



## *Restore the Commons*

Tuesday, June 18, 2024, 9:00 am

### **Commission on Water Resource Management**

**ITEM B2** – Modify December 19, 2023 Delegation of Well & Pump Permit Approvals to the Chair; Update Well Construction & Pump Installation Standards and Water Resource Protection Plan; and Develop Ka Pa'akai Guidance Document.

Position: **Support**

Me ke Aloha, Chair and Commissioners:

This submittal is very well written: circumspect and thorough. I concur.

These are technical matters, and in my experience there is a lot of public misinformation that may be offered in all earnestness and genuine concern. As an indigenous ecologist, I spent 25 years scrutinizing applications for reasonable and beneficial use and for unidentified potential negative impacts, beyond statutory requirements, and continue to seek expertise from both field science & engineering partners and from practitioners with ancestral knowledge. It should be said that native Hawaiians were impressively aware of important connections between mauka and makai water, the essential for sustainable living and enhanced relations with our ecological relatives, but that ground water was never developed nor studied as has been done since colonization.

Development of ground water and potential interaction with surface water remain contested topics. While Hawai'i is blessed with extraordinary ground water resources, they are finite and subject to gradual decline, and are of increasing importance with climate change, so caution and intelligence are essential, the more so with increased tourism and extravagant lifestyles.

In particular, the amounts prescribed by county departments of water as reasonable and beneficial domestic uses are generous, so that careful allocation remains a proper prerogative of the Commission. There remain open questions about reasonable-beneficial use of water for tourism as luxury use, and for hobby farmers, who do not necessarily conform to the expectations of appropriate agriculture. For this reason, I will continue to advocate a reasonable-beneficial priority for fresh produce for local working families and for cooperative support of food systems by commercial entrepreneurs able to compete in wider markets with unique premium products. Our ground water is, of course, a public trust, and our unfortunate economic surrender to food insecurity renders such priority essential.

Recently, the discovery of deep aquifers buried by overlying lavas and fresh water aquifers have complicated our reviews, so that the concern long held and not always heeded for cross-connections between fresh water aquifers is appropriate.

For this reason, the caution expressed in this submittal regarding pump permits is understood, even though it will likely be demonstrated, with time, that these cases are exceptional, and further modification of these delegations would be in order. The recent discovery that overpumping of the Central O'ahu aquifers during the century of sugar plantations has finally reached equilibration reveals that essential scientific conclusions about the ground water resources were correct. Unfortunately, many wells drilled long ago did not have the benefit of the extensive data we now have, and turn out to have been drilled too deep, reducing their productivity in the long run. Current experience with knowledgeable drillers relieves many concerns about improper pumping, and the Well Construction and Pump Installation Standards, with appropriate updating, stand the public interest in good condition for assessing pump sizes (speed of withdrawal) and amounts of extraction.

Mahalo for the opportunity to address these issues,

/s/ Charley Ice, Hydrologist, Commission on Water Resource Management (25 years) (retired);

Planner, Department of Hawaiian Home Lands, Water Program developer and liaison to the Water Commission (10 years prior)

**RICHARD T. BISSEN, JR.**  
Mayor

**JOSIAH K. NISHITA**  
Managing Director

**JOHN STUFFLEBEAN, P.E.**  
Director

**JAMES A. LANDGRAF**  
Deputy Director



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

June 17, 2024

Dawn N. S. Chang, Chair  
Commission on Water Resource Management  
State of Hawaii Department of Land and Natural Resources  
POB 621  
Honolulu, Hawaii 96813

Dear Chair Chang:

Subject: Testimony of the County of Maui Department of Water Supply  
In **Support** of Agenda Action Item B.2 Relating to Delegation to the Chairperson

The County of Maui Department of Water Supply (Maui DWS) appreciates the consultation with county water supply departments and the staff analysis of our concerns.

Delegation to the Chairperson to approve all well construction permits will allow applicants to rely on established well construction standards and commission staff hydrologists' expertise without discretionary public opinion before water resource extraction or end use allocation.

Commission review and approval of all pump installation permits for pumps greater than or equal to 27 gallons per minute will allow for an adequate analysis of end uses and the impact on the resource. Maui DWS supports this revision to delegation, with the understanding that review is guided by the counties' adopted water use and development plans and that applications will be expeditiously scheduled on commission agendas to not jeopardize budget allocations approved by Maui County Council.

We greatly appreciate the four follow-up actions for staff, all of which will contribute to improve uniformity and clarify expectations. Maui DWS is charged with developing municipal water supply in compliance with county land use plans and the water use and development plan. It's critical that we can rely on the established framework of the Water Resources Protection Plan, adopted sustainable yield, Well Construction and Pump Installation Standards and advance guidance to determine source development feasibility and budget allocation requirements to serve planned housing development in Maui County.

*"By Water All Things Find Life"*

Dawn N. S. Chang, Chair  
Page 2

Respectfully submitted,

John Stufflebean, Digitally signed by John  
Stufflebean, P.E.  
P.E. Date: 2024.06.17  
07:39:02 -10'00'

JOHN STUFFLEBEAN, P.E.  
Director



**DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAI'I**

345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAI'I 96720

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June 17, 2024

TESTIMONY OF DEPARTMENT OF WATER SUPPLY, COUNTY OF HAWAI'I  
HEARING BEFORE THE  
COMMISSION ON WATER RESOURCE MANAGEMENT

DATE: June 18, 2024  
TIME: 9:00 AM  
PLACE: DLNR Boardroom, Kalanimoku Bldg.  
1151 Punchbowl Street, 1<sup>st</sup> Floor/ & Online via Zoom

**RE: AGENDA ITEM B. 2. MODIFICATION OF EXISTING DELEGATION TO THE CHAIRPERSON, DATED DECEMBER 19, 2023, TO APPROVE CERTAIN WELL CONSTRUCTION AND PUMP INSTALLATION PERMITS BY LIMITING THE DELEGATION TO CERTAIN CIRCUMSTANCES WHEN THE WELL IS IN COMPLIANCE WITH THE HAWAI'I WELL CONSTRUCTION AND PUMP INSTALLATION STANDARDS AND FOR PUMPS LESS THAN 27 GALLONS PER MINUTE AND DELEGATION TO THE DEPUTY DIRECTOR FOR OTHER GROUNDWATER PERMIT-RELATED APPROVALS INCLUDING ACCEPTANCE OF APPLICATIONS FOR INITIAL REVIEW, PERMIT EXTENSIONS, AND WELL COMPLETION REPORTS AND CERTIFICATES.**

The Department of Water Supply, County of Hawai'i (DWS) supports the proposed recommendations to delegate certain authorities to the Chairperson and to delegate other certain authorities to the Deputy Director as summarized in the staff submittal dated June 18, 2024.

Thank you for your time and consideration of DWS's testimony.

**BOARD OF WATER SUPPLY  
KA 'OIHANA WAI  
CITY AND COUNTY OF HONOLULU**

630 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96843  
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RICK BLANGIARDI  
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MEIA

ERNEST Y. W. LAU, P.E.  
MANAGER AND CHIEF ENGINEER  
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ERWIN KAWATA  
DEPUTY MANAGER  
HOPE MANAKIA



NĀ'ĀLEHU ANTHONY, Chair  
KAPUA SPROAT, Vice Chair  
BRYAN P. ANDAYA  
JONATHAN KANESHIRO  
EDWIN H. SNIFFEN, Ex-Officio  
GENE C. ALBANO, P.E., Ex-Officio

June 18, 2024

Dawn N. S. Chang, Chairperson  
and Members  
Department of Land and Natural Resources  
Commission on Water Resource Management  
State of Hawaii  
P.O. Box 621  
Honolulu, Hawaii 96809

Dear Chairperson Chang and Members:

Subject: Action Item B-2 – Modification of Existing Delegation to the Chairperson to Approve Certain Well Construction and Pump Installation Permits by Limiting the Delegation to Certain Circumstances

The Honolulu Board of Water Supply (BWS) supports the proposed staff recommendations on Well Construction and Pump Installation Permits.

*Staff recommends that the Commission delegate authority to the Chairperson for approval of the following items:*

- 1) *Well Construction Permits, where the well is in compliance with the Hawai'i Well Construction and Pump Installation Standards, except the following conditions that will require Commission approval:*
  - a. *Wells that penetrate two discrete water bodies (i.e. perched and basal sources, basal and deep confined, etc.).*
  - b. *Artesian sources where hydrostatic pressure brings water to the surface.*
- 2) *Pump Installation Permits for pumps less than 27 gallons per minute, in both designated and non-designated ground water management areas,*

*Staff also recommends that the Commission delegate authority to the Deputy Director for approval of the following items:*

- 1) *Acceptance of complete well construction and pump installation permit applications for initial review by other government agencies;*
- 2) *Well construction and pump installation permit extensions not exceeding two 2-year extensions; and*
- 3) *Well completion report parts 1 and 2, and certificates of well construction and pump installation completion.*

Dawn N. S. Chang, Chairperson  
and Members  
June 18, 2024  
Page 2

We support streamlining the well construction permitting and related administrative tasks, as practicable, for administrative expedience due to the limited number of Commission meetings and limited Commission staff resources. We offer the following:

1. Commission staff are knowledgeable, experienced and capable, under the direction of the Director and Deputy Director, working as a team, to determine the applicable conditions of a well construction permit that comply with administrative rules and standards and are protective of the natural resource.
2. Delays in the current permitting process are affecting the availability of water for agriculture and urban developments, including affordable housing and potentially exacerbating water shortages from contamination, climate change induced drought and wildfires.
3. Agencies, landowners and developers are aware of and bear the risk of an exploratory well project to develop a competent source of water supply, and that reasonable conditions will be required throughout the multiple step approval process of the Well Construction and Pump Installation Permits and in designated water management areas, the Water Use Permit. In designated water management areas, large pump installation permits and water use permits require Commission action through a public meeting process.
4. Relating to transparency and public notice, we note that Chapter 343-5, (a) (1), Applicability and Requirements, states that an environmental assessment (EA), shall be required for actions that propose the use of state and county funds or lands. Therefore, agencies are required to prepare an EA for exploratory well and pump station construction that discloses the project, identifies environmental impacts and provides mitigative measures, including archaeological, cultural and Ka Pa`akai analysis. In addition, the Commission staff maintains the monthly Water Resource Bulletin that discloses important events, including permits, petitions and meetings, under the purview of the Commission.

Thank you for the opportunity to provide testimony in support of Item B-2.

Very truly yours,



ERNEST Y. W. LAU, P.E.  
Manager and Chief Engineer

BU/  
Cc: Manager  
Kathy Mitchell  
Water Resources



# NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY

An Authority of the State of Hawaii attached to the Department of Business, Economic Development & Tourism



WRITTEN ONLY

Written Statement of  
**Gregory P. Barbour**  
**Executive Director**

Natural Energy Laboratory of Hawaii Authority  
before the

## **COMMISSION ON WATER RESOURCE MANAGEMENT**

Tuesday June 18, 2024  
9:00 am  
online via Zoom Meeting ID: 948 9428 8224

in consideration of

AGENDA ITEM B. 2. MODIFICATION OF EXISTING DELEGATION TO THE CHAIRPERSON, DATED DECEMBER 19, 2023, TO APPROVE CERTAIN WELL CONSTRUCTION AND PUMP INSTALLATION PERMITS BY LIMITING THE DELEGATION TO CERTAIN CIRCUMSTANCES WHEN THE WELL IS IN COMPLIANCE WITH THE HAWAII' I WELL CONSTRUCTION AND PUMP INSTALLATION STANDARDS AND FOR PUMPS LESS THAN 27 GALLONS PER MINUTE AND DELEGATION TO THE DEPUTY DIRECTOR FOR OTHER GROUNDWATER PERMIT-RELATED APPROVALS INCLUDING ACCEPTANCE OF APPLICATIONS FOR INITIAL REVIEW, PERMIT EXTENSIONS, AND WELL COMPLETION REPORTS AND CERTIFICATES.

The Natural Energy Laboratory of Hawaii Authority (NELHA) strongly supports the recommendation in the Staff Submittal to delegate approvals to the Chairperson and Deputy Director for some water development projects.

We would like to point out that the delegation to the Chairperson for small well construction and pump installation that pump less than 27 gallons per minute or wells with salinity above 19 parts per thousand (saltwater wells) would be especially useful to NELHA and the aquaculture clients.

Thank you for the opportunity to offer these comments.



JOSH GREEN, M.D.  
GOVERNOR

SYLVIA LUKE  
LT. GOVERNOR



DEAN MINAKAMI  
EXECUTIVE DIRECTOR

## STATE OF HAWAII

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION

677 QUEEN STREET, SUITE 300

Honolulu, Hawaii 96813

FAX: (808) 587-0600

IN REPLY REFER TO:

Written Statement of  
**DEAN MINAKAMI**  
Hawaii Housing Finance and Development Corporation  
Before the

### COMMISSION ON WATER RESOURCE MANAGEMENT

Tuesday June 18, 2024

9:00 am

In consideration of

AGENDA ITEM B.2. MODIFICATION OF EXISTING DELEGATION TO THE CHAIRPERSON, DATED DECEMBER 19, 2023, TO APPROVE CERTAIN WELL CONSTRUCTION AND PUMP INSTALLATION PERMITS BY LIMITING THE DELEGATION TO CERTAIN CIRCUMSTANCES WHEN THE WELL IS IN COMPLIANCE WITH THE HAWAII WELL CONSTRUCTION AND PUMP INSTALLATION STANDARDS AND FOR PUMPS LESS THAN 27 GALLONS PER MINUTE AND DELEGATION TO THE DEPUTY DIRECTOR FOR OTHER GROUNDWATER PERMIT-RELATED APPROVALS INCLUDING ACCEPTANCE OF APPLICATIONS FOR INITIAL REVIEW, PERMIT EXTENSIONS, AND WELL COMPLETION REPORTS AND CERTIFICATES.

Chair Chang and members of the Commission on Water Resource Management (CWRM): The Hawaii Housing Finance and Development Corporation (HHFDC) supports the delegation of approvals to the Chairperson and Deputy Director for some water development projects.

The delegation facilitates efficient administration of CWRM's regulatory review process and will help to expedite the delivery of much needed affordable housing for local families. A number of affordable housing developments, including HHFDC's Kamakana Villages affordable housing development, have been delayed as they await approval to construct potable water wells.

Thank you for the opportunity to offer these comments.





June 17, 2024

Dawn N.S. Chang, Chairperson  
Commission on Water Resource Management  
Department of Land and Natural Resources  
State of Hawaii  
P.O. Box 621  
Honolulu, Hawaii 96809  
Sent via email to [iwalani.hr.kaaa@hawaii.gov](mailto:iwalani.hr.kaaa@hawaii.gov)

**Subject: Written Testimony Action Item B.2 of the June 18, 2024 CWRM meeting. Modification of Existing Delegation to the Chairperson, Dated December 19, 2023, to Approve Certain Well Construction and Pump Installation Permits by Limiting the Delegation to Certain Circumstances When the Well is in Compliance with the Hawai'i Well Construction and Pump Installation Standards and for Pumps Less than 27 Gallons Per Minute and Delegation to the Deputy Director for Other Groundwater Permit-Related Approvals Including Acceptance of Applications for Initial Review, Permit Extensions, and Well Completion Reports and Certificates.**

Dear Ms. Chang and Commissioners:

My name is Kevin Gooding. I have worked as a hydrogeologist in Hawaii since 1994. I started at the Honolulu Board of Water Supply from 1994 to 2002, then moved to the Commission on Water Resource Management from 2002 to 2007 and have worked in the consulting industry from 2007 to the present.

I support this staff submittal. In the interest of efficient use of staff time, public time and commission time, I believe that some permit approvals should be reviewed by staff and approved by the Chairperson. Specifically:

- *Commission will delegate authority to the Chairperson to approve all well construction permits if they are in compliance with the HWCPIS.*

I agree with this proposal. Well construction permits should be approved quickly. The major decision points for CWRM consideration and possible public input are the pump installation or water use permits. Pump testing or other hydrologic monitoring as specified in the well construction permit will provide data that will assist with assessing the pump installation permit.

- *All pump installation permits greater than or equal to 27 gallons per minute will need to be approved by the Commission, regardless of whether they are in or out of a ground water management area.*

I agree that low-capacity domestic wells should be approved ministerially, but that larger pump installations should be approved by the Commission. Water use in both management and non-management areas has been becoming increasingly sensitive. T&C streamflow and other GDE

concerns are important in all aquifers and the Commission should exercise direct oversight on large pump installations.

Thank you for the opportunity to submit testimony on this matter.

Sincerely,

**INTERA Incorporated**

A handwritten signature in black ink that reads "Kevin L. Gooding". The signature is written in a cursive style with a period at the end.

Kevin L. Gooding  
Senior Hydrogeologist/Manager

18 June 2024

The Honorable Dawn Chang, Chairperson  
Board of Land and Natural Resources  
Commission on Water Resource Management  
P.O. Box 621,  
Honolulu, HI 96809

Via Email: [lwalani.hr.kaa@hawaii.gov](mailto:lwalani.hr.kaa@hawaii.gov)

Subject: Commission on Water Resource Management Meeting on June 18<sup>th</sup>, 2024  
Agenda item B2 Modification of Existing Delegation to the Chairperson.

Aloha Chairperson Chang and Commissioners,

My name is Keola Talaroc. I am the Drilling Operations Manager for Alpha, Inc. and I am in support for the proposed modification of the existing delegation to the Chairperson of the Commission on Water Resource Management, as detailed in the staff submittal dated June 18, 2024.

### **PERMIT PROCESS**

Currently, the Well Construction and Pump Installation Permit application process has an unknown duration that affects not only potential well owners and drilling contractors but also has broader implications, such as the ongoing housing crisis across the state. As the Commission's agenda is filled with permit applications for relatively small wells, leaving less time for the review of larger wells that are crucial for affordable and workforce housing developments. By delegating authority to the Chairperson for approval of all Well Construction Permits and Pump Installation Permits less than 27 gallons per minute, the Commission can focus on the impacts these larger wells may have.

As a local drilling contractor, the uncertainty in the application process makes it very difficult to forecast and schedule work for our crews. Our crews depend on steady employment and timely project completions to sustain their incomes and support their families. Prolonged delays can lead to periods of potential unemployment, causing financial instability and affecting their overall quality of life. Water well drilling in Hawaii requires a unique set of skills developed through years of experience drilling in the islands. If we lose this workforce due to uncertainty of future work, we risk losing a skilled workforce that uses best practices to help protect the resource they depend on.

In summary, the current review process affects more than just potential well owners; it impacts the local community.

### **Ka Pa'akai Analysis**

Developing a framework for the Ka Pa'akai analysis must be a priority. With this framework, those seeking permit approval can submit adequate information, ensuring that the review process is thorough and efficient. Requiring an analysis of Hawaiian traditional and customary rights is proper but can be daunting for many who may not know where to start. The Ka Pa'akai analysis is intricate, demanding a deep understanding of cultural, historical, and natural resources, and without proper resources and guidelines, it becomes a confusing and overwhelming task.

Applicants are often left wondering how to accurately identify the cultural, historical, or natural resources impacted by their projects. While surface-level inferences can be made, conducting a comprehensive analysis that

clearly defines the impacts, requires more guidance and support. This is particularly important as the implications of these analyses can affect not only the approval process but also the preservation of vital cultural and historical practices.

Providing data that applicants can reference to quantify not only how much but also how widespread the effects of a well are is crucial. Available data and information will help the entire community understand questions like: Do wells have an effect in all directions including upgradient? How far in any direction does a well have an effect? What effect do water wells have on fisheries, including fish reproduction and the impact on near and offshore fishermen? Do all wells have the same quantifiable effect on their environment? These are the questions required to correctly address the Ka Pa'akai analysis. Without available data, questions like these are nearly impossible to answer correctly.

Establishing clear access to data can provide applicants with the insights needed to understand the specific requirements of the Ka Pa'akai analysis. This approach would not only improve the quality of completed analyses and expedite the permit approval process but also ensure that the cultural and historical integrity of Hawaiian practices is preserved.

Thank you,

*Keola Talaroc*

Keola Talaroc,  
Drilling Operations Manager



# VALLEY WELL DRILLING, LLC

111 Hekili St. Ste. A PMB 2761 • Kailua, HI 96734  
808-682-1767 • Fax 808-682-1768 • C-57 License #24947

June 17, 2024

Dawn Chang, Chair  
State of Hawaii  
Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, HI 96809

RE: Written Testimony to Item B.2 Modification of Existing Delegation to the Chairperson, Dated December 19, 2023, to Approve Certain Well Construction and Pump Installation Permits by Limiting the Delegation to Certain Circumstances When the Well is in Compliance with the Hawaii Well Construction and Pump Installation Standards (HWCPIS) and for Pumps Less than 27 Gallons Per Minute and Delegation to the Deputy Director for Other Groundwater Permit-Related Approvals Including Acceptance of Applications for Initial Review, Permit Extensions, and Well Completion Reports and Certificates.

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

My name is Tracie Sober and I am a Managing Member of Valley Well Drilling, LLC (VWD). Valley Well Drilling, LLC is a State of Hawaii licensed water well drilling contractor. We process well construction permits for individual domestic wells, non-domestic wells, well abandonments and monitor wells in designated water management areas and non-designated water management areas. We also assist landowners with processing their Ground Water Use Permits.

Regarding the Staff Proposal for Revisions to Delegation:

- 1) We agree the Commission should delegate authority to the Chairperson to approve all well construction permits if they are in compliance with the HWCPIS.
- 2) We do not agree that all pump installation permits greater than or equal to 27 gallons per minute (gpm) will need to be approved by the Commission, regardless of whether they are in or out of the ground water management area.

We feel that each water system is unique due to its storage capacity (ie. storage tank/s above ground), and daily demands (how many people are in the household), etc.

Why is the cap not 50 gpm, 40 gpm, 30 gpm or 26.5 gpm?

How do we come up with this arbitrary number? If the average single-family unit average daily demand per household ranges from 400 gpd to 600 gpd? How many people were these 2002 Water System Standards based on? How many gallons per day per person was used in calculating these numbers? Since we now live in a time where there are multi-

generational families living under one roof due to the cost of living in Hawaii, what is the actual domestic consumption gpd per person in a single-family unit complex?

These lower pump capacities for individual domestic wells are arbitrary, should it also include the number of persons living in the unit and how many fixture units are located on the unit. If 27 gpm is the number, can 2 showers rated at 2.5 gpm at the same time, a dishwasher, a washing machine and a few toilets flushing and filling, etc. all run at the same time would reduce the pressure on the complete water system unit. Therefore, 27 gpm might not have the required pressure to run the entire water system.

We do not agree with having an arbitrary number associated with the domestic water average daily demand in gpm. Each water system is unique. What about solar pumping water well systems where there is no solar radiation to power the pump for days. Should there be a lack of solar radiation for days, an off-grid water well owner may need to fill an above ground storage tank instantly to make up or the lack of water being pumped via solar. That gpm might be above the 27-gpm rate. The monthly groundwater monitor usage reporting does not include daily pumpage but is averaged over the month. Some days there is no pumpage while other days may have higher pumpage due to the unique water system.

- 3) We agree that all pump installation permits will need to go to the Commission for approval if a water well use permit is necessary, regardless of the pump capacity.

Regarding Delegations to the Deputy Director:

We agree on all three suggested administrative tasks as recommended by the staff.

We appreciate the opportunity to comment on the staff recommendations to delegate authority.

Sincerely,



Tracie Sober  
Managing Member