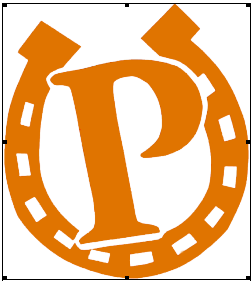


November 15, 2022



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Aloha mai e CWRM Commissioners,

I represent the Upcountry Maui nonprofit Pa`upena Community Development Corporation, or CDC (www.paupena.org), and the SCHHA (Sovereign Council of Hawaiian Homestead Associations) Maui/Lana`i Mokupuni Council and its 10,736 Hawaiian Homes beneficiaries. On behalf of these constituencies, I advocate for CWRM approval of an 11.18 MGD nonpotable-water reservation for Hawaiian Homes trust lands in Upcountry Maui and Pulehunui.

Volcanically rich farmlands on the Kula slopes of Haleakala crater have served as a historical and traditional "bread basket" for Maui, Hawai'i and even California during forty-niners gold-rush days. These Upcountry farmlands have provided potatoes; `uala, or sweet potatoes; sweet Maui onions; cabbage, and other crops, plus verdant pasturelands.

I am a 37-year Hawaiian Homes beneficiary and a veteran homelands activist. I have been advocating for a number of years for a nonpotable-agricultural-waterline extension to serve the 66-unit Keokea homestead farm lots.

In the context of a nonpotable-ag-waterline extension to serve Upcountry farmers, Keokea farmer and current Maui County Councilwoman Tasha Kama had petitioned the late U.S. Senator Daniel Inouye for a nonpotable-ag waterline to serve the Keokea homestead farm lots. In turn, Senator Inouye had sponsored federal funding for an Upcountry nonpotable-ag waterline with the proviso that the state and the county provide matching funds. Indeed, federal, state and county matching funds were forthcoming, but the state and county built the nonpotable-ag waterline only as far as Lower Kimo Drive, six miles short of the originally intended recipient, Keokea homestead farm lots.

Meanwhile, the State of Hawai'i Department of Agriculture (HDOA) has confirmed there is funding to plan and design nonpotable-water transmission lines to Keokea. However, according to Stewart Matsunaga, acting administrator of DHHL Land Development Division, the HDOA director claims there is inadequate surface water to serve such a nonpotable-ag-waterline extension. Thus, an apparent lack of water has stalled the ag-waterline extension in a catch 22, i.e., "a frustrating situation in which one is trapped by contradictory regulations or conditions," per dictionary.com.

Now, CWRM is in a position to free from a prolonged state-and-county nonpotable-water transmission-lines catch 22, not only present and future Hawaiian Homes farmers in Upcountry and Pulehunui, but all Upcountry bread-basket farmers west of Lower Kimo Drive. Therefore, I appreciate this opportunity to petition CWRM for support of DHHL's request for a full reservation of 11.18 MGD nonpotable water to nourish and sustain our Upcountry and Pulehunui Hawaiian Homes `aina, and many of more than 10,700 Maui homelands beneficiaries.

Me ka `onipa'a (perseverance) kakou,

A handwritten signature in black ink, appearing to be 'Kekoa Enomoto', written over a horizontal line.

Kekoa Enomoto
Chairwoman of the board, Pa`upena CDC
2019-23 president, SCHHA Maui/Lana`i Mokupuni Council



November 14, 2022

Via Electronic Mail

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RE: Support of CWRM Staff Submittal on Agenda Item B5 (*Address the Petition to Amend Interim Instream Flow Standards*) and B6 (*Reservation of Non-potable Water for the Department of Hawaiian Home Lands from East Maui Streams*)

Dear Chair Case and Members of the Commission,

Mahi Pono strongly supports the Commission Staff's recommendation to amend and establish East Maui interim instream flow standards in conjunction with the recommended approval of the DHHL's surface water reservation requests, as contemplated by Agenda Items B5 and B6 of the November 15, 2022 meeting of the Commission.

The Commission Staff has spent years gathering and analyzing data related to stream flows in East Maui. The Staff's current proposal to amend and establish flow standards is representative of a practical and reasonable application of this analysis and the balancing test that is required by the IIFS process. We commend the Staff on the significant amount of work that has gone into the development of these interim instream flow standard recommendations.

In addition to being reflective of a years-long data gathering process, the Staff's stream flow recommendations also facilitate the Staff's corresponding recommendation to approve the Department of Hawaiian Homelands ("DHHL") requests for non-potable water reservations relating to future developments in the Pulehunui and Keokea-Waiohuli regions on Maui. As noted by the Staff Submittals on these Agenda Items, the reservations of surface water for the DHHL should be coordinated with a corresponding establishment of interim instream flow standards.



We are pleased to support a balanced outcome that addresses two DHHL surface water reservations through the adoption of the Commission Staff's data-driven stream flow recommendations. This dual-purpose solution is much more credible than any piecemeal alternative that would otherwise diminish the years of data gathered by the Commission's Staff.

We look forward to working collaboratively with CWRM Staff and the DHHL on the implementation of the Staff's proposed recommendation. Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read 'Grant Nakama', is written over a solid horizontal line.

Grant Nakama
VP of Operations



SIERRA CLUB OF HAWAI'I

Testimony to
COMMISSION ON WATER RESOURCE MANAGEMENT

November 15, 2022

9 AM

Room 132

COMMENTS on B-5:

ADDRESS THE PETITION TO AMEND INSTREAM FLOW STANDARDS (PAIFS.5784.6) BY AMENDING THE INTERIM INSTREAM FLOW STANDARDS AND RESERVING A PORTION OF THE FLOW FOR THE DEPARTMENT OF HAWAIIAN HOME LANDS FOR THE HUELO-REGION SURFACE WATER HYDROLOGIC UNITS OF HO'OLAWA (6035), WAIP'I'O (6036), HOALUA (6038), HANAWANA (6039), KAILUA (6040), NAILIILIHAELE (6041), PUEHU (6042), 'O'OPUOLA (6043), KA'AIEA (6044), PUNALU'U (6045), KŌLEA (6046), EAST MAUI

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

After more than a century of complete devastation for dozens of streams in East Maui, the staff submittal for agenda item B-5 is progress. The Sierra Club applauds the work that went into this submittal. It is long overdue.

The Sierra Club is pleased that water will finally be allowed to flow in some of these streams, although we do think more water should be returned under the Water Commission's own standards. Both this Commission and the Division of Aquatic Resources have concluded that a minimum of 64% of each stream's median base flow is necessary to provide suitable habitat conditions for recruitment, growth, and reproduction of native stream animals. Yet, few, if any, of these streams are being restored to that level in their upper reaches. And three streams will continue to see all their water taken.

This testimony is based on the Sierra Club's understanding of the staff submittal, from which it is not always easy to discern whether enough water will be being restored to allow for native species. It is our understanding that:

- Approximately forty percent of the water in the Huelo streams (which were not addressed by the 2018 CWRM decision) will stay in our streams. At median baseflow, approximately 13 mgd will flow in streams which have had all their baseflow taken for more than a century.

- Punalu‘u, Puehu, and Hoalua streams will see no restoration whatsoever.
- Kōlea Stream and Hanawana Stream will see some minor modifications, only slightly affecting streamflows.
- Ka‘iaiea will see more water. The action item allows for up to up to 1.12 mgd to flow past S-11 and C-5. But at median baseflow – half the time – the amount of water flowing at this point is an order of magnitude lower. The modification measure calls for all flows up to 1.12 mgd to flow past S-11 and C-5. On the other hand, the expected result is that at median baseflow, only 0.17 mgd will be above Spreckels Ditch and 0.25 mgd will be above Center Ditch. Less water should be removed by EMI further mauka so that more flow remains in the stream.
- A significant amount of water will appear to be restored to ‘O‘opuola Stream. It is challenging, however, to determine what this will really mean. Lower down, it appears that almost 50% of the baseflow will be restored. We will keep our fingers crossed.
- Nailiilihaele Stream will receive enough water for a wetted path. The Sierra Club would like to see more than twenty percent of baseflow in the upper elevation. The median baseflow before the Wailoa diversion is 8.4 mgd. By Lowrie Ditch, less than half the baseflow will be restored (from what it would be without any diversions up above and not including any water that the stream would gain). Nevertheless, the proposals represent significant progress.
- Kailua Stream will get only 20% of its baseflow restored at upper elevations and no modification to the diversions at Lowrie or Ha‘ikū Ditch are called for.
- Abandonment of the diversion at Lowrie will allow more water to flow in Waipio Stream, but how much?
- Twenty percent of the flow will be restored at the upper portions of Ho‘olawa, plus all the groundwater gains below New Hamakua. We will keep our fingers crossed.

The Sierra Club urges the Commission to amend the staff submittal in the following ways:

1. Staff assured us that the staff submittal would be amended to ensure that the Commission hosts quarterly meetings (open to the public) to discuss the status of modification of all the diversion structures in east Maui. EMI should be required to participate in these quarterly meetings to discuss the status of the modification of the diversions and other streams issues. Groups invited to attend the quarterly meetings include representatives of DLNR, Alexander & Baldwin, East Maui Irrigation, Mahi Pono, the Office of Hawaiian Affairs, the Native Hawaiian Legal Corporation, Nā Moku, the

Ha'ikū Community Association, the Sierra Club, the Huelo community, and the County of Maui.

2. EMI should provide a quarterly status update as to each artificial structure on each stream in east Maui (which ones have been removed, which ones have been modified, which ones remain to be modified, what remains to be done until they are modified, and when the modifications are expected to be completed) (the spreadsheet that EMI currently submits is unhelpful and inaccurate).

3. Your staff has committed to revisiting these standards as they are implemented. These IIFS should be revisited in four years. The staff have made it clear that is its intent. But it should be memorialized.

4. The duplicate and contradictory Actions 2.11.6 need to be fixed.

5. A better description of the modifications – as presented orally in a meeting with staff – should be in the staff submittal. Staff described how the 18-inch plate would be installed (so that it was lower than the grates to ensure its effectiveness). That kind of description should be memorialized in the submittal.

6. The label on photo on page 43, table 17, should refer to NH-8, not NH-7.

Mahalo nui for your consideration of our testimony.