause, and evaluate our new strategies, before we keep going forward with our future, and make sure we will have enough natural resources for our current way of life and our community.

I received an email from one of the big developments companies here in maui, asking for the community to help cancel this decision.

After reading and analyzing my options, I decided to go the opposite direction and support this decision.

For the record, I own a small construction company and a house in Lahaina, so this will affect my way of life and business too, but I want to ensure we can survive the future and plan better for it.

Its not all about money here. Most Big companies have their best interest in having this stoped for their personal financial reasons, they own huge amount of land, they are in the process of selling it and developing it for profits at a high margin.

They will use affordable housing and words like community to help themselves, but at the end of the day, their best interested is in themselves and their pockets.

I could give many examples where theses big companies have develop communities, where they went for the money, got paid and move on without finishing the project in a professional and responsible way, leaving behind many issues for the normal residents that bought into, now dealing with unwanted, unpleasant and unprepared circumstances, costing them extra time and money.

I believe is time to stop, re evaluate, plan for a better future in a responsible way and most important finish properly what we started already before moving forward.

Like I said before, Im in the construction busses, and this decision will affect my income and work, but its more than money, is the right thing to do.

Lets move forward the right way.

Thank you in advance.

Troy Ballard

[REDACTED]
Honolulu, Hawai'i 96822
[REDACTED]

VIA EMAIL TRANSMITTAL

TUESDAY, JUNE 14, 2022

Commission on Water Resource Management
Department of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl Street, Room 227
Honolulu, Hawai'i 96813
dlnr.cwrn@hawaii.gov
808-587-0212

RE: Agenda Item C1 - Designation of the Lahaina Aquifer Sector, Maui as a Surface and Ground Water Management Area

Aloha Chair Case and Members of the Commission on Water Resource Management:

As a graduate of the William S. Richardson School of Law, the Ka Huli Ao Center for Excellence in Native Hawaiian Law, and as an individual who has worked extensively with community members within West Maui on issues of water rights and access, I write this letter with my strongest endorsement and support of the recommendation to designate the Lahaina Aquifer Sector as a surface and ground water management area ("W.M.A.").

Designation of the Lahaina Aquifer Sector as a W.M.A. is among the most important steps to ensuring long-term sustainability and viability of freshwater on Maui. Given the limited amount of water found specifically within West Maui, it is critical that the Commission acts to ensure that there are sources of viable freshwater into perpetuity and for future generations. This is especially true given recent decreases in annual rainfall combined with more frequent droughts that have been spurred by climate change and the continued long-term effects of overuse of water by residents and businesses throughout West Maui. It is of the utmost importance that the Commission take affirmative action to begin the

W.M.A. designation process, and related permitting requirements, to address long-term water viability in West Maui effectively and with purpose.

Hawai'i's water code specifically requires the designation of W.M.A.s when those resources "may be threatened by existing or proposed withdrawals of water." Haw. Rev. Stat. § 174C-41(a). It cannot be said reasonably that freshwater within West Maui "may be threatened," but instead it is clear that freshwater in West Maui is instead under an active threat and the suffering of irreparable harm is imminent. This is especially true for those water users who wish to exercise traditional & customary Native Hawaiian rights, who have been amongst the most disenfranchised in terms of water access and equity in West Maui and throughout Hawai'i. Simply put, we have moved past the period of statutorily defined "threats" to water in the Lahaina Aquifer Sector, and we are entering the realm of irreparable harm and imminent crisis. Designation of this area as a W.M.A. will be the first step to enjoining further damage while ensuring equitable and *pono* water management in West Maui for the immediate and foreseeable future.

I believe that the Commission has an affirmative obligation to designate the Lahaina Aquifer Sector as a W.M.A., and to do otherwise would be an abdication of statutory, moral, and ethical responsibility. Water is among the most precious resources we have in Hawai'i and is something that should be strongly and deeply protected, something that the Commission has the authority and ability to do. I leave the Commission with one resonate phrase that, I believe, accurately summarizes the importance of designating the Lahaina Aquifer Sector as a W.M.A., *ola i ka wai*, or water is life.

With gratitude,

Troy Wallace Ballard

Troy Wallace Ballard

From: [Samuel Kaleikoa Ka'eo](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Testimony for Water Commission Meeting
Date: Tuesday, June 14, 2022 9:45:18 AM

Tues Jun 14

Aloha nui kakou,

Welina e na lala o ke Papa Hookuleana Wai

E oluolu mai, e ae mai i ko'u waiho ana aku i keia mau manao o'u no ka malama 'ana i ka wai.

O Kaleikoa Ka'eo ko'u inoa a he keiki papa no hoi au no ka mokupuni o Maui. Mai ka po koliuliu mai ka noho ana o ko'u po'e kupuna ma Maui nei a ma nā mokupuni a pau o Ko Hawaii Paeaina, no laila he mamo no ka Lahuikanaka a he kuleana hoi ko'u ma keia halawai.

Akahi, ke paipai aku nei au i ke komikona nona ke kuleana e koi aku i ka Oihana Moku o Amelika Hui Pu ia e hoomaemae aku a e hooponopono i ka lakou pahu aila ma Kapukaki ma. Aole loa kakou Hawaii e ae aku i ka hana poholalo o ka Oihana Moku e hoohaumia mau a hooweliweli i ko makou mau ola. Ua pau loa ka hana hewa a hoomake!

Alua, ke paipai aku nei i ka hookuleana ana i na wai ola o Lahaina ma ke ano he wahi kapu. He mea kupono loa ka malama ana i ka wai ma Lahaina ma o ke kapa ia ana he aina i hookuleana ia ma ia ano wahi he "water and surface management area."

I mau ke ea o ka aina,
I ola honua a i ola kanaka,

Kaleikoa Ka'eo
[REDACTED]
Kula HI 96790

From: [Erin Mills](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Tuesday, June 14, 2022 9:50:09 AM

Dear Commission Secretary Hyatt,

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
 - The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."
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 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took three applicants five years to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
- For these reasons, designation will likely mean a moratorium on future uses (for decades).
 - DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without a new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new sources are awarded."
 - A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.
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 - Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders,

including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Erin Mills

[REDACTED]

Lahaina, HI 96761

[REDACTED]

From: [Bonnie Chadwick](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Tuesday, June 14, 2022 10:10:27 AM

Dear Commission Secretary Hyatt,

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

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- Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.
 - The resource is important and needs to be managed.
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 - Once a designation is made, it will be extremely difficult to undo. If the designation is a good idea today, it will be a good idea next month or the month after.
 - Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders,

including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Bonnie Chadwick

[REDACTED]

Lahaina, HI 96761

[REDACTED]

From: [Kristin San Andres](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Maui water
Date: Tuesday, June 14, 2022 11:02:16 AM

I am writing to express my support for state designation of all water; streams and groundwater in Maui. I have friends and family on the islands and have visited enough times to see that too many visitors to the islands is making water use and rights to water untenable to native Hawaiians, and that is unacceptable. The island resources are limited and precious, especially water.

Thank you for your time,
Kristin Korinke

Sent from my iPhone

From: [Anita White](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Tuesday, June 14, 2022 11:50:05 AM

Dear Commission Secretary Hyatt,

This very important topic is being rushed and not given enough time for thoughtful solution. Please defer the water designation. This is not good for our West Maui Community.

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

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Sincerely,

Anita White

[REDACTED]

Lahaina, HI 96761

[REDACTED]

From: [Elizabeth Van Spyk](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Tuesday, June 14, 2022 12:10:06 PM

Dear Commission Secretary Hyatt,

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

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Sincerely,

Elizabeth Van Spyk

[REDACTED]

LAHAINA, HI 96761

[REDACTED]

From: [REDACTED]
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] OPPOSE CWRM designation West Maui Water Designation
Date: Tuesday, June 14, 2022 12:13:05 PM

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

Aloha,

Lee Potts

L. Lee Potts, Broker/Owner
MBA, CRS, ABR, RSPS, SRS, SFR, ePRO, CDPE, Ninja

Live Aloha

[REDACTED] Direct
[REDACTED] FAX

[Aloha Group Maui](#)
Keller Williams Realty Maui

From: [Healani Sonoda-Pale](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Written Testimony of Healani Sonoda-Pale
Date: Tuesday, June 14, 2022 12:38:44 PM

Aloha Chairperson Case and Commission on Water Resource Management Members,

My name is Healani Sonoda-Pale. I am an O'ahu Water Protector, a citizen of Ka Lahui Hawai'i and a Kanaka Maoli water drinker.

Kanaka Maoli genealogical connections to these lands are established in cosmogonic genealogies like the Kumulipo which provides and teaches us the universal order of all things. As descendants of kane ia Wai'ololi (Man for the Narrow Stream) ka wahine ia Wai'olola (Woman of the broad stream) the Kanaka Maoli people understand that we have a familial relationship to these lands and waters and therefore a kuleana to care for these resources for future generations. For 2,000 years Kanaka Maoli have lived and flourished on these islands equating water with wealth because our people understood and understands that water is truly life for which there is no substitution. Today it is the Kanaka Maoli people who have led and continue to lead the charge for the protection of our precious waters.

In regards to Agenda Item C1 -

I stand with with Water Protectors of Maui and 100% support the Designation of the Lahaina Aquifer Sector Area as both a Surface Water and Ground Water Management Area. Water is a finite resource and required for human life. We cannot delay the designation or leave the protection of the public's drinking water in the hands of developers - they don't even deserve a seat at the table because their interests is in direct conflict with that of the public's and most especially the Kanaka Maoli peoples' interest. For years "affordable housing" has been the rallying call for developers (and politicians) to steal, pollute, exploit and destroy precious national resources, water and Kanaka Maoli lands. And yet Kanaka Maoli remain overrepresented in Hawai'i's houseless community. Please don't fall for the gaslighting and disingenuous calls by developers for a working group which is obviously a stall tactic to protect a particular sector's interest - an interest that is more about the bottom line rather than the public good or Kanaka Maoli water rights.

In regards to Agenda Item C2 -

I urge the Commission to take bold action that is required to protect our sole source aquifer here on O'ahu. We are fast approaching a year since the US Navy spilled 19,000 gallons of fuel into the drinking water - poisoning nearly 100,000 residents on and around Thanksgiving Weekend. Over the decades, the US Navy and the Department of Defense has shown themselves to be poor caretakers Hawai'i's lands, water and natural resources. They have over the past months shown themselves to be untrustworthy and not transparent. Their lack of action, truthfulness and their attempts to hide the severity of the spills that have been ongoing since the Red Hill Bulk Fuel Storage Facility opened has resulted in pets dying and families (including children) being hospitalized with sores in their mouths, rashes, and vomiting. These victims (many of whom are servicemen and women and their families) are still dealing with the long term affects of the poisoning of their drinking water. We have now lost approximately 25% of our water source because of the lack of the US Navy's action and just last month we found out that the US Navy has been pumping more then their permitted

amount -pumping 1 million gallons more a day than they are allowed while Hawai'i residents are told to conserve water.

It's obvious that the US Navy and the DOD are not on the same page with Hawai'i residents and the Kanaka Maoli people when it comes to the protection and sharing of our water - they are not in alignment with the public interests and with Kanaka Maoli worldviews and values. Revoke the US Navy and the Department of Defense's water permits until such time as they shut down Red Hill. Having 180 million gallons of fuel dangling in rusted tanks just 100 feet over O'ahu's sole source aquifer is a bigger disaster waiting to happen. This is a disaster from which O'ahu could never recover. This is a disaster that is a matter of WHEN rather than IF it will happen. Please don't buy into the gaslighting and delay tactics. Two years, 1 year, six months are all unacceptable timelines. You are in a unique position as the water guardians of Hawai'i to be the catalyst of change and action. Choose to take action.

Mahalo for the opportunity to testify.

Healani Sonoda-Pale

From: [Mikey Burke](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] CWRM Agenda: West Maui Aquifer
Date: Tuesday, June 14, 2022 12:52:02 PM

Aloha,

My name is Michaellyn Burke and I fiercely support the designation of the Lahaina Aquifer sector as ground and surface water management area.

Mahalo,
Michaellyn Burke
[REDACTED]
Lahaina, HI 96761

Sent with aloha

Good morning, Members of the Commission on Water Resource Management.

Thank you for this opportunity to speak with you. My name is John Kaahui. I am currently a junior at Seabury Hall. I am also a Kamehameha Scholar and a member of the Maui Youth Council. I have an interest in Maui's future.

As my brother mentioned, our family has always had Kuleana lands in West Maui, stretching from Ukumehame to Honokohau. Our Great-great-great-grandmother, Ka'iu Kekona, was born in Honokohau, she married Moki Puha and moved to Olowalu.

Like almost every kid in my generation, I'm concerned about the environment. You just have to say, "this is good for the environment," and any kid my age will say, "great, I'm for it, sign me up." We are a generation who understand the need for protecting the land and the waters—both wai and kai.

We also understand another challenge which we're going to have to face. Attainable housing. We will need some place to live. We don't want to leave home, our parents don't want us to leave home, but our future is uncertain with the lack of housing.

With these two sides—sometimes seemingly opposite—our goal as a generation is to find the balance. We have a nice word for this, "Pono." We want to move forward, Imua, with protection for the environment, and support for the people.

As Mayor Victorino told us in our recent meeting, "designation takes away the ability of our local community and our local people to make decisions that affect them." As young adults, studying to prepare ourselves for our future careers and our adult lives—which we hope will be sustainable here on Maui—we would like to do some research as part of the Maui Youth Council, seeking a better understanding. We would like to gather information from an array of experts including:

- Hydrologists, water resources engineers,

- Experts in environmental statistics and environmental crisis management,
- Experts from the Maui Water Department, and;
- Experts in Housing in Maui County.

We'd also like to hear from our peers, gathering thoughts and concerns of the Maui youth, not only from our own school, but reaching out to other youth groups on Maui.

We'd like to ask this committee for the chance to study this proposed Ground Water and Surface Water Management area designation with the Maui Youth Council. We proposed this project to Mayor Victorino, who offered us—the Maui Youth Council—his “100% full support” in allowing us the chance to research this important decision. We are now asking for your support, as Members of the Commission on Water Resource Management, to defer the vote for designation.

Thank you for your time.

Good morning, Members of the Commission on Water Resource Management.

Thank you for this opportunity to speak with you. My name is Kai Kaahui. I am currently a senior at Seabury Hall. I am also a Kamehameha Scholar and a member of the Maui Youth Council. I have an interest in not only my own future but in the future of my home of Maui.

When I was less than 24 hours old, I was brought home to Olowalu. Many generations on my father's side come from Olowalu and Ukumehame. My full name, "Ka'akakai," traces back to our ancient ancestor who lived in this area.

My great grandfather was a subsistence farmer in Ukumehame. Then, in 1929, the sugar company cut off the water to his crops and so he had to pack up his family and move to Lahaina. My family has always had Kuleana lands stretching from Ukumehame to Honokohau. My father and his siblings, revived some of the ancient taro patches. The state came and challenged the water usage. My father had to show that there was no diversion and that the water from the ancient auwai, established by my great ancestors, like the Chief Kamakakehau was going back into the stream naturally.

My father has nine siblings. I have 33 first cousins. My family's kuleana lands—while a part of my heritage—won't represent a place for me to live, as there are so many of us.

All Hawaiians should be interested in the water, we've always worked with the land and with the water, Mauka to Makai. Our future, the future of our island's environment as well as the future of our people and our housing, will be impacted by this issue of water.

I only recently became aware of this proposal to designate West Maui as a Ground Water and Surface Water Management Area to be managed by the State Water Commission. I have listened to the recording from the public testimony which was in Lahaina and I heard many people from our community discussing the benefits as well as some concerns over this potential designation.

I would like to ask the committee to defer the designation, and to allow the Maui Youth Council the chance to research this proposal, and to evaluate the impacts.

As we all know, there is a critical shortage of low-income and attainable housing in West Maui as well as Maui County. A positive ruling may have a long-lasting detrimental effect in building low-income and attainable housing. All of us have a stake in this matter as we are all involved.

There seems to be some disagreement over the methods used in measuring the amount of rainfall and the surface flow going down to the ocean and measuring the capacity of the Lahaina Aquifer System.

We have determined that this is a good opportunity for the Maui Youth Council to take this on as a project, and we have received the “100% full support” from Mayor Victorino, however, we need more time to fully understand this issue and we are asking the committee for your support in deferring the decision.

After all, WE are the keikis whose future is being determined.

From: [Peggy Lyn Speicher](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Tuesday, June 14, 2022 4:30:06 PM

Dear Commission Secretary Hyatt,

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
 - The State of Hawai'i Department of Health similarly concluded "that criteria are not met for five (5) of the six (6) aquifer systems in this sector" and that "WMA designation is appropriate for the Honokōwai Aquifer System."
- New use permits cannot be processed until all existing use permits have been processed, which may take decades.
 - A future use is any use that does not exist at the time a designation is made.
 - In Molokai, new use permits have been pending for 29 years. In Na Wai Eha (Maui, surface water), new and existing use permits are still pending after 13 years. It took three applicants five years to obtain permits in the Iao aquifer (Maui, ground water) after the designation in 2003.
- For these reasons, designation will likely mean a moratorium on future uses (for decades).
 - DWS has indicated that a moratorium may be placed on all new DWS system customers within the Lāhainā Aquifer Sector: "[T]he community must understand the process and consequences of designation. The current MDWS Lahaina system cannot meet planned growth and much needed affordable housing without a new source to offset surface water from Kanaha Stream. Once designated, water use permit (WUP) applications for existing uses and wells are processed first, before any WUPs for new sources are awarded."
 - A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.
- A moratorium on future uses means a moratorium on affordable housing.
 - Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC and Todd Apo of the Hawai'i Community Foundation support deferral and the appointment of a working group.
- A moratorium on future uses, including affordable housing and any other development, means jobs are not created.
 - Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai'i Regional Council of Carpenters, William Kama and Bruce U'u of the Maui Chapter of Hawai'i Carpenters Union, Dwight Burns of the Hawai'i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai'i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.
- Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.
 - The resource is important and needs to be managed.
 - With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.
 - Once a designation is made, it will be extremely difficult to undo. If the designation is a good idea today, it will be a good idea next month or the month after.
 - Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders,

including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Peggy Lyn Speicher

[REDACTED]

Lahaina, HI 96761

[REDACTED]

From: [Claire Gibo](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please Defer CWRM Designation to Form Working Group
Date: Thursday, June 16, 2022 3:00:20 PM

Dear Commission Secretary Hyatt,

I write to express my concerns regarding the Commission on Water Resource Management's ("CWRM") proposed designation of the entire Lahaina Sector as a Surface Water and Groundwater Management Area.

I respectfully request that action on the designation (set for June 14) be deferred in favor of forming a working group to examine whether designation is appropriate and, if not, identify the ways in which the stakeholders may collaboratively work to steward the resource.

- The source is not oversubscribed and both the County (DWS) and State (DOH) disagree with designating the entire Sector.
 - No supply issue warrants the designation of the entire Sector. As County of Maui DWS explains, "threats to water resources by existing and proposed withdrawals is limited to Honokōwai aquifer" only and not the entire Sector.
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- For these reasons, designation will likely mean a moratorium on future uses (for decades).
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 - A moratorium on all new DWS system customers may extend to all building permits within the Lāhainā Aquifer Sector.
- A moratorium on future uses means a moratorium on affordable housing.
 - Concerned affordable housing developers include Mohannad Mohanna of Highridge Costa Development Company, Grant Chun of Hale Mahaolu, Linda Schatz of Schatz Collaborative LLC and Todd Apo of the Hawai'i Community Foundation support deferral and the appointment of a working group.
- A moratorium on future uses, including affordable housing and any other development, means jobs are not created.
 - Concerned unions, organizations and associations include Michael Victorino of ILWU Local 142, Nathaniel Kinney of the Hawai'i Regional Council of Carpenters, William Kama'i and Bruce U'u of the Maui Chapter of Hawai'i Carpenters Union, Dwight Burns of the Hawai'i Operating Engineers Industry Stabilization Fund, Lahela Aiwohi of the Hawai'i Hotel Alliance and Fred Findlen of the Hyatt Regency Maui support deferral and the appointment of a working group.
- Please defer the designation at this time and appoint a CWRM Working Group to evaluate the impacts and data.
 - The resource is important and needs to be managed.
 - With the appointment of a Working Group would be the establishment of an action plan with firm deadlines to ensure the necessary evaluation remains a priority.
 - Once a designation is made, it will be extremely difficult to undo. If the designation is a good idea today, it will be a good idea next month or the month after.
 - Given the profound impact of a designation, it is worth taking the time to engage with all stakeholders,

including the County, to determine whether the designation is the right course for West Maui and, if not, identify other ways in which the stakeholders may work collaboratively to steward the resource without hurting the housing and jobs that we need for today and in the future.

Sincerely,

Claire Gibo

[REDACTED]

Wailuku, HI 96793

[REDACTED]