

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

June 16-17, 2014

To: Chairman and Members, Hawaiian Homes Commission (HHC)

From: Kaleo Manuel, Acting Planning Program Manager

Subject: Beneficiary Consultation Report on Water Policy Plan  
(WPP)

RECOMMENDED MOTION/ACTION

None; For Information Only

DISCUSSION

*Purpose*

In accordance with the Beneficiary Consultation Policy, the Planning Office is submitting this Beneficiary Consultation Report from a series of beneficiary consultation meetings on six islands. This report communicates beneficiary issues and concerns relative to the draft Water Policy Plan (WPP) and describes how those issues and concerns are being addressed in the final WPP.

*Background*

At its February 2014 meeting, the Hawaiian Homes Commission (HHC) approved the draft WPP for statewide Beneficiary Consultation (Exhibit A).

Beneficiary Consultation Process

The Planning Office mailed a total of 26,903 postcard invitations to all beneficiaries (applicants and lessees) statewide inviting them to attend one (1) of nine (9) beneficiary consultation meetings, on the following dates and locations below, to share mana'o on the draft WPP.

- March 31, 2014 Kaua'i Chiefess Kamakahelei Cafe
- April 1, 2014 O'ahu Blanche Pope School Cafe
- April 2, 2014 Moloka'i Lanikeha Community Center
- April 7, 2014 Maui Paukukalo Community Center
- April 8, 2014 O'ahu Stevenson Middle Cafe
- April 9, 2014 Lana'i Lana'i High & Elementary Cafe
- April 14, 2014 O'ahu Kapolei Middle Café
- April 15, 2014 West Hawai'i DHHL Kuhio Hale
- April 16, 2014 East Hawai'i Hilo High School Café

All beneficiary community meetings were held from 6:30 p.m. to 8:30 p.m..

An additional tenth meeting was held from 10:00 a.m. to 12:00 p.m. on April 15, 2014 at the Queen Liliuokalani Trust Interpretive Center in Keahu'olu, Kona, Hawai'i for stakeholders in the development community; Kona is an emerging area of controversy over water and stakeholders asked for a special briefing. Fifty-five (55) email invitations were sent to stakeholders and landowners in the Kealakehe region for this special meeting.

The primary purposes of the meetings were to:

- (a) Gain beneficiary feedback on the Draft WPP (including addressing of any errors or omissions); and
- (b) Answer questions regarding the role or content of the Draft WPP.

The agenda for each evening meeting was organized around the four key value statements in the Draft WPP, in order to reinforce the significance of those statements. Time was spent at the beginning of each meeting reviewing content from the first round of meetings on the role and purpose of the WPP for the HHC, the Department of Hawaiian Home Lands (DHHL), and beneficiaries. This was followed by the consultant reviewing the content of the Draft WPP. The second half of the meeting allowed for general discussion. At the end of each meeting, all of the twenty-two draft (22) goals were posted in the meeting room and attendees were allowed to place three dots (differently colored for each meeting) on the goal(s) they felt should be prioritized for implementation in the three- to six-year time frame of the WPP.

The agenda for each evening meeting was as follows:

1. Waiwai: Introduction (6:30 pm)
  - a. Pule
  - b. Introduction & review of agenda
  - c. Review of the DWPP and its role in DHHL
  - d. Review of how the DWPP was developed
2. Waihona: Review of the Draft Water Policy Plan (6:45 pm)
  - a. Review of Draft Water Policy Plan
  - b. Discussion of Implementation Plan
3. Malama: Open Discussion (7:15 pm)
4. Laulima: Goal Prioritization Exercise (8:00 pm)
5. He kuleana ko kakou: Closing mana'o (8:15 pm)

A total of 196 individuals signed in at the ten (10) meetings, the majority of whom indicated they were beneficiaries. Although the attendance was low in comparison to the those invited, attendees were engaged with the subject matter. Altogether a total of 332 comments was received at the meetings, or during the thirty-day comment period via email or letter. A summary of all comments received (organized by theme), meeting handouts, notes, emails, and letters are attached in the Summary of Findings (EXHIBIT B).

The general quality of the meetings was very high; while attendance was lower than for other issues brought to Beneficiary Consultation, beneficiaries were deeply engaged in each meeting and the content of discussion was sophisticated. Many individuals who also participated in the first round of meetings and/or are actively involved with water issues in their communities expressed their significant appreciation and support for these efforts.

The meetings in Paukukalo, Maui and Hilo, Hawai'i Island were less productive than others. The Maui meeting had little overlap in attendees from the first round of consultation, and so the focus in the Maui meetings was heavily shaped by those expressing a desire for an island specific policy. The focus in the Hilo meetings was on larger issues related to the Department and the historic implementation of the act; the formal part of the meeting was ended after one hour due to disturbance and threats made to DHHL staff and our consultant. Small group discussions in Hilo did proceed after the formal closing of the

meeting, though attendees did not have a chance to rank their preference for goals.

Table I below summarizes four key areas of wide agreement among the majority of attendees. It also notes associated issues that rose in relationship to the areas of high agreement.

Table I. Summary of Areas of Agreement and Related Issues

Areas of High Agreement	Significant issues raised / observed related to area of high agreement
There should be a water policy and it is overdue - only a few individuals felt a WPP was unnecessary or undesirable	Some would prefer to have only a policy for their island. There was a small but significant number of people who distrust any policy will be followed.
DHHL should aggressively advocate for its rights against public and private entities.	Advocating for our rights requires knowledge of those rights at all levels, and so education about our rights needs to be continual and community based, in addition to education of the HHC, DHHL and stakeholders. There was a small but significant number of people who distrust the DHHL, as a department of the State of Hawai'i, will be allowed to advocate for its rights in a meaningful way. There was also a dislike expressed for aggressive advocacy by those speaking on behalf of development interests.
We need sufficient water now, and in the future.	Because much of the policy is future locking, people facing immediate water issues (high rates, limited or no availability) who attended were frustrated with the orientation of the WPP towards long-term actions.
Water is a fluid resource and so requires interaction with others	There was a significant tension between those who seek to accommodate others vs. those who want the focus to be solely on beneficiaries.

Analysis of Key Questions, Comments, Themes

DHHL staff and consultant analyzed all comments received and sorted them by theme. While some of the comments received pertain to aspects outside of the scope of the Water Policy

Plan, all comments were organized by theme, noted and distilled. Based on a review of all comments, staff recommendations and responses were drafted for distilled comments and themes. Table II below identifies and lists those primary comments by themes, staff recommendations, and proposed changes (if any) to the Water Policy Plan.

#### Goal Prioritization

Of the twenty-two (22) possible goals included in the DWPP, four (4) goals emerged as key priorities across the islands (indicated with \*), three (3) goals emerged as second-tier priorities (indicated with \*\*), and five (5) other goals were ranked in a third tier (indicated with \*\*\*). Table III below summarizes the placement of colored dots for the goals, and is sorted by the goals receiving the highest number of "dots" at the top.

Based on this goal prioritization exercise and the appreciation that all water activities cannot be funded or acted upon immediately, the final WPP proposes a goal prioritization scheme.

#### Next Steps

The Final DHHL WPP (EXHIBIT C) will be posted to the website for review. DHHL staff will submit the Final DHHL WPP to the HHC at its July 21-22, 2014 meeting for approval.

#### RECOMMENDED MOTION/ACTION

None; For Information Only

Table II. Comments and Recommendations

#	Theme	Distilled Comment	Response	Proposed New Language
1	"Free of All Charge"	Section 221 of the Hawaiian Homes Commission Act says that water should be "free of all charge." Why is water not free of all charge to the beneficiaries?	<p>Staff recognizes that water bills are a significant financial burden for homesteaders. The proposed policy will seek to reduce but not eliminate water costs through various means.</p> <p>As described in a September 7, 1994 letter by Attorney General Robert Marks to Chairperson Hoaliku Drake "the 'free of all charge' language in § 221(c) means that the department is not required to obtain a lease of public lands in order to use water which may flow from those lands. However, where a county delivers water to HHCA lands, the department or its lessees must pay their pro rata share of normal operation and maintenance expenses and capital costs which every water delivery system incurs over time. The department may build its own system or the Legislature may appropriate funds to build or subsidize DHHL's needs."</p> <p>Finally, staff does not believe that water was ever "free of all charge" in ancient Hawai'i. While exchanges were not monetary, all people had a kuleana to take care of water sources and systems so they could use water.</p>	<p>No proposed new language regarding water free of all charge.</p> <p>Change former Goal 13 to read:</p> <p>Advocate that County boards of water supply and other county agencies that affect water have the spirit of the HHCA faithfully carried out to protect DHHL water uses as a public trust use of water and manage rates so they are affordable by beneficiaries.</p>

#	Theme	Distilled Comment	Response	Proposed New Language
2	Advocacy	<p>HHC and DHHL advocacy needs to: a) be proactive  b) take into account short and long term needs  c) focus on the distinct status of beneficiaries  d) be consistent (over time) and comprehensive (before all relevant bodies)</p>	<p>Staff agrees with these comments.</p>	<p>Change Policy 3 into two statements to read:</p> <p>Educate beneficiaries, the DHHL, HHC, and other stakeholders continually on our water kuleana.</p> <p>Aggressively, proactively, consistently and comprehensively exercise our water kuleana.</p> <p>Change the previous goal 9 to read:</p> <p>Aggressively, proactively, consistently and comprehensively advocate for the water kuleana of the beneficiaries, the DHHL, and the HHC before all relevant agencies and entities.</p>

#	Theme	Distilled Comment	Response	Proposed New Language
3	Alternative Sources	Explicitly consider the use of alternative water sources including but not limited to the incorporation of water reuse and recycling technologies and best practices, as is appropriate for proposed uses. DHHL and the HHC should see "flood" waters as a potential asset rather than a liability in the management and development of its lands.	Staff agrees with these comments.	<p>To address this and the concern that efficiency be addressed, add a new policy to read:</p> <p>Affirmatively consider the development and use of alternative sources of water and efficiency measures in water decision-making.</p> <p>Add a definition of "Alternative sources" to read:</p> <p>Alternative sources include but are not limited to the water developed through reuse and recycling technologies and best practices, capture of flood waters, desalinated waters, and other sources as may be appropriate for proposed uses.</p> <p>Add a definition of "Efficiency Measures" to read:</p> <p>Efficiency measures include but are not limited to optimal design and development, alternative energy utilization, and changes to behavioral practices and technologies that support onsite distributed wastewater systems.</p>



#	Theme	Distilled Comment	Response	Proposed New Language
4	Beneficiary Communication / Accountability / Information Sharing	There needs to be at least annual interaction at the regional level, using multiple tactics (meetings, emails, letters, etc.) that reports on water rights, quality, cost, and other issues specific to that community, and allows community education of the HHC and DHHL on water issues and concerns. Communication needs to also occur before and after major water decisions.	Staff agrees with these comments; we note that it relates to the comments on working with other Hawaiian organizations and entities and some education and outreach may be done in partnership with other entities.	Change Policy 9 to read:  Affirmatively communicate our decisions, our reasoning, and our performance in managing, stewarding, and using water before and after making major water decisions.  Change the previous goal 4 to read:  Affirmatively communicate with beneficiaries regarding water decisions, performance, and water kuleana on a regional and annual basis.
5	Climate Change	The Water Policy should account for climate change impacts.	Staff agrees that management should consider projected impacts from climate change that could affect water availability.	To address this and related comments, replace former Goal 6 with:  Determine current and foreseeable future needs based upon periodic reviews of water availability projections that incorporate climate change, projected beneficiary demand, alternative sources and efficiency measures.

#	Theme	Distilled Comment	Response	Proposed New Language
6	Cooperation with other Hawaiian agencies	The HHC and DHHL should cooperate when possible with other Hawaiian trusts, agencies and interests in implementing this policy.	Staff agrees with these comments. Staff believes Value 4, Laulima, is an explicit reference to this desire. Staff further believes that specific references to cooperative actions are best identified in the called for implementation plan.	No proposed new language.
7	Cooperation with other landowners	DHHL and the HHC need to balance the distinct water kuleana of its beneficiaries with the recognition that water crosses property boundaries and for DHHL to access water it may need to partner with neighboring private landowners	Staff agrees with these comments. Staff believes Value 4, Laulima, is an explicit reference to this desire.	No proposed new language.
8	Cooperation with other water agencies	The HHC and DHHL should cooperate when possible with other water agencies and interests in implementing this policy.	Staff agrees with these comments. Staff believes Value 4, Laulima, is an explicit reference to this desire.	No proposed new language.
9	CWRM representation	The HHC and DHHL should strongly advocate to have a beneficiary or Hawaiian Homes Commissioner or designee required to sit on the state Water Commission.	Staff agrees with these comments. Staff further believes that specific references to a particular policy goal is best identified in the called for implementation plan.	No proposed new language.

#	Theme	Distilled Comment	Response	Proposed New Language
10	Develop Agriculture	DHHL should continue to pursue the development of agricultural lots, with sufficient water, as a way of securing its rights to water and providing for beneficiaries.	Staff agrees with these comments. Staff notes that the development of new agricultural lots will be done as authorized in updates to the island plans and or specific regional development plans, and these updates to the plans will incorporate water needs for agriculture.	No proposed new language.
11	DHHL Structure / Organization / Staffing	DHHL should staff and organize appropriately to implement this policy.	Staff agrees with these comments. Staff believes the Goal 5 of the draft plan addresses this concern.	No proposed new language.

#	Theme	Distilled Comment	Response	Proposed New Language
12	Efficiency	The Policy should have an explicit goal for efficiency including seeking behavioral change, new technologies and innovative practices.	Staff agrees with these comments.	<p>To address this and the concern that alternative sources be addressed, add a new policy to read:</p> <p>Affirmatively consider the development and use of alternative sources of water and efficiency measures in water decision-making.</p> <p>Add a definition of "Efficiency Measures" to read:</p> <p>Efficiency measures include but are not limited to optimal design and development, alternative energy utilization, and changes to behavioral practices and technologies that support onsite distributed wastewater systems.</p>
13	Federal Funding & Support	The Policy should expressly seek federal funding and assistance for implementation.	Staff agrees with these comments. Staff further believes that specific references to a particular funding source is best identified in the called for implementation plan.	No proposed new language.

#	Theme	Distilled Comment	Response	Proposed New Language
14	General Support	There is support for having a water policy plan, which has been needed for a long time.	Staff appreciates these comments.	No proposed new language.
15	HHC Governance	There is distrust that the HHC and DHHL will ever advocate for the interests of the beneficiaries, on water and other issues, unless fundamental structural changes are made to the relationship of this trust to the state and the manner in which Hawaiian Homes Commissioners are selected.	Staff acknowledges these comments. Staff believes these are beyond the scope of this policy.	No proposed new language.
16	Homestead Design	Land management and homestead design should look explicitly at creating and enhancing water availability, as well as efficiently using water.	Staff agrees with these comments.	Replace former Goal 6 with:  Design homesteads and manage lands to create and enhance water availability, optimizing costs, use of alternative sources and efficiency measures.

#	Theme	Distilled Comment	Response	Proposed New Language
17	Implementation	<p>There are significant concerns that the policy will be implemented; there should be specific and quantitative objectives under plan goals, and key portions of the plan should be incorporated into administrative rules. Implementation actions should specify the financial costs, staffing needs, informational needs, and other dynamics of implementation.</p>	<p>Staff acknowledges these comments. This is to staff's knowledge the first water policy by the HHC since passage of the HHCA. Because this is a new effort, because the Water Policy Plan is designed to have a three to six year duration with extremely limited delegation of authority by the HHC to the Chair, specific quantitative goals and actions are best identified in the called for implementation plan. Staff also believes some more meaningful quantitative goals can be developed in relationship to island and region specific issues (see below).</p>	<p>No proposed new language.</p>

#	Theme	Distilled Comment	Response	Proposed New Language
18	Island / Region Specific focus	Having a statewide policy does not make sense to people who are concerned about specific issues on their island, region, and/or community. Policy implementation and communication with beneficiaries needs to specifically describe how this policy will affect water issues at the island and regional level.	Staff acknowledges these comments.	<p>Addition of the following sentence to the section on Implementation Program:</p> <p>The Program shall identify tasks to implement each goal, and shall specify tasks that apply statewide as well as tasks that apply to different islands or regions under each goal.</p> <p>Change Draft WPP Goal 4 to read:</p> <p>Affirmatively communicate with beneficiaries regarding water decisions, performance, and water kuleana on a regional and annual basis.</p>

#	Theme	Distilled Comment	Response	Proposed New Language
19	Kuleana - Include and Define	The policy needs to specifically include the term kuleana and to define it, including its aspects of rights, responsibilities, and the historic and spiritual relationship of Hawaiians to water and its management.	Staff agrees with these comments. Staff notes that while the first round of beneficiary efforts affirmatively discussed water kuleana, rather than rights and responsibilities, that language was not captured in the draft policy.	<p>Replace the word rights with the word kuleana in policies and goals, as appropriate.</p> <p>Include a definition of kuleana to read:</p> <p>Kuleana: Kuleana encompasses both rights and responsibilities. DHHL's water kuleana includes its responsibilities under its mission and the legal rights to water enshrined in the HHCA and state Constitutional and statutory provisions. Kuleana exists within the genealogical and spiritual relationship between water and the lāhui `ōiwi.</p>
20	Land Use Designation and Planning	The HHC and DHHL need to explicitly consider water issues when changing land use designations, acquiring or exchanging parcels, and planning for the future use of lands.	Staff agrees with these comments.	<p>Include a new policy that states:</p> <p>Explicitly consider water availability and the costs to provide adequate water when developing new homestead areas, designating land uses, issuing land dispositions, or exchanging properties.</p>



#	Theme	Distilled Comment	Response	Proposed New Language
21	Legal References	The policy should include in the legal references DHHL v. Ahuna and HRS 7-1.	Staff acknowledges these comments. Staff however believes that adequate legal references, including to the relationship of water to traditional and customary practices, are already included in the policy plan.	No proposed new language.
22	Licensing	DHHL should aggressively advocate for the proper licensing of water, the charge of proper fees, and the identification of DHHL and beneficiary needs that could be met by licensed sources.	Staff agrees with these comments. Staff believes that the draft Goal 14 encompasses all these concerns.	No proposed new language.
23	Mission Statement	The mission statement should include the development of water systems.	The mission statement already references the development of water systems.	No proposed new language.
24	Desired Definitions	Certain key terms should be defined.	Beneficiaries sought inclusion of many definitions. Staff acknowledges these comments and has included definitions of kuleana, efficiency measures, and alternative sources.	Inclusion of direct translation of 'ōlelo no'eau from Pukui.  No further proposed new definitions.
25	Opposition	Beneficiary opposes this policy.	Staff acknowledges this comment.	No proposed new language.
26	Policy Scope	The policy scope should explicitly consider water that flows into the ocean.	Staff agrees with these comments. Staff believes the definition of water in the policy encompasses this comment.	No proposed new language.

#	Theme	Distilled Comment	Response	Proposed New Language
27	Relationship between DHHL, HHC, and Beneficiaries rights to water	The policy and communications should note that rights pertain to beneficiaries of the trust.	Staff acknowledges these comments. Staff notes however that particular laws specifically reference the "rights of the DHHL" to water.	No proposed new language.
28	Stream Restoration	The HHC and DHHL should support the restoration of stream flows in communities that seek stream restoration.	Staff acknowledges this comment. Staff believes existing acknowledgment of public trust values in the policy addresses this concern.	No proposed new language.
29	Swimming Pools	It is aggravating to see others build and use private swimming pools when Hawaiians struggle to have access to and afford water.	Staff acknowledges this comment.	No proposed new language.
30	Traditional and Customary Practices and Place Based Knowledge	The Policy should explicitly support the continuation of traditional and customary practices that use water and the utilization of traditional and place based knowledge in all aspects of plan implementation.	Staff acknowledges this comment. Staff believes existing language in the policy addresses this concern.	No proposed new language.

#	Theme	Distilled Comment	Response	Proposed New Language
31	Waste water / sewer issues	Past decisions to use certain technologies for wastewater and tie into sewer systems have cost beneficiaries significant money. Pursuing innovative wastewater technologies could create cost and other benefits.	Staff acknowledges this comment. Staff believes inclusion of provisions on land management, planning, homestead design, efficiency measures and alternative sources address this concern.	No further proposed new language.
32	Water / Energy Connection	The Policy should explicitly consider the connections between water issues and energy issues, including especially geothermal and the energy costs of developing water.	Staff agrees with these comments. It is the intention of the policy for it to be integrated with other policies and plans in the department, and this can be made more explicit.	Include new policy statement:  Ensure that water decisions are consistent with other Departmental policies, programs, and plans including but not limited to the Energy Policy and Agricultural Program.
33	Water Assets Inventory	DHHL should comprehensively develop and share the information in the proposed Water Assets Inventory.	Staff acknowledges this comment. Staff believes existing language in the policy addresses this concern.	No proposed new language.

#	Theme	Distilled Comment	Response	Proposed New Language
34	Water Quality	The Policy should explicitly have a goal to protect water quality, and increase DHHL's and beneficiaries' knowledge of water quality.	Staff agrees with these comments. By participating in the State Water Quality Plan (developed and updated by Department of Health), DHHL can help ensure that water quality is being protected.	<p>Include new policy:</p> <p>Make efforts to understand, maintain, and improve the quality of water as it moves into and through our lands and is used by beneficiaries.</p> <p>Include new goal 21:</p> <p>Partner with the Department of Health and others on water quality education and outreach.</p>
35	Water Rates	Many beneficiaries, especially those on county systems, struggle now with paying for water and sewer services. DHHL and the HHC should better understand what all beneficiaries pay, and seek to reduce the water and sewer rates paid. This is especially frustrating when beneficiaries see users of state water systems (which Hawaiians have a claim to) use water at low rates and waste water.	Staff agrees with these comments. Water (and sewer) rates vary by community and can be a significant financial burden for some homesteaders. Various efforts can be made to reduce the costs of water, including improving use efficiency, developing water or obtaining water credits at a lower cost, obtaining fair compensation for the use of Home Lands for water systems, and other means.	<p>Change former Goal 13 to read:</p> <p>Advocate that County boards of water supply and other county agencies that affect water have the spirit of the HHCA faithfully carried out to protect DHHL water uses as a public trust use of water and manage rates so they are affordable by beneficiaries.</p>

#	Theme	Distilled Comment	Response	Proposed New Language
36	Water Reservations	The HHC and DHHL should secure adequate and enforceable reservations of water for current and foreseeable future needs for all of its lands across the islands based upon periodic reviews of water availability projections, projected beneficiary demand, and new water use and resource development technologies and strategies.	Staff agrees with comment. DHHL's existing reservations, only within Ground Water Management Areas, ensure that water is set aside for DHHL's future water needs. Future reservations should be secured throughout the state to protect our rights to water.	<p>Insert new goals:</p> <p>Secure adequate and enforceable reservations of water for current and foreseeable future needs for all of its lands across the islands.</p> <p>Determine current and foreseeable future needs based upon periodic reviews of water availability projections that incorporate climate change, projected beneficiary demand, alternative sources and efficiency measures.</p>
37	Water System Management Options	HHC and DHHL decision making over the management of water systems it develops should: a) be transparent to beneficiaries; b) account for the full value of land and water used by the system; c) always consider beneficiary owned and/or managed systems as a management option; and d) provide sufficient water for beneficiary needs.	Staff acknowledges comments. Staff believes that many of the draft policies and goals already address and include these comments (Policies 5, 6, 10 & Goals 4 & 22 from the draft WPP)	<p>No proposed new language.</p> <p>Deleted prior goal 19.</p>

#	Theme	Distilled Comment	Response	Proposed New Language
38	Watershed Management	DHHL should retain ownership of the watershed lands it holds and manage them. DHHL should seek to increase the management of public and private watershed lands. DHHL should advocate that those lands provide needed water for our homestead communities and lands and that beneficiaries have an ongoing kuleana related to watersheds lands.	Staff appreciate the comments. While what lands are held or exchanged by the trust are generally outside the scope of this policy, the Department can look at ways to participate in watershed management on its lands or on watershed lands that support Hawaiian home lands. Staff believes this is reflected in goal 8 of the Draft WPP, and enhanced by the inclusion of the term kuleana and its definition.	No proposed new language.

Table III. Goal Prioritization Exercise Results

Goal # in DWPP	Goal Description	Kaua'i	Waimanalo	Moloka'i	Maui	Stevenson	Lāna'i	Kapolei	Waimea	Hilo*	Total
*4	Communicate	8	0	3	29	6	7	4	3	0	60
*9	Advocacy	7	9	8	0	5	3	3	12	0	47
*1	WAI	0	0	1	10	3	0	3	20	0	37
*8	Watersheds	4	0	5	1	1	7	6	7	0	31
**21	Ag Water	11	3	3	0	1	0	0	2	0	20
**5	Reorg	0	5	6	0	1	0	3	1	0	16
**7	Design	2	1	5	0	0	1	7	0	0	16
***6	Projections	2	0	1	0	1	3	3	2	0	12
***16	Credits	6	1	2	0	1	0	2	0	0	12
***18	Break Even	2	5	3	0	0	0	1	0	0	11
***12	WUPA	3	1	0	1	0	0	4	1	0	10
***22	MIS	0	0	5	0	3	0	2	0	0	10
20	Security	5	2	0	0	1	0	0	1	0	9
10	Partner	3	1	2	0	0	0	0	1	0	7
17	Wells	2	0	0	0	1	0	0	3	0	6
13	DWSs	1	1	0	0	1	0	1	0	0	4
11	Water Plan	0	0	2	0	1	0	0	0	0	3
14	Licenses	1	1	1	0	0	0	0	0	0	3
19	Legal systems	1	0	1	0	0	0	0	0	0	2
2	Submittal template	0	0	0	0	0	0	0	1	0	1
3	Budget	0	0	0	1	0	0	0	0	0	1
15	Dedication	0	0	0	0	1	0	0	0	0	1
		58	30	48	42	27	21	39	54	0	319

LIST OF EXHIBITS

- A. HHC FEBRUARY 2014 ITEM G-1: APPROVAL OF DRAFT WATER POLICY PLAN FOR BENEFICIARY CONSULTATION
- B. SUMMARY OF FINDINGS
  - a. Summary of Comments sorted by Theme
  - b. Meeting Handouts
  - c. Meeting Notes
  - d. Email & Letters
- C. FINAL DHHL WATER POLICY PLAN




STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

FEBRUARY 19, 2014

To: Chairman and Members, Hawaiian Homes Commission

From: Kaleo Manuel, Acting Planning Program Manager  


Subject: Approval of Draft Water Policy Plan for Statewide  
Beneficiary Consultation

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission (HHC) approves the Draft Water Policy Plan for Statewide Beneficiary Consultation

DISCUSSION

*Purpose*

In accordance with the HHC Beneficiary Consultation Policy, the Planning Office seeks approval to take the "HAWAIIAN HOMES COMMISSION WATER POLICY PLAN DRAFT FEBRUARY 19, 2014" (Exhibit A) for a series of statewide planned beneficiary consultation meetings.

*Background*

In Fiscal Year 2011 and earlier, the Department of Hawaiian Home Lands ("the Department") was facing a number of significant water issues on many islands, including attempts by outside entities to exert control over water to which the Department was entitled, decisions regarding making significant investments on water systems, and related matters. This included attempts by the Federal Energy Regulatory Commission to exert permitting control over hydropower projects in Hawai'i, a need to respond to issues related to Dam safety, and the need to secure water for projects in areas prioritized for development by the HHC. In order to

avoid making case-by-case decisions driven by outside pressure that may not address systemic issues and strategic needs, in FY2012 the Department initiated the development of a Water Policy Plan (WPP). This work was developed in part through the execution of a contract that included the following scope elements:

1. Development of a WPP.
2. Assistance with data gathering, developing decision making tools for priority areas & projects.
3. Development and presentation of two workshops for the HHC regarding 1 & 2, above.
4. Developing educational materials on water for beneficiaries, staff, and Commissioners.

In the course of this work, described more fully below, significant progress has been made not only in identifying draft WPP elements, but also specific tasks, sometimes for specific areas, that would need to be completed to reach draft WPP goals. However, the staff also fully appreciates that the proper authority for approving a policy level document rests with the HHC, and the desirable and required meaningful beneficiary consultation on the draft WPP has yet to occur. Hence a draft WPP is brought forward here for approval in draft form. In the form finally approved after beneficiary consultation and a final vote by the HHC, it will be the basis for development of an Implementation Program for approval by the HHC, concurrently with budget approvals. For reference, a draft implementation program section including a draft goal with related implementation actions (subject to possible significant revision based on HHC action and beneficiary consultation) is included here as Exhibit B.

#### *Activities to date*

Work on these four tasks in the contract scope was phased. Phase I: Data Gathering and Analysis & Phase II: Issue identification with beneficiaries has been completed and is summarized in Table I, below. This Submittal constitutes Phase III: Draft WPP for consideration by Commission. If approved we

will implement Phase IV: Formal Beneficiary Consultation and Phase V: Adoption and implementation (target: June 2014).

TABLE I. COMPLETED ACTIVITIES IN DEVELOPING THE DRAFT WPP

PHASE	DESCRIPTION	ACTIVITIES
I	Data Gathering & Analysis	Review of Department and Commission on Water Resource Management (CWRM) water records
		Synthesis of existing water rights in the Hawaiian Homes Commission Act (HHCA) and other sources, and presentation to HHC on the same (Exhibit C)
		Individual and small group interviews on Kaua`i, O`ahu, Moloka`i Maui, and Hawai`i Interviewees included diverse viewpoints Commissioners, DHHL Staff and consultants, Homestead leaders, County Water Purveyors, Farmers & Ranchers, trusts, CWRM staff, and water law experts & advocates (Exhibit D)
		Analyzing water issues for key areas (e.g. Anahola and Waimea, Kaua`i; Pulehunui, Maui) & Developing Strategies and Methodology to address them (e.g. Exhibit E)
		Estimating DHHL water needs for the State Water Projects Plan
		Assisting in Water Conservation interagency initiative
		Tracking actions potentially affecting DHHL water rights before the CWRM and state Legislature and drafting testimony on the same
II	Issue identification with beneficiaries	Developing educational materials for outreach including synthesis of DHHL water rights and educational presentation
		Held nine beneficiary meetings on six islands, and one stakeholder meeting in Kona - approximately 250 participants (Exhibit F)
		Delivery of same presentation to HHC (January 2014)
		Compilation of meeting notes and conversation maps (Exhibit G)

During the work conducted in Phases I & II and summarized in Table I above, a significant volume of data was generated and many observations were made. Data consisted of everything from

beneficiary comments in meetings, statements in interviews, and stream flow data to legal records and references.

#### *Collecting Data and Determining Findings*

In order to develop a draft Policy Plan, these data and observations were clustered and then consolidated into a "summary of findings." Findings were drafted when clustered comments on values or other observations were determined to be of significant relevance to the water challenges facing the Department. As an example, dozens of comments from a wide range of individuals across Hawai'i indicated the significance of water to the Department. Relatedly, staff had numerous instances of being challenged or unable to find key water infrastructure information. Clustering that data led to formation of the following finding:

*DHHL water assets are central to the trust corpus - ranging from infrastructure and agreements to cultural knowledge about water - but data on them is dispersed. You cannot manage what you don't know you have.*

These findings were then sorted by how they related to key areas of departmental activity and responsibility:

- Understand our trust water assets (Office of the Chairman);
- Plan for our water needs (Planning Office);
- Aggressively understand, exercise and assert our water rights (Office of the Chairman);
- Develop and protect water sources (Land Management and Land Development Division); and
- Manage water systems (Homestead Services Division and Fiscal Office).

A summary of findings is included as Exhibit H.

#### *Policy Drafting*

The summarized findings were further organized to distinguish among Value and Policy level statements, Plan and Goal statements, and specific implementation measures. Following

that reorganization of findings, findings were used as a basis to draft a Policy Plan document consisting of six main areas:

1. A statement of a Vision and Mission for water;
2. Values related to water;
3. Policies;
4. Goals;
5. Delegation of Authorities and Reporting; and
6. Identification of Legal Authorities, Related Plans and Policies, References, and Definitions.

The vision statement reiterates the original intent and vision of the HHCA as it relates to water, and is composed of direct quotes from the HHCA. The mission statement contains language directly from, and is consistent with, the General Plan goals and objectives approved by the HHC in 2002.

Values establish and support both the vision and mission statements and policies, and were some of the clearest areas of beneficiary comment. There are four (4) foundational values that were the common themes of beneficiary, Department staff, and HHC input and discussions: waiwai, waihona, mālama, and laulima.

Consistent and driven by the values mentioned above, there are eight (8) policy statements that seek to achieve the mission and the vision related to water. These policy statements also comprehensively reference the kuleana and authorities of the Department and HHC related to water.

In the draft WPP, goals identify particular objectives, which need to be completed in order to achieve the vision, execute the mission, and comply with the policies. Consolidating data and findings from across the islands, twenty-two (22) specific goals have been drafted.

Also included in the draft WPP is a specific section on delegated authority. The HHCA specifies that "The commission may delegate to the chairman such duties, powers, and authority or so much thereof, as may be lawful or proper for the performance of the functions vested in the commission" (HHCA §202(a)(part)). This draft specifies that the only duty delegated to the Chairman is to develop an Implementation Program for the WPP.

Finally, the WPP identifies the legal authorities, related plans and policies, references, and definitions that correlate to the vision, mission, values, policies, and goals related to water.

*Next Steps*

If approved, the Department will hold a series of nine (9) statewide Beneficiary Consultation meetings on the following dates and locations (pending venue confirmation) to get input and mana'o on the Draft Water Policy:

- March 31, 2014                      Kaua'i
- April 1, 2014                        O'ahu (Waimānalo)
- April 2, 2014                        Moloka'i
- April 7, 2014                        Maui
- April 8, 2014                        O'ahu (Honolulu)
- April 9, 2014                        Lāna'i
- April 14, 2014                       O'ahu (Kapolei)
- April 15, 2014                       West Hawai'i
- April 16, 2014                       East Hawai'i

Based on these meetings, staff will make edits, incorporate feedback, as applicable, and redraft the WPP. The Department will bring the final WPP for HHC approval in June 2014. As discussed above, an adopted WPP requires and will be the basis for the development of an Implementation Program.

RECOMMENDED MOTION/ACTION

Based on the information presented above, staff recommends the following motion / action:

That the Hawaiian Homes Commission (HHC) approves the Draft Water Policy Plan for Statewide Beneficiary Consultation.

LIST OF EXHIBITS

- A. HAWAIIAN HOMES COMMISSION WATER POLICY PLAN DRAFT  
FEBRUARY 19, 2014
- B. DRAFT EXAMPLE OF GOAL AND RELATED IMPLEMENTATION ACTIONS
- C. DEPARTMENT OF HAWAIIAN HOME LANDS (DHHL) WATER KULEANA
- D. TABLE OF INDIVIDUALS INTERVIEWED
- E. DRAFT EVALUATION MATRIX FOR POTENTIAL WATER SOURCES
- F. POSTCARD MAILOUT OF BENEFICIARY MEETINGS
- G. MEETING NOTES AND CONVERSATION MAPS
- H. SUMMARY OF FINDINGS

# HAWAIIAN HOMES COMMISSION WATER POLICY PLAN DRAFT

## FEBRUARY 19, 2014

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### Vision

Our vision is that there will be adequate amounts of water and supporting infrastructure so that homestead lands will always be usable and accessible, to enable us to return to our lands to fully support our self-sufficiency and self-determination in the administration of the Hawaiian Homes Commission Act (HHCA), and the preservation of our values, traditions, and culture.

### Mission

In a manner consistent with our values, the Hawaiian Homes Commission (HHC) and Department of Hawaiian Home Lands (DHHL) shall strive to ensure the availability of adequate, quality water by working cooperatively to:

- Understand our trust water assets;
- Plan for our water needs;
- Aggressively understand, exercise and assert our water rights;
- Develop and protect water sources; and
- Manage water systems.

### Values

1. **Waiwai:** Mōhala i ka wai ka maka o ka pua. The availability of water to our lands and people is integral to the trust and our mission.
2. **Waihona:** `Ua lehulehu a manomano ka `ikena a ka Hawai`i. Honoring and documenting our knowledge about water is essential to managing it.
3. **Mālama:** He ali`i ka `āina; he kauwā ke kānaka. We consider water to be part of our genealogy and so we manage it in a manner that cares for its long-term sustainability for all things, as we also use it productively for our mission.
4. **Laulima:** E lauhoe mai na wa'a; i ke kā, i ka hoe; i ka hoe, i ke kā; pae aku i ka `āina. We are one people who now share Hawai`i with others. DHHL is only one of many Hawaiian serving institutions. We will assert our rights while considering our larger lāhui `ōiwi and the larger world in which we live.



## **Policies**

It is the policy of the HHC and the DHHL to:

1. Dedicate the time and attention necessary, including development of a Water Assets Inventory (WAI), to appropriately manage water.
2. Expressly determine and plan for our future water needs both internally and by actively participating in broader water management, use and protection efforts in Hawai'i.
3. Educate ourselves and others continually on our water rights, and aggressively exercise them in a manner that balances our uses with other Public Trust water uses to the extent possible.
4. Foster self-sufficiency of beneficiaries by promoting the adequate supply of water for homesteading when developing or managing water.
5. Foster the self-determination of beneficiaries by seeking ways for beneficiaries to participate in the management of water.
6. Develop, manage, and steward water in a manner that balances cost, efficiency, and Public Trust uses in the short and long term.
7. Make water decisions that incorporate the traditional and place-based knowledge of our people and are clear and methodical in their reasoning.
8. Affirmatively communicate our decisions, our reasoning, and our performance in managing, stewarding, and using water.

## **Goals**

To achieve our Mission and comply with our Policies, the Goals of the HHC and the DHHL are to:

### **Part I. Understand our trust water assets**

1. Develop and manage a Water Assets Inventory (WAI).
2. Revise the DHHL submittal template to the HHC for water related decisions.
3. Revise budgets to show the total costs of a) water system management b) all spending on water issues.
4. Affirmatively communicate with beneficiaries regarding water decisions, performance, and water rights.
5. Staff and organize the DHHL consistent with importance of water to the trust.

## **Part II. Plan for our water needs**

6. Develop and consistently maintain near- and long-term projections of water needs.
7. Design and develop homesteads optimizing cost and water conservation.
8. Support watershed protection and restoration on DHHL lands and source areas for DHHL water.

## **Part III. Aggressively understand, exercise and assert our water rights**

9. Consistently and aggressively advocate for the rights of the beneficiaries, the DHHL, and the HHC to water.
10. Partner with trust beneficiaries in water advocacy efforts.
11. Engage in updates to all Hawai'i Water Plan elements to ensure DHHL water needs and rights are addressed.
12. Advocate that all water use permit applications properly address the water rights of DHHL and other Hawaiian water rights.
13. Advocate that boards of water supply have the spirit of the HHCA faithfully carried out in their actions.
14. Ensure that all legal provisions for the licensing of state water are followed.

## **Part IV. Develop and protect water sources**

15. Carefully weigh alternatives regarding the dedication or DHHL management of new water systems.
16. Methodically and consistently manage and allocate water credits.
17. Support the drilling of wells by beneficiaries for their own use on lots where appropriate.

## **Part V. Manage water systems**

18. Secure revenue and reduce operation costs so DHHL water systems break even financially over the long term.
19. Manage DHHL water systems consistent with legal requirements.
20. Increase security and reliability for DHHL water users.
21. Continue to pursue development of agricultural water systems.
22. Pursue resolution by the Department of Agriculture of prior audit findings in the management of the Moloka'i Irrigation System and full repair of the System.

## **Delegation of Authorities and Reporting**

1. Delegation
  - a. The Hawaiian Homes Commission delegates authority to the Chairperson to prepare an Implementation Program for this Water Policy Plan.
2. Reporting
  - a. The Chairperson shall submit the proposed Implementation Program to the Hawaiian Homes Commission annually in conjunction with the Department's budget request.
  - b. The Chairperson shall annually report on progress on execution of the approved Implementation Program and overall progress towards achieving the goals of and maintaining compliance with the Water Policy Plan.

## **Legal Authorities**

1. Hawai'i State Constitution
2. Hawaiian Homes Commission Act of 1921, as amended
3. Hawai'i State Water Code, HRS 174C
4. In the Matter of Water Use Permit Applications (Waiāhole I case)
5. Wai`ola o Moloka`i

## **Related Plans and Policies**

1. DHHL General Plan
2. DHHL Energy Policy
3. Hawaiian Homes Commission Beneficiary Consultation Policy

## **References**

1. 1983. Puku`i, Mary Kawena. 'Ōlelo No'eau: Hawaiian Proverbs & Poetical Sayings. Honolulu: Bernice Pauahi Bishop Museum.
2. Aia i hea ka wai a Kāne? (Traditional chant, "Where is the water of Kāne?")

## **Definitions:**

**Hawai`i Water Plan:** The Hawai`i Water Plan and its parts, as detailed in Part III of the Hawai`i State Water Code (HRS 174C), is the state's "program of comprehensive water resources planning to address the problems of supply and conservation of water" (HRS 174C-2(b)).

**Public Trust:** As delineated in the Hawai`i Supreme Court Waiāhole I and Wai`ola O Moloka`i cases, public trust uses of water include domestic uses, traditional and customary Hawaiian rights, the protection and procreation of fish and wildlife, the maintenance of proper ecological balance and scenic beauty, and reservations of water for the DHHL.

**Water:** In this policy, water includes mists, fog, rain, and other precipitation; water as it flows above or below ground, and into the ocean; water used for homesteading; alternative sources including waste, brackish, and salt water; water used in the exercise of traditional and customary practices; infrastructure used to produce, store and transmit water; and water we use as well as water to which we have rights.

**Water Assets Inventory (WAI):** A comprehensive geographically referenced database of the water assets of the DHHL, including traditional knowledge related to water, DHHL owned water infrastructure, current and future water demand, water agreements, water credits, and potential water sources.

## **Approval Date**

Policy approved by the Hawaiian Homes Commission on \_\_\_\_\_.

**DRAFT Goal 2. Revise the DHHL Submittal Template to the HHC for water related decisions.**

**Reason for goal:** DHHL and the HHC have not consistently and comprehensively considered certain aspects of major water decisions.

**Description:** DHHL shall revise the current HHC submittal form so when DHHL proposes water related decisions, staff shall explicitly describe and incorporate into recommendations the following information:

- Relevant cultural knowledge about water
- For land related actions (leases, licenses, proposed Island and Regional Plans, sales, exchanges or other dispositions) how the action will require or affect the availability of water.
- For water development actions (e.g. well drilling, stream diversion), implement a source evaluation matrix that identifies a preferred action and a comparison to alternatives and their financial, cultural, community, legal, and natural resource implications, including alternate sources (salt water, reclaimed water). This shall also explicitly consider which of DHHL’s water rights are being exercised, and why.
- Consistency of the proposed action with related prior actions of the HHC, Island Plans and related policies
  - Justification or explanation for inconsistency
- If a consultant is involved with the preparation or implementation of an HHC action, disclosure of any clients who have interests in the area(s) affected and an analysis of any conflicts of interest.
- Review by the Planning office for compliance with Island Plan land use designations.

#	Implementation Action(s)	Cost / resource estimate	Island(s)	Target date	Lead Division
a.	Develop a revised submittal template with input from all Divisions for approval by the Office of the Chairperson	Staff time only	All	2014	PO

# DEPARTMENT OF HAWAIIAN HOME LANDS (DHHL) WATER KULEANA

The DHHL's main water responsibilities are to develop sources, to manage systems, and to plan for needs and advocate for rights. To do this DHHL has distinct water rights based on the Hawaiian Homes Commission Act (HHCA), the Hawai'i State Constitution (HSC) and Hawai'i Revised Statutes (HRS), and court cases.

These water rights are tools that the Hawaiian Homes Commission (HHC) can use as needed. Which tool/right is best to use in a situation depends on the opportunities at hand and the costs (financial and other) to assert the tool/right.

Right/Tool	Description	Legal Reference	Has it been exercised? Where?
<b>RESPONSIBILITY: DEVELOP WATER SOURCES</b>			
Priority/Use	In water management areas, water use permits are conditioned on permitted uses not interfering with the rights of DHHL. Permitted amounts can be reduced if they interfere with DHHL rights.	<ul style="list-style-type: none"> <li>• HRS 174C-49(e)</li> <li>• Waialeale Moloka'i 103 Haw. 401</li> </ul>	In the groundwater management areas established on O'ahu, Moloka'i, and Maui, permits are issued conditioned on DHHL rights.
Demand Water	To supply personal, agriculture, agriculture, or domestic needs, DHHL can (1) demand water deriving from government lands, without paying the government; (2) negotiate for the right to use water deriving from government or private lands, or (3) bring eminent domain proceedings. In its own name, the right to use "surplus water" from private lands.	<ul style="list-style-type: none"> <li>• HHCA §221</li> <li>• HRS 171-58</li> <li>• Attorney General Opinion dated 8/22/1994 by W. Tam</li> </ul>	DHHL has negotiated for the use of water across the islands. The HHC has authorized the assertion of a demand for water in Waialua, Kaua'i.
Issue/Leases or Licenses for Transmission	The DHHL can lease or license water land to third parties for the provision of water.	<ul style="list-style-type: none"> <li>• HHCA especially §204.5, 207</li> </ul>	Yes. Most new DHHL water systems are built to County standards then licensed to the County Board of Water Supply.
<b>RESPONSIBILITY: MANAGE WATER SYSTEMS</b>			
Own and Manage Water Systems	The DHHL can develop, manage, and own water systems and deliver water to homesteaders and others. It is barred from selling any wholly owned system.	<ul style="list-style-type: none"> <li>• HHCA §220, 220.5, 221</li> <li>• HRS 167</li> </ul>	Yes; on Moloka'i, Kaua'i, and Hawai'i.
Derive Revenue	The HHC may derive revenue from the delivery of water to non-homesteaders.	<ul style="list-style-type: none"> <li>• HHCA §220</li> </ul>	Yes; on Moloka'i and Kaua'i.
Moloka'i Irrigation System	If an actual need is shown to the Department of Agriculture, HHC and homesteaders have a preference right to 2/3 of the water developed by the system.	<ul style="list-style-type: none"> <li>• HRS 168-4</li> </ul>	Homesteaders have individually sought access to the MIS for water and been provided it.
<b>RESPONSIBILITY: WATER PLANNING AND ADVOCACY</b>			
Water Reservations	The Commission on Water Resource Management shall "reserve" water for future DHHL needs to the extent applicable, based on DHHL projections.	<ul style="list-style-type: none"> <li>• HHCA §221</li> <li>• HRS 174C-49(d), 101(a)</li> </ul>	Yes; on O'ahu and Moloka'i, but never in an "undesignated" area.
Water License Revenue	DHHL is entitled to 30% of the receipts from water licenses issued by the State.	<ul style="list-style-type: none"> <li>• HSC Art XII §1</li> <li>• HHCA §213(j)</li> <li>• HRS 171-58(g), 174C-101</li> </ul>	Yes; it has received revenue and audited returns.
Public Trust Status	Public Trust uses of water include the domestic needs of the general public, traditional and customary Hawaiian uses, maintaining wildlife and scenic beauty, and the rights of the DHHL. Public Trust uses are supposed to have priority over private commercial uses of water.	<ul style="list-style-type: none"> <li>• HSC XI, §1, 7</li> <li>• HRS 1-1, 174C</li> <li>• Waiahole I, 94 Haw. 97</li> <li>• Waiole O. Moloka'i: 103 Haw. 401</li> </ul>	Yes; in legal actions on O'ahu (the Waiahole case) and Moloka'i (the Waiole case).

#	Date (1st)	Last	First	Organization	Island	Primary Perspective	Secondary Perspective(s)
1	12/15/11	Pavao	Milton	Hawaii County Department of Water Supply	Hawaii	County Water System	Engineer
2	12/15/11	Aton	Kanani	Hawaii County Department of Water Supply	Hawaii	County Water System	Hawaiian Community Leader
3	12/15/11	Antonio	Quirino	Hawaii County Department of Water Supply	Hawaii	County Water System	
4	12/15/11	Kahawalola'a	Patrick	Keaukaha Hawaiian Homestead Association	Hawaii	Homestead Leader	Water rights advocate
5	12/15/11	Spencer	Mele	Keaukaha-Pana'ewa Farmers	Hawaii	Homestead Leader	Farmer
6	12/15/11		Other at Mele meeting	Keaukaha-Pana'ewa Farmers	Hawaii	Homestead Leader	Farmer
7	12/15/11		Other at Mele meeting	Keaukaha-Pana'ewa Farmers	Hawaii	Homestead Leader	Farmer
8	12/15/11	Kekahuna	Paula	Maku'u Farmers' Association	Hawaii	Homestead Leader	
9	12/15/11		Other at Kekahuna	Maku'u Farmers' Association	Hawaii	Homestead Leader	
10	12/15/11	Lee Loy	Ian	Hawaiian Homes Commission	Hawaii	DHHL - Commission	
11	12/9/11	Da Mate	Leimana	Hawaiian Homes Commission	Hawaii	DHHL - Commission	Water ad-hoc committee
12	3/5/12	Du Pont	Jim	DHHL	Hawaii	DHHL - Staff	Water System - Pu'ukapu
13	3/5/12	Kahui	Bo	Lei 'Opua 2020	Hawaii	Developer	Homesteader
14	3/5/12	Kapuni'ai	Duke		Hawaii	Agriculture - Pastoral	Homesteader, system developer
15	3/5/12	Lau	Pat		Hawaii	Agriculture - Pastoral	
16	5/18/12	Duarte	Kaao	Kamehameha Schools	Hawaii	Trust Asset Management	Hydrologist
17	1/5/12	Craddick	David	Kauai County Department of Water Supply	Kauai	County Water System	Engineer
18	1/5/12	Rapozo	Lorraine	Anahola Hawaiian Homestead Association	Kauai	Homestead Leader	
19	1/5/12	Danner	Robin	CNHA	Kauai	Homestead Leader	
20	1/5/12	Kamibayashi	Ema	DHHL	Kauai	DHHL - Staff	
21	1/5/12	Omellas	Jerry	East Kauai Water Users Cooperative	Kauai	Agriculture	Irrigation manager
22	12/1/11	Taylor	Dave	Maui County Department of Water Supply	Maui	County Water System	Engineer
23	12/1/11	Omellas	Daniel	Department of Land and Natural Resources	Maui	DLNR	Planner, Former DHHL Staff, Homesteader
24	12/1/11	Duey	Rose	Hui O Na Wai 'Eha	Maui	NH Community Leader	Water rights advocate
25	12/1/11	Duey	John	Hui O Na Wai 'Eha	Maui	Water rights advocate	Irrigation manager
26	1/24/12	Tancayo	Henry	Hawaiian Homes Commission	Molokai	DHHL - Commission	Water Ad Hoc Committee, Fireman
27	6/1/12	Machado	Colette	OHA	Molokai	Trust Asset Management	Homesteader, Former Commissioner
28	3/6/12	Helm	Adolph	Dow Agro-Sciences	Molokai	Agriculture	Homesteader, Irrigation manager
29	3/6/12	Sagarao	Larry	DHHL	Molokai	DHHL - Staff	Water System - Molokai
30	3/6/12	Busch	David	DHHL	Molokai	DHHL - Staff	Water System - Molokai
31	3/6/12	DeCoite	Lynn	L&R Farms	Molokai	Farmer	Homesteader, MIS
32	3/6/12		Other at Lynn meeting		Molokai		
33	3/6/12		Other at Lynn meeting		Molokai		
34	3/6/12		Other at Lynn meeting		Molokai		
35	11/22/11	Nahale-a	Alapaki		Oahu	DHHL - Staff	Homesteader
36	10/11/11	Yagodich	Darrell	DHHL	Oahu	DHHL - Staff	Beneficiary, Planner
37	12/16/11	Chinn	Linda	DHHL	Oahu	DHHL - Staff	Developer
38	12/16/11	Pfund	Sandy	DHHL	Oahu	DHHL - Staff	Developer
39	5/31/12	Lau	Emie	C&C Honolulu	Oahu	County Water System	CWRM, DAGS
40	2/15/12	Usagawa	Barry	C&C Honolulu Board of Water Supply	Oahu	County Water System	Engineer
41	1/24/12	Tassil	Joe	Hawaiian Homes Commission	Oahu	DHHL - Commission	Water Ad Hoc Committee
42	5/8/12	Tam	Bill	CWRM	Statewide	CWRM	Water Law
43	5/8/12	Ouye	Lenore	CWRM	Statewide	CWRM	Planning
44	5/8/12	Ice	Charley	CWRM	Statewide	CWRM	Planning
45	5/8/12	Hardy	Roy	CWRM	Statewide	CWRM	Hydrologist
46	4/17/12	Hai'a	Moses	NHLC	Oahu	Water Law	Beneficiary
47	5/1/12	Sproat	Kapua	UH Richardson Law School	Oahu	Water Law	Hawaiian Community Leader
48	5/1/12	McKenzie	Melody	UH Richardson Law School	Oahu	Water Law	Hawaiian Community Leader, Claims Commission
49	5/1/12	Hong	Lea	Trust for Public Lands	Oahu	Land Acquisitions	Water Law
50	4/24/12	Kawahara	Ken	Akinaka & Associates	Oahu	DHHL - Consultant	Engineer, CWRM
51	1/6/12	Cairel	Gigi	DHHL	Oahu	DHHL - Staff	Na Kupa'a
52	5/22/12	Anthony	Jim	Hawaii Laiekawal Association	Oahu	Water Law	Hawaiian rights
53	5/24/12	Tagomori	Manabu	Oceanit	Oahu	Engineer	CWRM, Kamehameha Schools

#	Date (1st)	Last	First	Organization	Island	Primary Perspective	Secondary Perspective(s)
54	5/2/12	Gannon	Joy	RCAC	Statewide	Water Systems Management	Utility Management
55	3/6/12	Ayau	Halealoha	DHHL	Molokai	DHHL - Staff	Water System - Molokai
56	4/2/12	Bush	Kalani	Department of the Attorney General	Statewide	DHHL - AG	
57	4/2/12	Dvonch	Matt	Department of the Attorney General	Statewide	DHHL - AG	



**DRAFT EVALUATION MATRIX FOR POTENTIAL WATER SOURCES**

**FACTORS**

<b>SOURCE OPTIONS</b>	<b>Source Development Costs</b>	<b>Delivery Infrastructure Costs</b>	<b>Long-Term Maintenance Costs / Profits?</b>	<b>Planning, Design, Construction Timing</b>	<b>Yield for Short-Term Needs</b>	<b>Yield for Long-Term Demand</b>	<b>Impacts on DHHL Beneficiaries</b>	<b>Impacts on Other Hawaiian Indivs/Gips</b>	<b>Stakeholder Support</b>	<b>Likelihood of Litigation</b>	<b>Source Resiliency to Environmental Change</b>	<b>Interaction with Energy Systems</b>
<b>Ground water</b>												
<b>Surface water</b>												
<b>Alternate sources</b>												
<b>Conservation</b>												
<b>Assertion of legal rights to existing sources</b>												

**Ola i ka wai. E mālama i ka wai.  
He kuleana ko kākou.**



EXHIBIT "A"

MCE/Exhibit F

HLR

# DHHL Water Policy Plan

Come help protect and direct the future of DHHL and our water! We are beginning community meetings to provide information and to get your mana'ō to develop a Water Policy Plan that will guide us as we manage and invest in the water resources and rights of the Trust.

- What rights can be asserted by DHHL?
- How should we balance development and protection of water?
- What are the most critical water issues in your community?

Meetings will be held beginning Oct. 23. All meetings are from 6:00 p.m. to 8:00 p.m.:

- Oct. 23 O'ahu Stevenson Middle School Cafeteria
- Oct. 30 Kaua'i Chiefess Kamakahelei Middle Sch. Cafeteria
- Nov. 4 Moloka'i Lanikeha Community Center
- Nov. 5 O'ahu Kapolei Middle School Cafeteria
- Nov. 6 O'ahu Blanche Pope Elementary Cafeteria
- Nov. 7 Lāna'i Lāna'i Elementary & High Cafeteria
- Nov. 12 Hawai'i DHHL Kūhiō Hale – Waimea
- Nov. 13 Hawai'i Hilo High School Cafeteria
- Nov. 14 Maui DHHL Paukūkalo Community Center

Please visit [dttl.hawaii.gov/po/water](http://dttl.hawaii.gov/po/water) for more information or call (808) 620-9517.



HAWAIIAN HOME LANDS  
HAWAIIAN HOMES COMMISSION • DEPARTMENT OF HAWAIIAN HOME LANDS

[dttl.hawaii.gov](http://dttl.hawaii.gov)

P.O. Box 1879 • Honolulu, Hawai'i 96805

EXHIBIT "A"

Presorted  
Standard  
U.S. Postage  
PAID  
Honolulu, HI  
Permit No. 208

HHC ITEM G-1 Exhibit F

# **Meeting Notes & Conversation Maps**

February 19, 2014

HHC ITEM G-1 Exhibit G EXHIBIT "A"

# 1. He wai, he kuleana: WATER POLICY PLAN MEETINGS

October 1 & 2, 2013

## 1. He wai, he kuleana?

Introduction (6:00 pm)

- i. Purpose of meeting
- ii. Purpose of meeting
- iii. Review agenda
- iv. How this meeting fits into the planning context
- v. How this meeting fits into the planning process

## 2. Ola i ka wai:

What rights to water can be asserted by DHHL? (6:20 pm)

- i. Hawai'i water history as context for DHHL's water kuleana
- ii. DHHL's water kuleana
- iii. Questions

----- Break (6:50 pm) -----

## 3. E mālama i ka wai:

What should be covered in the Water Policy Plan? (7:00 pm)

- i. Conversation mapping activity

## 4. He kuleana ko kākou:

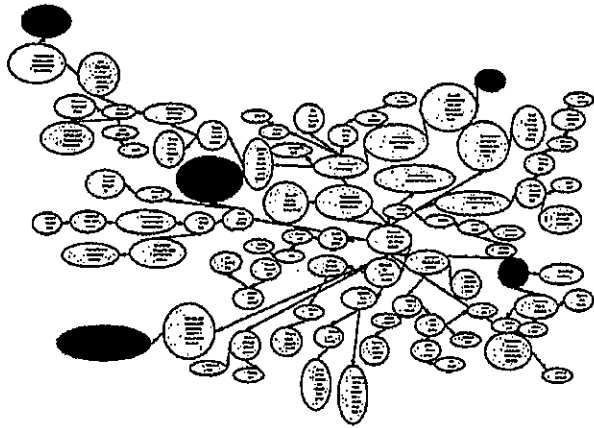
Group Discussion (7:30 pm)

- i. Review of process and next steps
- ii. More Info & Website: <http://dhhl.hawaii.gov/po/water>

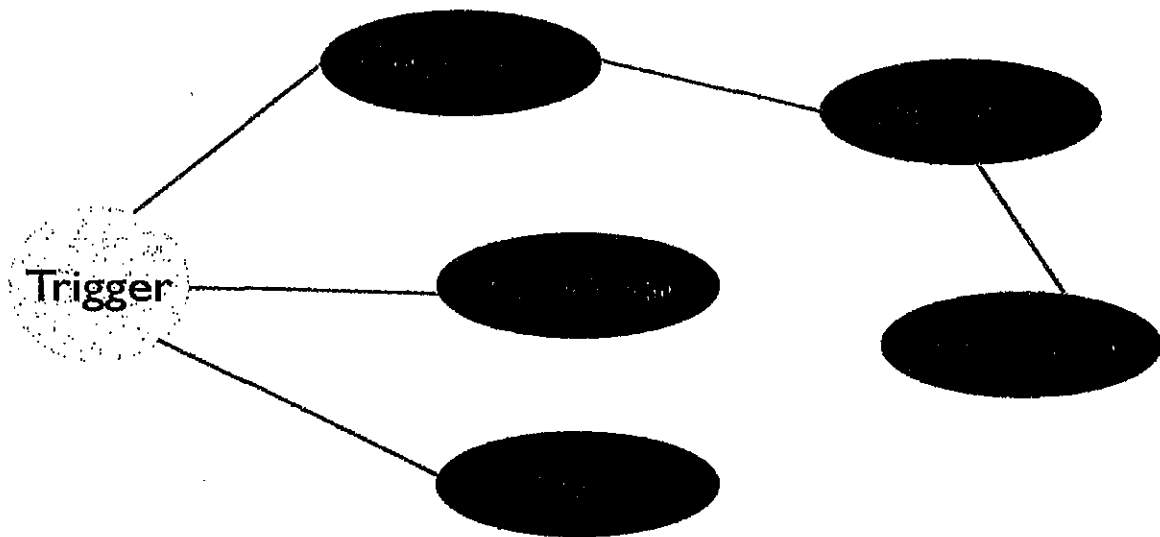
*If you have any questions, contact Kaleo Manuel, DHHL Planner at (808) 620-9485 or by email at: [Kaleo.L.Manuel@hawaii.gov](mailto:Kaleo.L.Manuel@hawaii.gov)*

EXHIBIT "A"

# Conversation Mapping



Conversation Mapping is a tool that very quickly gathers comments and ideas, identifies barriers and unspoken concerns, highlights synergies and new ways of approaching challenges while making unintended consequence visible. This tool helps break through hierarchies that can prevent the free flow of information and ideas in groups of any size in your work and community.



The Conversation Map is triggered with a topic that the stakeholders care about. For example: Clean Water, Our Community in 2020, 100-Year Floods, etc. The Map will be the most productive when it is worked on by a diverse group with different perspectives.

**WRITE** responses to the Trigger and others in the "conversation" through:

- Questions
- Concerns
- Comments

Feel free to disagree and debate.  
But remember, **NO TALKING.**

**DHHL WATER POLICY PLAN STATEWIDE COMMUNITY MEETINGS  
STEVENSON MIDDLE SCHOOL, HONOLULU, O'AHU  
OCTOBER 23, 2013  
6:00 P.M. – 8:00 P.M.**

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**Attendance:** 17 people signed in; about 25 people present.

DHHL: OCH – Darrell Young, PLO – Darrell Yagodich, Kaleo Manuel (Project Manager), Ulu Lota, Nancy McPherson, Bob Freitas, LMD – Carolyn Darr, ICRO – Ku'uwehi Hiraishi  
CONSULTANT: Jonathan Scheuer

**Handouts:**

- Agenda
- DHHL Water Kuleana Handout
- Conversation Mapping Handout

**Presentation:**

Kaleo Manuel provided an overview of the Water Policy Plan process, its context and relationship to the planning system, and the work done to date in developing the plan. Jonathan Scheuer synopsized the history of water law in Hawai'i and also presented the specific rights and kuleana DHHL and the trust have related to water.

**Conversation Mapping:**

In order to gather mana'o from beneficiaries and the community that would help guide what information should be included in the Water Policy Plan, the Department used a tool called "Conversation Mapping." The following triggers were used to initiate conversation amongst meeting participants:

- Ola I Ka Wai: What are the key water issues in your community?
- E Malama I Ka Wai: How should DHHL balance the development and protection of water?
- He Kuleana Ko Kakou: How should DHHL assert its rights to water?

\*Please see the attached conversation maps.

**Open Discussion:**

Below are the questions, comments, or testimony provided either verbally, on green comment sheets, or by letter, by those present at the meeting:

- Overall concern on how to assure input into this plan? It's a struggle. We (beneficiaries and DHHL) usually don't have lawyers and monies to do this. Does DHHL have resources to do this? We have as history with these water struggles. How do we infuse these struggles into the plan? How do we document this?
- In Kalawahine, the homesteaders were evicted and Board of Water Supply took their land. Why was this allowed?
- After the overthrow of the Kingdom, people went to the conservation land at Papakolea, Kalawahine and Maunalaha Valley above the city of Honolulu. Then the land went to the Board of Water Supply, then to DLNR. What is DHHL's kuleana?
- For DHHL Bowl-O-Drome property in Moiliili, there is no access to water here. The water is all used up. How can DHHL develop its property?
- Do Counties accept HHL water systems?

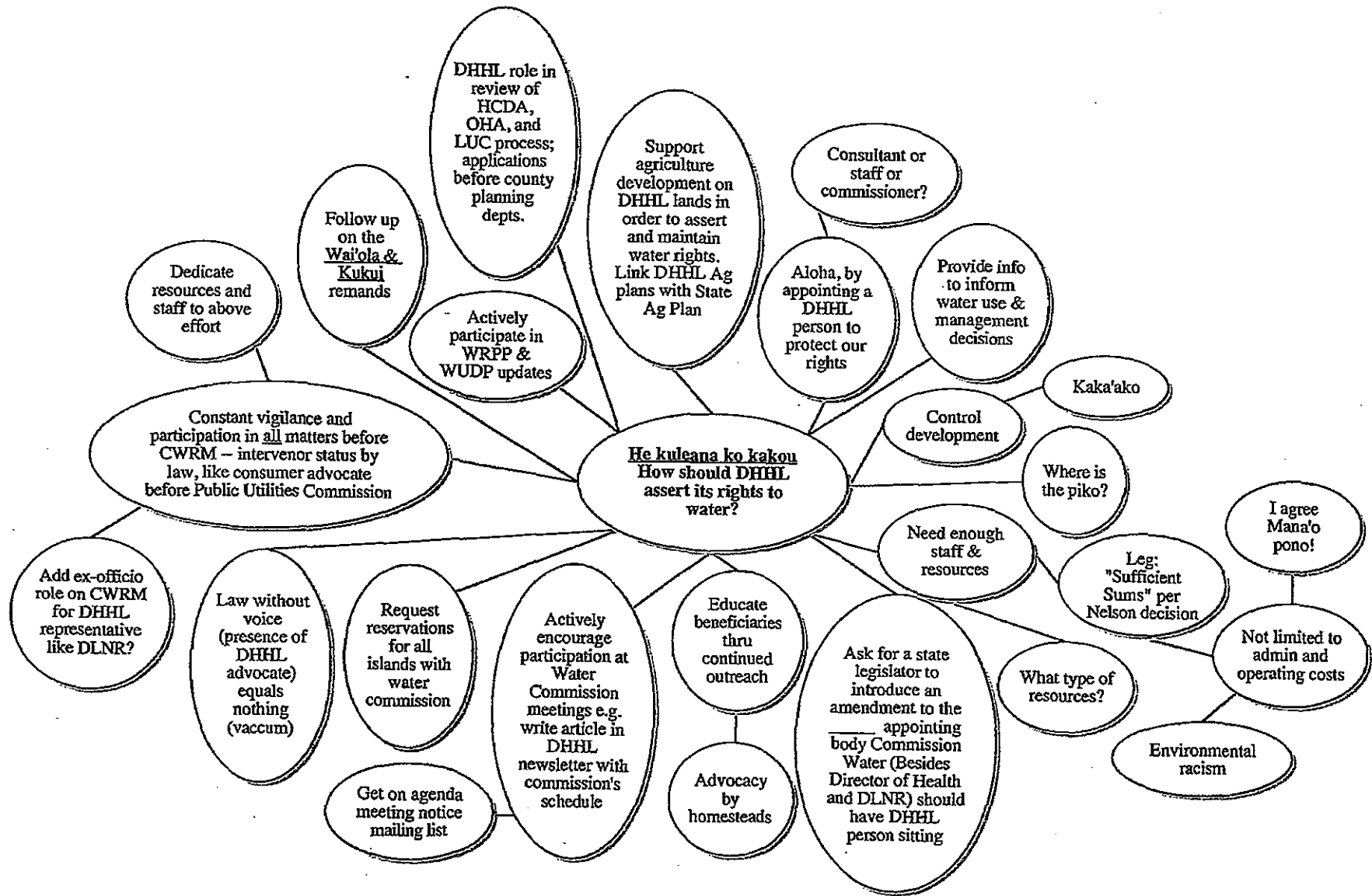
**DHHL WATER POLICY PLAN STATEWIDE COMMUNITY MEETINGS  
CHIEFESS KAMAKAHELEI MIDDLE SCHOOL, PUHI, KAUAI  
OCTOBER 30, 2013  
6:00 P.M. – 8:00 P.M.**

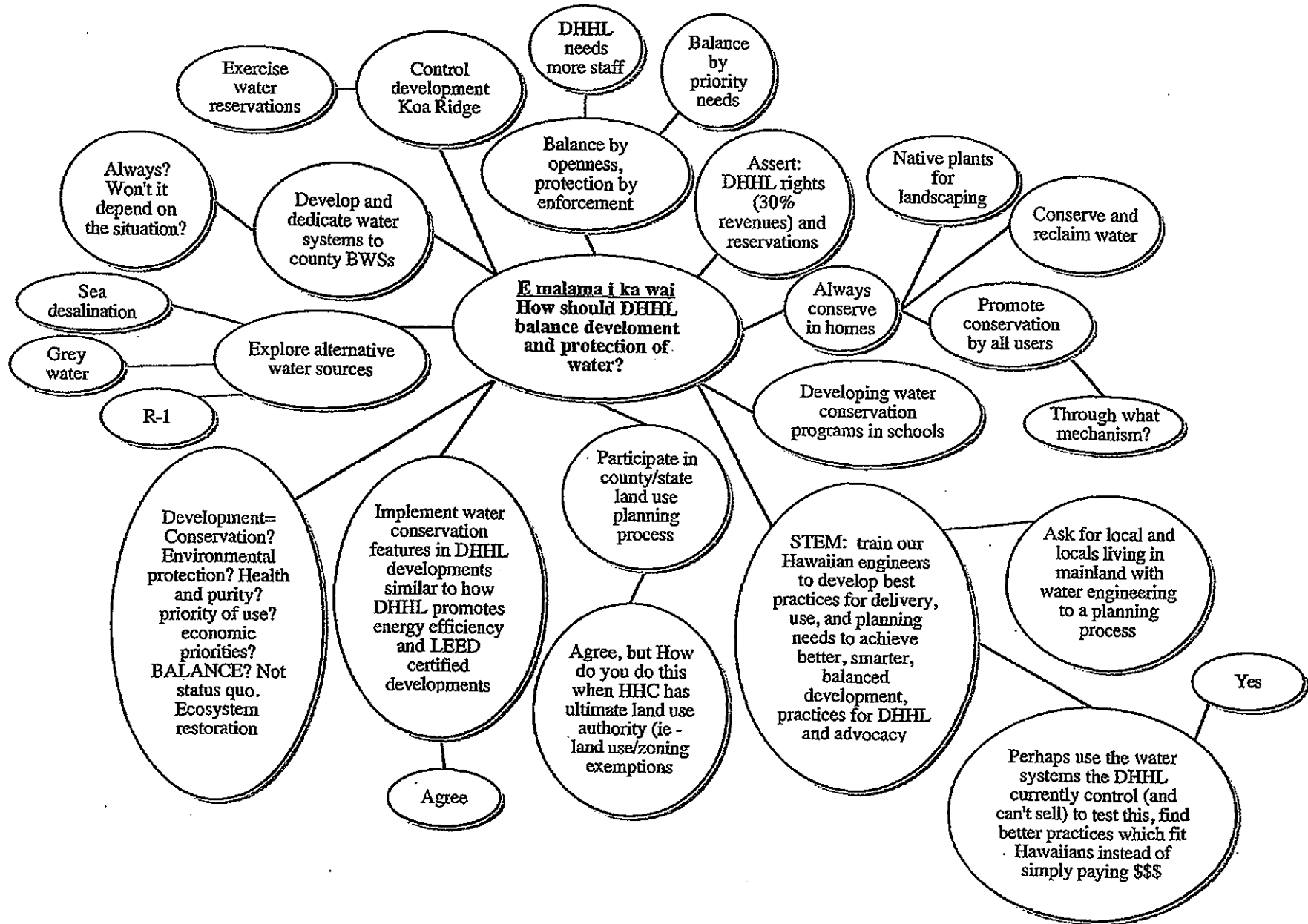
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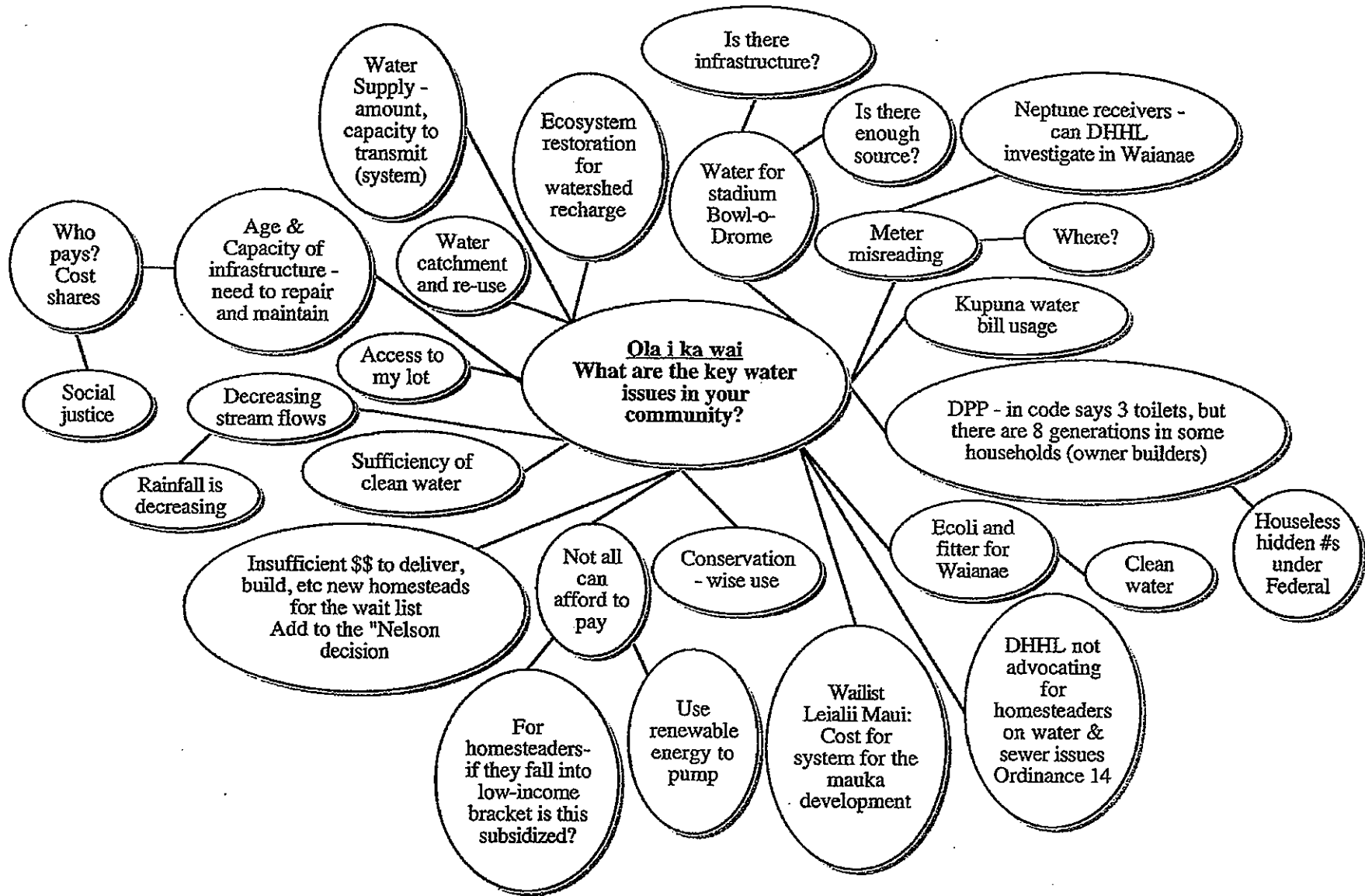
- Can homesteaders get a cut in their water bill?
- What is NHRF? Where do these monies go? Is it s trust fund? Education loans were started in 1998 and now were stopped; why?
- CWRM – Who are the members of this Commission? Are they born in Hawaii? The piko is important.
- Define for me what is “Hawaiian” and with that the status for “Hawaiian usage”? Can I apply this to my homestead? Am I a participant in this? Who does that relate to? [Reference to traditional and customary uses?]
- Can DHHL stop development? Like if you need to use up all the water?
- I go to many DHHL meetings and I am overwhelmed when you have a meeting reporting homesteads from general leases. [Section 208 meetings?] I do not want an extension to general leases to 85 years for GMO (genetically-modified organism) general leases on Hawaiian home lands [on Molokai?] until Maui County comes up with their GMO policy.
- The Board of Water Supply uses a software called “Neptune” to read water meters from the moving car on the street. There is a problem with the Neptune software. They are mis-reading our meters and overcharging us, especially the kupuna
- Our ohana is our economic base. When kupuna cannot pay their bills, tie it into their economic base – their successors. These successors are the future beneficiaries. They need to be tied in to help their kupuna so they can succeed to the homestead later on. They need to understand they are the economic base for their kupuna.
- We need scholarships. UH Manoa used to waive tuition for homesteaders because native Hawaiian education was an allowable use under Section 5(f). Then they did away with the waivers, now the waivers are only provided by the Hawaiian Studies and Hawaiian Language Programs. You need to be in those programs to get a tuition waiver. Under what authority did they do that? I should get a tuition waiver and go to whatever major I want.

All handouts, notes, and conversation maps can be found on the DHHL website at:  
**[dhl.hawaii.gov](http://dhl.hawaii.gov)**









Stevenson Broad Sheets (10-23-13)

- Water – drinking, fresh water, ground and stream
- I remember the cementing of water meters in Keaukaha
- There is a land history related to Kalawahine – issues between BWS, DLNR, and DHHL. That should get looked into
- How are you including the “us” in the policy? History/stories of our communities.
- Demand related to homestead use – ag, pastoral, aquaculture, residential
- Bowl-o-Drome – no water at that site that limits the use of the parcel
- Homesteaders can get a cut in the water bill?
- Who are the Boards of Water Supply and Commission on Water Resource Management?
- The Native Hawaiian Development Program Plan looks at what programs (i.e. scholarships) to fund with the Native Hawaiian Rehabilitation Fund (NHRF)
- There are Water Management Areas for both Ground and Surface water
- The “piko” is important – water is the source – the staff of life – where is your piko?
- Used to be able to drink the water in Nanakuli but then they started dumping
- Hawaiian usage – common law – who does that include? 50%? HHL? General Public also?
- “Water, it writes its name. When it rains, dry streams flow. Rivers. Leaves its mark”

**DHHL WATER POLICY PLAN STATEWIDE COMMUNITY MEETINGS  
CHIEFESS KAMAKAHELEI MIDDLE SCHOOL, PUHI, KAUA'I  
OCTOBER 30, 2013  
6:00 P.M. - 8:00 P.M.**

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**Attendance:** 37 people signed in; about 40 people present.

DHHL: PLO – Darrell Yagodich, Kaleo Manuel (Project Manager), Ulu Lota, Bob Freitas, LMD – Kaipō Duncan, KDO – Erna Kamibayashi MDO – Halealoha Ayau  
CONSULTANT: Jonathan Scheuer

**Handouts:**

- Agenda
- DHHL Water Kuleana Handout
- Conversation Mapping Handout

**Presentation:**

Kaleo Manuel provided an overview of the Water Policy Plan process, its context and relationship to the planning system, and the work done to date in developing the plan. Jonathan Scheuer synopsized the history of water law in Hawai'i and also presented the specific rights and kuleana DHHL and the trust have related to water.

**Conversation Mapping:**

In order to gather mana'o from beneficiaries and the community that would help guide what information should be included in the Water Policy Plan, the Department used a tool called "Conversation Mapping." The following triggers were used to initiate conversation amongst meeting participants:

- Ola I Ka Wai: What are the key water issues in your community?
- E Malama I Ka Wai: How should DHHL balance the development and protection of water?
- He Kuleana Kō Kakou: How should DHHL assert its rights to water?

\*Please see the attached conversation maps.

**Open Discussion:**

Below are the questions, comments, or testimony provided either verbally, on green comment sheets, or by letter, by those present at the meeting:

- Is Kauai County the broker of water for DHHL?
- Anahola farmers have problems with water pressure and cannot irrigate certain areas. Why?
- No water management areas on Kauai? Can DHHL rights be enforced in a non-designated area?
- Why not make the ahupuaa system for DHHL? Make it work self-sufficiently. Rich foreigners are taking our water.
- Who creates a Water Management Area?
- CWRM membership is unbalanced. No one from Kauai on the CWRM. No one representing DHHL on the CWRM.
- Is DHHL receiving revenue from state water in Wailua and Waimea?

**DHHL WATER POLICY PLAN STATEWIDE COMMUNITY MEETINGS  
CHIEFESS KAMAKAHELEI MIDDLE SCHOOL, PUHI, KAUA'I  
OCTOBER 30, 2013  
6:00 P.M. – 8:00 P.M.**

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- In non-designated areas where DHHL develops its land, when would you go in for water?
- So much water has been diverted. Would DHHL restore old waterways?
- Why was the USGS Anahola water study done? What is it for?
- Letter from Kani Kulea Keana'aina (see attached)
- Letter from Bonnie P. Bator & 'Ohana (see attached)

All handouts, notes, and conversation maps can be found on the DHHL website at:  
**[dhl.hawaii.gov](http://dhl.hawaii.gov)**

Kani Kulea Keana`aina      P.O. Box 30848      Anahola, Hawai`i 96703-0848      30 October 2013

Jobie M. K. Masagatani, Chairman, Hawaiian Homes Commission  
Department of Hawaiian Home Lands (DHHL)  
P.O. Box 1879      Honolulu, Hawai`i 96805

Re:    *Community meeting for mana`o for development of DHHL Water Policy Plan - Kaua`i*

Dear Chairman Masagatani and Members of the Hawaiian Homes Commission,

Aloha! As a beneficiary, that DHHL is in the process of developing a Water Policy Plan – specific to the Department of Hawaiian Home Lands – is critical. Water is essential to life – Traditional Native Hawaiian water rights are not clearly defined. The perpetuation of harm done to the Native Hawaiian beginning with the alienation of land from the Hawaiian and continues with the lack of water allocated to the Native Hawaiian.

Being an applicant on the 'Waiting List' – a Beneficiary of Department of Hawaiian Home Lands (DHHL) Trust – I request that the Members of the Hawaiian Homes Commission refer to the Hawaiian Homes Commission Act, 1920 (HHCA) *before* it became a muddled mass of amendments without regard to the rights of beneficiaries; or consultation with them to make said amendments.

The solution for a DHHL Water Policy: Return to the original HHCA pertaining to water rights of the Native Hawaiian. It is explicitly '*spelled out*'. The HHCA intent was to address & reverse the decline of the Native Hawaiian population / disenfranchisement from their homeland. This includes Water Rights. **Commissioners' need to simply consult 'the source' as Prince Kuhio designed in the HHCA for a Water Policy Plan.**

In February 1987, the University of Hawaii at Manoa, published: "Water Code Development in Hawaii: Water Code Development in Hawai'i: History and Analysis, 1978 – 1987" by Williamson B.C. Chang

"The Hawaiian Homes Commission has a clear right to water derived from government owned lands if such water-is subject to a water license. A fair and conservative interpretation of section 221 leads one to conclude that water from government lands (under a konohiki, riparian or appurtenant water right) which was granted to a private party, pursuant to a permit, would be subject to the priorities created under section 221. Such priorities would exist in favor of the Hawaiian Home lands for domestic, livestock and aquaculture uses. The rights under section 221 can only be diminished by Congress. The rights granted in section 221 would extend beyond the lands adjacent to Hawaiian Home lands. ... A more expansive interpretation of section 221 would grant such priorities as to all surface waters subject to state permits, whether or not such waters originate from government owned lands. ... Similar to state government lands, the lands of the DHHL have common law water rights. It is probable that such rights will be considered to have vested at the time of they are not subject to being repealed or overruled by judicial decision. The State does not have the power to subject such common law water rights to regulation under a water code. Hence, the rights of DHHL in this context are similar to those of the United States military. Regulation by consent is possible. Furthermore, it is believed that the DHHL could contractually agree to refuse to assert common law property rights in return for compensation. There is a possibility that the DHHL could assert federally reserved water rights."

Past & currently 'Western Concepts' have dictated Native Hawaiian Water Rights; DHHL Water Policy Development must ensure subsistence, traditional, customary, cultural & spiritual practices & enforcement. Please protect, preserve Native Hawaiian Water Rights; thus perpetuate Native Hawaiian population – rather than add to the genocide of the Native Hawaiian.

Kani Kulea Keana`aina



EXHIBIT "A"

PO Box 30848  
Anahola, Hawai'i 96703-0848

30 October 2013

Jobie M. K Masagatani, Chairman,  
Hawaiian Homes Commission  
Department of Hawaiian Home Lands (DHHL)  
PO Box 1879  
Honolulu, Hawai'i 96805

Subject: *Kaua'i community meeting: DHHL Water Policy Plan*

Dear Chairman Masagatani and Members of the Hawaiian Homes Commission:

Aloha! The opportunity to contribute to the development of a DHHL Water Policy Plan is appreciated. It is unfortunate that the location for this meeting is in Lihu'e – the Native Hawaiian population on Kaua'i have to travel *too* far in bumper-to-bumper traffic. DHHL should have scheduled two meetings: one in the vicinity of Anahola and one on the West Side. "*If*" the mana'o of Kaua'i Native Hawaiians was truly wanted. Hopefully, there will be further meetings for community input on this most important DHHL Water Policy Plan.

As a parent and grandparent of DHHL beneficiary(s) I'm here to ask that the following be incorporated in the future a DHHL Water Policy Plan:

Native Hawaiian Water Rights, Climate Change, watershed protection, water diversion by large land owners, water for sustenance, Native Hawaiians being incarcerated at 40% and only being less than 1/5<sup>th</sup> of the population in Hawai'i, scarcity of water (by 2030) and future wars for fresh water versus oil.

Land & Water: soon after Captain Cook arrived the population of the Native Hawaiian people declined by 80 percent. Greed for land and water in Hawai'i led to the establishment of the Hawaiian Homes Commission Act, (HHCA) 1920. Historically, the HHCA has been a failure. Will the current Hawaiian Homes Commission act in the best interest of the minimally surviving Native Hawaiian population or follow the steps of its predecessors'?

It's well known that the Native Hawaiian's embraced the missionaries, the son of God – the savior being Jesus Christ. They referred to him as *Kanaka Wai Wai* – figuratively as the acknowledgement of wealth of water; **Water is Life/Love – the connection being water.**

Please, Hawaiian Homes Commission, DHHL Water Policy Plan is crucial to be developed for the 'Betterment of the Native Hawaiian'. Hopefully, it won't be a document for the state of Hawaii, Big Business, Corporate Chemical/Agriculture-Business (which has replace King Sugar), Large Landowners and *business-as-usual* concept that has caused the near extinction of Native Hawaiian people.

Please make this DHHL Water Policy Plan one that will help the Native Hawaiian flourish... reinstate Water Rights for the Native Hawaiian population. 2014, it's time finally to return Water Rights to the Kanaka.

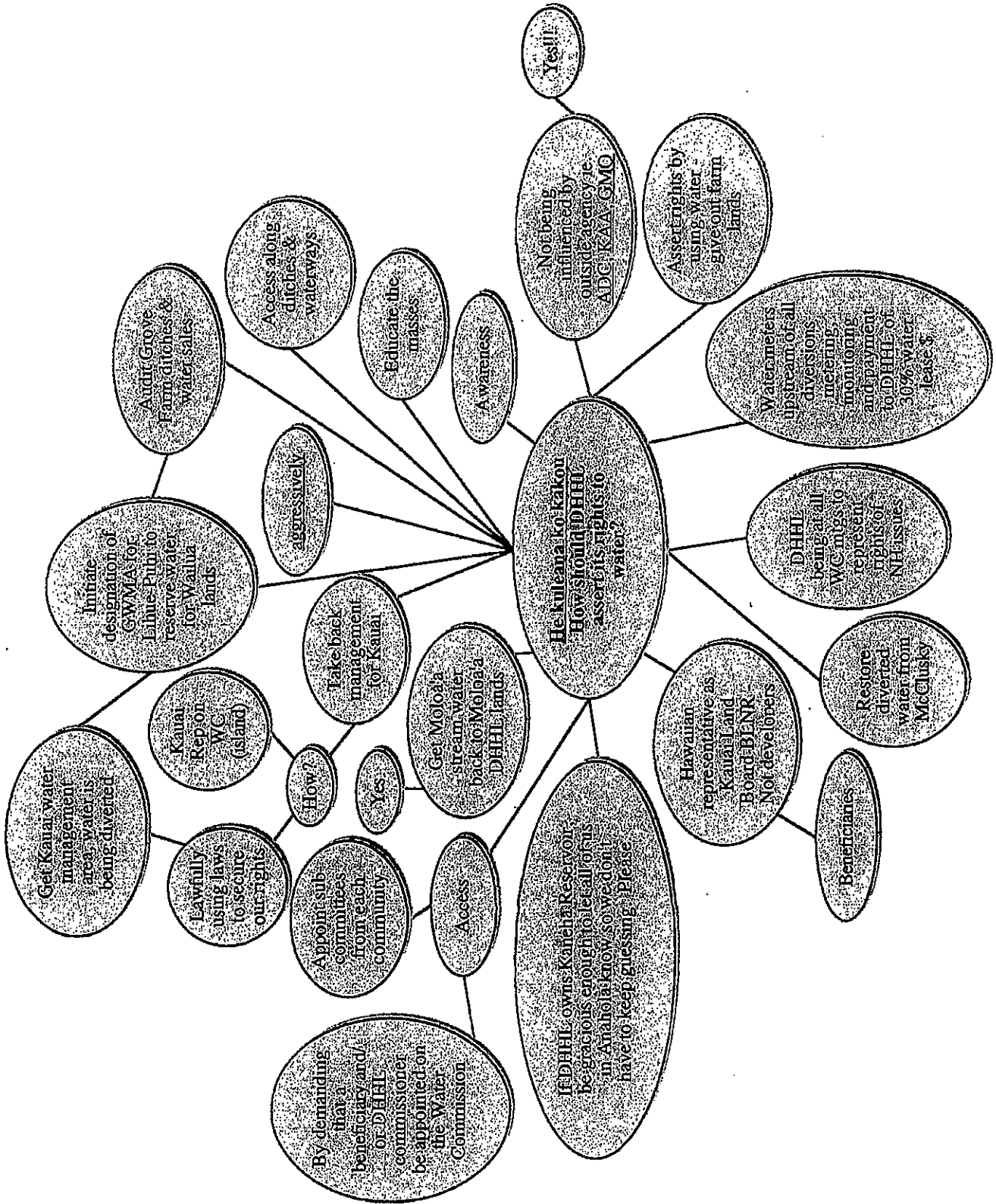
Sincerely with ALOHA,

  
Bonnie P. Bator and 'Ohana

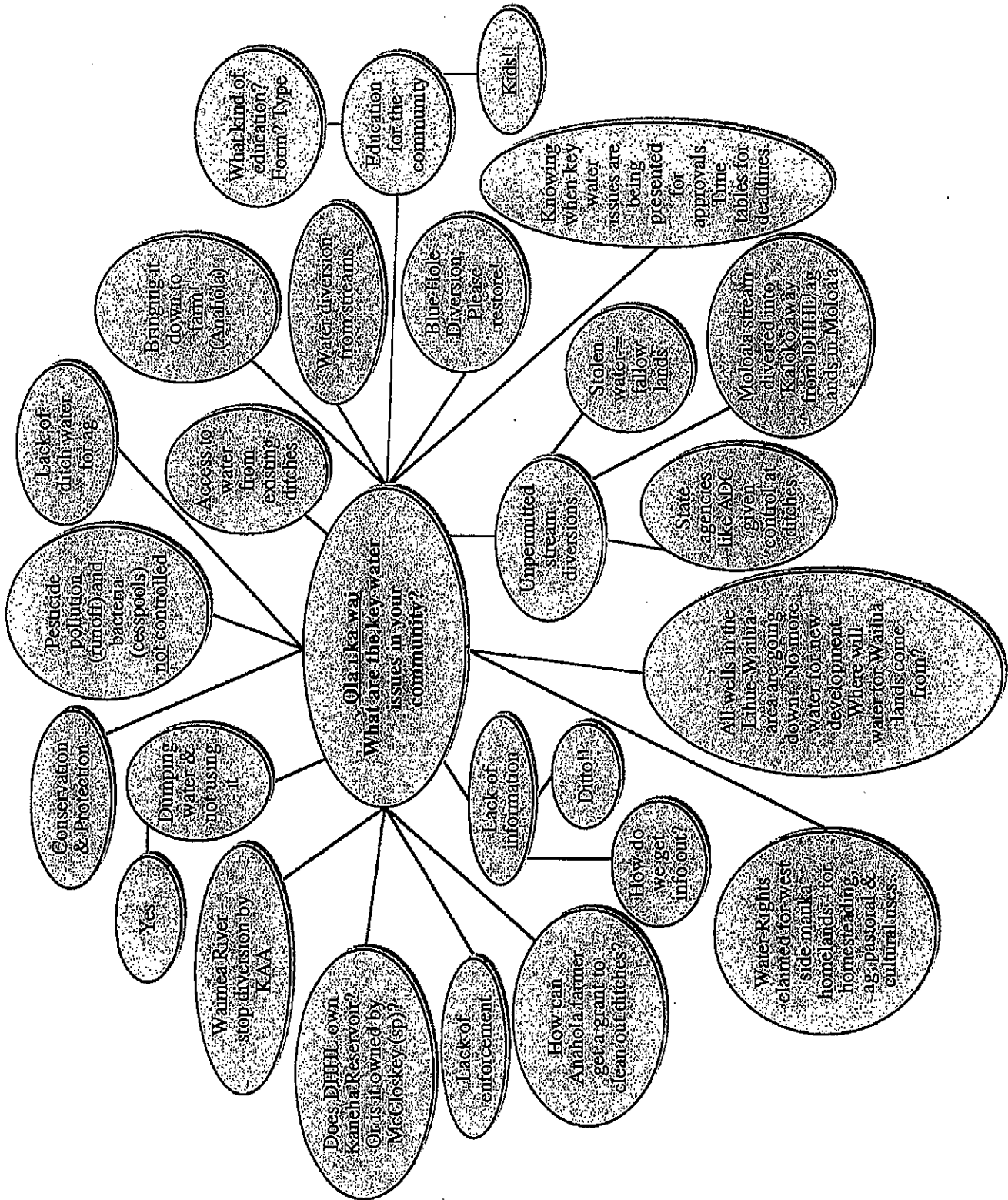
EXHIBIT "A"



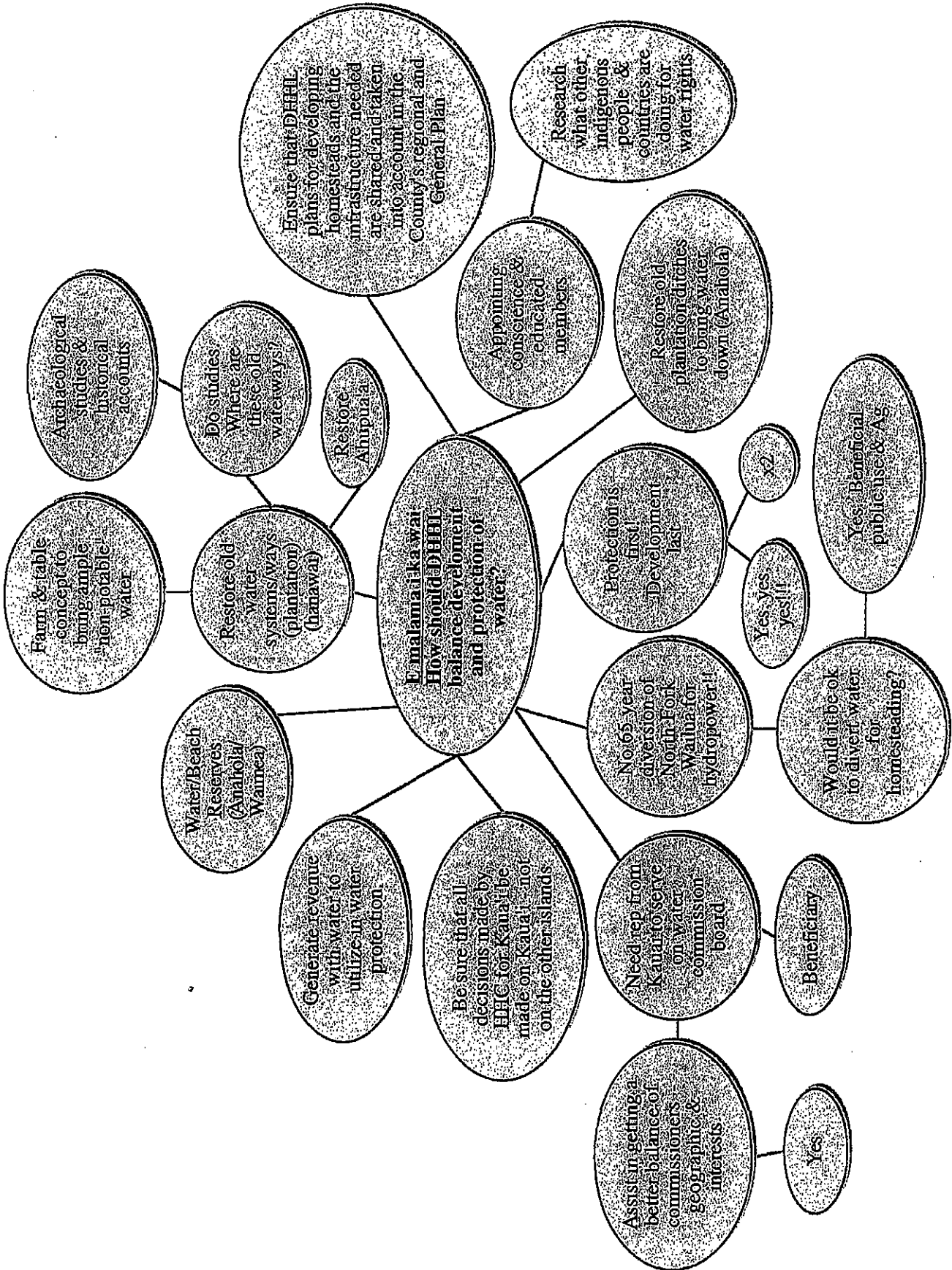
Kauai Conversation Map



Kauai Conversation Map



Kauai Conversation Map



## Kauai Broad Sheets (10-30-13)

- Kauai DWS – “broker” of water here on Kauai for homesteaders?
  - Anahola Water System – services some beneficiaries (Farm lots and Bay View)
  - Others are served by DWS
- Interconnection is there but only if emergency; County does pay for any water used during that time
- Anahola Farmers – having pressure issues
  - Land Development Division is assessing the system and looking at ways to increase pressure (potential new tank)
- Are rights still enforced in non-designated water management areas?
  - Some can, some are harder to enforce (i.e. CWRM reserve water for DHHL – in non-designated areas, all a person needs to do is get a well construction permit and a pump installation permit which is administrative)
  - Does this apply to Kauai – Puu Opae?
    - We (DHHL) can make reservations, but it is not a designated area
    - We are looking at using the tool – “demand” in this situation
- Why are they diverting water out of ahupua‘a? Taking water...
- Who creates Water Management Areas?
  - Commission on Water Resource Management
- Commissioners – appointed by governor; should have 1 for each island to help with balance
- Can Department petition for designation of a Water Management Area?
  - Yes.
- Does Department receive revenue for Wailua? Waimea Kauai?
  - We receive revenue from sugar land leases and water licenses. Will need to look into these specific areas.
- When DHHL is ready to develop, then go for reservation? What if no more water?
  - The State Water Projects Plan, one of the components of the Hawaii Water Plan, is supposed to identify the uses of all State agencies including DHHL. We have been participating in the update of this plan and our goal is to have all of our water demands statewide articulated and then seek reservations.
- Running systems costs money
  - Need to look at ways to bring the cost down – renewable energy
  - Revenue has to increase
- Safe Water
- Delivering water to homesteads – “priceless” – control
- CWRM paid?
  - The Chair of the CWRM also acts as the Chair of the BLNR and the Director of the DLNR. As the Director, he/she is paid a salary, but there is no extra money for serving on the Commission or Board. Other members of the CWRM are not paid

- Why do Hawaiians (DHHL) have to bear the cost of the management of water systems?
  - As a result of the Nelson lawsuit, the Department is looking at what “sufficient funds” are needed to operate and manage the Department. The four areas specifically include
    - Development Costs of lots
    - Financing to build homes
    - Rehabilitation programs
    - Operation CostPer the courts, they can only determine what is sufficient related to operation costs. We are looking at water system management as being one of those costs.
- Should hold the meeting in Anahola or Waimea, not in Puhi.
- Who’s responsible to get water from point a to point b? From source to DHHL land?

**DHHL WATER POLICY PLAN STATEWIDE COMMUNITY MEETINGS  
LANIKEHA CENTER, HOOLEHUA, MOLOKAI  
NOVEMBER 4, 2013  
6:00 P.M. – 8:00 P.M.**

---

**Attendance:** 27 people signed in; about 50 people present.

HHC: Commissioner Gene Davis.

DHHL: PLO – Darrell Yagodich, Kaleo Manuel (Project Manager), Nancy McPherson, Ulu Lota. LMD – Shelley Carreira. HSD – Eddie Ayau, Julie Kaupu.

CONSULTANT: Jonathan Scheuer

**Handouts:**

- Agenda
- DHHL Water Kuleana Handout
- Conversation Mapping Handout

**Presentation:**

Kaleo Manuel provided an overview of the Water Policy Plan process, its context and relationship to the planning system, and the work done to date in developing the plan. Jonathan Scheuer synopsised the history of water law in Hawai'i and also presented the specific rights and kuleana DHHL and the trust have related to water.

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\*Please see the attached conversation maps.

**Open Discussion:**

Below are the questions, comments, or testimony provided either verbally, on green comment sheets, or by letter, by those present at the meeting:

- Thank you for bringing this information to us. That was a good presentation and a good summary of water law in Hawaii. I am impressed. I never saw this before in this context. Good job on getting all of DHHL's rights together.
- The County Water Use and Development Plan for Molokai stopped and was never completed – left us hanging. There was a lot of discussion about water as part of that process and we can use that information for this Water Policy Plan. We need to have the County fulfill its responsibilities.
- We want a serious conversation with the County regarding service to Kalama'ula and Oneali'i.
- We will need to develop a new well in Kualapu'u. Issue with over pumping of the aquifer, we need to spread out pumpage.

**DHHL WATER POLICY PLAN STATEWIDE COMMUNITY MEETINGS  
LANIKEHA CENTER, HOOLEHUA, MOLOKAI  
NOVEMBER 4, 2013  
6:00 P.M. - 8:00 P.M.**

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- I want to see the financial breakdown of running the Molokai Water System. What is the specific status of USDA grant projects for Molokai? If we know about it, we can help you get the funding. But you need to be honest, tell us exactly what it is, and where you are. We need to know more about these projects.
- We fought for enough water for DHHL land in the designation of the aquifer, that's how we have our reservations.
- Put together all the water users (purveyors and stakeholders) to figure out how to provide water for everyone. Work together to find solutions. Growth to Molokai was coming. I saw that 20 years ago. Now everybody needs water.
- Don't come to us for statewide stuff. Simplify everything for Molokai. We can work from there.
- When is the next water rate hike coming? Want to see the numbers.
- The Department of Navy through Hawaii Natural Energy Institute has a battery system to store renewable energy. Ask them to put one in Kualapuu.
- Get the County out of the Kualapuu Aquifer. CWRM told County to do this ten years ago.
- Kapaakea Homestead is serviced by the County system. So they will be affected if the County system is affected.
- The MIS was created for the HHC, then taken away by DLNR, then DOA. DHHL should take over the MIS. No water, no agriculture. . If DHHL gets control of MIS, then we can tell the Ranch "cannot" use more water. Its similar to renting and owning a property, you are not going to want to buy a property if you have cheap rent.
- The MIS is an example of HHL not exerting power and authority. It was taken away from Hawaiian Home Lands and now DOA controls it. We need to get control of the system back and make DOA pay for repairs since it was using it all of this time.
- The problem is the placement of wells at Kualapuu. Get the County out of Kualapuu. They should go somewhere else.
- MPL does not invest in a new water transmission system because it is cheaper for them to stay in the MIS.
- We do not have a shortage in the Kualapuu Aquifer, we have an unhealthy aquifer. You need to know the names of the clouds. Naleikauulu is the name of the cloud that travels from Lana'i, to Kaho'olawe, to Ulupalakua, then the Moloka'i. Clouds need to be protected. We need to malama that rain cloud. The way you use land affects the watershed and clouds. These resources are important.
- What happens in Ulupalakua affects us, it has an impact - so we need to look at things statewide
- I want one attorney for DHHL whose purpose would be to file for contested case hearings at CWRM to protect DHHL rights. Conflict with Attorney General. Put money and resources to it; don't just lean on beneficiaries; it works best when the community and DHHL stand shoulder to shoulder instead of one or the other going first.

**DHHL WATER POLICY PLAN STATEWIDE COMMUNITY MEETINGS  
LANIKEHA CENTER, HOOLEHUA, MOLOKAI  
NOVEMBER 4, 2013  
6:00 P.M. – 8:00 P.M.**

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- Keep the MIS separate from the Kualapuu Aquifer. Different uses, different water sources.
- Many homesteaders do not have access to the MIS, so they use domestic water for agriculture. So if they extended the MIS to their lots, you can save more aquifer water for domestic uses.
- I am concerned about use of MIS water for GMO (genetically-modified) companies. MPL is selling land to GMO companies; you got to watch use of MIS water. Chemicals are used and it will affect the aquifers. They use restricted use chemicals – cocktails – and we do not understand how these chemicals affect the aquifers. Farming with massive amounts of chemicals and pesticides all around the MIS system is dangerous; the MIS is an open system and when the wind blows, nothing is stopping chemicals from entering water system – people on the west end are drinking the water
- In Naiwa, no buffer between GMO companies and the homesteads.
- How much Hawaiian homelands are the GMO companies use statewide. On Molokai, GMO companies use Hawaiian home lands in Palaau and Mahana.
- Water is our kuleana. DHHL needs to take over water for homesteads. It is our water. We set the value, cost, and use of water. We make those decisions.
- Who can give me the information on the homesteads by order from the first being Kalama'ula to 2, 3, 4, etc...
- Desalinization as future source option
- We need cheaper electricity
- Cost of pipes for maintenance
- DHHL should advocate to use existing reservation at Kualapuu
- How aggressive is "aggressive"? How will DHHL aggressively advocate for its water rights? Is it a writing a letter to CWRM and asking for CWRM action on DHHL issues? MIS – example of not asserting rights; Was created by Moloka'i Water Authority, was made up of Hawaiian Homes Commissioners, but then was taken by DLNR and then given to DOA
- Control of water is key for ag/MIS system
- Moloka'i Ranch is coming in for water, if DHHL controls the MIS we can help manage the system, the MIS is not safe for drinking
- Of all the ag lands on Moloka'i there could be a water demand of 20-40 MGD, but the island sustainable yield is only 39 MGD
- Protect recharge of aquifer
- Have a staff attend all CWRM meetings
- Get data from practitioners in previous court cases and use to strengthen DHHL's rights. Use that data to fight and advocate for DHHL and develop a database.
- DHHL has concerns about the long-term sustainability of the Kualapuu ASYA because the chloride level has been going up over time.



**DHHL WATER POLICY PLAN STATEWIDE COMMUNITY MEETINGS  
LANIKEHA CENTER, HOOLEHUA, MOLOKAI  
NOVEMBER 4, 2013  
6:00 P.M. – 8:00 P.M.**

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- Water working group was formed before on Molokai – there were models being developed for the wells/aquifer to look at water levels and salinity – we need to bring back the working group
- Before we were told that when salinity in the aquifer was rising, it was only a spike. But that was 10 years ago. Is there a report or data to support DHHL's statement that the chloride levels in the aquifer are rising?
- Maybe farming up here in Ho'olehua is not sustainable – look at changing farming practices
- Don't exclude non-homesteaders – include everyone in the discussion
- "Conflict of Interest" – State Agency appointed by Governor – DHHL needs to be independent from State
- Many homesteaders are doing ag, but with domestic water – need to find a way to get them connected to MIS
- DHHL should be concerned about who is using our system.
- Need to look at compatibility of land use and effects on water
- Will the plan focus on state level priorities or Molokai specific issues?
- He kuleana makou" It should be our water for our Molokai. Kou makou, our water, the value of water, the cost of water, is water meant to rehabilitate native Hawaiians, then its our kuleana, we need to make those decisions: who can take and how much can we take. The focus should be on us to rehabilitate native Hawaiians. It should not be malihini thinking on the kala. We have our own and unique values too.
- Letter and document from Glenn I. Teves (see attached)

All handouts, notes, and conversation maps can be found on the DHHL website at:  
**[dttl.hawaii.gov](http://dttl.hawaii.gov)**

*Glenn I Teves*  
*P.O. Box 261, Kualapu'u, HI*  
*Email: gtmolokai@gmail.com*

November 4, 2013

TO: HHL Water Plan

FROM: Glenn I. Teves, Hoolehua homesteader

Aloha. My name is Glenn Teves, and I'm a homestead farmer in Hoolehua. I've been dealing with DHHL water concerns since 1981. I have identified some of the water history, some of the issues related to water, and also some of the issues related to a water plan.

I understand the history of this water, and I know that everyone wants to get their hands on this water. Without vigilance on our part as homesteaders, and also on the part of DHHL, water rights can be lost. I have been involved in two landmark water cases on Molokai as an expert witness, the Waiola and Kukui cases. Both water cases reaffirmed DHHL first rights to water, but as we know, possession is 9/10's of the law. It also established that those applying for a water permit or designation have to show they will not impact on our water and gathering rights.

Right after enactment of the State Water Code, I looked at different scenarios of water use for HHL on Molokai. If 50% of all Hawaiian Home Lands on Molokai were in agriculture, we would be utilizing somewhere between 20-40 mgd. The sustainable yield of the island of Molokai is around 39 mgd, so we have the potential of using up all the water. The problem is once we come up with how much water we need, the rest is up for grabs. If we underestimate, we're going to be screwed up in the long run. Being nebulous has its benefits.

The present 2.9 mgd DHHL reservation of the Kualapuu aquifer was by accident. DHHL had intended to reserve 1.9 mgd from Kualapuu aquifer. At the CWRM meeting, I told then-HHL Attorney General Keoni Agard to call then-DHHL Chairman Kali Watson to request approval for an additional 1 mgd more. Kali was bothered by this last minute change, but went with it. At that time, the sustainable yield of the Kualapuu aquifer was estimated at 7 mgd. Not too long after this, it was determined that someone did the wrong calculations and the real sustainable yield was only 5 mgd. We were able to reserve over half of this water from the Kualapuu Aquifer. Molokai Ranch opposed the reservation. DHHL also applied for additional water from the aquifer, Molokai Ranch also opposed this request, and CWRM has yet to take action on this request. However, I see this as a moot point. If we take more water than our request, are we breaking the law since we already have a reservation of 2.9mgd?

But all is not well because the County well is interfering with one of the DHHL wells, affecting the salinity of the well. CWRM has asked the county to vacate the Kualapuu aquifer several years ago, and still no action. Laws are one thing, and enforcement of laws are another, and this is a major problem in enforcement of all water laws.

EXHIBIT "A"

According to the State Water Code, DHHL is supposed to be consulted in any requests for water. It needs to go one step further, and impose their rights upon state and in the case of the Kualapuu aquifer, upon county agencies, and have the power to do so. Another related concern is DHHL doesn't have possession and control over all of their water. Other agencies, such as DOA and DLNR, and in some cases the counties have control over DHHL water coming into homestead lands, and now we have to answer to them. Examples include Keokea on Maui, and Puukapu on the Big Island. This is wrong and needs to be corrected. We should be able to invoke our superior rights to any water request, and even block any entity for receiving water if they don't accommodate our requests for water for our homesteads.

The Molokai Irrigation System (MIS) was created for homesteaders. The original governing body to oversee development and construction of water for the homestead was the Molokai Water Authority, made up entirely of the Hawaiian Homes Commission. From there, everything got fuzzy. Control of the MIS was transferred to DLNR who mismanaged the system, and was caught giving free water to the Kaluakoi resort.

In 1985, DLNR proposed increasing water rates for MIS users because Maui farmers were complaining about the cheap water Molokai farmers were receiving, and pushed for equity. At that time, Molokai farmers were paying between 8 and 12 cents per thousand gallons. Farmers formed a working group and determined that they were paying 140% of the cost of transmission. Still water rates were increased, and by the end of the 1980's, farmers were paying over 200% of the cost of operation.

In 1989, all agricultural water systems in the state were transferred to DOA, including the MIS. These excess payments for water continued, while DOA was using the money generated by the MIS to pay for maintenance of other irrigation systems. By 1998, the MIS was generating a \$250,000 profit and this money continued to benefit the other state systems instead. In addition, DOA was receiving annual funds from the State Legislature in the amount of \$250,000 to \$350,000 annually, and all of this money benefitted the other state systems and not the MIS. An audit by the State, I believe in 2008 determined that the DOA-Agricultural Resource Management division couldn't come up with 3 years of records, and were essentially mismanaging the system.

If DHHL expects to come up with a serious water plan, it needs to involve taking control of the MIS. The transfer of the MIS to DHHL needs to be vigorously pursued. If the need can be shown, we can have all of the water from Waikolu Valley source. In 1943, the Territorial Legislature passed Act 227 (H.B. 249) which created the Molokai Irrigation System. Section 4 of that Act provided that homestead lessees have a preference on all the water developed in the system. It reads, "*The lessees of the Hawaiian Homes Commission shall have their water needs, domestic and agricultural, first satisfied before any water shall become available for sale to any other person or persons, and, in the event that this no surplus over and the above the needs of said lessees, then said lessees shall be entitled to have the whole thereof.*" The most proficient way this can occur is if DHHL takes control of the system now.

According to an AG opinion by Mr. William Tam, if DHHL uses all of its allotment from Waikolu Valley, that they would have first rights to utilize the remaining 1/3. This is consistent with DHHL's first rights to

water. This gives DHHL more credence to take control in order to protect against any challenges to these rights in the future.

We also need to look at the Waihanau source and how it can benefit homesteading. There are many scenarios that could work, but in all scenarios, you need to make sure the water benefits only homesteaders. One scenario is to dump the water into the MIS and connect Kālamaua homesteaders and future homesteaders to this source. In this way, they have backup in case something happens to the Waihanau source. Another scenario to transport this water to the Kualapu'u well field, treat it there, and incorporate it into the domestic system. If excess water is sold to non-homestead users, it needs to be priced in a manner that far exceeds the cost of transmission and maintenance of the water system.

Water is inextricably connected to land and vice versa; land without water is useless, especially some of the Hawaiian Home Lands in arid areas. On Hawaiian Home Lands, water rights are connected to the land. If DHHL leases out land for income generation, especially agricultural land on Molokai, this applies as well.

You have situations now where two large corn seed companies are utilizing Hawaiian Home Lands, and they have the potential of utilizing as much water as all the DHHL agricultural homesteads combined. This water is part of DHHL's 2/3's allotment. Lessees of revenue-generating lands should not have the same rights as homesteaders. DHHL has to notify DOA and the MIS to hold lessees of income-generating lands to the same rights as non-homesteaders, and when the non-homesteaders cutback on water, they need to cut back on water as well.

When you don't properly manage your income-generating lands, your water is being used illegally. The subleasing of revocable permits is illegal, and is not new for the Mahana parcel. In the 1990's, Francis and Tom Hill subleased this 280 acre parcel to Larry Jeffs, and when this was exposed, the lease agreement was revoked. There's some controversy regarding Monsanto farming on Hawaiian Home Lands in Mahana. No matter what is being stated, Monsanto is planting their corn seed, they're weeding and spraying their corn, and they're harvesting their corn seed. There is no transfer of ownership, so this is subleasing, which is an illegal activity. Everything else is window dressing to create the appearance that someone else is growing the corn. Hundreds of thousands of dollars are changing hands from this illegal lease, and DHHL is getting peanuts from this arrangement. If lessees of income generating lands don't live up to their agreement, they should be evicted from the lands and fined. This is lost revenue for DHHL.

If DHHL doesn't enforce their laws, others benefit from our rights and this is wrong. DHHL needs to monitor their leases, and they need to determine if lessees of income-generating lands are truly conducting what they say their doing. Another important issue is I don't know how DHHL is leasing agricultural land without having someone with expertise in agriculture within the Land Management Division, and this may be one of the reasons these illegal activities are allowed to occur. If you lease lands, you have to monitor these lands, especially when water rights are attached to these lands or you need put a special proviso in the lease that the rights are not attached to revenue-generation lands. Agricultural lands are primarily a resource, and activities conducted on these lands must be done in a

manner consistent with sound resource management to preserve these lands for generations to come. This is all I have, for now. Mahalo for this opportunity to provide testimony on this very important topic.

## HISTORICAL RELATIONSHIP BETWEEN DHHL AND MIS

### The Beginning

The HHC Act of 1920, Section 221 (d) read in its original form,

“The commission is authorized, for the additional purpose of adequately irrigating any tract, to use, free of all charge, Government-owned water upon the island of Molokai and Government-owned surplus water/ tributary to the Waimea River upon the island of Kauai, not covered by a water license or covered by a water license issued after the passage of this Act. Any water license issued after the passage of this Act and covering any such Government-owned surplus water shall be deemed subject to the condition, whether or not stipulated therein, that the license shall, upon the demand of the commission, grant to it the right to use, free of all charge, any of the water upon the island of Molokai, and any of the surplus water tributary to the Waimea River upon the island of Kauai, which is covered by the license and which the commission deems necessary for the additional purpose of adequately irrigating any tract.”

As indicated by this Section 221(d), the commission was given the authority to use any Government-owned water on Molokai, free of charge, to adequately irrigate any HHL tract, excluding water already under a license prior to the Act. If a water license was issued subsequent to this Act, the commission retained its right to use water free of charge for irrigating purposes.

### Creation and Subsequent Changes to a Molokai Water Authority

In May 1943, the territorial legislature passed Act 227 to establish a Molokai Water Board as a way of addressing the domestic and agricultural water needs of Molokai homesteaders. The Hawaiian Homes Commission served as the Board. The Act specifically gave homestead lessees preference to have their water needs met first before any other person or persons.

In June 1953, the territorial legislature passed Act 245 which established the Hawaii Irrigation Authority (HIA). The HIA substituted for the HHC in its role as the Molokai Water Board, e.g., its powers, duties, and functions as MWB were transferred to HIA.

### Significance of Proposed Amendments to HHC Act of 1920 and Passage of Territorial Legislation Act 164

In May 1955, three (3) significant pieces of legislation was enacted, two proposed Congressional measures amending the HHC Act, Section 220 and 221 and one territorial measure, giving two-thirds preference for water from a constructed irrigation system to DHHL:

- 1) Joint Resolution 10 would amend Sec. 220 of HHC Act by adding a new paragraph that would allow for the construction of irrigation projects on

Hawaiian Home lands by the HIA or other agency of the territory of U.S. government.

- 2) Joint Resolution 17 would amend Section 221(d) by deleting reference to the commission's authority to use government-owned water upon Molokai free of charge and adding a new paragraph which stated that any federal funds given as a grant in aid for the construction of an irrigation and water utilization project on Molokai designed to serve HH lands would be considered advance payment by HHC and lessees of HHC of charges to be made to them for the construction of the system and shall be credited against such charges when made.
- 3) Act 164 amended territorial law (Chapter 317 of the Revised Laws of Hawaii 1945) giving Hawaiian Homes Commission and lessees of Hawaiian Homes Commission prior right to two-thirds of the water developed for irrigation and water utilization project by the tunnel development extending to Waikolu Valley and ground water developed west of Waikolu Valley, upon actual need shown to the authority.

The Agriculture standing committee report 469 stated that "the intent of the original Molokai irrigation and water utilization project was to develop and furnish all the water to lessees of Hawaiian Homes Commission lands." It further stated that the purpose of the two-thirds allocation was "to reduce acreage assessments and to make it feasible as a self-sustaining project."

In reviewing the Senate Agriculture standing committee report 466, it states that Section 221 (d) had to be amended in order to allow for charges to be made for water supplied by a costly irrigation system, if built. It states also "Plans for the construction of any irrigation and water utilization project on Molokai, primarily serving the lands of the Hawaiian homes commission have been under consideration for many years."

The above proposed amendments to Sections 220 and 221(d) become Public Law 899 on August 1, 1956.

#### Preference Clause Maintained

In April 1957, the Hawaii Irrigation Authority (HIA) was "renamed" the Hawaii Water Authority (HWA), expanding its responsibilities to include study and inventory of all water resources.

In July 1961, Chapter 86 of RLH 1955 was amended to have DLNR administer the Molokai Irrigation and Water Utilization Project. The preference clause is included in this section.

Land Exchange Consummated to Secure Federal Funds to Construct Molokai Irrigation Project

In 1961, discussions were in progress between DHHL and DLNR for a possible land exchange. It seems that federal funds were available through the Small Projects Reclamation Act for the construction of an irrigation project on Molokai to serve Hawaiian Homes Commission and HHC Lessees. There was a problem, however, in that the Department of Interior (DOI) indicated that there had to be more "users" of the proposed project than the homestead lessees in order for the project to be eligible for the Small Reclamation Projects Act money. The solution that evolved then was to have a proposed Molokai Small Farm Project to supplement the anticipated HHC and lessee users, e.g., individual family farms raising truck crops on irrigated basis to be sold on the winter market on the West Coast. Adding of more users to the proposed irrigation project was to be accomplished by exchanging some State land on Oahu for agricultural lands on Molokai in the designated service area of the irrigation project. It is also noted that \$1 million of State funds appropriated for the construction of the Molokai Irrigation Project was contingent on the land exchange, so as to assure the securing of the federal money.

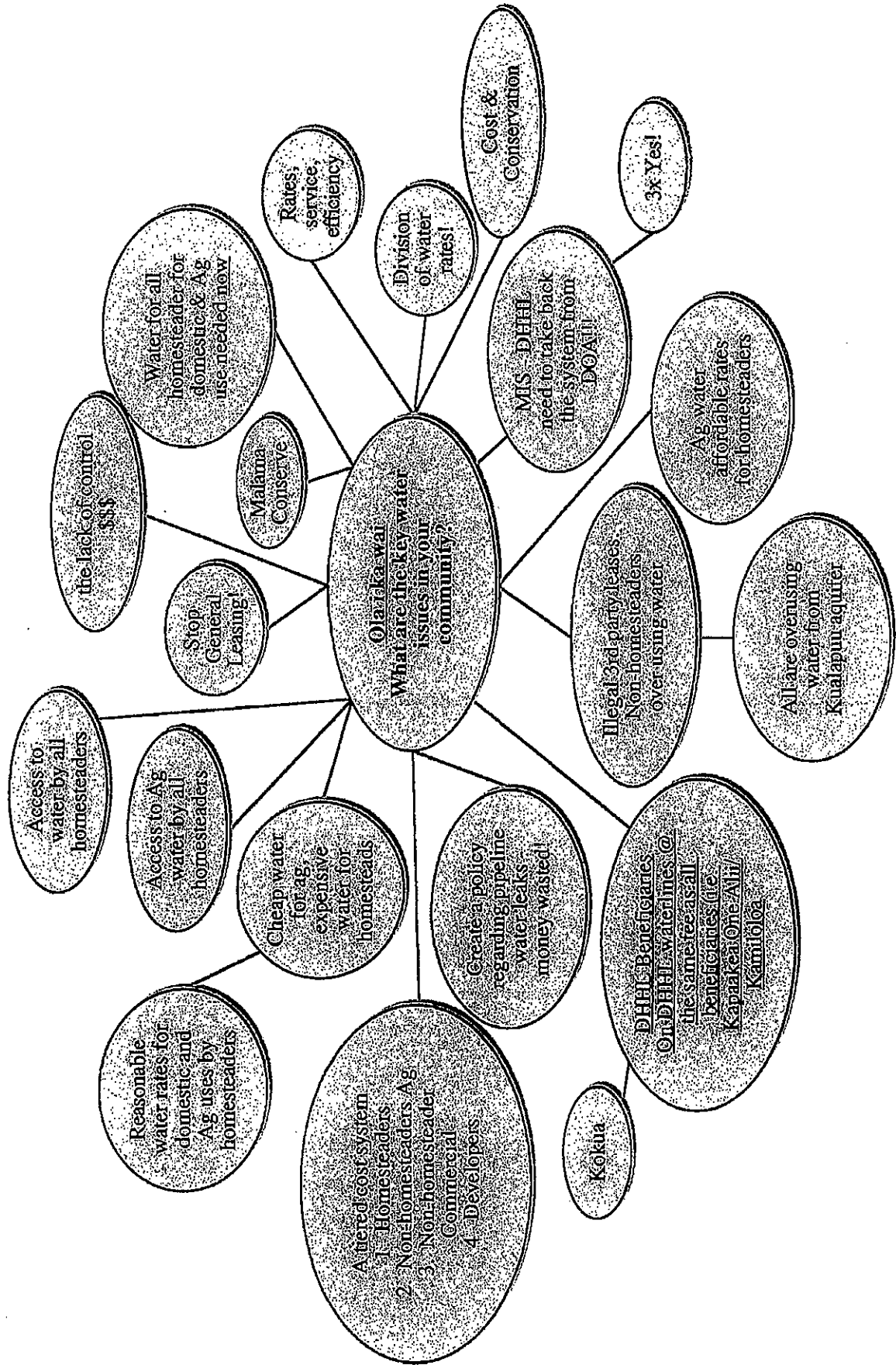
Negotiations on land exchange began in April 1961 and continued through January 1962 when both HHC and DLNR's Board approved the exchange of 1,050 acres of land at Palaaau, Molokai (south of the airport) for land of equivalent value at Waiaanae, Oahu, identified later as approximately 243 acres. The values were \$28,980 and \$28,985 respectively.

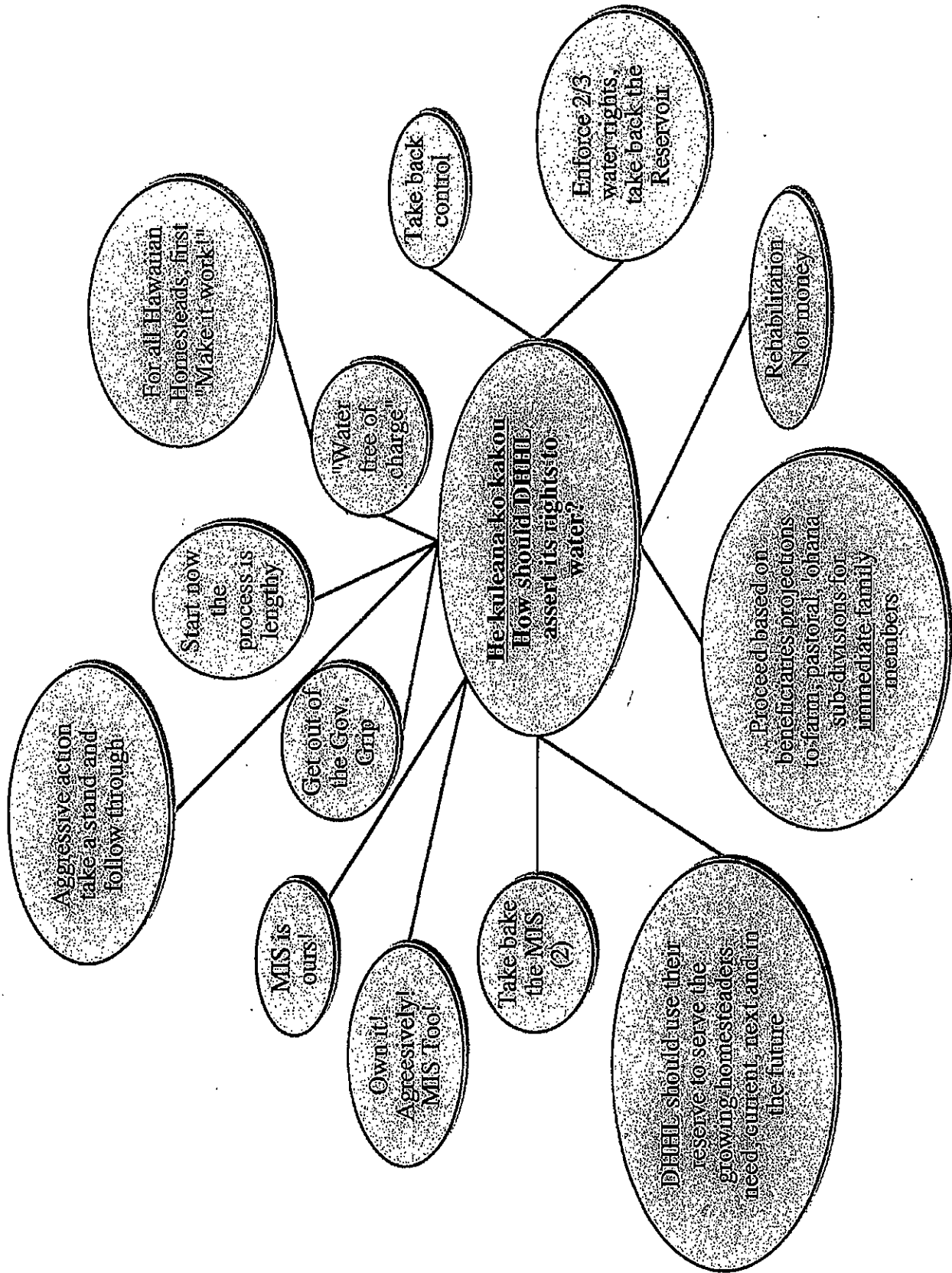
The Hawaiian Homes Act was amended to accomplish this agreement. The Department of the Interior, along with State Department of Land and Natural Resources, corroborated to force DHHL to diminish our water rights as a condition to the construction of the MIS. The original Hawaiian Homes Act states that water is available 'free of charge', and that ALL water from Waikolu was for the express use of homesteaders. Today, we have prior rights to only 2/3's of the water originating from Waikolu Valley, and we have to pay for this water.

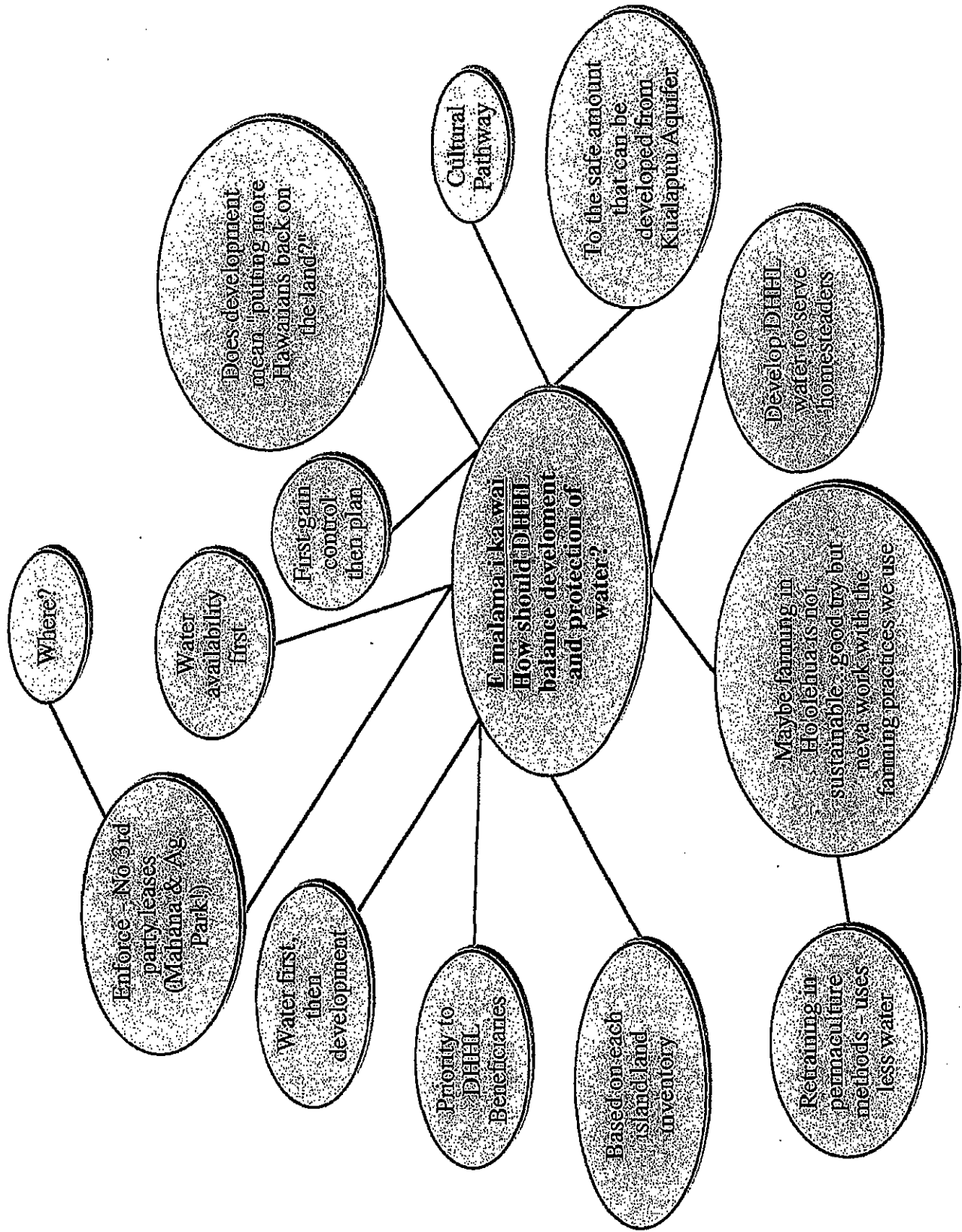
WHAT IS WRONG WITH THIS PICTURE???



Moloka'i Conversation Map







**DHHL WATER POLICY PLAN STATEWIDE COMMUNITY MEETINGS  
KAPOLEI MIDDLE SCHOOL, KAPOLEI, O'AHU  
NOVEMBER 5, 2013  
6:00 P.M. – 8:00 P.M.**

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**Attendance:** 23 people signed in; about 40 people present.

DHHL: PLO - Kaleo Manuel (Project Manager), Nancy McPherson, Ulu Lota, Julie-Ann Cachola

CONSULTANT: Jonathan Scheuer

**Handouts:**

- Agenda
- DHHL Water Kuleana Handout
- Conversation Mapping Handout

**Presentation:**

Kaleo Manuel provided an overview of the Water Policy Plan process, its context and relationship to the planning system, and the work done to date in developing the plan. Jonathan Scheuer synopsized the history of water law in Hawai'i and also presented the specific rights and kuleana DHHL and the trust have related to water.

**Conversation Mapping:**

In order to gather mana'o from beneficiaries and the community that would help guide what information should be included in the Water Policy Plan, the Department used a tool called "Conversation Mapping." The following triggers were used to initiate conversation amongst meeting participants:

- Ola I Ka Wai: What are the key water issues in your community?
- E Malama I Ka Wai: How should DHHL balance the development and protection of water?
- He Kuleana Ko Kakou: How should DHHL assert its rights to water?

\*Please see the attached conversation maps.

**Open Discussion:**

Below are the questions, comments, or testimony provided either verbally, on green comment sheets, or by letter, by those present at the meeting:

- So much history. When are we going to stop paying for water?  
DHHL: What the HHC Act says "water free of all charge" means that DHHL the agency does not pay for it. Homesteaders need to contribute to the upkeep of the water system. Homesteaders are paying for the maintenance of the water system, the pipes, the wells, the pumps that get water to their house. They are not paying for the water. When the City and County developed its water systems, it was at a time in which energy was cheap. Now it costs more to transmit water miles across the island. One of the things that the water policy plan can address is how far away from water sources should DHHL build? Build in dry areas or wet areas?
- Can DHHL get rate reductions from BWS for homesteaders? Can we have a flat rate that will not increase? Homesteaders would still be paying for the upkeep of the system.

**DHHL WATER POLICY PLAN STATEWIDE COMMUNITY MEETINGS  
KAPOLEI MIDDLE SCHOOL, KAPOLEI, O'AHU  
NOVEMBER 5, 2013  
6:00 P.M. – 8:00 P.M.**

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- DHHL: On other islands homesteaders pay lower rate because they are on the DHHL system. DHHL subsidizes most of the cost to maintain those systems.
- We are paying too much for water. As a lessee, it seems like being a beneficiary is more of a burden than it is a benefit.
- BWS should reduce water rates for beneficiaries.  
DHHL: DHHL has some tanks in some areas that are tied into the system. In the future, perhaps DHHL can look at negotiating a deal with the County before turning over the infrastructure it developed to the County.
- What is the difference between a Ground Water Management Area and Surface Water Management Area?  
DHHL: GWMA = permit needed for wells and SWMA = permit needed for stream diversion.
- What permits needed to develop a well?  
DHHL: Two permits that are needed to develop a well are (1) Well construction permit and (2) Well installation permit (?)
- How do native Hawaiian water rights help homesteaders?  
DHHL: DHHL has to be better at asserting its rights. DHHL needs to exercise its rights. DHHL also needs to be adequately funded by the state.
- With regards to water policy and law; you will not know what your rights and power are until you fight for it.
- Why don't we use \$ to build infrastructure to deliver water?
- I do not think the Hawaiian Homes Commission will have political will to exert those rights. I do not think DHHL water rights are relevant to everyday lessee concerns about paying water bill.
- Song entitled "Muliwai" provided by beneficiary at meeting (see attached)
- Pictures of various leeward issues and water issues were posted by a beneficiary
- An old map of the islands was also provided by a beneficiary

All handouts, notes, and conversation maps can be found on the DHHL website at:  
**[dhl.hawaii.gov](http://dhl.hawaii.gov)**

# MULIWAI

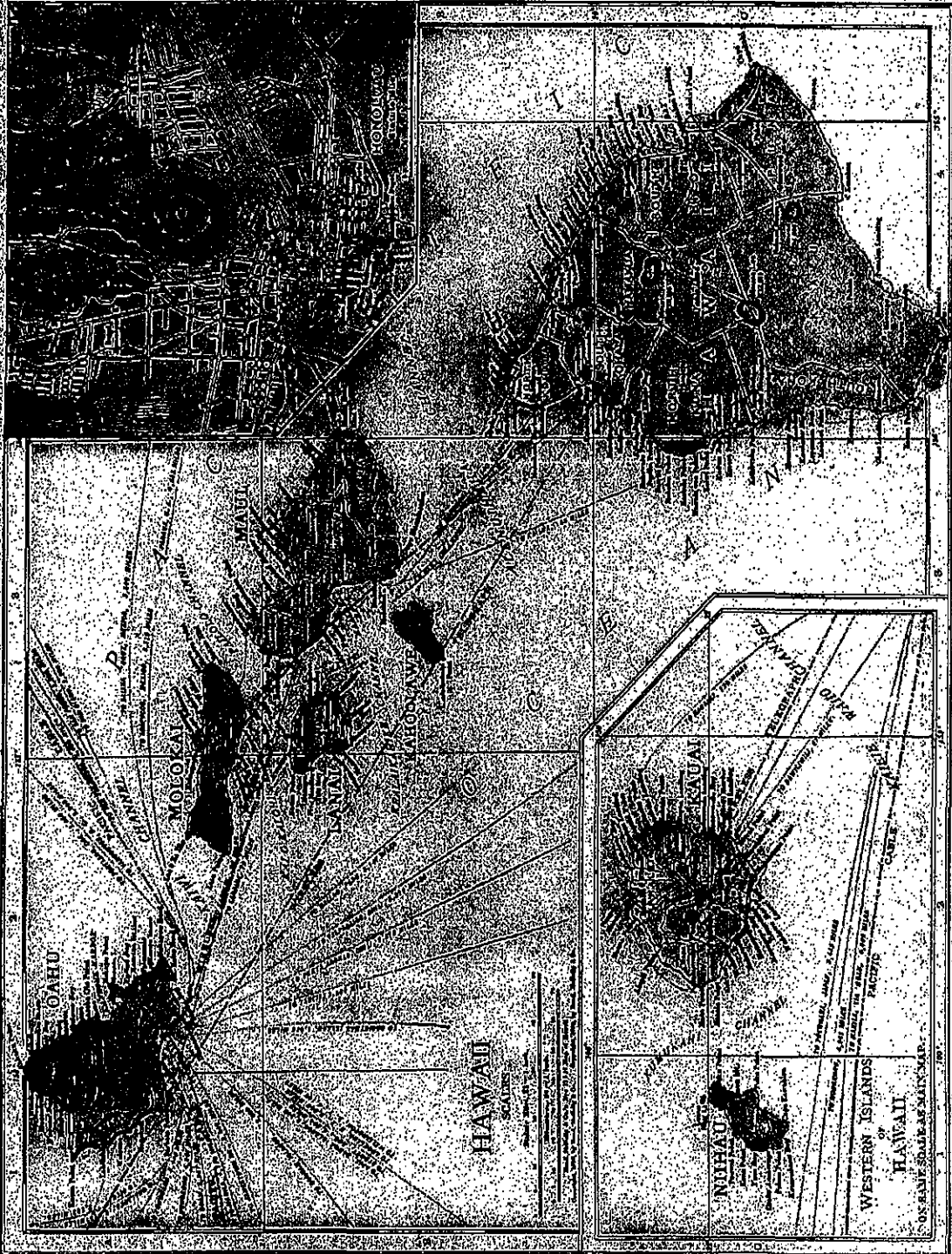
1. AIA I KA MULIWAI, IA HOME NANI;  
KA 'I'INI PAU OLE, A KA PU'UWAI

2. HE NANI IA HOME, I KA 'U'IKE  
HE PAKIKA HE PAHE'E, I KA PAPAHELE

3. NA WAI NO'OE, E PAKELE AKU  
HE WILA I KA MAKA, A'O KA 'OPUA

4. HE MANA'O NUI KO'U, LA I LAILA  
I KAHIA NA MANU E, HIA 'AI NEI

5. HA'INA 'IA MAI, ANA KA PUANA  
AIA I KA MULIWAI, IA HOME NANI



HAWAII

United States  
Dependency  
Area 6,961 sq. mi.  
Pop. 200,000

DISTRICTS

- Honolulu.....A
- Maui.....C
- Hilo.....D
- Kaunoi.....E
- Kona.....F
- Kohala.....G
- Koolau.....H
- Lahaina.....I
- Lihoa.....J
- Makalea.....K
- North Kona.....L
- Puna.....M
- South Kona.....N
- Waipahoehoe.....O
- Waialeale.....P
- Waipahoehoe.....Q

CHIEF CITIES

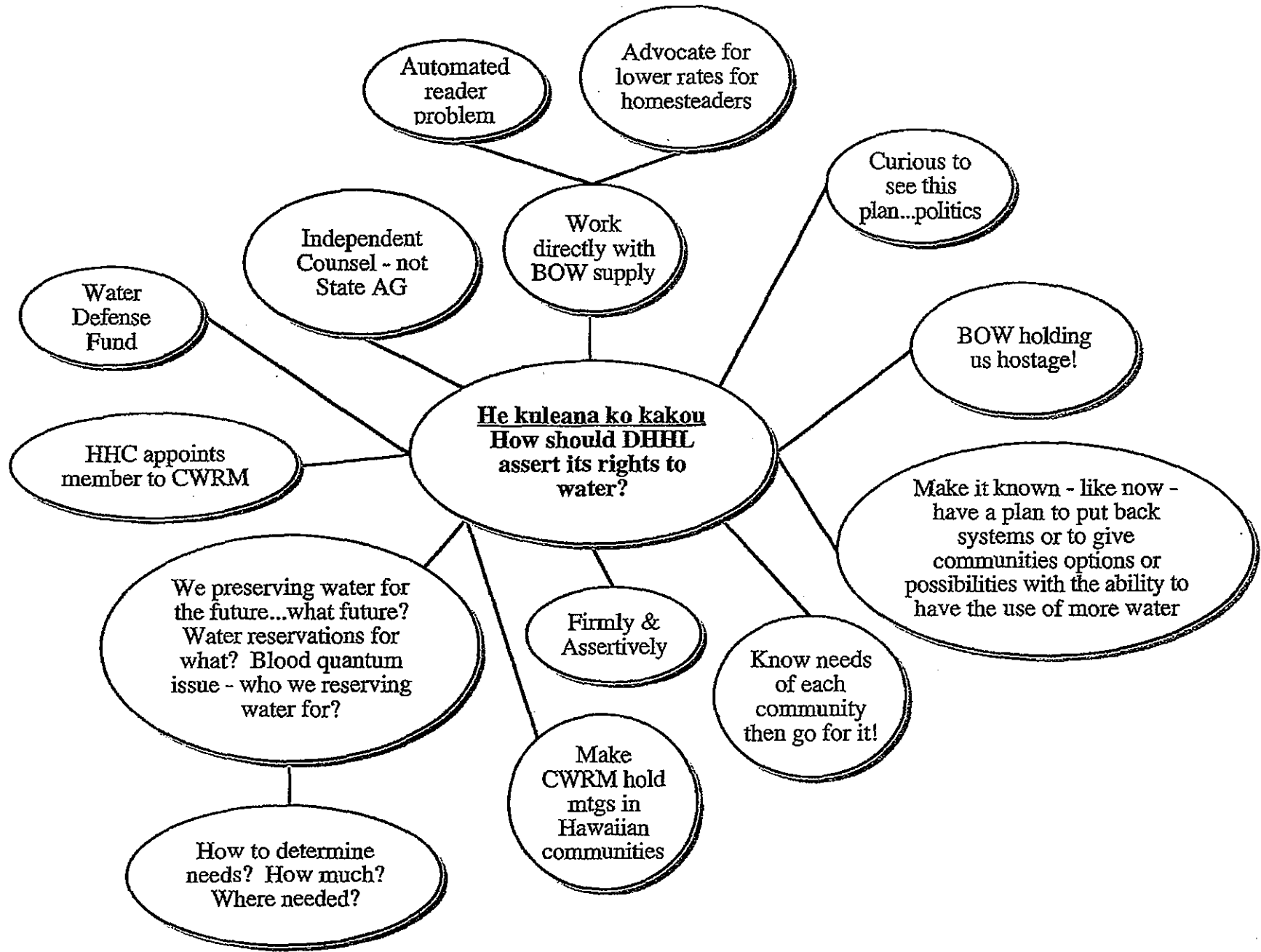
Honolulu.....A  
Maui.....C  
Hilo.....D  
Kona.....F  
Lahaina.....I  
Waialeale.....P

Pop. - Thousands

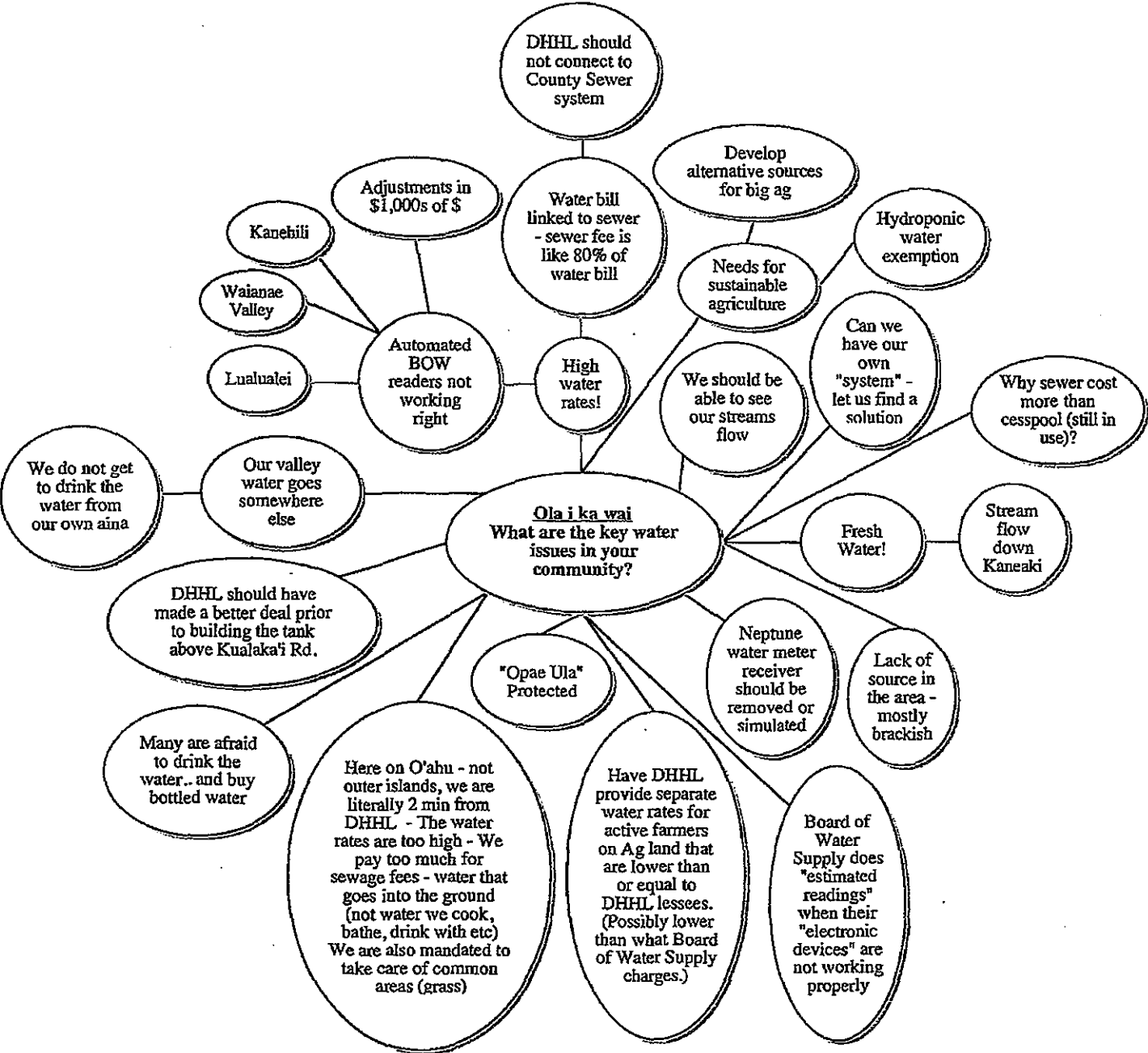
- Honolulu.....A
- Maui.....C
- Hilo.....D
- Kona.....F
- Lahaina.....I
- Waialeale.....P
- Waipahoehoe.....Q
- Waipahoehoe.....R
- Waipahoehoe.....S
- Waipahoehoe.....T
- Waipahoehoe.....U
- Waipahoehoe.....V
- Waipahoehoe.....W
- Waipahoehoe.....X
- Waipahoehoe.....Y
- Waipahoehoe.....Z

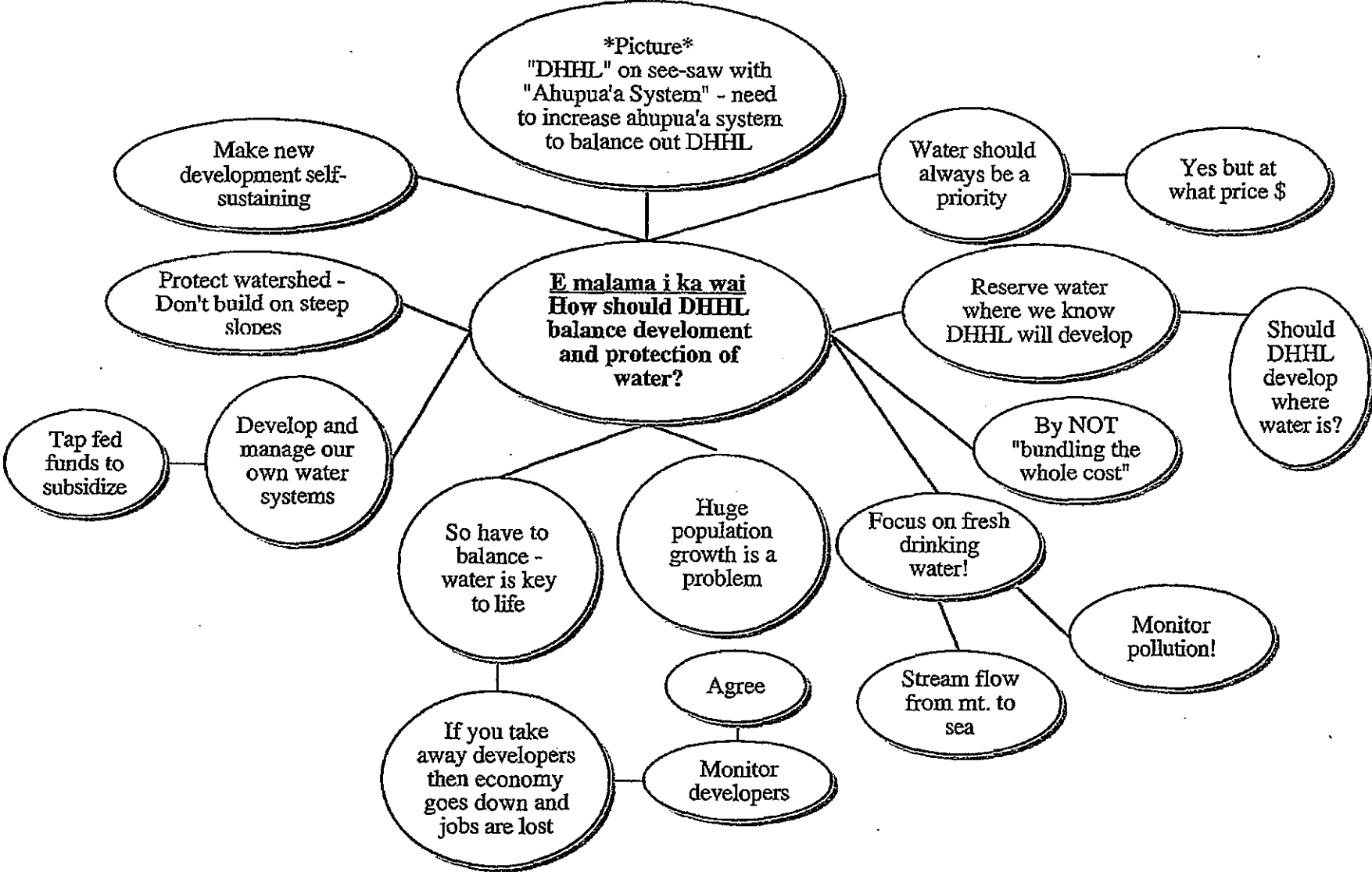
(1921)

EXHIBIT "A"









## Kapolei Broad Sheets (11-5-13)

- When are we going to stop paying for water? I have big concerns. The cost is outrageous.
  - You are not paying for the water, but the delivery of water.
- Can homesteaders get a rate reduction? Flat rate? No rate increases?
- Water is precious.
- Water – we pay too much. Bill is too high.
- DHHL should help with rates by reducing it.
- Ground Water Management Areas vs. Surface Water Management Areas?
- Who sets rates for DHHL systems?
  - Rates are set by the Hawaiian Homes Commission.
- What permits do you need to dig a well?
  - Pump Installation permit and a Well Construction Permit from Commission on Water Resource Management
- How do native Hawaiian rights help DHHL/homesteaders?
- Build infrastructure to get “free” water
- Don’t know how strong DHHL rights are until you assert them; concerned that it is not as strong as we think; just something on paper
- Water Policy Plan – will lay out the plan on how DHHL exercise rights?
- Concern over water in Wai‘anae – restored to stream – will it continue to flow?
- Education
- “Neptune” receivers not accurate – there are issues with readings and mistakes in water billing
- Ahupua‘a system
- Grey Water issues
- Get best deal when developing infrastructure (i.e. Built tank at top of Kualaka‘i, so we should’ve asked for lower rates or create/negotiate for better deals)
- How come County doesn’t know about DHHL’s unique rights to water?
- Educate DWS/BWS, staff, and their legal team
- Why did they do away with cesspools?
  - Double check on City and County Ordinance 14
  - Nanakuli was forced to hook up to system
  - Feds
- DHHL advocate for beneficiaries
- What’s DHHL’s value to water?
  - Look at your bill
  - Be militant and aggressive; sell water, treat like business, treat like oil
- Abe Pi‘ianaia – advocated for water on Moloka‘i to get water transferred from one end to homesteads
- Beyond policy – we are developing, managing, our own water systems/utility; this should be DHHL’s role, not just dedicate to the County; if we develop systems, we need to find a way to deal with BWS
- Focus DHHL’s effort on getting someone on CWRM
- How is wastewater and fresh water being handled in this plan?

**DHHL WATER POLICY PLAN STATEWIDE COMMUNITY MEETINGS  
BLANCHE POPE ELEMENTARY, WAIMANALO, O'AHU  
NOVEMBER 6, 2013  
6:00 P.M. – 8:00 P.M.**

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**Attendance:** 17 people signed in; about 30 people present.

HHC: Chairman Jobie Masagatani

DHHL: PLO – Darrell Yagodich, Kaleo Manuel (Project Manager), Nancy McPherson, Ulu Lota, Bob Freitas, Andrew Choy, LMD – Kahana Albinio

CONSULTANT: Jonathan Scheuer

**Handouts:**

- Agenda
- DHHL Water Kuleana Handout
- Conversation Mapping Handout

**Presentation:**

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\*Please see the attached conversation maps.

**Open Discussion:**

Below are the questions, comments, or testimony provided either verbally, on green comment sheets, or by letter, by those present at the meeting:

- Is there a law describing whether or not DHHL can reserve water? We can utilize law to protect our water rights. We should know this so we do not repeat past questions over our rights. DHHL: Yes, part of our presentation tonight is to inform the audience about DHHL's water rights per state law.
- Are we represented on the water board? DHHL: The water code requires that one of the commissioners on the state Commission on Water Resource Management needs to be familiar with Native Hawaiian culture and practices. Currently, Kaimana Beamer, who grew up on homesteads, is on the commission.
- Hawaiians should have a priority as a policy.
- Does the military need to get state water permits? DHHL: Yes, federal agencies must follow state law.
- There was an attempt to reserve water for DHHL on Lanai.

**DHHL WATER POLICY PLAN STATEWIDE COMMUNITY MEETINGS  
BLANCHE POPE ELEMENTARY, WAIMANALO, O'AHU  
NOVEMBER 6, 2013  
6:00 P.M. - 8:00 P.M.**

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- You asked what does water mean to us? Why are you concerned about that. We are tired about answering that. It looks like you are demeaning the kupuna. You need to know the history before coming to the community. Akua should be first and last about why we are here. DHHL: When we come into communities, it is not our intention to offend. If I said something or did something to offend you, I apologize. Please forgive me.  
Jobie: We are trying our best to communicate a complicated issue, water, to the community. The staff person you are talking about is one of my best staff. He cares deeply about our beneficiaries and I lean on him a lot. I trust his judgment.
- When did the law pass that says that DHHL has rights before beneficiaries?  
DHHL: There are provisions in the HHCA that state "rights of homesteaders" as well as "rights of the "Department". So it depends upon the context and situation that is being considered.
- What is the purpose of homestead associations? DHHL: Most success occurs when homestead associations and DHHL work shoulder to shoulder.
- Are the current water commissioners appointees of the current governor?  
DHHL: Six of eight of the commissioners were appointed by Governor Abercrombie.
- Have studies been done statewide to see where water exists in which DHHL has access to? DHHL: There have been studies done by USGS to identify where and how much ground water there is. DHHL has contributed to some of those studies.
- If we are not hunters, what are we? Fishermen understand the sea, hunters understand the mountain. Know your kilo. DHHL: Cultural knowledge about place is just as important as scientific knowledge. It is something that the plan should promote.
- Native Hawaiians know where water sources are; local knowledge. So the information is not only from science, it is from local sources too.
- Have any studies been done on the Big Island to see where aquifers are located below Hawaiian home lands for homestead purposes
- What is the hydro potential on DHHL lands? Put that in the plan.
- The right hand should know what the left hand is doing.
- Why did CWRM lose eight of its lawsuits?
- The Department should make use of federal funding for H2O conservation, quality, and reuse from especially the USDA, RD & EPA & Dept. of Interior. I would be happy to help.
- Will any of the water rights we have help with a water bill dispute from Board of Water? We recently got a bill of over \$900.00. This might sound silly but do we have any water rights we can use toward this as an argument being that we live on homestead land.
- Email from Kawehi Kanui (11-13-13)
- Pictures were provided by a beneficiary at the meeting

**DHHL WATER POLICY PLAN STATEWIDE COMMUNITY MEETINGS  
BLANCHE POPE ELEMENTARY, WAIMANALO, O'AHU  
NOVEMBER 6, 2013  
6:00 P.M. – 8:00 P.M.**

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All handouts, notes, and conversation maps can be found on the DHHL website at:  
**[dhl.hawaii.gov](http://dhl.hawaii.gov)**

From: Kawehiokalaninui-I-iamamao Kanui <kawehi.kanui11@gmail.com>  
To: andrew.h.choy@hawaii.gov  
Date: 11/13/2013 02:15 PM  
Subject: Water and Other Responses

Aloha Andrew,

Please forward this email to Nancy, Darrell, Jonathan, chair and commissioners on our feed back regarding water.

As the newly elected/appointed by na kupuna, as the Executive/Project Director for the Waimanalo Ahupuaa Business and Community Association based in Waimanalo, we have concerns below...both myself and representing the fisher people, Mr. Sam Marquez attended the meeting to understand what the water issue was all about and what the DHHL is doing...we met and talked after the meeting and sending in to you our concerns, we want you to make copies and make sure each commissioner has our written input.

One observation, there were 15 people from our community who were community people and not staff that came to the meeting...that was a very low number to carry any kind of votes by the commissioners on water and we request that commissioners also attend these meetings...Uncle Joe Tassill did not attend due to being off island...talked with him at the Celebration For Life funeral for the late Kahu Ryan Kalama who passed.

The other observation and in our discussion prior to the meeting about the amendments to the HCCA 1920, since 1984...and still have not gotten it when we requested that information more than a year ago.

These amendments are important to your plans and our plans for Waimanalo and all homestead lands on all islands. We would like to request again a list of all amendments made during and after 1982...to the present.

We have a feeling that these amendments were never passed through the US congress and is illegal until it is passed by all US congressional members as Kuhio had the act set-up so it would not be taken over by third parties, protecting the rights of the people from the time of the kingdom to the present.

Objectively, the first main issue is Jurisdiction...and this is where we are stomped...and amazed at how is it that so called stakeholders have the main say in properties that came from the kingdom, to us, via Kuhio and to us, na kanaka Hawaii?

Secondly, with the lands came the water so there is no doubt in our minds that WATER must be free to Kanaka Hawaii...anyone who is not tied to third parties or stakeholders...including Hawaiians who work for any State of Hawaii agency, department or groups. Jurisdiction dictates that no third parties are allowed, yet they are all over your paper work and people working within this government...is a conflict of interest...we have to insist on doing things right to manage our lands...it is ass backwards, to put it bluntly as I am told by na kupuna, that night.

EXHIBIT "A"

We do not want to be dragged into something that is illegal and so far the DHHL is making some wrong moves to make money for the State in the wrong way with the wrong approach...I would be happy to come and explain.

Thirdly, how can we plan if this department is not sending information in a timely manner? After sending out 27,000 post cards only 15 showed up from Waimanalo?

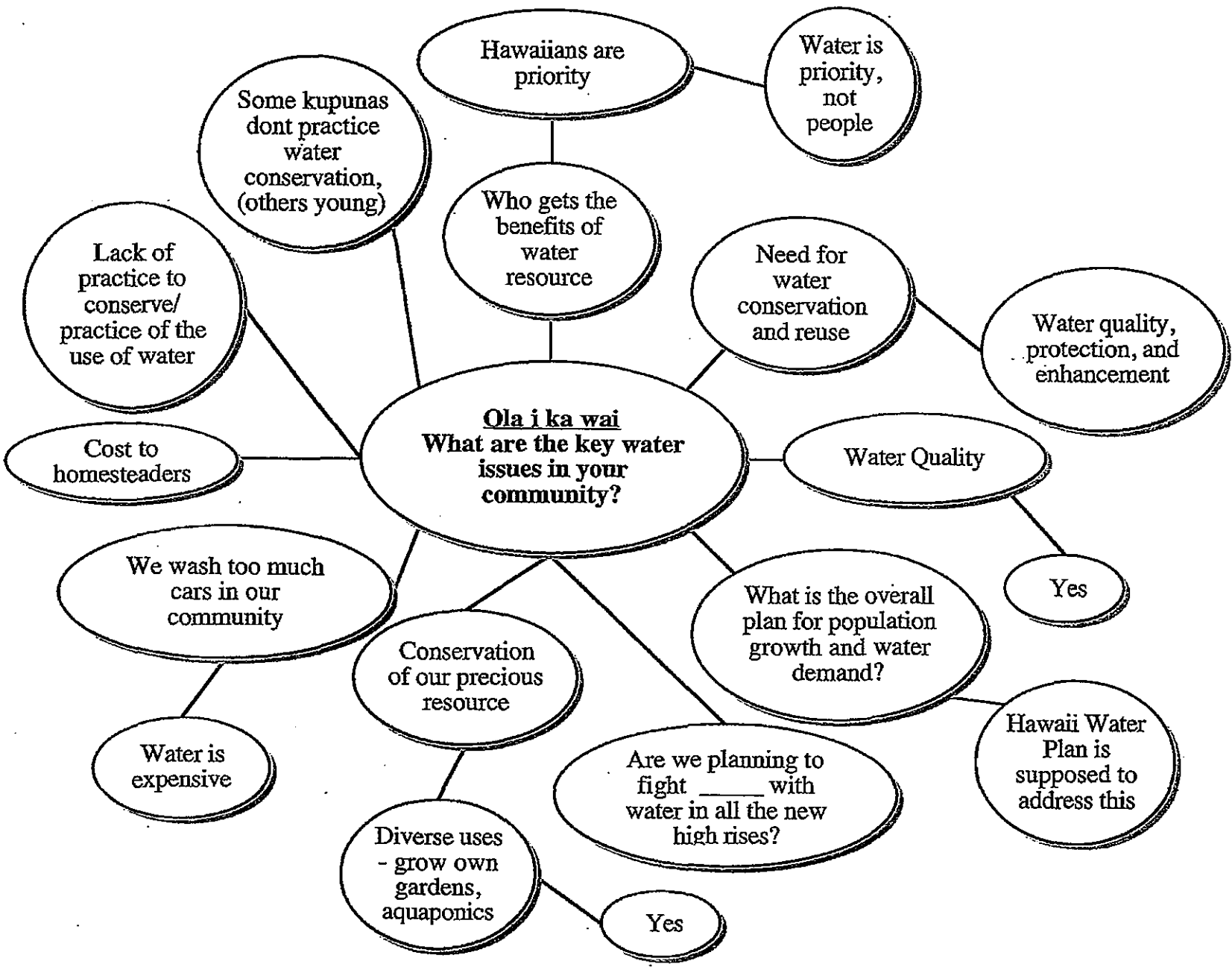
There is a problem and the commissioners must fix it by first looking at the amendments and going over them in every community so they are clear about what they mean...and who can do what on our lands.

There is more, but I will stop here...I am open for any questions...you all have my information to contact me and I will answer any questions.

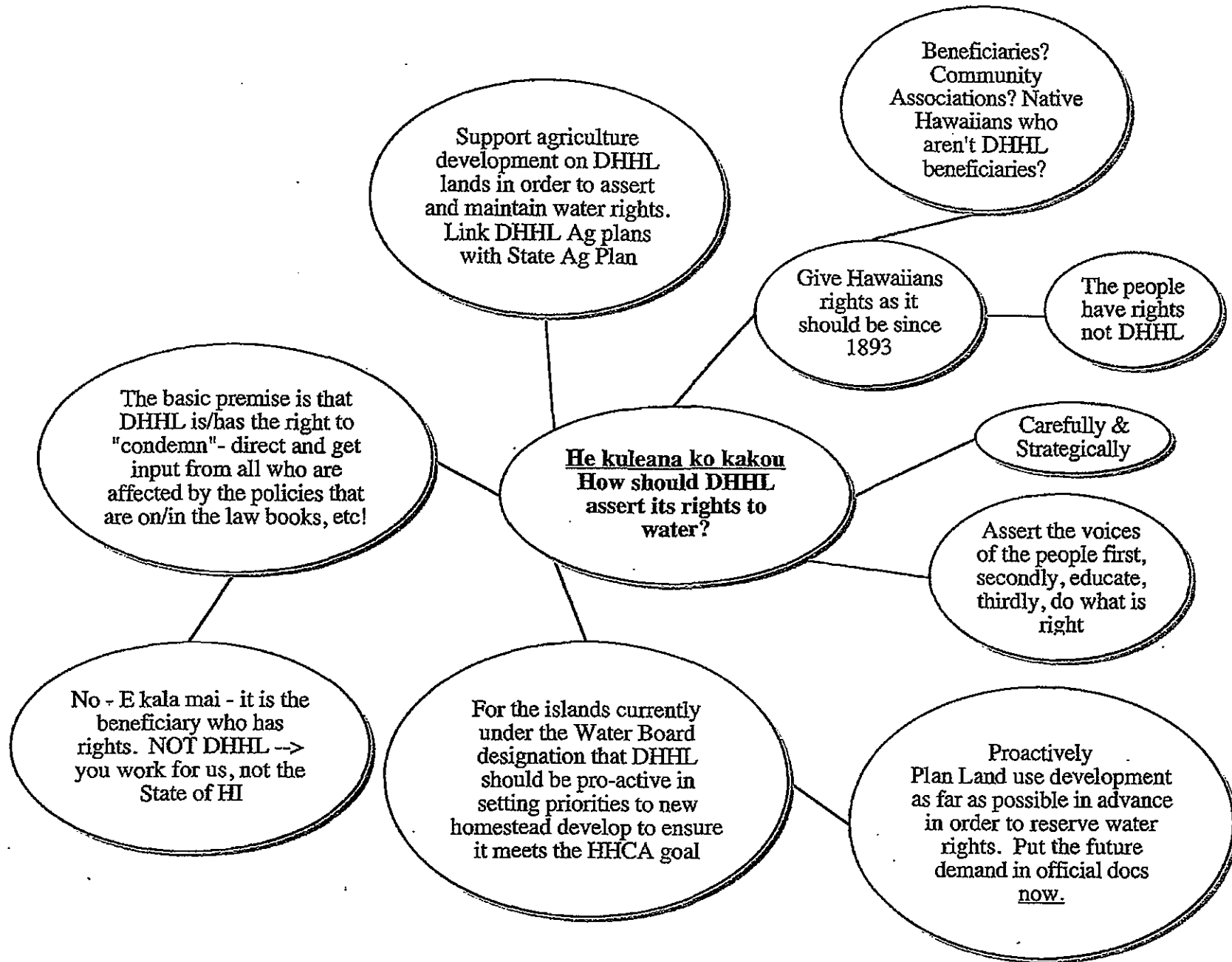
Thank you for your time and attention to this matter...call or write to me any time.

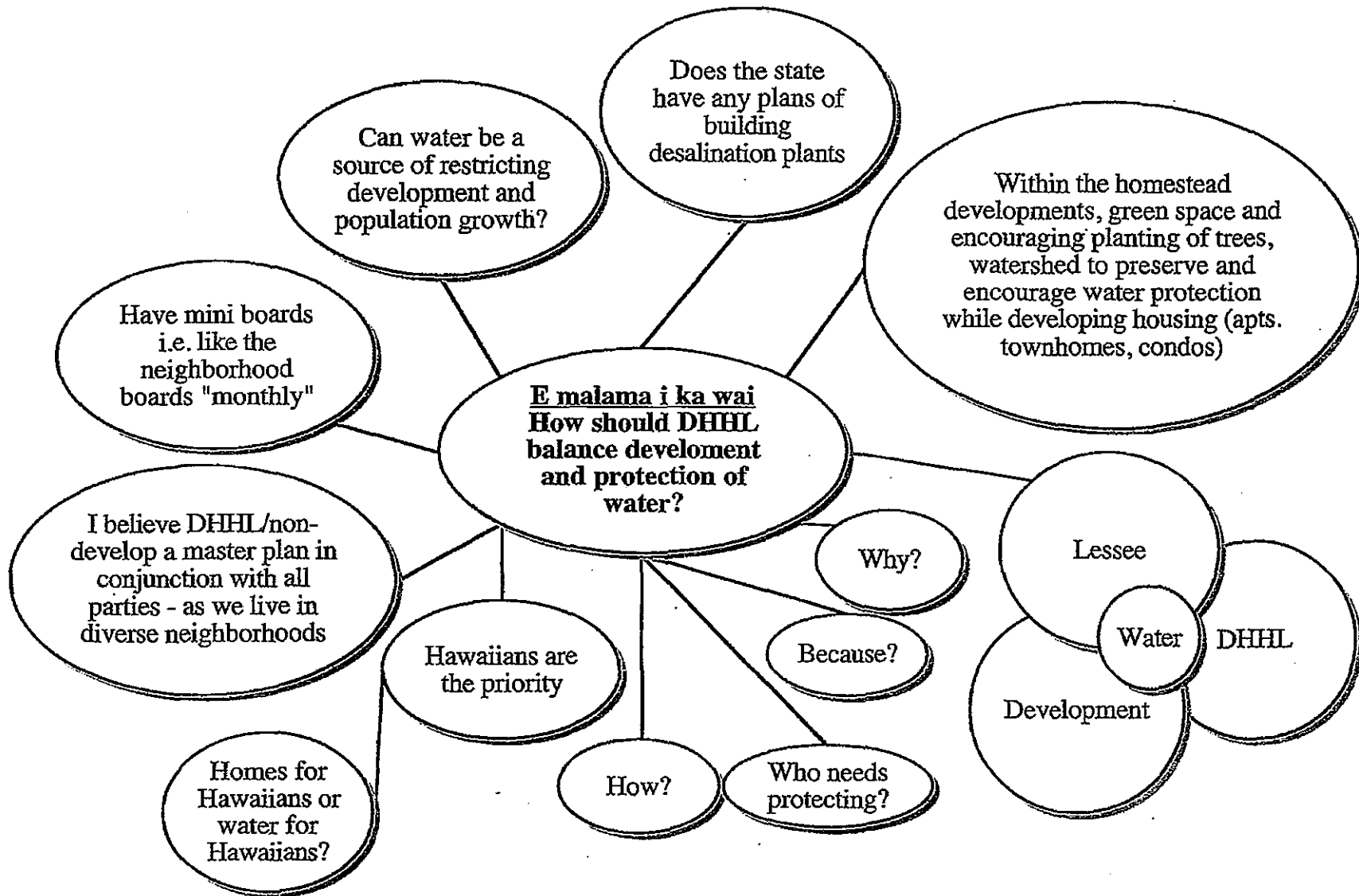
Mahalo Piha,  
Kahu Kawehi Kanui, CEO  
Waimanalo Ahupuaa Community Association  
41-169 Poliala St.  
Waimanalo, Hi. 96795  
808-277-6927





Waimanalo Conversation Map





**DHHL WATER POLICY PLAN STATEWIDE COMMUNITY MEETINGS  
LANA'I ELEMENTARY & HIGH, LANA'I CITY, LANA'I  
NOVEMBER 7, 2013  
6:00 P.M. – 8:00 P.M.**

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**Attendance:** 18 people signed in; about 25 people present.

DHHL: PLO – Kaleo Manuel (Project Manager), Nancy McPherson, Ulu Lota, Andrew Choy

CONSULTANT: Jonathan Scheuer

**Handouts:**

- Agenda
- DHHL Water Kuleana Handout
- Conversation Mapping Handout

**Presentation:**

Kaleo Manuel provided an overview of the Water Policy Plan process, its context and relationship to the planning system, and the work done to date in developing the plan. Jonathan Scheuer synopsized the history of water law in Hawai'i and also presented the specific rights and kuleana DHHL and the trust have related to water.

**Conversation Mapping:**

In order to gather mana'o from beneficiaries and the community that would help guide what information should be included in the Water Policy Plan, the Department used a tool called "Conversation Mapping." The following triggers were used to initiate conversation amongst meeting participants:

- Ola I Ka Wai: What are the key water issues in your community?
- E Malama I Ka Wai: How should DHHL balance the development and protection of water?
- He Kuleana Ko Kakou: How should DHHL assert its rights to water?

\*Please see the attached conversation maps.

**Open Discussion:**

Below are the questions, comments, or testimony provided either verbally, on green comment sheets, or by letter, by those present at the meeting:

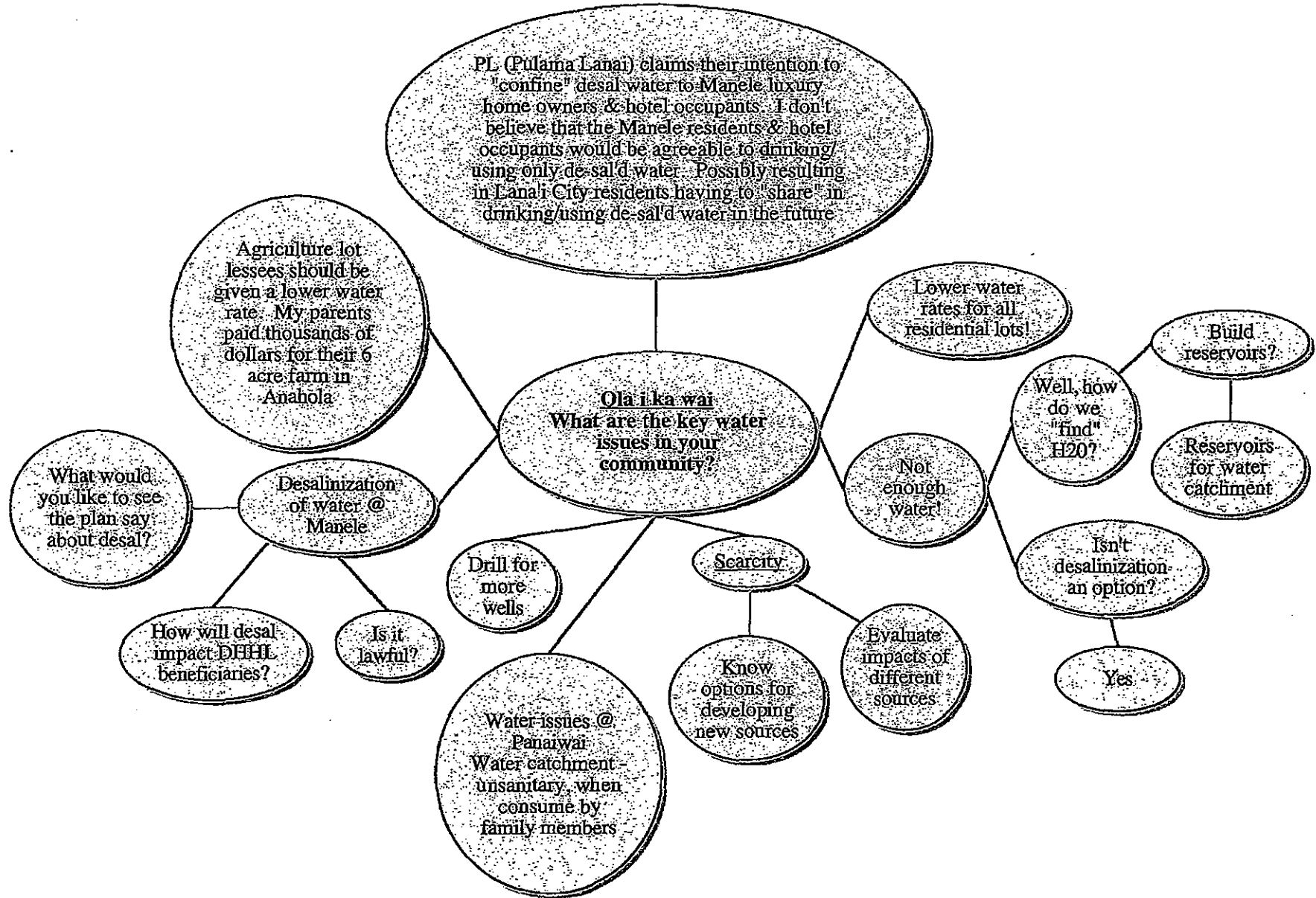
- Regarding Maunalei gulch, under water rights, does land owner own the water?  
DHHL: The land owner owns the stream and land, but not the water.
- They cannot limit access to the water?  
DHHL: Private land owners cannot limit access.
- Is desalinization a public trust resource? Is it a lawful use of public trust resource?  
DHHL: Taking ocean water for desal has not been challenged to my knowledge. There have been instances of taking water from brackish wells and desalinating the brackish water. Those instances fall into public trust.
- We are looking to get salt water below the aquifer. It is outside the aquifer and outside the jurisdiction of CWRM. It is sea water.

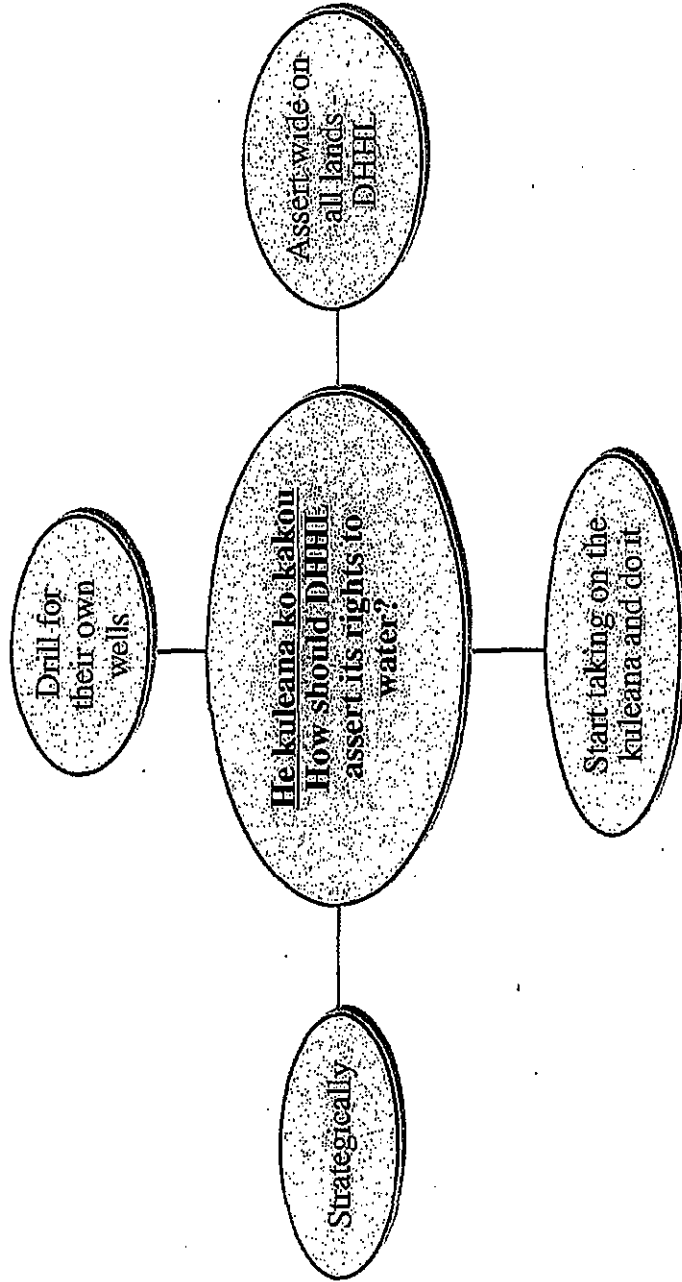
**DHHL WATER POLICY PLAN STATEWIDE COMMUNITY MEETINGS  
LANA'I ELEMENTARY & HIGH, LANA'I CITY, LANA'I  
NOVEMBER 7, 2013  
6:00 P.M. – 8:00 P.M.**

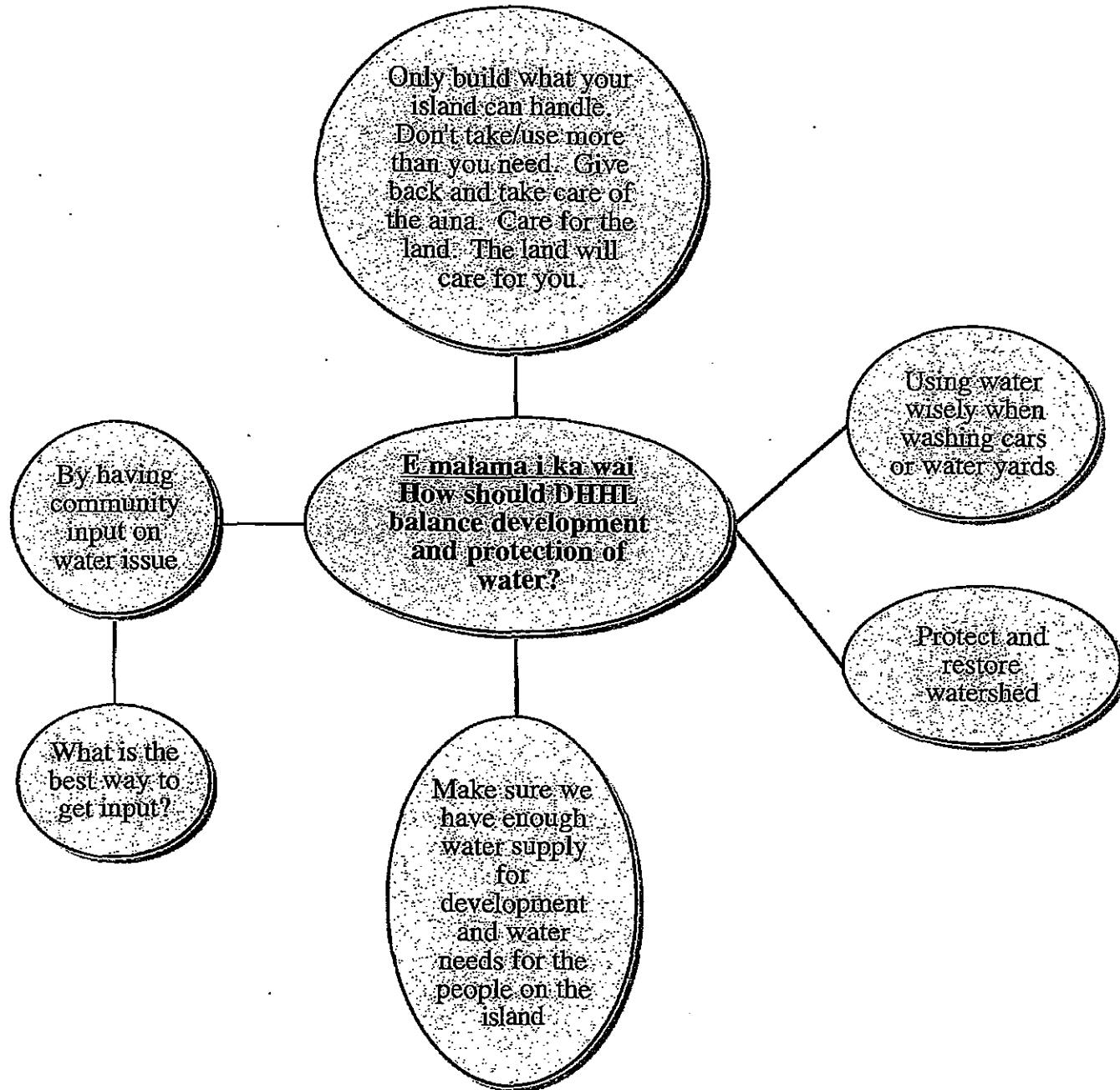
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- Can Hawaiians on homestead lands receive rights to free water?  
DHHL: The idea of free water means that DHHL does not have to pay the state to get the water. The water bill is not for the water itself, it is the cost to deliver the water from the source to the home. It covers the cost to maintain the system that delivers the water to homes.
- I have a friend on Big Island. He has a loi, the water comes from the mountain and into his loi. Whose water is that?  
DHHL: It's his water to use. He should not have to pay for it.
- The whole desalinization issue is interesting. What kind of water kind of water category would it fall?  
DHHL: Desalinization is a very new technology. We need to have further discussions as communities to decide which category to put desalinization water in. Also, the ocean is also a public trust resource. There is a constitutional provision that says that all natural resources are held in trust by the state. Ocean water is a trust resource, but it is not regulated yet.
- Molokai, animals come into yards and farm areas because it is dry, no water.

All handouts, notes, and conversation maps can be found on the DHHL website at:  
**[dttl.hawaii.gov](http://dttl.hawaii.gov)**









**DHHL WATER POLICY PLAN STATEWIDE COMMUNITY MEETINGS  
KUHIO HALE, WAIMEA, HAWAII  
NOVEMBER 12, 2013  
6:00 P.M. – 8:00 P.M.**

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**Attendance:** 42 people signed in; about 60 people present.

DHHL: PLO – Darrell Yagodich, Kaleo Manuel (Project Manager), Ulu Lota, Andrew Choy, WHDO – Jim Du Pont, Denise Murphy, MDO – Halealoha Ayau  
CONSULTANT: Jonathan Scheuer

**Handouts:**

- Agenda
- DHHL Water Kuleana Handout
- Conversation Mapping Handout

**Presentation:**

Kaleo Manuel provided an overview of the Water Policy Plan process, its context and relationship to the planning system, and the work done to date in developing the plan. Jonathan Scheuer synopsized the history of water law in Hawaii and also presented the specific rights and kuleana DHHL and the trust have related to water.

**Conversation Mapping:**

In order to gather mana'o from beneficiaries and the community that would help guide what information should be included in the Water Policy Plan, the Department used a tool called "Conversation Mapping." The following triggers were used to initiate conversation amongst meeting participants:

- Ola I Ka Wai: What are the key water issues in your community?
- E Malama I Ka Wai: How should DHHL balance the development and protection of water?
- He Kuleana Ko Kakou: How should DHHL assert its rights to water?

\*Please see the attached conversation maps.

**Open Discussion:**

Below are the questions, comments, or testimony provided either verbally, on green comment sheets, or by letter, by those present at the meeting:

- Does the Governor approve Water Commissioners?  
DHHL: Yes, the Governor appoints and the State Senate approves the Governor's nominations.
- Seems like there is conflict of interest in some of them.  
DHHL: CWRM Commissioners are supposed to have expertise in water.
- What water system does DHHL own in Kawaihae?  
DHHL: We only own the tanks in Kawaihae. It is a distribution system. Water comes from Kohala Ranch.
- To exercise water reservation rights, does that require a GWMA?  
DHHL: Unlike other state or private entities, DHHL can reserve water. The only tool CWRM has to enforce DHHL water reservations is in the GWMA designation.
- Of all the lands DHHL has, what areas does DHHL own in upper watershed areas?  
DHHL: In Hawaii Island, Waimanu Valley, Kawaihae Mauka areas,

**DHHL WATER POLICY PLAN STATEWIDE COMMUNITY MEETINGS  
KUHIO HALE, WAIMEA, HAWAII  
NOVEMBER 12, 2013  
6:00 P.M. – 8:00 P.M.**

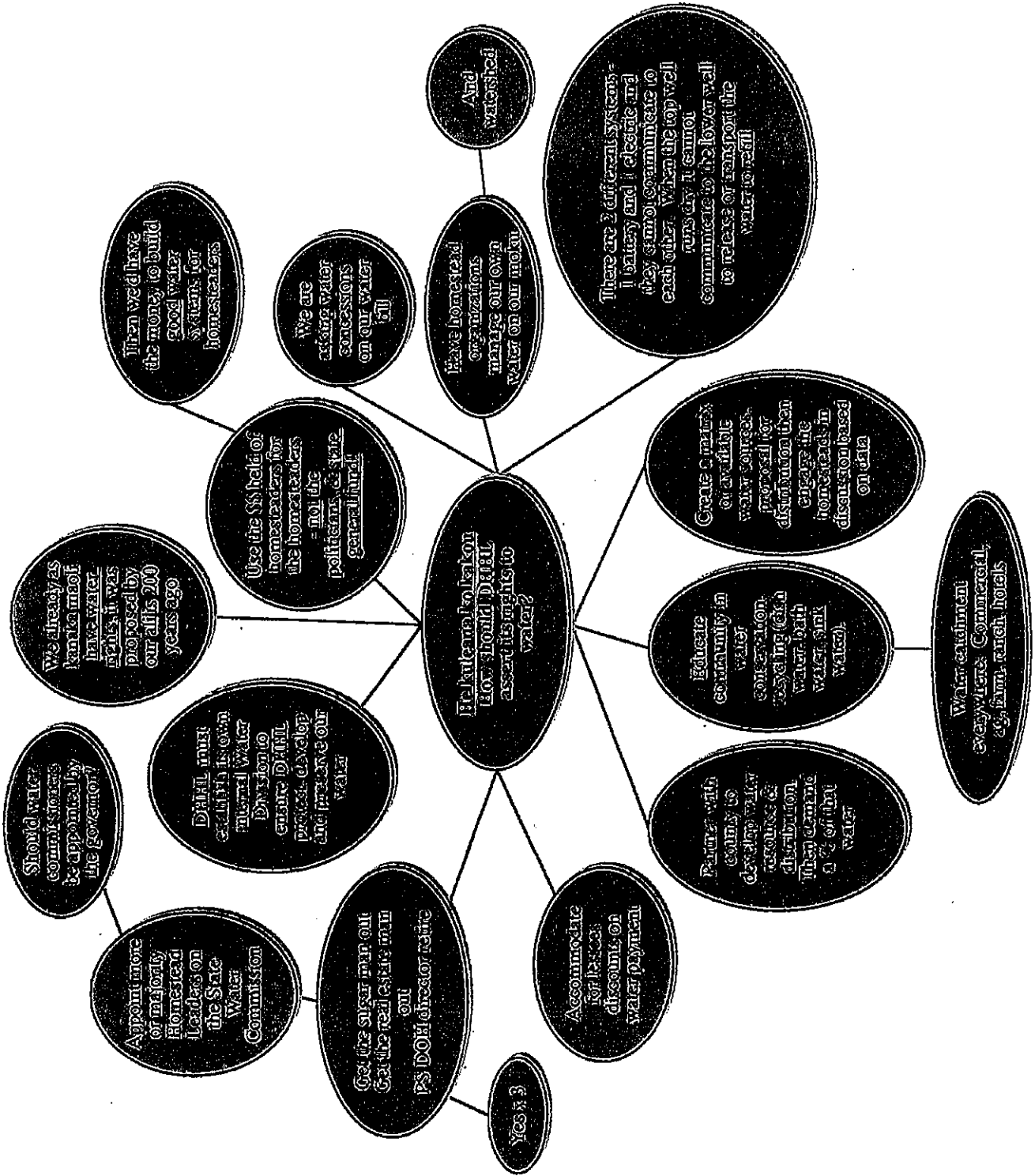
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portions of Kalae in South Point. By and large, the water rich lands in the trust are limited. Many of our lands are not water rich. Per the HHCA, lands were excluded from: sugar plantations and forest reserves. Thus the remaining trust lands are not water rich.

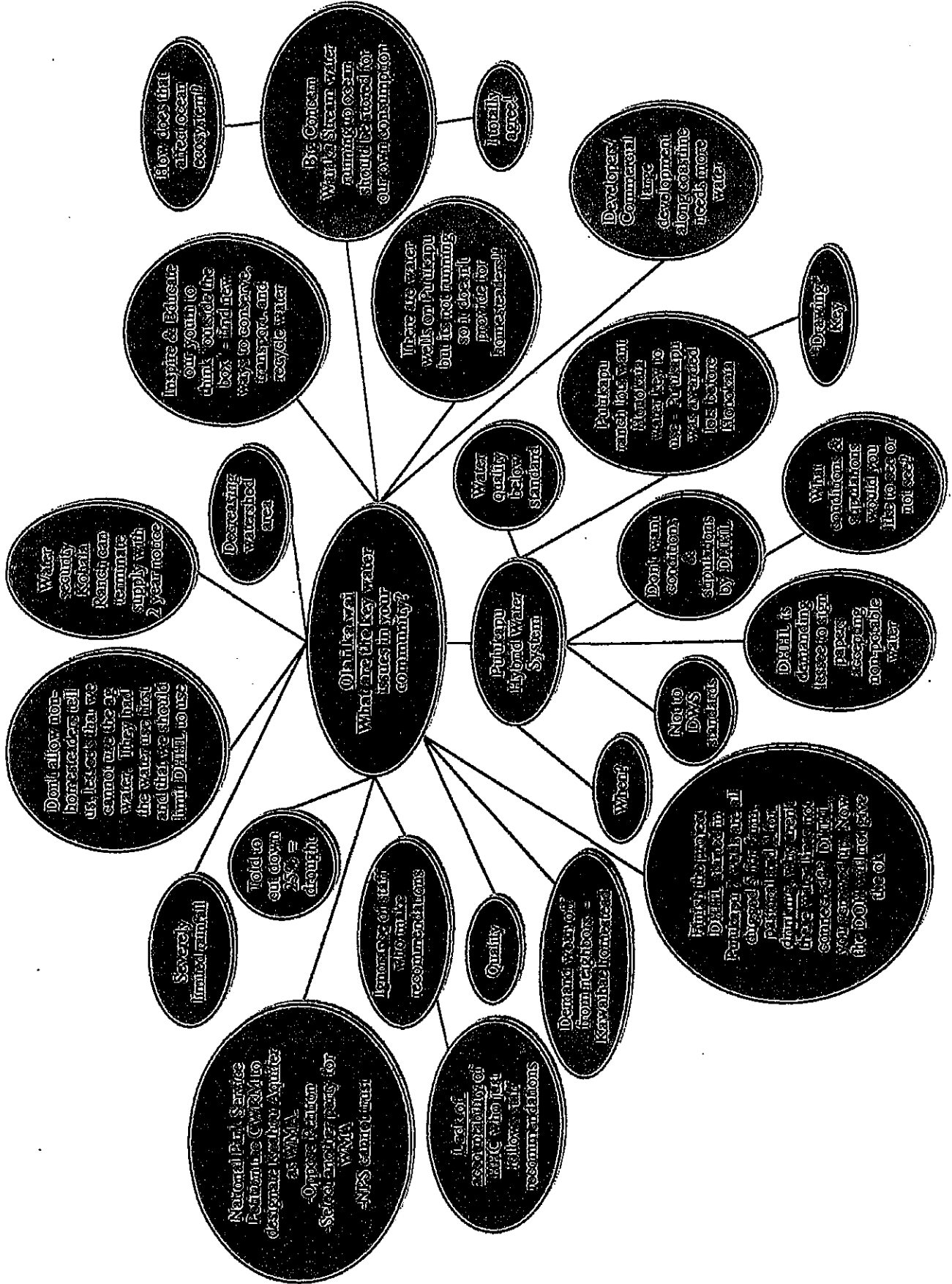
- How many wells does DHHL own? DHHL: Great question. Will need to do more research, but it's one of the reasons having an inventory of water assets will be useful.
- Why has DHHL dedicated water sources such as wells to the County?  
DHHL: In the past, dedication of water sources has occurred on a case by case basis based upon cost and management considerations.
- DHHL: Two wells were dug in Kawaihae. Those wells were deemed not adequate to service the trust.
- Why are rates so high in Kawaihae?  
DHHL: Cost of oil is one reason, the cost to pump and deliver water is mostly from oil costs.
- I saw no area in there that has a provision for beneficiary organizations for taking control of water resources. Whether or not beneficiary organizations have capacity shouldn't be driving the policy. If there is capacity for a beneficiary organization to take over the water system, then there should be a policy in the plan for that organization to get control of the system. Maybe the organization can run the system in the black.
- Change the CWRM. Get less sugar plantation people and more homesteaders on CWRM.
- When you use the word "commission" are you referring to CWRM or HHC?  
DHHL: This plan and policy rests with the HHC. I am talking about the HHC. But we also want CWRM to know what our communities are saying about water policy as well.
- See if HHC would dedicate staff people to get this done.
- Need key for water spigot – Puukapu rancher!!
- When are we getting a new project manager?

All handouts, notes, and conversation maps can be found on the DHHL website at:  
**[dhhl.hawaii.gov](http://dhhl.hawaii.gov)**

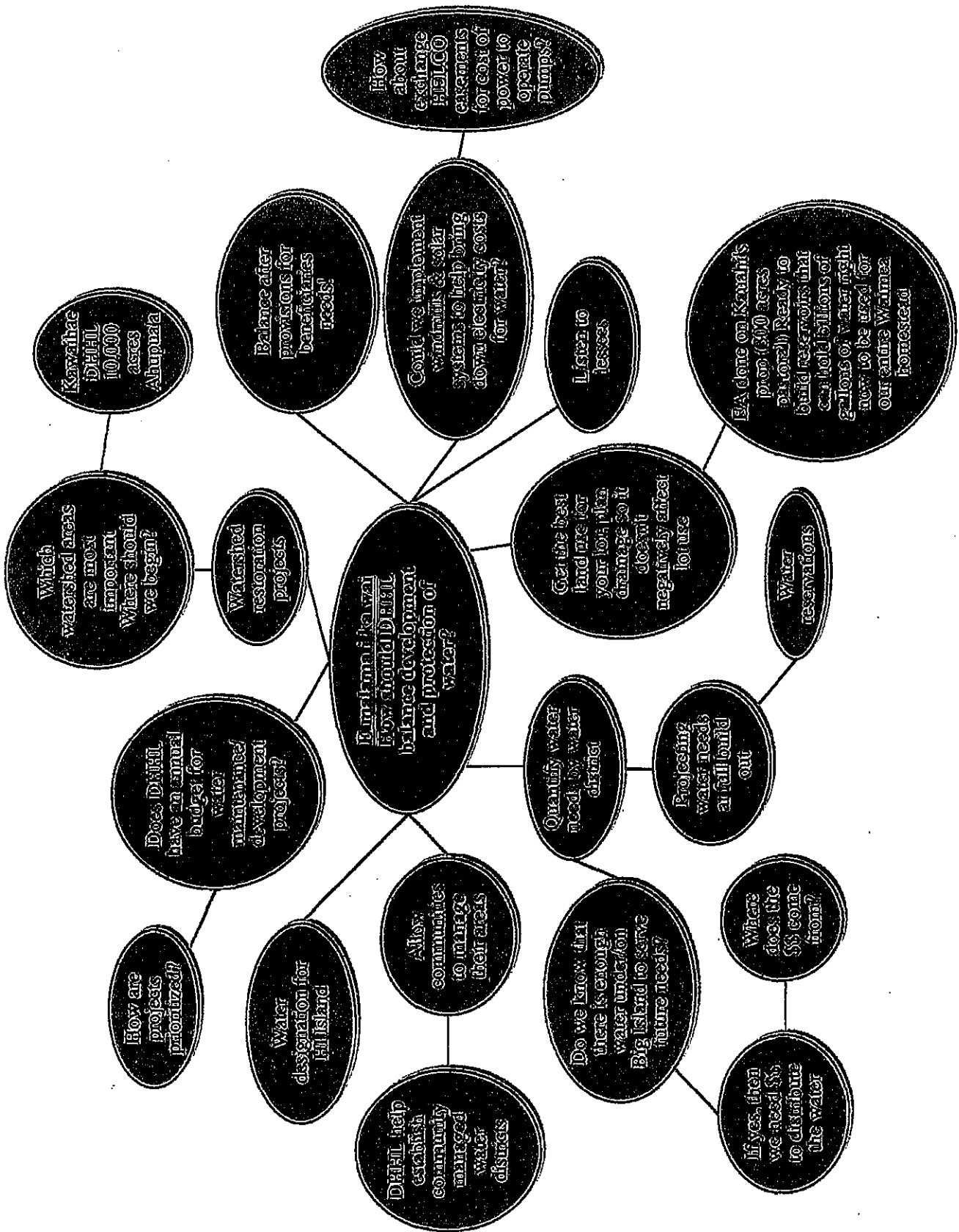
Waimea Conversation Map



Waimea Conversation Map



Waimea Conversation Map



# **DHHL WATER POLICY PLAN**

## **Special Briefing**

**November 12, 2013**

Queen Lili'uokalani Trust's Kepo'okalani Interpretive Center

74-5485 Kamaka`eha Avenue

1:30 p.m. – 3:30 p.m.

### **AGENDA**

#### ***1. Aia i hea ka wai a Kāne? (20 min)***

- i. Introduction
- ii. Purpose of meeting
- iii. Review of agenda
- iv. Introduction of the planning context
- v. How this meeting fits into the planning process

#### ***2. Ola i ka wai (40 min)***

##### **What rights to water can be asserted by DHHL?**

- i. Hawai'i water history as context for DHHL's water kuleana
- ii. DHHL's water kuleana

#### ***3. Questions & Open Discussion (1 hour)***

**DHHL WATER POLICY PLAN SPECIAL BRIEFING  
QLCC KEPO'OKALANI INTERPRETIVE CENTER, KONA, HAWAI'I  
NOVEMBER 12, 2013  
1:30 P.M. – 3:30 P.M.**

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**Attendance:** 13 people signed in; about 20 people present.

DHHL: PLO – Darrell Yagodich, Kaleo Manuel (Project Manager), Ulu Lota, Bob Freitas, LMD – Kaipō Duncan, KDO – Erna Kamibayashi MDO – Halealoha Ayau  
CONSULTANT: Jonathan Scheuer

**Handouts:**

- Agenda
- DHHL Water Kuleana Handout

**Presentation:**

Kaleo Manuel provided an overview of the Water Policy Plan process, its context and relationship to the planning system, and the work done to date in developing the plan. Jonathan Scheuer synopsised the history of water law in Hawai'i and also presented the specific rights and kuleana DHHL and the trust have related to water.

**Open Discussion:**

Below are the questions, comments, or testimony provided either verbally, on green comment sheets, or by letter, by those present at the meeting:

- Why has DHHL issued a RFP for legal counsel related to water? If DHHL is still doing outreach for this Water Policy Plan, how does it know its position will be contrary to other land owners? How does DHHL know it will need counsel?

DHHL: The DHHL RFP for legal counsel is to address separate matters not related to West Hawaii in which there may be legal conflicts among DHHL and other state agencies. Outside counsel is needed to address situations in Waimea Kauai and Pulehunui, Maui. That is why DHHL sought to use outside counsel rather than the state Attorney General.

- Is there conflict of interest because Jonathan is contracted with the NPS?  
DHHL: When DHHL hired Jonathan, he did disclose that he works with NPS. No conflict of interest, but to avoid any perception of conflict, he does not do work for the Department specifically related to Keauhou aquifer and the related regional issues.
- DHHL: We are going to give the same presentation to this group as we do to every other community we have visited.
- What is DHHL projected water demand for the Keauhou ASYA and how will that effect DHHL water reservations in this area?

DHHL: Water demand is based on full build out of what is outlined in the DHHL Hawaii Island Plan. There was a West Hawaii Update of the plan in 2008. All of DHHL's water demand projections are also articulated in the State Water Projects Plan. DHHL is also a perpetual trust. The trust is forever. When we plan, we take that into account. DHHL water demands are lower than we expected in this region because our primary water demand is for domestic water use. Domestic water demands are lower than demand for agricultural and pastoral water uses.

**DHHL WATER POLICY PLAN SPECIAL BRIEFING  
QLCC KEPO'OKALANI INTERPRETIVE CENTER, KONA, HAWAII  
NOVEMBER 12, 2013  
1:30 P.M. - 3:30 P.M.**

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- Why did DHHL take the position to support designation of a GWMA for the Keauhou ASYA?  
DHHL: With regards to DHHL's CWRM testimony related to the GWMA designation of the Keauhou ASYA, DHHL's position was not to support the designation of GWMA at this time, but rather DHHL is advocating CWRM to allow for more time to collect more information and data in order for CWRM make a more informed decision regarding this position.
- The county went through its process to update its Water Use and Development Plan. Did DHHL insert its water demand numbers into the County Plan?  
DHHL: DHHL's water demands were accounted for in the SWPP. County WUDPs are supposed to account for water demands in the SWPP. Also County WUDPs are more specific. Usually, WUDP is handled by LDD not PO. Not sure what level of conversation LDD has had with the County. There has been a lack of communication between County and DHHL in the past. In the future, DHHL should be active participants in the County planning process.
- Has DHHL ever asked for GWMA designation?  
DHHL: Yes, in Molokai. There were five users in this aquifer area. It was affecting DHHL use.
- Related to DHHL CWRM's testimony. I see DHHL's position as more than asking for more time to collect data. DHHL is also asking CWRM not to approve permits until more data is collected.  
DHHL: From our point of view, if you are going to ask for more time to do more research, it seems reasonable to ask CWRM to not approve new permits until further research has been conducted so that more information will be available to CWRM to make better decisions.
- DHHL's statement at CWRM seemed strong.
- Is there another entity that can assert inherent rights to water?  
DHHL: DHHL is unusual, perhaps unique. DHHL is named by name in the Water Code. There is no equivalent entity.
- Has anyone come forward to sue DHHL for not asserting its constitutional rights?  
DHHL: No. But DHHL does get sued quite often for not providing water to homesteaders. There was a law article that DHHL is in breach of trust for not asserting its water rights.
- Only half of the permitted wells in this area report their water use. Did that factor into the DHHL CWRM testimony?  
DHHL: Yes, that was part of it. Counties are great. They regularly report their water use. It is mostly the private developers that do not regularly report. In this region, DHHL does not have reservations for its future residential and commercial uses. So it seemed prudent to advocate CWRM to wait until more information is provided.
- What are the data sources that are used by NPS and DHHL?  
DHHL: DHHL is working directly with County DWS in this area. We have also been looking at the USGS data and data provided at the Kona Water Table meetings. This



**DHHL WATER POLICY PLAN SPECIAL BRIEFING**  
**QLCC KEPO'OKALANI INTERPRETIVE CENTER, KONA, HAWAII**  
**NOVEMBER 12, 2013**  
**1:30 P.M. - 3:30 P.M.**

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policy will look at being more proactive than reactive to water issues. Having more data will help with that. We are waiting for the CWRM water studies in this area as well.

- As far as the DWS, we've treated every developer equally. No favoritism.  
DHHL: That is consistent with what other counties are saying too. Our beneficiaries do not share that view. They feel that DHHL is different because of the statutes in the Water Code and HHCA. They feel that DHHL should be treated as a public trust purpose rather than like another developer.
- DHHL has been developing water systems and licensing it to the county. County has worked closely with DHHL to make sure it meets County standards.  
DHHL: Beneficiaries have also voiced the "self-determination" argument. DHHL should own and operate its own systems. The policy discussion should highlight and be transparent about why it decides to turn-over systems to county or manage its own systems.
- This area is particularly interesting for OHA. DHHL has big plans. QLT has development plans in this region. DWS comments are interesting, because based on the presentation we just saw, how do we get to the place where DHHL is not treated like everyone else? Would GWMA designation actually help DHHL? Would it help DHHL since the County is not treating DHHL differently?  
DHHL: These laws are more about the resource rather than the development side. The real big thing is the right to get state water before other entities. Part of the policy statements could be to work with other users in aquifer areas. What has happened in the past is that DHHL is the last one at the table and only has had the "scraps" that are left.  
DHHL: DHHL has been looking at developing an exploratory well. But it is hard to justify an exploratory well if we cannot guarantee absorption of the homes the future well will service.  
DHHL: The policy will also look at where DHHL will sink its resources.
- DHHL has the ability to have first choice of water. First in line to get the permit at CWRM. However, DHHL has no priority at the county level, and no priority to get a water meter from the county.  
DHHL: CWRM only has the mechanism to enforce DHHL rights in GWMA or SWMA. On Oahu, DHHL has a good relationship with BWS. DHHL's rights have helped BWS get permits from CWRM because BWS systems also provide water service to DHHL communities.
- Are there any DHHL ag designated areas in the Kealakehe area?  
DHHL: There is a general agriculture designation in this area. That would be the only place to develop agriculture in this aquifer. However, DHHL's general agriculture designation is mostly used to "land bank" and hold land, not to develop land for agriculture. Most of DHHL's agriculture developments are in the Puukapu area.

**DHHL WATER POLICY PLAN SPECIAL BRIEFING  
QLCC KEPO'OKALANI INTERPRETIVE CENTER, KONA, HAWAII  
NOVEMBER 12, 2013  
1:30 P.M. – 3:30 P.M.**

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- When DHHL demands water, are you demanding water from the resource? Or do you expect others to pay for the resource? Is DHHL taking from other people's systems?  
DHHL: That language about "demanding water" in the presentation is referring to state systems and state lands. DHHL can demand from those systems. That has not been done. But DHHL may do that for the Kokee Ditch System on Kauai.
- That is the big tension here. If DHHL is developing its own source that's ok. But if DHHL is taking water from other systems that others have built, that does not seem fair.  
DHHL: It is not legally clear whether DHHL can do that. That particular language in the HHCA refers to state owned lands and state systems. It does not pertain to ground water.
- When we talk about existing infrastructure, there's existing use and available capacity. When we look at opportunities now, there is an opening to invest in the system now. When DHHL goes to the Legislature, will it ask the Legislature to invest in its water hotspots?  
DHHL: Based on the conversations we've had so far for this Water Policy Plan, there seems to be focus areas or issues on each island. The Water Policy Plan can address these areas of focus through CIP projects or through could be advocacy type actions.  
DHHL: DHHL has been working with the Legislature for water projects. DHHL doesn't always get money for its projects. We do not know when we can develop because of lack of funds. So when DHHL can develop, the question becomes whether or not there will be water available in the aquifer at that point in the future. Exercising DHHL's right to reserve water will help to ensure that there will be available water in the aquifer.
- Maybe we lower SY projections to reflect DHHL future water needs and demands.
- Please clarify DHHL's rights to state resources and surface water resources.  
DHHL: The language in the handout refers to surface water emanating from state lands. DHHL's water rights vary depending upon the source of water.
- If this aquifer gets designated, how does DHHL benefit?  
DHHL: GWMA require applicants to get a WUP. Part of the review for the WUP is to ensure that the proposed use of water does not infringe upon DHHL use of water. It ensures that DHHL's water reservation is held.
- Part of the frustration in the community is from the previous administration. The previous administration conducted a study to identify infrastructure systems that would benefit the larger community. It makes the community nervous that DHHL is now taking a different tack that DHHL is threatening to take something from us.
- In other GWMA, has DHHL gotten reservations of water in those GWMA?  
DHHL: Yes on Oahu and Molokai. But not on Maui.
- If this ASYA becomes a GWMA, will DHHL get a reservation?  
DHHL: We are working now with CWRM through the SWPP. We are projecting our future uses through that process.

**DHHL WATER POLICY PLAN SPECIAL BRIEFING  
QLCC KEPO'OKALANI INTERPRETIVE CENTER, KONA, HAWAI'I  
NOVEMBER 12, 2013  
1:30 P.M. - 3:30 P.M.**

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- We are concerned that the DHHL testimony to CWRM tells the CWRM to freeze current uses. That impacts us.

All handouts and notes can be found on the DHHL website at:  
**[dhl.hawaii.gov](http://dhl.hawaii.gov)**

**DHHL WATER POLICY PLAN STATEWIDE COMMUNITY MEETINGS  
HILO HIGH SCHOOL, HILO, HAWAI'I  
NOVEMBER 13, 2013  
6:00 P.M. – 8:00 P.M.**

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**Attendance:** 33 people signed in; about 40 people present.

DHHL: PLO – Darrell Yagodich, Kaleo Manuel (Project Manager), Ulu Lota, EHDO –  
Louis Hao, Madalyn Kaeo  
CONSULTANT: Jonathan Scheuer

**Handouts:**

- Agenda
- DHHL Water Kuleana Handout
- Conversation Mapping Handout

**Presentation:**

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- He Kuleana Ko Kakou: How should DHHL assert its rights to water?

\*Please see the attached conversation maps.

**Open Discussion:**

Below are the questions, comments, or testimony provided either verbally, on green comment sheets, or by letter, by those present at the meeting:

- How long does it take to get approval and permit to drill a water well on our farm lot?
- What and how is DHHL leveraging its water rights for the benefit of its beneficiaries?
- Why does DHHL not form a new division to manage its water resources?
- Aloha, I wanted to inform the DHHL concerning several issues concerning the water – First, is the issue of Joint Resolution #No.1 – which in 1927 the Hawaiian Homes Commission Act was amended; but the "Available lands" clause remained the same. "Available lands" were listed excluding "cultivated" sugar can lands. It stands to reason that under Joint Reso No. 1 Defunct Sugar Can lands are not being cultivated – and by law/house bill are now available with water – appurtenant water rights, allodial title – Mahele L.C. Aw. And Royal Patent Grant; Second, Allodial title/Appurtenant Water Rights Adjudicated in Iao Valley Case –

**DHHL WATER POLICY PLAN STATEWIDE COMMUNITY MEETINGS  
HILO HIGH SCHOOL, HILO, HAWAII  
NOVEMBER 13, 2013  
6:00 P.M. - 8:00 P.M.**

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applies statewide (check Dr. Crabb - OHA); Third, Emergency Self Determination Fund; Please contact - OHA: Kai Markel Compliance Division (Kuleana Land Hale), Shane Nelson (Policy Making; Congress - Senator Brian Schatz - clarify "exclusion" and "available lands"; Native Tenant Protection Council

- Email from Ian Lee Loy (11-14-13)

All handouts, notes, and conversation maps can be found on the DHHL website at:  
**[dhl.hawaii.gov](http://dhl.hawaii.gov)**

----- Forwarded by Michele M Ikeda/DHHL/StateHiUS on 11/14/2013 09:27 AM -----

From: "Ian B. Lee Loy" <ianleeloy@hotmail.com>  
To: "Jobie. K. Masagatani" <Jobie.K.Masagatani@hawaii.gov>,  
Cc: "Darrell T. Young" <Darrell.T.Young@hawaii.gov>, Elaine Searle <elaine.g.searle@hawaii.gov>  
Date: 11/14/2013 05:48 AM  
Subject: Water Policy

Aloha Chair Jobie Masagatani,

Due to prior schedule commitments, I was not able to attend the recent DHHL community consultation meeting in Hilo, Hawaii, as DHHL unveiled it's water policy plan. Please allow this email to be included as community member input to be considered by the Hawaiian Homes Commission (HHC) as it moves forward with a much needed water policy decision.

I strongly feel the Department of Hawaiian Home Lands (DHHL) would be able to manage it's water resources and serve beneficiary communities better if the HHC authorizes the development of a new Water Management Division (WMD) within DHHL. A new WMD would be able to effectively carryout the mission and function of the approved water policy, serve a critical role in new homestead developments and address lingering unresolved water issues in established homestead communities.

Inquiries I previously made into water issues facing DHHL, homesteads and beneficiaries revealed potential obstacles to the creation of a new WMD, such as conflict between government agencies providing similar services, costs associated with new positions, department personnel lacking expertise to manage water systems and liability. The HHC may elect to pursue authorizing such a new division within DHHL as it realizes the highlighted obstacles are manageable.

The current DHHL practice is to develop a water resource, commit specified water credits to the planned homestead development, enter into an agreement with the affected County to operate and manage the water system, and then turn over the system to the same County. This practice has been followed for years because of the obstacles mentioned above. This practice is ineffective and too costly to the DHHL and it's Trust beneficiaries as it surrenders access to a critical asset.

The question of two government agencies providing similar services is concerning, yet the mission of the DHHL and it's Trust responsibility should provide protection and exemption from possible inter-agency conflict issues. Judicial ruling on this question may resolve any major concerns.

Cost for new positions may pose the biggest political question in terms of budget approval, but clearly the benefit of a newly created division would better serve the mission of the Hawaiian Homes Commission Act (HHCA) and therefore is justified. These will be skilled positions capable of managing water systems that serve homestead communities State wide.

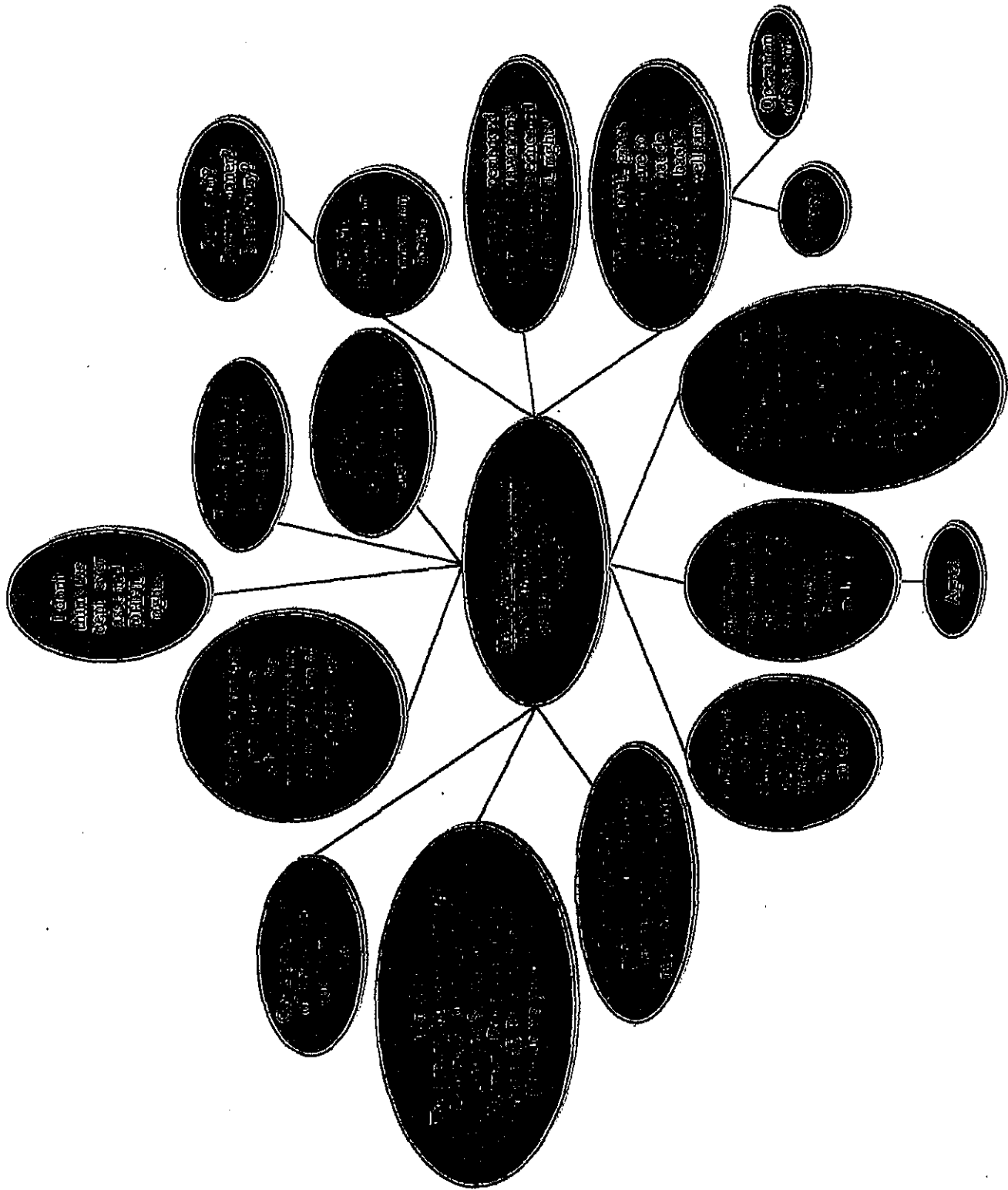
Concluding, I request that this email be forwarded to each of the commissioners for their information, and hopefully future discussion.

Mahalo,

Ian B. Lee Loy  
Pana'ewa farm lot lessee

EXHIBIT "A"

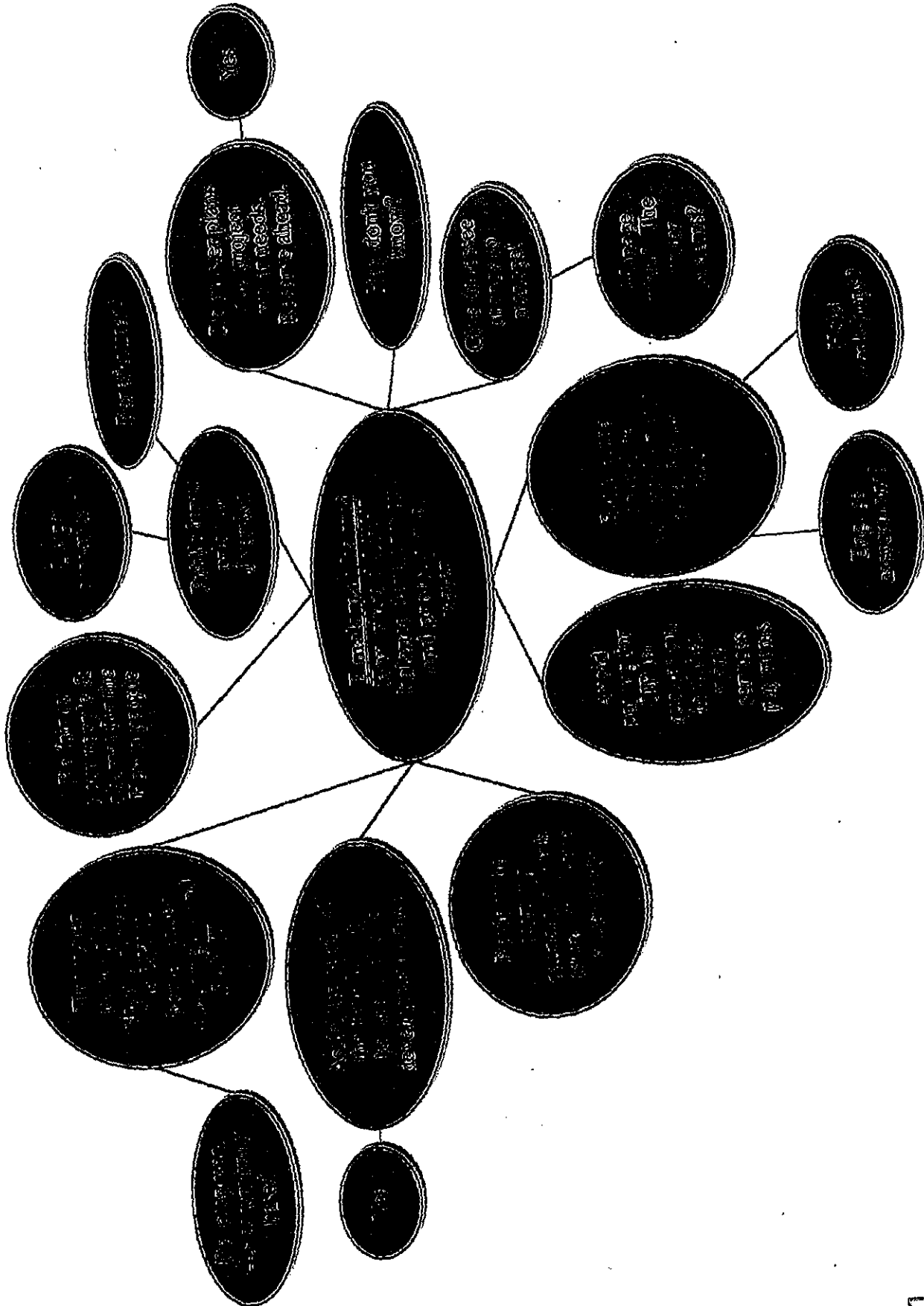
Hilo Conversation Map







Hilo Conversation Map



## Hilo Broad Sheets (11-13-13)

- If sugar companies are defunct, then sugar lands and water (per Joint Resolution 1) should be available to Native Hawaiians? What happens to land now? Can DHHL push for this?
  - Original lands were far from water rich areas (forest reserves and former sugar lands) or completely without water from the beginning
- How come DHHL cannot derive revenue from pipes/transmission that run through DHHL lands?
  - DHHL licenses these via utility easements; historically DHHL has charged very little or none; Water Policy Plan should address issue and be consistent/transparent
- Charge money – get revenue from water utility licenses/use of lands
- Big Island committee of beneficiaries to look into how to generate revenue
- Big Island – not designated but it has two of the driest areas – Kawaihae/Ka‘u. Does designating a Water Management Area help out Hawaiian people more than undesignated?
  - In designated Water Management Areas – any applicant/users of water needs to file a Water Use Permit Application; As part of that process they applicant must show how they are not impacting DHHL and traditional and customary uses of Hawaiians
- Maku‘u and Kawaihae – struggle to get water to our homesteads
- Water credits with the County? Can you explain that?
  - DHHL is treated like all other developers by the County Department of Water Supply. If we want to do a development/homestead, we usually have to find a source of water. Sometimes that means digging a new well, increasing storage by building water tanks, or increasing efficiencies like putting in more water lines or making them bigger. Once we do this, each County has a formula that they use to determine how much water credits we get and this is formalized in a water agreement with the County. These credits usually equal the amount of domestic water meters we are given.
- Can I drill a well on my farm lot?
  - Yes. But in the process of drilling a well, you must follow a permitting process that includes getting a Well Construction Permit and a Pump Installation Permit from the Commission on Water Resource Management and you will need the consent of the land owner, in this case DHHL/HHC.
- I have a problem with DHHL being treated like any other developer. We are not!! We have rights and need to be treated differently. DHHL and HHC need to protect trust rights
- Section 206 – look there – DLNR/Gov have no jurisdiction
- Concerned with the make up of the CWRM
- Does DHHL use its own money for CIP?
  - We do sometimes. We try to lobby the legislature for CIP money but usually receive very little. DHHL is looking at other sources of funding to help in this regard (USDA)
- Is there a return on investment of water infrastructure?

- When DHHL develops homestead communities, we pay for the infrastructure development and that includes water source, storage, and transmission. That cost is not passed on to the homesteader when they build their house.
- The County shouldn't use wai from DHHL wells for non-homesteaders when homesteaders need water
- This management of water dedication to the counties is the same with other issues (electricity, roads, sewer, etc.)
- All these rights mentioned are "Americanized rights" – not kanaka maoli rights
- Ka'u – should beneficiaries be working with ag-coop on getting water to land or wait for the Department?
  - DHHL is most successful when we stand shoulder-to-shoulder with our beneficiaries on water issues. We are in the process of doing a Ka'u Water Assessment that will look at alternatives. We will update you once we get some results.

**DHHL WATER POLICY PLAN STATEWIDE COMMUNITY MEETINGS  
PAUKUKALO COMMUNITY CENTER, PAUKUKALO, MAUI  
NOVEMBER 14, 2013  
6:00 P.M. – 8:00 P.M.**

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**Attendance:** 32 people signed in; about 50 people present.

DHHL: PLO – Kaleo Manuel (Project Manager), Ulu Lota, Julie-Ann Cachola, Andrew Choy, LMD – Carolyn Darr, LDD – Stewart Matsunaga, MDO – Mona Kapaku, Jane Gordon

CONSULTANT: Jonathan Scheuer

**Handouts:**

- Agenda
- DHHL Water Kuleana Handout
- Conversation Mapping Handout

**Presentation:**

Kaleo Manuel provided an overview of the Water Policy Plan process, its context and relationship to the planning system, and the work done to date in developing the plan. Jonathan Scheuer synopsised the history of water law in Hawai'i and also presented the specific rights and kuleana DHHL and the trust have related to water.

**Conversation Mapping:**

In order to gather mana'o from beneficiaries and the community that would help guide what information should be included in the Water Policy Plan, the Department used a tool called "Conversation Mapping." The following triggers were used to initiate conversation amongst meeting participants:

- Ola I Ka Wai: What are the key water issues in your community?
- E Malama I Ka Wai: How should DHHL balance the development and protection of water?
- He Kuleana Ko Kakou: How should DHHL assert its rights to water?

\*Please see the attached conversation maps.

**Open Discussion:**

Below are the questions, comments, or testimony provided either verbally, on green comment sheets, or by letter, by those present at the meeting:

- Who enforces court rulings to return water to streams?  
DHHL: The CWRM and the Court. Hui o Na Wai Eha and OHA have advocated for the return of water to streams in the Na Wai Eha case.
- How much time does CWRM have to make determinations?  
DHHL: In the case of Waiahole, that case is in the 17th year of litigation. It can be a long time. What expedites the process is when DHHL and its communities stand together like in Moloka'i.
- DHHL land near Iao Stream is dry. Why not put water back in the stream for our beneficiaries? Why didn't DHHL join the Na Wai Eha lawsuit?  
DHHL: That is something that can be included in the water policy.
- I am concerned about Honokohau. Who decided to put water tanks up there?  
DHHL: DHHL does not own land in Honokohau. DHHL owns land in Honokowai.

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- Ok, but generally who decides /approves installation and location of tank systems?  
DHHL: Typically, it is the county Dept of Water Supply that grants those approvals.
- How extensive is the Ground Water Management Area for the Iao Aquifer?  
DHHL: CWRM delineates the area of ASYA in its WRPP. CWRM looks at the physical characteristics and geography of the area to make that determination
- I live in a FEMA flood zone. Between Wai'ehu Kou III and IV is a drainage basin, which is in the 100-year flood zone (Kope Gulch). Is this a place that DHHL could ask for water to return to the stream to flow makai?  
DHHL: DHHL can advocate to return water to that stream.
- I'm pretty sure it was since it was the traditional ahupua'a marker.
- I am still waiting to get on a DHHL homestead. Even if I get on the land, there will be no more infrastructure, road, water, sewer. That is unacceptable. I want representation on Hawaiian Homes Commission that is kupuna from Maui and who knows its water systems.  
DHHL: It has been 90 plus years and there has been no DHHL water policy. Now that we are going through the process to make a water policy, it is a small step. Water is one of the major barriers to get Hawaiians back on the land. Hopefully this will help DHHL manage water more efficiently, assert its rights to access more water, so we can return more Hawaiians to the land.
- What has the current CWRM members done to return water to our streams and advocate for Hawaiian rights?  
DHHL: The members of this CWRM are very different than CWRM members of the past. It has members that understand public trust interests in water.
- Want to ask the Water Commissioner present at this meeting if he voted against returning the water to the stream.  
DHHL: No, he wasn't on the Commission at that time. You should note that in the history of the CWRM, this water Commission is the first that is actually asking questions about the impact of private water development proposals on the public trust.
- Kahikinui -- Can we designate a GWMA for it?  
DHHL: DHHL can petition CWRM to designate a GWMA. One of the things that make the processes more efficient is when DHHL and its beneficiaries work shoulder to shoulder, when we both work together.
- Designate Kahikinui now as a GWMA.
- In the late 60's early 70's we had to file for water use. We know that there was 27 mgd coming out of Honokohau Valley. Who owns that water?  
DHHL: Water is not owned, it is a public trust.
- What are the chances to bring the water back?
- It's been a problem that the Department had no water policy in place and therefore no foundation to assert their rights at the CWRM.

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- Ulupalakua Ranch just dug a well next to our lands at Kahikinui. How do we know how much water they are taking? Why doesn't the Department designate our rights now [before the private landowner starts drawing water out of the aquifer]?
- How can Maui Land and Pine become a water company [Kapalua Water Company]? Can DHHL form a water company?  
DHHL: DHHL can form a water company.
- What can we do to protect other Native Hawaiians other than DHHL beneficiaries?  
DHHL: Although DHHL have these rights and the kuleana that comes with this, we are all Hawaiians, but at the end of the day it all comes down to what is in the best interest of the resources, DHHL beneficiaries and Native Hawaiians both depend on the same resources.
- What's the time frame for completing this plan?  
DHHL: Develop a draft plan for HHC approval in February and come back to the community to review the draft. Final plan completed and approved by the Hawaiian Homes Commission in June.
- In the KS strategic plan process they came back twice before completing a draft.  
DHHL: Thank you for that manao. Every process is different. We wanted to have the Hawaiian Homes Commission review a draft of the plan and comment on it so we can show the community how their manao as well. The Hawaiian Homes Commission may have different thoughts and input on water. We want to show the community the Hawaiian Homes Commission manao as well.  
DHHL: All comments and conversations maps will be posted on DHHL website. So everyone will see what the other island communities are saying.
- Does DHHL think about or consider its own conservation division to look at watershed issues?  
DHHL: The PO is the division that looks at conservation and larger watershed issues. DHHL has also partnered with other agencies such as DOFAW to help manage our resources.
- There are beneficiaries that can help with management of natural resources. We can do it pro bono if resources are scarce.
- If there are ways beneficiaries can assist with management of DHHL resources, please let us know. We can help.
- I do not live on homestead. My concern is vested rights in water resources. CWRM and DWS has not upheld its kuleana. I have participated in Na Wai Eha contested case. Please include those that have participated in Na Wai Eha in consultation.
- Does DHHL have any land in its inventory that have mauka lands that are sources of water? If not, why not? Why not acquire some of these lands?  
DHHL: When the original HHCA was passed, forest reserve areas and sugar lands were excluded from DHHL inventory. As a result, many of our landholdings are not inclusive of entire ahupuaa and watershed lands. DHHL

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does have a couple lands that extend into mauka watershed areas.

DHHL: We do have aina that runs along Na Wai Eha streams. We should take that into consideration.

- We have had homesteads here that have had free access to water. Now no more, homesteads have lost that access and homesteaders depend on the county system. How did that occur?

DHHL: We need to do further research and look into this specific occurrence.

- Email from Roy Oliveira (11/18/13)

All handouts, notes, and conversation maps can be found on the DHHL website at:  
**[dhl.hawaii.gov](http://dhl.hawaii.gov)**



**DHHL Water Policy Team**

Waiehu Kou Phase 3 Association to: Kaleo Manuel  
Alyka Nakoa-Clark, Annie Au-Hoon, Claire Hueu, Daniel Ornellas  
Cc: , Edmund Auwae, Edward Alves, Mellissa Lani Montira , Roy  
Oliveira, Ulu Williams , Julie-Ann Cachola, Blaine Fergerstrom

11/18/2013 11:41 AM

From: Waiehu Kou Phase 3 Association <waiehukouphase3association@hotmail.com>  
To: Kaleo Manuel <kaleo.l.manuel@hawaii.gov>  
Cc: Alyka Nakoa-Clark <auslut@yahoo.com>, Annie Au-Hoon <aauhoon@yahoo.com>, Claire Hueu <chueuhana@yahoo.com>, Daniel Ornellas <daniel.l.ornellas@hawaii.gov>, Edmund Auwae <boilerm03@yahoo.com>, Edward Alves <santasalves808@hotmail.com>, Mellissa

Aloha Kaleo,

Just wanted to touch base with you and the rest of the DHH Water Policy Team to say I really enjoyed your informative presentation last week.

I enjoyed it so much I ran into Kaniloa Kamaunu who spoke on vested rights pertaining to Kuleana water. He is from upper Waihe'e Valley, and with his wife Johanna, stop me in the parking lot and persuaded me to come to a Aha Moku meeting this past Saturday . This group is also passionate about water rights and other traditional Hawaiian cultural practices of ecology , subsistence farming, and iwi protection. The short of it is I am now on the Wailuku Aha Moku Water Committee and have dedicated a page on our Homestead website to Aha Moku content , if you have a chance please visit and comment if you care to , link below.

I have your and Julie's email, is there one for Dr. Scheuer. I was impressed with his hand out at the meeting, online with clickable links, even better, I ask DHH webmaster Blaine if I could use that on our site.

Mahalo to you all,

Roy Oliveira, President

Waiehu Kou Phase 3 Association, Hawaiian Home Lands, Maui  
808.760.8374

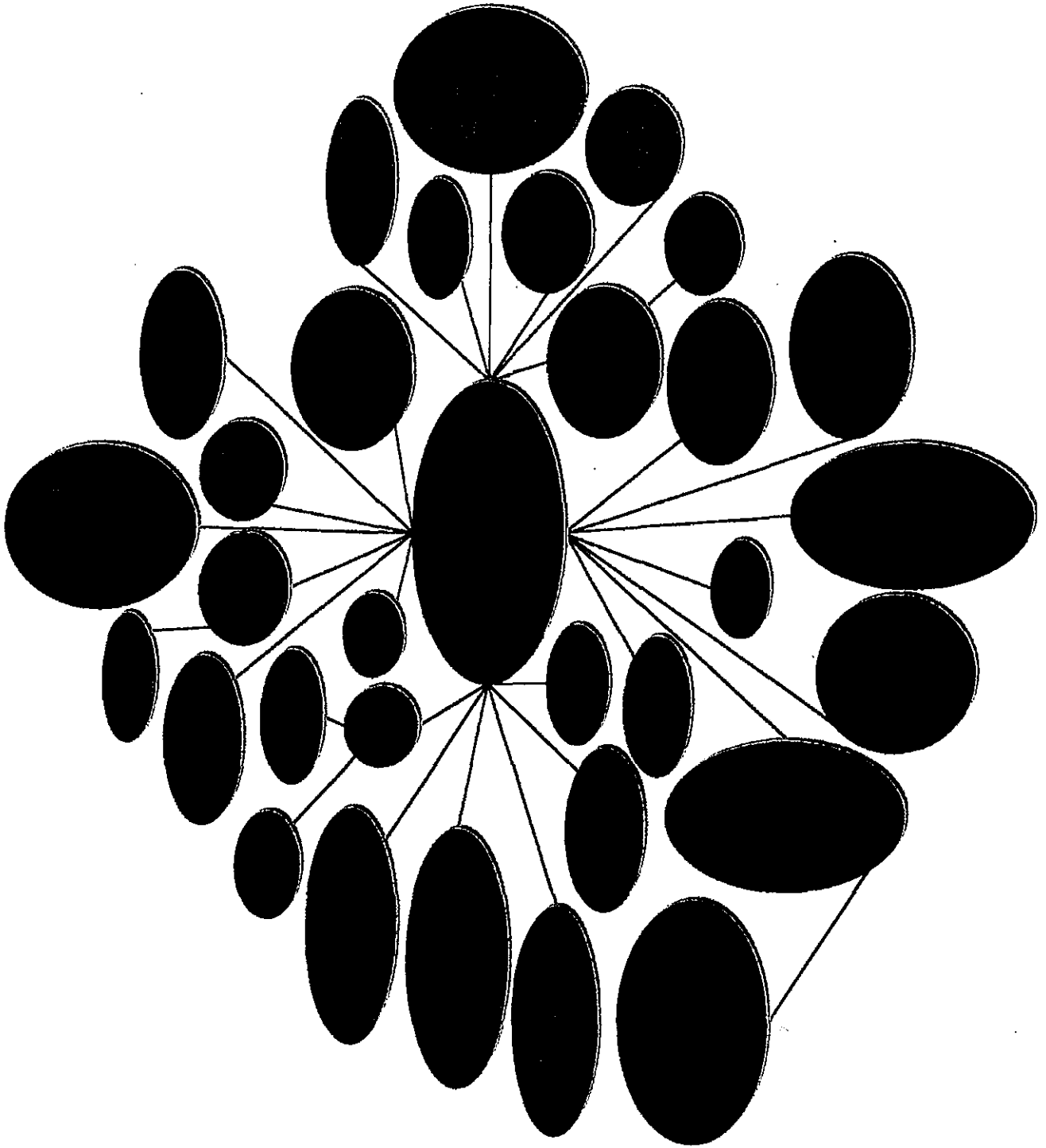
waiehukouphase3association@hotmail.com

<http://www.waiehukouphase3.org/index.htm>

EXHIBIT "A"



Maui Conversation Map



Maui Conversation Map

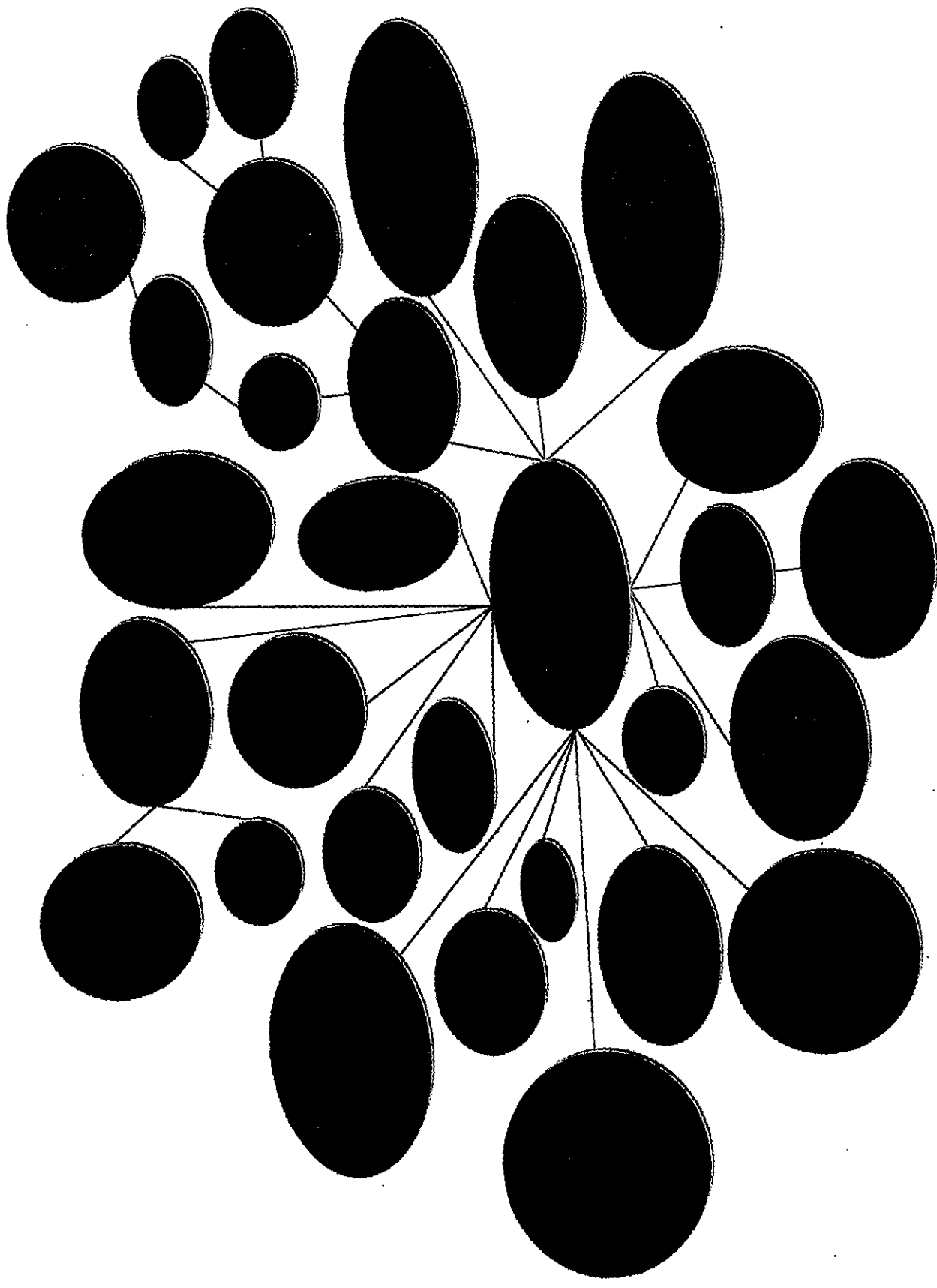


EXHIBIT "A"

Maui Conversation Map

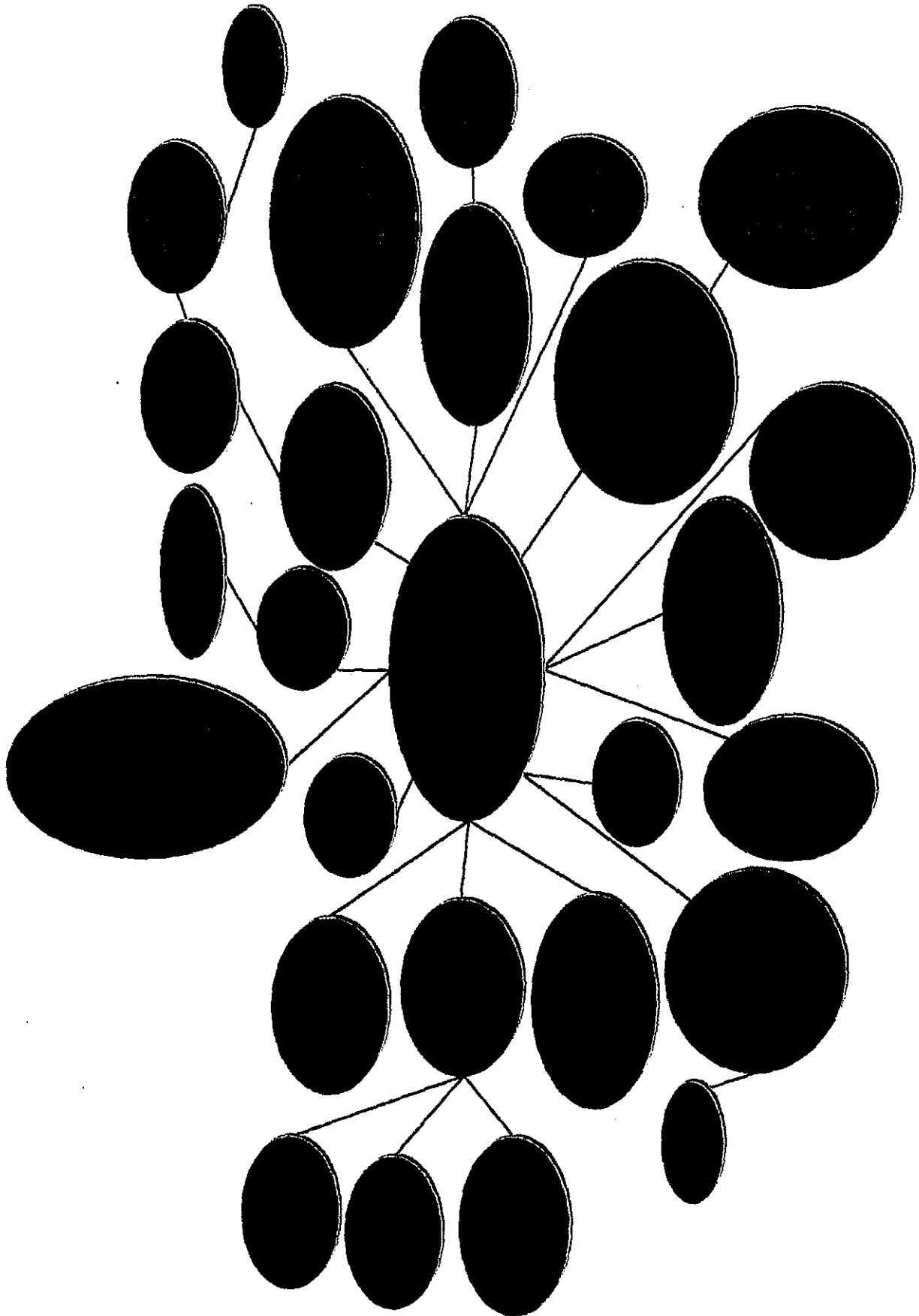


EXHIBIT "A"

**SUMMARY OF FINDINGS FROM WPP RESEARCH AND WORK  
DRAFT 2 19 14**

**FINDINGS WERE IDENTIFIED BASED ON BENEFICIARY OUTREACH,  
STAKEHOLDER INTERVIEWS, AND OTHER RESEARCH**

**VISION RELATED FINDING**

- The core promise of the HHCA is to settle native Hawaiians on the land. The vision for water related to that promise is clearly articulated in the HHCA.

**MISSION RELATED FINDING**

- Our existing core water kuleana (overall trust management, planning, advocacy, managing land, developing sources, and managing water systems) and rights are critical tools in achieving our vision.

**VALUES RELATED FINDINGS**

- Everyone recognizes the central importance of water to this trust and all life. It confounds people that time and attention has not been paid to water equal to its importance.
- Our people hold deep knowledge and wisdom about water across all of our lands, though that knowledge has not always been recognized or embraced.
- The self-sufficiency and determination desired by beneficiaries can only be fostered by prioritizing water management for those purposes.
- The long-term threats to the availability and quality of water for our people are numerous. The Hawaiian relationship and kinship to water should be continued and enhanced.
- If DHHL exercises its rights to water at the expense of other Hawaiian interests, we can be harming some of the very people we seek to help.
- The chant Aia I hea ka wai a Kāne recognizes water is found throughout the landscape, regardless of property, law, or jurisdiction. Culturally and scientifically informed water management must be cooperative.

**OVERALL TRUST MANAGEMENT RELATED FINDINGS**

- DHHL water assets are central to the trust corpus – ranging from infrastructure and agreements to cultural knowledge about water– but data on them is dispersed. You can not manage what you don't know you have.
- Surface waters are important potential sources for DHHL lands but also support public trust uses of water, including the traditional and customary rights of its beneficiaries.
- Reusing water can be consistent with Hawaiian values and offer new source opportunities. DHHL has largely approached water disposal as a problem separate from source development.
- There are increasing efforts to pursue desalinization of brackish and salt water. The impacts of these uses on beneficiary and Trust rights and uses are not understood or explicitly considered.

- Significant water wisdom is embedded in ancient place names and the Hawaiian language and culture. Past water decisions have not always considered that wisdom.
- Commissioners and staff may have incomplete access to information about water they need to know to fulfill their duties, and in some cases do not know how to access the information.
- While DHHL invests considerable funds in water development and management, the aggregate amount is unknown, due to budgetary and organizational structure.
- DHHL has significant water rights but knowledge of those rights has not been always dispersed or utilized.
- The disposition of trust land has not consistently considered the value of water appurtenant to or to be used on the parcel.
- Because of the dispersal of water responsibilities in DHHL, water decisions can be made that do not take advantage of synergies and are sometimes at cross purposes.
- There is significant distrust by beneficiaries that past water decisions have been made in their interest. A lack of explicit reasons for decisions and reporting regarding decisions exacerbates this.
- Consultants advising the HHC and DHHL on water may have other engagements with the potential of being at cross purposes with DHHL or HHC interests.
- While water is a critical trust asset, the attention spent on water and its organizational dispersion does not reflect that importance.

#### **WATER PLANNING RELATED FINDINGS**

- Projecting long term water needs for the Trust is essential to achieve the goals of the Act but has been undertaken inconsistently.
- The best recent scientific information on climate change shows that water demand may increase and availability decrease for DHHL trust lands. DHHL has no formal preparations for climate change.
- Hawaiian `ohana have been and continue to live multi-generationally. Water demands based on average "nuclear" families may not be an accurate basis for projections.
- DHHL beneficiaries also hold rights for water related to traditional and customary practices.
- Planning for homesteads has not always considered water availability and the effects of homesteading on water resources.
- As a perpetual trust, DHHL and its beneficiaries have an inherent interest in the sustainability of watersheds as water sources for Trust Lands.

#### **WATER ADVOCACY RELATED FINDINGS**

- DHHL has been inconsistent in its advocacy over time, securing significant victories but also forgoing advocacy at critical times.

- Homesteaders seek a partnership in the advocacy of water rights, and have felt that this has not been the consistent approach of the DHHL.
- The CWRM is the critical state body protecting DHHL and other Hawaiian water rights. Their record of decision making has largely not been in the interest of beneficiaries.
- Water Reservations are a critical tool to protect DHHL water rights. They were last set twenty years ago, only in designated areas, and do not address key areas with increasing water competition.
- The Hawai'i Water Plan and its elements (including County Water Use and Development Plans) often ignore DHHL water needs and rights.
- Water Use Permits are an essential administrative tool for CWRM to protect DHHL rights. DHHL has been inconsistent in its review and comment on these permits.
- As subdivisions of the state, county D/BWS's also have trust obligations to DHHL; yet in their interactions they treat DHHL "like any other developer."
- DHHL regularly audits water license revenue it receives, but has not consistently participated in the license award process to ensure trust interests are served.

#### **WATER SOURCE DEVELOPMENT RELATED FINDINGS**

- Determinations of when and how to develop water appear to be ad hoc and based on inconsistent and / or inexplicit criteria.
- Dedication of water systems offers significant benefits but also may represent lost self-determination. The analyses supporting dedication have not been explicit or comprehensive.
- DHHL holds certain water credits for dedicated systems. Past and existing management and assignment of credits has been inconsistent and has lacked transparency.

#### **WATER SYSTEM MANAGEMENT RELATED FINDINGS**

- Current operation of DHHL systems have significant operational and financial challenges.
- Rates on DHHL systems are below county rates and true costs and require subsidy. This favors beneficiaries on DHHL systems over those on county systems, and current over future beneficiaries.
- Beneficiaries are concerned that DHHL and beneficiary needs will not be prioritized during drought.
- Molokai beneficiaries believe that management of the MIS is not done in the best interest of all homesteaders. Beneficiaries believe the ultimate solution is for DHHL to manage the system.

## **B. SUMMARY OF FINDINGS**

- a. Summary of Comments sorted by Theme
- b. Meeting Handouts
- c. Meeting Notes
- d. Email & Letters

#	Raw Comment	Location and Method of Comment	Geographic focus of comment, if applicable	Theme	Distilled Comment
198	When I spoke to you folks at the meeting I mentioned Section 221(b) of HHCA – that section clearly states – Water Free of All Charge – Why isn't it free of all charge?	Email		"Free of All Charge"	Section 221 of the Hawaiian Homes Commission Act says that water should be "free of all charge." Why is water not free of all charge to the beneficiaries?
199	Corporations are saying that we have to pay for water transmission; Why isn't administration of DHHL adhering to that part of the act (Section 221(b))?	Email		"Free of All Charge"	
200	Problem with DHHL – Keli Watson administration – stated only DHHL has water free of all charge; that disregards beneficiaries; The HHCA is a combination of both DHHL and beneficiaries	Email		"Free of All Charge"	
220	What does "water free of all charges" legally mean to the beneficiaries, not the state of Hawaii?	Email		"Free of All Charge"	
221	Exemption of all payments of Infrastructure and utility costs for all awardees - because we have undivided interest in all lands, minerals and water. We Hawaiians are the Head not the Tail	Email		"Free of All Charge"	
259	I would like you folks to write down that every lessee should get free water.	Hawai'i Waimea Meeting		"Free of All Charge"	
286	DHHL administration has NEVER DEMANDED for all water licenses for WATER FREE OF ALL CHARGE!	Hawai'i Hilo Green sheets		"Free of All Charge"	
287	Why are we paying for water?	Hawai'i Hilo Green sheets		"Free of All Charge"	
304	We all kanakas here. Only get 40 people, but get 7000. They change everything on the HRS. There are three rates on the bill. The HRCA says water free of all charge. They expect us to farm and ranch without water. That's impossible.	Hawai'i Hilo Meeting		"Free of All Charge"	
305	Free of all charge. We should be able to manage water resources for residential use. In some cases no more water on Hawaiian Home Lands.	Hawai'i Hilo Meeting		"Free of All Charge"	
307	Congress required the state to adopt the Admissions Act and the Admission Act states that we get water free of all charge. It's the AG that is saying that beneficiaries need to pay for water service. It's their fault.	Hawai'i Hilo Meeting		"Free of All Charge"	
16	What is the commitment in the policy to aggressively represent - need explicit language?	Kaua'i Meeting		Advocacy	HHC and DHHL advocacy needs to: a) be proactive b) take into account short and long term needs c) focus on the distinct status of beneficiaries d) be consistent (over time) and comprehensive (before all relevant bodies)
27	There is a disconnect in the use of short-term changes (2-5 years) & community needs when they need to affect policies (State-Islands-Regional) that are much longer term (10-20 years). How will you do this?	Kaua'i Green sheet		Advocacy	
73	Water is most important resource that we have. Big companies have come here, they are controlling things. Government is going to run the show – is DHHL going to put the boxing gloves on and fight the rest of the state?	O'ahu Kapolei Meeting		Advocacy	
87	DLNR – (should more actively) manage surface water	O'ahu Waimanalo Meeting		Advocacy	
99	Wa'anae – every drop on the pu'u goes to military, our drinking water comes from someplace else – that's a concern	O'ahu Waimanalo Meeting	Wa'anae	Advocacy	
106	Part III B: Add: require State Water decisions to have formal preview & signoff from DHHL	O'ahu Waimanalo Green sheets		Advocacy	
127	Aggressively advocate for our rights. You have more clout – I can't be there (on O'ahu) to attend the meetings – gotta take care of the grandkids. Traveling to O'ahu is a pain. If there are issues in the Leg. at Commission, it's got to be you folks. You've gotta advocate for us, at all levels.	Moloka'i Meeting		Advocacy	
128	We have the rights as a hammer, but to develop healthy partnerships, remind others of their kuleana first, then if they don't improve, pull out the hammer.	Moloka'i Meeting		Advocacy	
132	Any time CWRM makes a decision, DHHL box has to be checked off – DHHL should be commenting on everything they do. DLNR still owns us land, also DOT.	Moloka'i Meeting		Advocacy	
137	DHHL is not putting a cap on (the rates charged to beneficiaries) – Sewer Cap – advocate for beneficiaries	O'ahu Kapolei Phone Call		Advocacy	
140	We are not "everybody"	O'ahu Kapolei Phone Call		Advocacy	
161	Definition of "rights" – tie to lehua handout – reference or link	Lana'e Meeting		Advocacy	
178	When you are talking about sharing, DHHL should cut the water diversions. You should sue them. You have to be proactive.	Mau'i Meeting		Advocacy	
188	DHHL should not just advocate, but commit to defend those beneficiaries who request their assistance in obtaining water for planting and other uses	Kaua'i letter		Advocacy	
189	We need to protect our waters from big businesses and other state agencies that are consuming water freely	Kaua'i letter		Advocacy	
196	Add: attend all [Commission for] water [Resource] management meetings	Kaua'i letter		Advocacy	
204	How does DHHL advocate for water use for beneficiary purposes relative to existing county planning processes, EA's, subdivisions, changes in land use at the LUC etc...?	Mau'i Green sheets		Advocacy	
205	What policy statement will ensure proactive advocacy?	Mau'i Green sheets		Advocacy	
208	What information is required for DHHL to effectively advocate? Acreage? Use? Etc.?	Mau'i Green sheets		Advocacy	
209	What types of skills (manpower) are necessary to be successful advocates?	Mau'i Green sheets		Advocacy	
235	The understanding of water is complicated; it seems to me that asserting aggressively the rights to water is easier in designated areas. That's what Molokai homesteaders have done.	Kona Developers Meeting		Advocacy	
240	You should be committed to assert that; and there are consequences to assert rights, and consequences to not assert rights.	Kona Developers Meeting		Advocacy	
278	Water used to be in Waimea, now it goes to Kona. Water is a world wide issue. Less than 1% of water is drinkable world wide. We don't have six years to wait for water.	Hawai'i Waimea Meeting		Advocacy	



#	Raw Comment	Location and Method of Comment	Geographic focus of comment, if applicable	Theme	Distilled Comment
311	DHHL should advocate that the county give water meters to Kau homesteaders. Reach an agreement with the county.	Hawaii Hilo Meeting	Ka'o	Advocacy	
328	DHHL is not being denied water in North Kona; DHHL does not require a priority right to develop a well permit	Private Landowner Letter	North Kona	Advocacy	
329	Public water needs should be provided by the allocation given by landowners when they develop regional water sources	Private Landowner Letter	North Kona	Advocacy	
330	DHHL is supporting the NPS' petition for designation of the Keauhou Aquifer	Private Landowner Letter	North Kona	Advocacy	
331	Just be aware that there are consequences, when the policies that are decided upon are counter to the interests of its neighbors	Private Landowner Letter	North Kona	Advocacy	
72	Makaha Stream is capped (blocked) - doesn't go out into the ocean. We should be using that water higher up. Diverted from various tributaries, streams into Makaha. Using our own culture - letting water stay here, there, use akamai best practices. Prevent flooding.	O'ahu Kapolei Meeting	Makaha	Alternative Sources	Explicitly consider the use of alternative water sources including but not limited to the incorporation of water reuse and recycling technologies and best practices, as is appropriate for proposed uses. DHHL and the HHC should see "flood" waters as a potential asset rather than a liability in the management and development of its lands.
81	DNR - dams within conservation lands - can DHHL ask for those sources? We could use it for agricultural use - safety is also an issue	O'ahu Waimanalo Meeting		Alternative Sources	
90	#20 - develop recycling, desalination, alternative water resources	O'ahu Waimanalo Meeting		Alternative Sources	
92	Runoff/storage for agricultural use	O'ahu Waimanalo Meeting		Alternative Sources	
97	Don't want to see reused water for our drinking water into the future - we need to be smarter than that	O'ahu Waimanalo Meeting		Alternative Sources	
107	Part V 20: Add: develop alternative water systems & storage systems, including recycling, desal.	O'ahu Waimanalo Green sheets		Alternative Sources	
153	Storm water - excess flow - capture excess in reservoirs - manage that water for us to use. Not the base flow but the excess.	Moloka'i Meeting		Alternative Sources	
325	Change goal 7 to add at the end "...Including but not limited to the incorporation of water reuse and recycling technologies and best practices."	Agency Letter		Alternative Sources	
17	Community reporting on water updates by Island	Kaua'i Meeting		Beneficiary Communication / Accountability / Information Sharing	There needs to be at least annual interaction at the regional level, using multiple tactics (meetings, emails, letters, etc.) that reports on water rights, quality, cost, and other issues specific to that community, and allows community education of the HHC and DHHL on water issues and concerns. Communication needs to also occur before and after major water decisions.
23	Educate kanaka on better way to manage water	Kaua'i Meeting		Beneficiary Communication / Accountability / Information Sharing	
25	Don't draft statewide letters to update us, but want to know more specifically what is happening in my region	Kaua'i Meeting		Beneficiary Communication / Accountability / Information Sharing	
49	Have you done a survey of the cost of water in 3-5 systems? Separate for different types of water (potable/nonpotable, domestic/agricultural)	O'ahu Papakōlaa Meeting		Beneficiary Communication / Accountability / Information Sharing	
57	We are all concerned about the wal. Future generations, the keiki - should make it mandatory for homesteaders to come to meetings - but holding down two jobs	O'ahu Kapolei Meeting		Beneficiary Communication / Accountability / Information Sharing	
63	How can I and others in the Hawaiian community get a better sense of this? Are there going to be other meetings on O'ahu so we can get well versed? Seems always like a hurried situation, never easy.	O'ahu Kapolei Meeting		Beneficiary Communication / Accountability / Information Sharing	
64	We have to know - you have to continue to come back and talk with us. Keep us informed. Other good sources - Kepua Sproat at UH - Water Law primer. Be very clear, annual coming out to the communities, in conjunction with the implementation plan. Evaluation. Report card from the community.	O'ahu Kapolei Meeting		Beneficiary Communication / Accountability / Information Sharing	
65	Honouliuli is the aquifer that feeds Nanakuli. Water quality seems to not be doing well. We can see the filtration systems along the freeway. Is the filtration system working? What kind of tests are they doing? We want to look at the data.	O'ahu Kapolei Meeting	Honouliuli	Beneficiary Communication / Accountability / Information Sharing	
71	Nice to have flyers, but should have sent us more info on what does this say, how does this affect us. Postcard needs to compel people to participate. If we don't participate, our keiki suffer.	O'ahu Kapolei Meeting		Beneficiary Communication / Accountability / Information Sharing	
75	Use Ka'ala (farm / learning center) as example / precedent	O'ahu Kapolei Green sheets	Ka'ala	Beneficiary Communication / Accountability / Information Sharing	
125	Chlorine in the water? Spots on the truck when we wash it. Is it still as good as it was? Is it (water quality) deteriorating? How long do we have and what can we do about it?	Moloka'i Meeting		Beneficiary Communication / Accountability / Information Sharing	
135	Do a survey of users to see how much they pay for their water and sewer bill?	O'ahu Kapolei Phone Call		Beneficiary Communication / Accountability / Information Sharing	
142	For future meetings, on sign-in sheet - ask attendees if they want to receive mail notification. Love email reminders! Mahalo for your preparation and hard work. And patience	Moloka'i Green sheets		Beneficiary Communication / Accountability / Information Sharing	
158	Lāna'i - private water company - but what obligations / rights were there within the Constitution that need to be addressed on Lāna'i	Lāna'i Meeting	Lāna'i	Beneficiary Communication / Accountability / Information Sharing	
160	Perception: one person owns water on Lāna'i but water is a public trust; lack of understanding; deliverer of water is not the owner of water	Lāna'i Meeting		Beneficiary Communication / Accountability / Information Sharing	
173	As seats [on the HHC] become vacant, how will this education and knowledge be transferred? The issue is that somehow it has to filter down to the beneficiary.	Maul Meeting		Beneficiary Communication / Accountability / Information Sharing	
176	I live in Leialī. I can't water my grass. I'm concerned now with what are my rights? For some reason, I feel I like it will tie our hands. What if 2 years from now, we find that it's not what we want?	Maul Meeting	Leali'i	Beneficiary Communication / Accountability / Information Sharing	
202	I don't feel the process - for 94 years - has ever been transparent.	Email		Beneficiary Communication / Accountability / Information Sharing	

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203	Mana'o is taken and sometimes tweaked and used against us; Biggest problem is we have meetings and no follow up from meeting	Email		Beneficiary Communication / Accountability / Information Sharing	
207	How do we ensure consistency as administrations & goals change over time?	Mauī Green sheets		Beneficiary Communication / Accountability / Information Sharing	
219	Add "before and after making a decision" to end of Policy 8	O'ahu Kapolei written comment		Beneficiary Communication / Accountability / Information Sharing	
227	I have heard 90% of out water has been diverted, is that true?	Email		Beneficiary Communication / Accountability / Information Sharing	
231	Congratulates DHHL for balancing their land development role with water management; malkai. 2. thank you for speaking beneficiaries; why are there not more here?	Kona Developers Meeting		Beneficiary Communication / Accountability / Information Sharing	
239	What are DHHL's water rights? It is sometimes not the availability of water but the cost to move it; do beneficiaries have an understanding of the rights as well as the other costs to move water?	Kona Developers Meeting		Beneficiary Communication / Accountability / Information Sharing	
242	When you go out and educate communities about water rights and advocacy, it may look different in different peoples eyes. In water management, it is not only the resource that people are unaware of, but most people are unaware of the cost of infrastructure to move water. I wonder if people have an idea of what not only what the rights are but the cost to deliver water via infrastructure. That should also be a part of the education program.	Kona Developers Meeting		Beneficiary Communication / Accountability / Information Sharing	
250	Great DHHL "water education." Experience/presentation. However—I attended mtg. to question the status of the Pu'ukapu pastoral water system. DHHL has not communicated to us as to what is going on at this point (since the last meeting) We need action by the Dept./not more meetings of discussion. Thank you	Hawai'i Waimea Green sheets	Pu'ukapu	Beneficiary Communication / Accountability / Information Sharing	
251	What are beneficiaries' and DHHL water rights?	Hawai'i Waimea Meeting		Beneficiary Communication / Accountability / Information Sharing	
252	How much of us can absorb what was said so far from the presentation? I don't think that there is anybody here can absorb all that and make good comments.	Hawai'i Waimea Meeting		Beneficiary Communication / Accountability / Information Sharing	
257	How do beneficiaries assert their rights? By the time a beneficiary goes through the process, goes to the commission, it takes too much time.	Hawai'i Waimea Meeting		Beneficiary Communication / Accountability / Information Sharing	
268	In June of 1994, we put lines out in Pu'ukapu and have been managing that system ourselves because we knew we needed water. Other DHHL divisions are not following what is written here in the plan. We received a letter that the existing system will be taken over by the department. But we fear that the department's water system will not work. How do we proceed to use the water system we have been using for 20 years until we confirm that the new system will be reliable at a fair cost.	Hawai'i Waimea Meeting	Pu'ukapu	Beneficiary Communication / Accountability / Information Sharing	
271	Native Hawaiians have rights, but let us know what those rights are. Please educate the beneficiaries about those rights and what the consequences are of asserting those rights. You cannot manage what you don't know you have.	Hawai'i Waimea Meeting		Beneficiary Communication / Accountability / Information Sharing	
272	When will this WAI be completed and shared?	Hawai'i Waimea Meeting		Beneficiary Communication / Accountability / Information Sharing	
275	Is this policy open to the public or is it just for the lessee? I have seen outsiders come to the meeting and taking this information to undermine the beneficiaries.	Hawai'i Waimea Meeting		Beneficiary Communication / Accountability / Information Sharing	
283	Show statistics – data	Hawai'i Waimea Meeting		Beneficiary Communication / Accountability / Information Sharing	
297	I am disappointed with the turnout and number of people that came out tonight. Water is for everyone, it is important. There should be more people.	Hawai'i Hilo Meeting		Beneficiary Communication / Accountability / Information Sharing	
309	Who is the responsible party of this meeting tonight? Is it the governor? Who do you work for?	Hawai'i Hilo Meeting		Beneficiary Communication / Accountability / Information Sharing	
310	I am a citizen of this community. Will the decisions effect other citizens.	Hawai'i Hilo Meeting		Beneficiary Communication / Accountability / Information Sharing	
312	Fee simple owners seem to have more rights than DHHL lessees because they are just lessees, not fee simple owners of land.	Hawai'i Hilo Meeting		Beneficiary Communication / Accountability / Information Sharing	
327	Add a goal describing a specific intake and response process for responding to beneficiary concerns	Letter		Beneficiary Communication / Accountability / Information Sharing	
54	Kalaeloa – HCD. Concerned about the water table, future of water. Planning for climate change could be tied to Part IV, Goal 15 that encourages consideration of alternative water sources, some of which are drought proof, such as recycled wastewater. Development of additional storage is also a good mitigation strategy and goal.	O'ahu Kapolei Meeting	Kalaeloa	Climate Change	The Water Policy should account for climate change impacts.
322		Agency Letter		Climate Change	
40	OHA is also looking at water. Seems DHHL same beneficiary people are in the room – we should work together so we have the same understanding?	O'ahu Papakōlea Meeting		Cooperation with other Hawaiian agencies	The HHC and DHHL should cooperate when possible with other Hawaiian trusts, agencies and interests in implementing this policy.
234	You aren't working in a vacuum, how do you relate to the lāhui? How do you articulate this policy or connect it to the move to nationhood?	Kona Developers Meeting		Cooperation with other Hawaiian agencies	
236	I really like Isulima. We have to be mission centered; but there is so much cross over on our beneficiaries. We have to think about the lāhui in general.	Kona Developers Meeting		Cooperation with other Hawaiian agencies	
237	We also are having internal discussions with how we are being affected by the same government that overthrew our queen. Our people are akamai and we can best make our own decisions for ourselves	Kona Developers Meeting		Cooperation with other Hawaiian agencies	
277	How will DHHL set itself within the larger lāhui? If the nation does come into play, how will that impact DHHL and its assets? We should get ready to be a part of a larger lāhui	Hawai'i Waimea Meeting		Cooperation with other Hawaiian agencies	
51	We won't be able to say "this is our water"- water is for everybody. The more buildings, the less water.	O'ahu Kapolei Meeting		Cooperation with other landowners	DHHL and the HHC need to balance the distinct water kuleana of its beneficiaries with the recognition that water crosses property boundaries and for DHHL to access water it may need to partner with neighboring private landowners

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238	Under a previous administration, we cooperated in these Infrastructure master plans, collaborating with our neighbors. Are those master plans consistent with this policy?	Kona Developers Meeting		Cooperation with other landowners	
79	Relationship of BWS, DLNR, CWRM with DHHL – should be a stronger connection, focus on this connection – it's embedded within the State Water Code	O'ahu Waimanalo Meeting		Cooperation with other water agencies	The HHC and DHHL should cooperate when possible with other water agencies and interests in implementing this policy.
91	Water is not only a DHHL problem, it's a statewide problem	O'ahu Waimanalo Meeting		Cooperation with other water agencies	
147	You need partnerships; you need to hook in others	Moloka'i Meeting		Cooperation with other water agencies	
159	Lāna'i WUDP – how active were we [DHHL] in [developing the]	Lāna'i Meeting	Lāna'i	Cooperation with other water agencies	
255	How does this policy tie into all of the other water policy plans of the state?	Hawai'i Waimea Meeting		Cooperation with other water agencies	
285	Why hasn't the County of Hawai'i administration mayor/Dept. of Water/County Council been informed of this meeting? Not tonight, not at the previous meeting.	Hawai'i Hilo Green sheets		Cooperation with other water agencies	
41	Shouldn't DHHL and OHA be a part of that (CWRM) Commission?	O'ahu Papakōlea Meeting		CWRM representation	The HHC and DHHL should strongly advocate to have a beneficiary or Hawaiian Homes Commissioner or designee required to sit on the state Water Commission.
70	Need to create our own Commission. Shouldn't have to ask them (CWRM, BWS). We don't know if we are getting the right credits, discounts. Establish our own Water Commission, so that we are equal to them	O'ahu Kapolei Meeting		CWRM representation	
78	Establish our own water commission with Commissioners chose by lessee & waitlist, 1 per island	O'ahu Kapolei Green sheets		CWRM representation	
80	One member of CWRM and BWS – homesteader	O'ahu Waimanalo Meeting		CWRM representation	
85	Participate and be on boards/commissions	O'ahu Waimanalo Meeting		CWRM representation	
109	Make sure there is someone on Commission with water expertise or experience.	O'ahu Waimanalo Green sheets		CWRM representation	
133	DHHL must have a seat on the CWRM.	Moloka'i Meeting		CWRM representation	
165	Part III, regarding being aggressive with our water rights, when will DHHL seek a seat on CWRM?	MauI Meeting		CWRM representation	
225	How do you resolve any conflict of interests in having a HHC member or appointee on the Water Commission?	Email		CWRM representation	
248	Representation on CWRM?	Hawai'i Waimea Green sheets		CWRM representation	
30	Your "policies" are not really "policies," but more like a series of action items. A policy would be something like "Aggressively advocate and legislate for rights to water based on original DHHL (1921) land designations."	Kaua'i Green sheet		Desired Definitions	Certain key terms should be defined.
32	What are the definitions of desalinated and distilled water?	O'ahu Papakōlea Meeting		Desired Definitions	
216	"Partner with beneficiaries" – what does that mean?	MauI Meeting		Desired Definitions	
218	Insert translation of ʻōlelo noʻeau directly from Puku'i	O'ahu Kapolei written comment		Desired Definitions	
229	Self sufficiency; how do you define it? Wants self sufficiency to take into account the economic health of the larger community	Kona Developers Meeting		Desired Definitions	
290	Define "adequate" and for whom?	Hawai'i Hilo Green sheets		Desired Definitions	
291	Define self-sufficiency & self-determination	Hawai'i Hilo Green sheets		Desired Definitions	
292	Define "spirit" of HHCA	Hawai'i Hilo Green sheets		Desired Definitions	
326	On Goal 17, specifically describe what might be appropriate	Agency Letter		Desired Definitions	
4	Focus on agricultural lot development	Kaua'i Meeting		Develop Agriculture	DHHL should continue to pursue the development of agricultural lots, with sufficient water, as a way of securing its rights to water and providing for beneficiaries.
163	Advocate for agricultural / pastoral lands / awards on Lāna'i w sufficient water for those uses	Lāna'i Meeting	Lāna'i	Develop Agriculture	
164	May not be DHHL land but there are ways to partner	Lāna'i Meeting		Develop Agriculture	
245	How can we as Pu'ukapu farmers secure agriculture water source that we as homesteaders can control i.e. above ground & underground (desalination if need be)	Hawai'i Waimea Green sheets	Pu'ukapu	Develop Agriculture	
6	Water responsibility is dispersed in DHHL, need lead water office water in the DHHL organization to develop accountability, re-name land and water management division	Kaua'i Meeting		DHHL Structure / Organization / Staffing	DHHL should staff and organize appropriately to implement this policy.
8	DHHL should make sure departments work together to conserve and manage the water	Kaua'i Meeting		DHHL Structure / Organization / Staffing	
155	We need to be efficient in the development and the use of water; water seems abundant now but won't always be.	Moloka'i Meeting		Efficiency	The Policy should have an explicit goal for efficiency including seeking behavioral change, new technologies and innovative practices.
320	Part II, Goal 7 could be expanded to also include "use efficiency". In addition to optimal design and development, significant amounts of water can also be conserved through behavioral practices and changes in water use habits so that water is used more efficiently. In addition, new technologies are available that support onsite distributed wastewater systems that can supplement conventional water sources for non-potable needs.	Agency Letter		Efficiency	
44	Abe Pūlanala got HUD monies on the mainland. Helped Molokai – MIS. Article should be part of your research	O'ahu Papakōlea Meeting		Federal Funding & Support	The Policy should expressly seek federal funding and assistance for implementation.
88	Looking at federal legislation -- "reclamation state" -- potential funding	O'ahu Waimanalo Meeting		Federal Funding & Support	
93	Reach out to other entities for help (e.g. National Guard @ Kahikinu) ask them for help	O'ahu Waimanalo Meeting		Federal Funding & Support	
101	Are you familiar with the federal laws to assist us with DHHL water rights? This draft plan only takes into consideration state laws.	O'ahu Waimanalo Meeting		Federal Funding & Support	

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57	Really thank the Dept. - didn't have a water policy for so long. Now really taking the bull by the horns.	O'ahu Kapolei Meeting		General Support	There is support for having a water policy plan, which has been needed for a long time.
69	To manage water assets inventory - DHHL has been functioning without it all these years. Glad we have a director and a commission that is getting it.	O'ahu Kapolei Meeting		General Support	
77	Mahalo for all that you do Kaleo, Julie, Jonathan, Nancy & braddah For future meetings, on sign-in sheet - ask attendees if they want to receive mail notification. Love email reminders! Mahalo for your preparation and hard work. And patience	O'ahu Kapolei Green sheets		General Support	
142	I am glad that DHHL is working in this manner to address this valuable issue and topic	Moloka'i Green sheets		General Support	
228	Congratulates DHHL for balancing their land development role with water management; malkal. 2. thank you for speaking beneficiaries; why are there not more here?	Email		General Support	
231	If the Dept. follows the proposed policy, it will be very powerful & successful. No matter how difficult it may be, beneficiary consultation & comments are crucial in the decision-making. Whatever decisions made by the department impacts the homesteaders in those communities forever. Mahalo for/to the consultant (Jonathan) for the depth in which was put into this policy. Include homesteaders (& those on list too) in watershed protection or restoration planning & implementations. Allow HHAs to manage their ahupua'a if applicable. Mahalo to all who participated in creation of the policy from beginning to where it leads.	Kona Developers Meeting		General Support	
244	Thank you Kaleo & Jonathan for being brave!! Hope we get everything moving in the right direction!!	Hawai'i Waimea Green sheets		General Support	
249	Great DHHL "water education." Experience/presentation. However - I attended mtg. to question the status of the Pu'uokapu pastoral water system. DHHL has not communicated to us as to what is going on at this point (since the last meeting) We need action by the Dept./not more meetings of discussion. Thank you	Hawai'i Waimea Green sheets		General Support	
250	I would like to congratulate DHHL for finally developing a water plan after 30 years without one. Thank you for coming to the community. Our land is our legacy, if you going fix this, fix it good.	Hawai'i Waimea Meeting		General Support	
269	I am also very thankful for the DHHL for developing this plan. I have often heard many of the complaints with Hawaiian Homes about poor decisions. Hopefully in the future we can move forward in a better way. If the policy is to foster self-sufficiency, then getting the existing Pu'uokapu system that has been managed by the community taken back by DHHL sounds contradictory.	Hawai'i Waimea Meeting		General Support	
273	Why has it taken DHHL so long to address water? Water is the existence of man. We have voiced our opinions. I appreciate what you folks are doing. You are the new team. But the same problem has always been the Gov. and the AG. They control DHHL, not the Chairman and not HHC. Everything is planned in the back room closed door. We want Hawaiian homes to be controlled by Hawaiians for Hawaiians.	Hawai'i Hilo Meeting		General Support	
302					There is distrust that the HHC and DHHL will ever advocate for the interests of the beneficiaries, on water and other issues, unless fundamental structural changes are made to the relationship of this trust to the state and the manner in which Hawaiian Homes Commissioners are selected.
256	Can DHHL sue other departments of the state?	Hawai'i Waimea Meeting		HHC Governance	
260	I would like the HHC to be voted in and not be appointed by the Gov.	Hawai'i Waimea Meeting		HHC Governance	
288	DHHL being a State agency is the issue.	Hawai'i Hilo Green sheets		HHC Governance	
294	I am afraid of the word delegate.	Hawai'i Hilo Green sheets		HHC Governance	
295	Choice between beneficiary or governor - what is your decision going to be? I feel like you are just going through the motion.	Hawai'i Hilo Green sheets		HHC Governance	
298	You mention that the HHC several times. Do you know that the duties of the commission have been transferred to the Chairman? Why talk about the HHC if powers are transferred to the Chairman.	Hawai'i Hilo Meeting		HHC Governance	
299	I disagree with the vision statement because the Attorney General's has changed the HHCA with all of their opinions that it no longer reflects the original HHCA.	Hawai'i Hilo Meeting		HHC Governance	
300	How are we going to go forward with this if this plan needs to get approved by the commission but the commission has no authority. So what's the purpose?	Hawai'i Hilo Meeting		HHC Governance	
301	Act 207.	Hawai'i Hilo Meeting		HHC Governance	
302	Why has it taken DHHL so long to address water? Water is the existence of man. We have voiced our opinions. I appreciate what you folks are doing. You are the new team. But the same problem has always been the Gov. and the AG. They control DHHL, not the Chairman and not HHC. Everything is planned in the back room closed door. We want Hawaiian homes to be controlled by Hawaiians for Hawaiians.	Hawai'i Hilo Meeting		HHC Governance	
313	All the HHC members are appointed by the Gov. So when push comes to shove, if its going to benefit the beneficiaries or the Gov., they going side with the Gov.	Hawai'i Hilo Meeting		HHC Governance	
315	Amendments to the HHCA done at the state level by AG's should be questioned	Hawai'i Hilo Meeting		HHC Governance	
316	Rights of the HHC? What rights do they have? Act 207 [1963, deleted Commission and replaced with Department]	Hawai'i Hilo Meeting		HHC Governance	
9	Pili'ani Mal Ke Kai where LDD's consultant is developing the lots by watering the grass using a wasteful watering technique	Kaua'i Meeting	Pili'ani Mal Ke Kai	Homestead Design	Land management and homestead design should look explicitly at creating and enhancing water availability, as well as efficiently using water.
50	I live in Kanehili. Our docs [CC&Rs] require that we have grass on our planter strips. We should do something so we can conserve the water - allow us to put something other than grass. As long as it looks nice, should be able to do it.	O'ahu Kapolei Meeting	Kanehili	Homestead Design	

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52	How about making the streets wider instead? It's wasted land. Expect us guys to take care of it, we don't even own it! Not really ours, but we are getting stuck with it.	O'ahu Kapolei Meeting	Kanehili	Homestead Design	
53	Gist is that Commission needs to adopt a [water] policy before they build more homesteads. 2000 sq. ft. of planter strip - I don't water it - it would double my water bill. Adopt a policy for future developments to prevent unnecessary costs.	O'ahu Kapolei Meeting		Homestead Design	
121	Design of homesteads - need designs that create water - layout of lots, Windbreaks, rain catching - conserve and enhance watershed.	Moloka'i Meeting		Homestead Design	
125	Design homesteads to use gray water in garden. Doing it anyway, with washing machine water. How I don't have to pump out the cesspool.	Moloka'i Meeting		Homestead Design	
149	Planning is concerned with language, so go further to include "creating water" in our developments - the layout of lots, providing for windbreaks, plants that catch rain, conserve and enhance	Moloka'i Meeting		Homestead Design	
150	Design - composting toilets are critical	Moloka'i Meeting		Homestead Design	
276	Homestead design, why design homesteads to put Hawaiians in a small square property, example La'i Opua? Is the household just the mom and dad or is it a larger group of people.	Hawai'i Waimea Meeting		Homestead Design	
5	Who will manage programs to deliver results, not just be a pretty plan?	Kaua'i Meeting		Implementation	There are significant concerns that the policy will be implemented; there should be specific and quantitative objectives under plan goals, and key portions of the plan should be incorporated into administrative rules. Implementation actions should specify the financial costs, staffing needs, informational needs, and other dynamics of implementation.
7	Get staffing in place to support	Kaua'i Meeting		Implementation	
28	What will policy be if "broken" systems are identified & DHHL doesn't have resources to fix? Cannot give responsibility to the Dept. (DLNR) responsible for creating the problem in the first place. Where are the "teeth" in your policy?	Kaua'i Green sheet		Implementation	
112	How do we assure that the policies will be followed through all the Chairs?	Moloka'i Meeting		Implementation	
113	This is a very nice wish list, like a kid's Christmas list - it's awesome. But how is it to be implemented?	Moloka'i Meeting		Implementation	
115	This really needs to be a partnership with the beneficiaries. Decisions are still made top-down even though we give you our mana'o re: our needs. Problem is no enforcement - lessees aren't even complying with the existing policies. DHHL is not enforcing its existing policies.	Moloka'i Meeting		Implementation	
166	In the interest of consistency, will any part of this policy be translated into Administrative Rules so it will not change whenever the administration changes?	Mau'i Meeting		Implementation	
182	I suggest that you also talk about Administrative Rules. At the state level, it's like legislation. The problem at HHLs is no action.	Mau'i Meeting		Implementation	
183	Then you have to hire bodies to advocate on each island and attend meetings. That's how you partner. When looking at water use permits, they know they are supposed to re-engage Hawaiian rights but HHLs has no plans so they cannot predict or protect our water rights.	Mau'i Meeting		Implementation	
185	We have to develop a policy framework. It needs to be specific; it needs meat. How will you quantify water? How will you evaluate water quality?	Mau'i Meeting		Implementation	
191	The [plan] goals are vaguely stated and therefore can not be measured	Homestead Association Letter		Implementation	
192	Add: hold x town meetings each year to inform beneficiaries	Homestead Association Letter		Implementation	
193	Add: restore x watershed	Homestead Association Letter		Implementation	
194	Add: defend x beneficiary or beneficiary group in its fight for water	Homestead Association Letter		Implementation	
195	Add: hire x number of staff members to protect waters	Homestead Association Letter		Implementation	
196	Add: attend all [Commission for] water [Resource] management meetings	Homestead Association Letter		Implementation	
197	Add: help x beneficiary in the drilling of a well	Homestead Association Letter		Implementation	
206	Would an admin rule be more appropriate?	Mau'i Green sheets		Implementation	
217	Doesn't have meat - quantify	Mau'i Meeting		Implementation	
222	How can you expect to create and sustain a water plan when DHHL can't even enforce their DCC&R's?	Email		Implementation	
223	Include an auditing process - Plan Organize, Direct, Control	Email		Implementation	
244	If the Dept. follows the proposed policy, it will be very powerful & successful. No matter how difficult it may be, beneficiary consultation & comments are crucial in the decision-making. Whatever decisions made by the department impacts the homesteaders in those communities forever. Mahalo for/to the consultant (Jonathan) for the depth in which was put into this policy. Include homesteaders (& those on list too) in watershed protection or restoration planning & implementations. Allow HHAs to manage their ahupua'a if applicable. Mahalo to all who participated in creation of the policy from beginning to where it leads.	Hawai'i Waimea Green sheets		Implementation	
246	Suggestion for Goal #2 - Revise DHHL submittal template to HHC for water related decisions. Look into Aotearoa's "Maui Model" for decision making. It may be an effective tool to help incorporate both practical, logistical considerations as well as less-tangible but nonetheless important social values of traditional knowledge into the decision making process. (www.mauirometer.com, www.content.alternative.ac.nz/index.php/alternative/article/view/78)	Hawai'i Waimea Green sheets		Implementation	
280	Comes down to three main things a. Lack of knowledge b. Money c. Control	Hawai'i Waimea Meeting		Implementation	

#	Raw Comment	Location and Method of Comment	Geographic focus of comment, if applicable	Theme	Distilled Comment
22	Want simple/island solutions – not about the larger state	Kaua'i Meeting		Island / Region Specific focus	
25	Don't draft statewide letters to update us, but want to know more specifically what is happening in my region	Kaua'i Meeting		Island / Region Specific focus	
39	The issues cross over, but policies shouldn't apply the same way to all islands – they are all different.	O'ahu Papakōlea Meeting		Island / Region Specific focus	
64	We have to know – you have to continue to come back and talk with us. Keep us informed. Other good sources – Kapua Sproat at UH – Water Law primer. Be very clear, annual coming out to the communities, in conjunction with the implementation plan. Evaluation. Report card from the community.	O'ahu Kapolei Meeting		Island / Region Specific focus	
71	Nice to have flyers, but should have sent us more info on what does this say, how does this affect us. Postcard needs to compel people to participate. If we don't participate, our kelki suffer.	O'ahu Kapolei Meeting		Island / Region Specific focus	
83	Wai'anae does not have GIWMA.	O'ahu Waimanalo Meeting	Wai'anae	Island / Region Specific focus	
143	Aquaculture is a big issue in Mana'e.	Moloka'i Meeting		Island / Region Specific focus	
157	How does it (DWPP) fall into the Lāna'i context? All of this will only make sense when you make that connection	Lāna'i Meeting	Lāna'i	Island / Region Specific focus	
168	MauI has our own water issues; don't confuse us with information about actions on other islands – just deal with the West MauI Mountains.	MauI Meeting	MauI	Island / Region Specific focus	
169	We want to know: what is the Clean Water Act; what are the critical water issues on MauI; where are they located?	MauI Meeting		Island / Region Specific focus	
171	We need to show the map – the number of wells, where they are. Why is DHHL not doing the research?	MauI Meeting		Island / Region Specific focus	
173	Each island is different. You cannot have a one size fits all policy. The HHC should look at each island differently.	MauI Meeting		Island / Region Specific focus	
177	You're developing water policy for every island. What is the policy for Lāna'i, where 95% of the land is owned by one private landowner? If you have county and HHLs, what are plans there?	MauI Meeting	Lāna'i	Island / Region Specific focus	
180	When you talk about issues and policies, we want to be island-specific. I have to advise you that when you come to MauI, you need to be on MauI in your heart, head, and gut because we want to know if you know what you're talking about regarding MauI issues.	MauI Meeting	MauI	Island / Region Specific focus	
210	Perceived rights of the state – aka moku resource management state	MauI Green sheets		Island / Region Specific focus	
215	DLNR - DHHL have a relationship - site specific moku ahupua'a	MauI Meeting		Island / Region Specific focus	
284	Talk with each community [not just each island]	MauI Meeting		Island / Region Specific focus	
284	How come Ka'u is not included in its water plan? When its 1 <sup>st</sup> priority is getting water or more water to DHHL land which the Ka'u Hawaiian Home Land Association. Would like to work with DHHL. There are 11,000 to 12,000 acres of land in Ka'u that DHHL manages	Hawai'i Hilo Green sheets		Island / Region Specific focus	
296	With the overall policy, can there be more moku specific issues/work done?	Hawai'i Hilo Green sheets		Island / Region Specific focus	
314	If you come back, come back to Keaukaha	Hawai'i Hilo Meeting	Keaukaha	Island / Region Specific focus	
117	Kuleana – means rights and responsibilities. DHHL needs to defend its rights and responsibilities. We all share this kuleana.	Moloka'i Meeting		Kuleana - Include and Define	The policy needs to specifically include the term kuleana and to define it, including its aspects of rights, responsibilities, and the historic and spiritual relationship of Hawaiians to water and its management.
118	Declaring this kuleana puts the State on notice that they have a responsibility to enforce, also restore and support the HHC's water rights. Talking about kuleana – not just asserting our water "rights" – it's not ours, it comes from Ke Akua – responsibility is to take care of it.	Moloka'i Meeting		Kuleana - Include and Define	
128	We have the rights as a hammer, but to develop healthy partnerships, remind others of their kuleana first, then if they don't improve, pull out the hammer.	Moloka'i Meeting		Kuleana - Include and Define	
145	Where it says "aggressively assert rights" it should read "for the responsibilities of our beneficiaries as stewards of the land"	Moloka'i Meeting		Kuleana - Include and Define	
146	Kuleana should be explicitly used and defined	Moloka'i Meeting		Kuleana - Include and Define	
148	Put kuleana as a defined term in the WPP	Moloka'i Meeting		Kuleana - Include and Define	
151	This plan is like all others, except being developed by Hawaiians – let's make it different.	Moloka'i Meeting		Kuleana - Include and Define	
232	Water was always managed in Hawaii, it wasn't a free for all. Our kūpuna – it was obvious for them growing up in an island mentality that we had to manage things. We need to make it explicit.	Kona Developers Meeting		Kuleana - Include and Define	
233	Go further. There is a spiritual relationship that needs to be restored.	Kona Developers Meeting		Kuleana - Include and Define	
241	There was a spiritual connection to water. It was not a physical commodity. That relationship needs to be restored. Make that value more explicit in the plan.	Kona Developers Meeting		Kuleana - Include and Define	
270	Our kūpuna always managed water, it has never been a free for all. Konohiki have managed water. native Hawaiians have rights, but let us know what those rights are.	Hawai'i Waimea Meeting		Kuleana - Include and Define	
102	In Waianae, when we were kids, the water we got was free. The water for land was free. But the water for consuming, we needed to pay. In 1992, BLNR wanted to exchange DHHL mauka lands for other lands. It is nothing new. It was something attempted before.	O'ahu Waimanalo Meeting		Land Use Designation and Planning	The HHC and DHHL need to explicitly consider water issues when changing land use designations, acquiring or exchanging parcels, and planning for the future use of lands.
130	Where are criteria for prioritizing homesteads? Cost of providing water needs to be included in analysis. Too expensive to get water to certain areas for homesteads – need to take these factors into account.	Moloka'i Meeting		Land Use Designation and Planning	
131	Long Range Plan – the land use to water availability.	Moloka'i Meeting		Land Use Designation and Planning	
132	Any time CWRM makes a decision, DHHL box has to be checked off – DHHL should be commenting on everything they do. DLNR still owes us land, also DOT.	Moloka'i Meeting		Land Use Designation and Planning	

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	Homesteader commercial use in Hoolehua – never happened. Get control of the planning.	Moloka'i Meeting		Land Use Designation and Planning	
134	The land use and water to make decisions	Moloka'i Meeting		Land Use Designation and Planning	
167	It's a disgrace for DHHL to not have water together with land.	MauI Meeting		Land Use Designation and Planning	
	I'm interested in mapping our water resources. For instance, as President of the Walehu Kou 3 Hawaiian Homestead Association, we're trying to get water to the lands that surround us that we want to use for cultivation (Kope Gulch). I've been conducting research on different alternatives to get water to the lands we want to cultivate.	MauI Meeting	Walehu Kou	Land Use Designation and Planning	
186	Information collection: start planting tomato, cabbage, dry land taro; use basin to plant	MauI Meeting	Walehu Kou	Land Use Designation and Planning	
187	Kawaihae was first awarded in 1986, you shouldn't have awarded land without infrastructure.	Hawa'i Waiimea Meeting		Land Use Designation and Planning	
262	We are waiting too long for infrastructure, I've waited 20 years.	Hawa'i Waiimea Meeting		Land Use Designation and Planning	
265	You should also include in your inventory lands that are looking in infrastructure and look at what lands you are going to prioritize, look at what lands would be appropriate to develop catchment. Consider all of these factors. Promote smart development that takes into this genealogical connection to water.	Hawa'i Waiimea Meeting		Land Use Designation and Planning	
274					
12	See Kaupaha vs. DHHL "Ahuna"	Kaua'i Meeting		Legal References	The policy should include in the legal references DHHL v. Ahuna and HRS 7-1.
214	HRS 7-1 > include language on gathering rights	MauI Meeting		Legal References	
					DHHL should aggressively advocate for the proper licensing of water, the charge of proper fees, and the identification of DHHL and beneficiary needs that could be met by licensed sources.
10	Sublease issues / use of the land at lower Mānā and upper Mānā boundaries, ADC (they are taking water and not paying for it)	Kaua'i Meeting	Kekaha	Licensing	
11	Water should be made available upon demand of department	Kaua'i Meeting		Licensing	
13	Concerned about large farms wasting water and small users paying top dollar	Kaua'i Meeting	Kekaha	Licensing	
15	Concern with waste of water in Kekaha by large water users	Kaua'i Meeting	Kekaha	Licensing	
19	The agricultural businesses are wasting and not paying for water	Kaua'i Meeting	Kekaha	Licensing	
45	Do you have any idea how many water licenses have been issued, how much water is already being taken out of the island? How it's affecting DHHL?	O'ahu Papakōlea Meeting		Licensing	
46	Is the Dept. looking at returning (getting) the water (systems) back? We are giving away our water.	O'ahu Papakōlea Meeting		Licensing	
55	License laws – planters paid a certain percentage into the trust. Was there an accounting? How much revenues?	O'ahu Kapolei Meeting		Licensing	
86	Water license revenue? How much is DHHL getting? Very little	O'ahu Waimanalo Meeting		Licensing	
141	14 licenses – mention NHRF in language	Moloka'i Green sheets		Licensing	
184	Number #15 and #5 does not sit well. Every island is different. Where water is an asset, we should be licensing the water; and the revenue should go to NHRF, which goes directly to the beneficiaries.	MauI Meeting		Licensing	
201	All DHHL has to do is demand water from all water licenses in the state; if that's the case why isn't it being done?	Email		Licensing	
212	MIS – Monsanto uses water from system and beneficiaries	MauI Meeting		Licensing	
89	On the mission statement it says only manage water systems. Why not add "develop" water systems.	O'ahu Waimanalo Meeting		Mission Statement	The mission statement should include the development of water systems.
103	Add "develop" water systems to Mission	O'ahu Waimanalo Green sheets		Mission Statement	
317	Get "rid" of draft WPP	Hawa'i Hilo Meeting		Opposition	Beneficiary opposes this policy.
33	DHHL has kuleana out into ocean	O'ahu Papakōlea Meeting		Policy Scope	The policy scope should explicitly consider water that flows into the ocean.
42	Water that flows under the land and ends up in the ocean should still be managed for the beneficiaries	O'ahu Papakōlea Meeting		Policy Scope	
60	We need to claim water that flows into the ocean	O'ahu Kapolei Meeting		Policy Scope	
61	sun – PV panels coming. Need to claim the sun, wind, soil and water.	O'ahu Kapolei Meeting		Policy Scope	
24	Beneficiaries are most important and will DHHL advocate for them above and beyond the state – advocate for beneficiaries above all others	Kaua'i Meeting		Relationship between DHHL, HHC, and Beneficiaries rights to water	The policy and communications should note that rights pertain to beneficiaries of the trust.
174	One of my pet peeves is when you say that "DHHL" has the right to water. The correct way to say it is that the beneficiaries have the right, but not DHHL.	MauI Meeting		Relationship between DHHL, HHC, and Beneficiaries rights to water	
211	Don't say right belongs to DHHL but beneficiary – they have the vested right	MauI Meeting		Relationship between DHHL, HHC, and Beneficiaries rights to water	
254	What difference does it make if we disagree with anything in the plan? Water belongs to the people, the kanaka maoli first.	Hawa'i Waiimea Meeting		Relationship between DHHL, HHC, and Beneficiaries rights to water	
31	RESTORE water, don't just live with what those 20 year plans have decided DHHL stakeholders get.	Kaua'i Green sheet		Stream Restoration	The HHC and DHHL should support the restoration of stream flows in communities that seek stream restoration.
123	Mana'e – water in streams not running any more. Running now, just because it's raining. Fish come in to lay their eggs. Important in Mana'e – different districts have different conditions.	Moloka'i Meeting		Stream Restoration	
227	I have heard 90% of out water has been diverted, is that true?	Email		Stream Restoration	
59	Something needs to be done about swimming pools – that's not the best use of water	O'ahu Kapolei Meeting		Swimming Pools	It is aggravating to see others build and use private swimming pools when Hawaiians struggle to have access to and afford water.
98	There are 8 wells that were developed in Kahana for Kailua – used for filling swimming pools	O'ahu Waimanalo Meeting		Swimming Pools	
154	Swimming pools are all over Kawela – "wastefulness of recreation" – they dig wells to provide for this, NO!	Moloka'i Meeting	Moloka'i	Swimming Pools	

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	As kanaka start to use water as kūpuna did – traditional practices – we will become more effective than any board or commission; use in ponds			Traditional and Customary Practices and Place Based Knowledge	The Policy should explicitly support the continuation of traditional and customary practices that use water and the utilization of traditional and place based knowledge in all aspects of plan implementation.
14	\$150/month – to grow kalo on my residential lot – to provide food for me and my girls as a single mother	Kaua'i Meeting		Traditional and Customary Practices and Place Based Knowledge	
18	The springs in Mana were plugged when those lands were developed, not too many people know that	Kaua'i Meeting		Traditional and Customary Practices and Place Based Knowledge	
35	DHHL properties for residential – traditional uses – how are you supposed to do that? How are you going to use traditional ecological knowledge?	O'ahu Papakōlea Meeting		Traditional and Customary Practices and Place Based Knowledge	
47	Water was a big issue in Papakōlea – freshwater springs have destroyed four homes in Kalawāhine – we told them there is water wells under that mountain.	O'ahu Papakōlea Meeting	Kalawāhine	Traditional and Customary Practices and Place Based Knowledge	
72	Makaha Stream is capped (blocked) – doesn't go out into the ocean. We should be using that water higher up. Diverted from various tributaries, streams into Makaha, Using our own culture – letting water stay here, there, use akamai best practices. Prevent flooding.	O'ahu Kapolei Meeting	Makaha	Traditional and Customary Practices and Place Based Knowledge	
74	DWS – why do you have to take all water out of ahupua'a?	O'ahu Kapolei Green sheets		Traditional and Customary Practices and Place Based Knowledge	
105	Add in Part I under #4 to "partner" with beneficiaries regarding water decisions to include their cultural & place based knowledge	O'ahu Waimanalo Green sheets		Traditional and Customary Practices and Place Based Knowledge	
170	You should find Hawaiian words to explain what you are talking about. Watershed, for example, is a German word. Talk Kanaka, not Haole.	Mauī Meeting		Traditional and Customary Practices and Place Based Knowledge	
179	One time Paukūkalo had its own water tank and our bills were low. They took the tank down (because it was dirty). At South Point, why not just let us dig a well. Anahola had a well. As families, we were all being proactive on our lands, but DHHL has not	Mauī Meeting	Paukūkalo	Traditional and Customary Practices and Place Based Knowledge	
181	He ali'i ka 'āina – he kauwā ke kanaka. What goes with 'āina?	Mauī Meeting		Traditional and Customary Practices and Place Based Knowledge	
187	Automatically, water. Look at the kaona – it's not about chiefs and land. Information collection: start planting tomato, cabbage, dry land taro; use basin to plant	Mauī Meeting	Walehu Kou	Traditional and Customary Practices and Place Based Knowledge	
273	I am also very thankful for the DHHL for developing this plan. I have often heard many of the complaints with Hawaiian Homes about poor decisions. Hopefully in the future we can move forward in a better way. If the policy is to foster self-sufficiency, then getting the existing Pu'ukapu system that has been managed by the community taken back by DHHL sounds contradictory.	Hawai'i Waimea Meeting	Pu'ukapu	Traditional and Customary Practices and Place Based Knowledge	
279	In the past no one asked "How can you help me get water?" – they just did it.	Hawai'i Waimea Meeting		Traditional and Customary Practices and Place Based Knowledge	
282	Address kuleana lands issue – Mauī – Nā Wai 'Ehā – kalo – support Public Trust	Hawai'i Waimea Meeting		Traditional and Customary Practices and Place Based Knowledge	
43	Disagreement with Ray Soon. 35 kūpuna were being abused at that time. My bill is \$20/mo., their bill is \$200/mo. now. Need to talk about rates and how it hurts beneficiaries	O'ahu Papakōlea Meeting		Waste water / sewer issues	Past decisions to use certain technologies for waste water and tie into sewer systems have cost beneficiaries significant money. Pursuing innovative waste water technologies could create cost and other benefits.
58	Had to tie in to City cesspool (WWTP) – was a bad decision. There was nothing wrong with our cesspools. Huge (financial) burden, and we'll be on fixed income soon.	O'ahu Kapolei Meeting		Waste water / sewer issues	
122	Water is being flushed to deal with waste. Mandatory – change the toilets.	Moloka'i Meeting		Waste water / sewer issues	
126	Design homesteads to use gray water in garden. Doing it anyway, with washing machine water. Now I don't have to pump out the cesspool.	Moloka'i Meeting		Waste water / sewer issues	
136	Trying to "go green" but the larger state is not supporting it 1,000 gallon tank – gray water (shower) used in yard;	O'ahu Kapolei Phone Call		Waste water / sewer issues	
137	DHHL is not putting a cap on (the rates charged to beneficiaries) – Sewer Cap – advocate for beneficiaries	O'ahu Kapolei Phone Call		Waste water / sewer issues	
139	In 1970s – have to hook up to sewer system; In nanakuli, didn't need to pump septic tank. - no one looked at the long term impact	O'ahu Kapolei Phone Call		Waste water / sewer issues	
150	Design – composting toilets are critical	Moloka'i Meeting		Waste water / sewer issues	
152	To get rid of waste make it mandatory to change toilets, infrastructure, etc.	Moloka'i Meeting		Waste water / sewer issues	
306	Keaukaha has been told to tie into the sewer line.	Hawai'i Hilo Meeting	Keaukaha	Waste water / sewer issues	
318	Keaukaha water case – sewer pipe through DHHL land (1979) for general public – supposed to be compensated	Hawai'i Hilo Meeting	Keaukaha	Waste water / sewer issues	
35	Concerned about geothermal. I own that – steam is water and water is steam	O'ahu Papakōlea Meeting		Water / Energy Connection	The Policy should explicitly consider the connections between water issues and energy issues, including especially geothermal and the energy costs of developing water.
38	Why are we battling concept of energy efficient systems with DWS – they should be doing it anyway	O'ahu Papakōlea Meeting		Water / Energy Connection	
61	Sun – PV panels coming. Need to claim the sun, wind, soil and water.	O'ahu Kapolei Meeting		Water / Energy Connection	
82	Concerned: BLNR & geothermal – water is steam; is DHHL signing over authority to DLNR?	O'ahu Waimanalo Meeting		Water / Energy Connection	
289	Energy & Water	Hawai'i Hilo Green sheets		Water / Energy Connection	
323	While water is still relatively inexpensive in Hawaii, energy is not. Conserving water also conserves energy. Part V, Goal 18 addresses reduced operating costs. Implementation of industry best practices in managing water systems, including conducting water loss audits, leak detection and repair, and pressure management could help to achieve efficiency goals, defer capital costs for new source development, and reduce energy bills.	Agency Letter		Water / Energy Connection	
69	To manage water assets inventory – DHHL has been functioning without it all these years. Glad we have a director and a commission that is getting it.	O'ahu Kapolei Meeting		Water Assets Inventory	DHHL should comprehensively develop and share the information in the proposed Water Assets Inventory.



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129	Utilize USGS for data for WAI.	Moloka'i Meeting		Water Assets Inventory	
253	What is the percent of watershed lands belong to DHHL? You are not telling us where these assets are in this plan. When you talk about assets you need to tell us. The plan has not said that.	Hawai'i Waimea Meeting		Water Assets Inventory	
264	Identify what is homestead lands, there is no proper inventory.	Hawai'i Waimea Meeting		Water Assets Inventory	
266	When it comes to assets, you folks are missing something, you haven't identified assets in the plan.	Hawai'i Waimea Meeting		Water Assets Inventory	
272	When will this WAI be completed and shared?	Hawai'i Waimea Meeting		Water Assets Inventory	
1	Need to focus on water quality from source to delivery, you must know the quality of water	Kaua'i Meeting		Water Quality	The Policy should explicitly have a goal to protect water quality, and increase DHHL's and beneficiaries' knowledge of water quality.
3	Keep users of water accountable on water quality	Kaua'i Meeting		Water Quality	
21	Should run a pipe to community to provide free water to homesteads from the ditch system – better test the water before using it	Kaua'i Meeting	Kekaha	Water Quality	
25	Water contamination is a BIG ISSUE. Make a policy about it.	Kaua'i Green sheet		Water Quality	
65	Honouliuli is the aquifer that feeds Nānākūlū. Water quality seems to not be doing well. We can see the filtration systems along the freeway. Is the filtration system working? What kind of tests are they doing? We want to look at the data.	O'ahu Kapolei Meeting	Honouliuli	Water Quality	
66	Water quality needs to be added. Will be in the Final Draft. Explicit goals. How can we take an active role in it?	O'ahu Kapolei Meeting		Water Quality	
95	Polluted water – protect water in 'aauai – tie in within the "security" goal	O'ahu Waimanalo Meeting		Water Quality	
96	Water is there, but if it's not clean then it can't be used	O'ahu Waimanalo Meeting		Water Quality	
125	Chlorine in the water? Spots on the truck when we wash it. Is it still as good as it was? Is it [water quality] deteriorating? How long do we have and what can we do about it?	Moloka'i Meeting		Water Quality	
185	We have to develop a policy framework. It needs to be specific; it needs meat. How will you quantify water? How will you evaluate water quality?	Maul Meeting		Water Quality	
18	\$150/month – to grow kalo on my residential lot – to provide food for me and my girls as a single mother	Kaua'i Meeting		Water Rates	Many beneficiaries, especially those on county systems, struggle now with paying for water and sewer services. DHHL and the HHC should better understand what all beneficiaries pay, and seek to reduce the water and sewer rates paid. This is especially frustrating when beneficiaries see users of state water systems (which Hawaiians have a claim to) use water at low rates and waste water.
21	Should run a pipe to community to provide free water to homesteads from the ditch system – better test the water before using it	Kaua'i Meeting	Kekaha	Water Rates	
37	What about places already developed? Cost of water, sewage. What benefit is there for our beneficiaries?	O'ahu Papakūiaa Meeting		Water Rates	
56	Electric and water are more than my mortgage	O'ahu Kapolei Meeting		Water Rates	
76	Push for reduced rates for all homesteaders	O'ahu Kapolei Green sheets		Water Rates	
116	Kapaekā homesteaders paying high water bills – on County water system. Not getting any kind of break or discount. Auntie Leilani wanted me to give you her mana'o because she couldn't be here. What comes first? Are beneficiaries the priority?	Moloka'i Meeting		Water Rates	
137	DHHL is not putting a cap on [the rates charged to beneficiaries] – Sewer Cap – advocate for beneficiaries	O'ahu Kapolei Phone Call		Water Rates	
138	Do a survey of users to see how much they pay for their water and sewer bill?	O'ahu Kapolei Phone Call		Water Rates	
139	In 1970s – have to hook up to sewer system; in Nānākūlū, didn't need to pump septic tank. – no one looked at the long term impact	O'ahu Kapolei Phone Call		Water Rates	
172	Water meters are \$15,000 – are beneficiaries going to pay \$15,000 for a meter? Or will you exempt yourself from that requirement?	Maul Meeting		Water Rates	
190	Beneficiaries who live on Hawaiian Home Lands are paying high prices for commercial water for their gardens while farmers are using and wasting these waters without charge for their farming	Kaua'i letter	Kekaha	Water Rates	
213	What if lessee can't afford water bill? What can you do for me now?	Maul Meeting		Water Rates	
267	Look at discounting water for us.	Hawai'i Waimea Meeting		Water Rates	
281	Will there be fair rates for the new (Pu'ukapu Hybrid) system?	Hawai'i Waimea Meeting		Water Rates	
26	There should be a policy statement to the affect of: "Define water rights based on 1921 (original) DHHL water needs and advocate aggressively for access to and maintenance of the water resources."	Kaua'i Green sheet		Water Reservations	The HHC and DHHL should secure adequate and enforceable reservations of water for current and foreseeable future needs for all of its lands across the islands based upon periodic reviews of water availability projections, projected beneficiary demand, and new water use and resource development technologies and strategies.
100	Are you folks planning to do water reservations to protect DHHL's rights? Make it more explicit	O'ahu Waimanalo Meeting		Water Reservations	
104	Add "make water reservations for all DHHL lands" to policies	O'ahu Waimanalo Green sheets		Water Reservations	
120	Plan for Needs – need to make water reservations, for areas where people aren't on the land yet. Not an existing use – planning for homesteads [has to include water reservations].	Moloka'i Meeting		Water Reservations	
124	We're getting old, starting to worry. Make reservation – need to know for sure the quality of the water coming out of the aquifer.	Moloka'i Meeting		Water Reservations	
230	When will you know your demands statewide, what is the timeframe?	Kona Developers Meeting		Water Reservations	
258	How are you going to determine how much water is going to be needed for agriculture and pastoral leases? You can't because the original leases are no longer there. The water system there, who is going to need it, everyone is going to be gone.	Hawai'i Waimea Meeting		Water Reservations	

#	Raw Comment	Location and Method of Comment	Geographic focus of comment, if applicable	Theme	Distilled Comment
319	We recommend that Part III, Goal 11 "Engage in updates to all Hawaii Water Plan elements to ensure DHHL water needs and rights are addressed" be moved to Part II, which includes other planning goals. Consider strengthening this goal or including another goal to "Secure adequate reserves of water for current and foreseeable future needs statewide".	Agency Letter		Water Reservations	
324	Change goal 6 to add at the end "...based upon periodic reviews of water availability projections, projected beneficiary demand, and new water use and resource development technologies and strategies"	Agency Letter		Water Reservations	
332	Please read and reference the UH Law Journal article "Native Hawaiian Homestead Water Reservations Rights: Providing Good Living Conditions for Native Hawaiian Homesteaders" 25 UH Law Review 85. (2002)	Beneficiary Letter		Water Reservations	
48	After they built Kalawahine, they gave BWS land to build 1 M gal tank. Elevation not appropriate. Still have license at bottom of Kalawahine – over 60 years have gone by, that is precious land that the community could use. What will the Dept. do to deal with it? Recall the license.	O'ahu Papakōlea Meeting	Kalawahine	Water System Management Options	HHC and DHHL decision making over the management of water systems it develops should: a) be transparent to beneficiaries; b) account for the full value of land and water used by the system; c) always consider beneficiary owned and/or managed systems as a management option; and d) provide sufficient water for beneficiary needs.
62	What is the deal with handing over of systems developed by DHHL to County DWS? In exchange for that, they get water credits. I need to understand that. That has been pushed down our throat without any explanation.	O'ahu Kapoel Meeting		Water System Management Options	
108	Make it a policy to license water use as well as easements – simultaneously. Require both.	O'ahu Waimanalo Green sheets		Water System Management Options	
110	Consider creation of DHHL, beneficiary-owned utility to develop & manage water systems. There are numerous federal funding resources to make this possible. See Native American Navajo Nation example.	O'ahu Waimanalo Green sheets		Water System Management Options	
224	What % of water should remain as an allocation for the beneficiary?	Email		Water System Management Options	
261	If you are outside of watershed areas and you not tapping into the water, you need to do exploratory well drilling. We have water contractors in our community who know how to develop wells and tie into the system. Homesteaders and ranchers can start their own water company and establish and manage water. If you drill in Waimea, you will hit water. If one system is not working you do another one.	Hawai'i Waimea Meeting		Water System Management Options	
263	Kawaihae homesteaders may get caught without water, if Kohala Ranch decides to stop providing water to us.	Hawai'i Waimea Meeting		Water System Management Options	
273	I am also very thankful for the DHHL for developing this plan. I have often heard many of the complaints with Hawaiian Homes about poor decisions. Hopefully in the future we can move forward in a better way. If the policy is to foster self-sufficiency, then getting the existing Pu'ukapu system that has been managed by the community taken back by DHHL sounds contradictory.	Hawai'i Waimea Meeting	Pu'ukapu	Water System Management Options	
293	Allocated credits – to whom?	Hawai'i Hilo Green sheets		Water System Management Options	
2	<b>Watershed management</b>				DHHL should retain ownership of the watershed lands it holds and manage them. DHHL should seek to increase the management of public and private watershed lands. DHHL should advocate that those lands provide needed water for our homestead communities and lands and that beneficiaries have an ongoing kuleana related to watersheds lands.
34	Don't want to give up watersheds, important for health of Waimanalo	Kaua'i Meeting		Watershed Management	
68	It really is the healthy watershed – wao aku needed, to use wao kanaka lands, use it in a way that is pono – gotta go back to the sources.	O'ahu Papakōlea Meeting		Watershed Management	
84	Concerned with DHHL keeping pu'u/pali in Waimanalo & protect watershed/sources – this has a value – as source of water	O'ahu Kapoel Meeting		Watershed Management	
94	Part IV: Working with DLNR state watershed Plan "Rain follows the forest"	O'ahu Waimanalo Meeting		Watershed Management	
111	Mana'e Watershed – protect. A lot of native Hawaiians on waitlist live in Mana'e, no but homesteads. Concerned about kuleana vs. DHHL.	O'ahu Waimanalo Meeting		Watershed Management	
114	[E. Moloka'i] Watershed [Partnership] meetings are ongoing. RFP with State for fence line to protect watershed up Mana'e. We are not divided there. Not agriculture, but more aquaculture, limu gathering etc. Mana'e is different than Hoolehua. Is DHHL involved in the [watershed partnership] process?	Moloka'i Meeting		Watershed Management	
119	What clout will DHHL have with DoFAW, DLNR etc.? Where's the hammer? We'd like to see something really different, not the same old same old. Put the whole State on notice. Part III, #9.	Moloka'i Meeting		Watershed Management	
144	Need to participate in watershed protection with private entities	Moloka'i Meeting		Watershed Management	
162	Emphasize – although we don't own watershed, we need that water for our homesteads	Lana'i Meeting		Watershed Management	
226	Who should be the DHHL representative speaker in watershed partnerships?	Email		Watershed Management	
243	We all have a claim to 95% of watershed lands – all Hawaiians.	Hawai'i Waimea Green sheets		Watershed Management	
247	Participate in watershed partnerships	Hawai'i Waimea Green sheets		Watershed Management	
303	There is no mention of Mauna Kea. That is where the water is coming from. Its the most pristine water. It is being threatened by development. DHHL owns Mauna Kea access road. Therefore DHHL owns the top of the Mountain. All of the waters on this island flow from Mauna Kea. How	Hawai'i Hilo Meeting	Mauna Kea	Watershed Management	
308	can the plan not say anything about Mauna Kea?	Hawai'i Hilo Meeting	Mauna Kea	Watershed Management	

#	Raw Comment	Location and Method of Comment	Geographic focus of comment, if applicable	Theme	Distilled Comment
321	<p>We strongly support Part II, Goal 8 "Support watershed protection and restoration on DHHL lands and source areas for DHHL water". The protection and restoration of native forest watersheds through resource management and partnerships are critical for the recharge and health of ground and surface waters. Forest protection also advances other DHHL goals including being stewards of natural resources and promoting Native Hawaiian use for traditional and cultural purposes.</p>	<p>Agency Letter</p>		<p>Watershed Management</p>	



HAWAIIAN HOME LANDS  
HAWAIIAN HOMES COMMISSION  
DEPARTMENT OF HAWAIIAN HOME LANDS

**Beneficiary Consultation Statewide Meetings  
DRAFT WATER POLICY PLAN (DWPP)**

**Agenda**

- 1. Waiwai: Introduction (6:30 pm)**
  - a. Pule
  - b. Introduction & review of agenda
  - c. Review of the DWPP and its role in DHHL
  - d. Review of how the DWPP was developed
  
- 2. Waihona: Review of the DWPP (6:45 pm)**
  - a. Review of DWPP
  - b. Implementation Program
  
- 3. Mālama: Open Discussion (7:15 pm)**
  
- 4. Laulima: Goal Prioritization Exercise (8:00 pm)**
  
- 5. He kuleana ko kākou: Closing mana'ō (8:15 pm)**
  - a. Upcoming water meetings
  - b. Next Steps
    - i. Comment Deadline: May 16, 2014
    - ii. Hawaiian Homes Commission Approval:  
June 16-17, 2014 - Kapolei, O'ahu

**\*\*For more information, visit our website at [dhhl.hawaii.gov/po/water](http://dhhl.hawaii.gov/po/water), email [dhhl.planning@hawaii.gov](mailto:dhhl.planning@hawaii.gov), or call (808) 620-9517\*\***

**EXHIBIT "B"**

## Part I. General Trust Management

### Goal 1. Develop and manage a Water Assets Inventory (WAI)

**Reason for goal:** DHHL's water assets are a significant part of the trust corpus but there is no centralized system of inventory.

**Description:** DHHL shall create a WAI as central repository of water information for the Trust. WAI elements shall be geographically linked where possible, and include but not be limited to:

- Place names and traditional knowledge related to water
- DHHL owned water infrastructure (e.g. wells, pipes, storage), including any agreements related to them
- Current and future water demand
- Water agreements
- Water Credits
- Potential water sources, including old plantation systems, waste water, and other alternate sources

#	Implementation Action(s)	Cost / resource estimate	Island(s)	Target date	Lead Division
a.	Continue implementation of contract to inventory basic DHHL water infrastructure		All	2015	LDD
b.	Develop a scope of work to expand from the initial inventory to encompass other WAI elements	TBD	All	2014	PO
c.	Develop a training program so that information in the WAI shall be affirmatively made available to staff and the HHC.	TBD	All	2015	TBD

## HAWAIIAN HOMES COMMISSION WATER POLICY PLAN DRAFT FEBRUARY 19, 2014

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### Vision

Our vision is that there will be adequate amounts of water and supporting infrastructure so that homestead lands will always be usable and accessible, to enable us to return to our lands to fully support our self-sufficiency and self-determination in the administration of the Hawaiian Homes Commission Act (HHCA), and the preservation of our values, traditions, and culture.

### Mission

In a manner consistent with our values, the Hawaiian Homes Commission (HHC) and Department of Hawaiian Home Lands (DHHL) shall strive to ensure the availability of adequate, quality water by working cooperatively to:

- Understand our trust water assets;
- Plan for our water needs;
- Aggressively understand, exercise and assert our water rights;
- Develop and protect water sources; and
- Manage water systems.

### Values

1. **Waiwai:** Mōhala i ka wai ka maka o ka pua. The availability of water to our lands and people is integral to the trust and our mission.
2. **Waihona:** Ua lehulehu a manomano ka 'ikena a ka Hawai'i. Honoring and documenting our knowledge about water is essential to managing it.
3. **Mālama:** He ali'i ka 'āina; he kauwā ke kānaka. We consider water to be part of our genealogy and so we manage it in a manner that cares for its long-term sustainability for all things, as we also use it productively for our mission.
4. **Laulima:** E lauhoe mai nā wa'a; i ke kā, i ka hoe; i ka hoe, i ke kā; pae aku i ka 'āina. We are one people who now share Hawai'i with others. DHHL is only one of many Hawaiian serving institutions. We will assert our rights while considering our larger lāhui 'ōiwi and the larger world in which we live.

## **Policies**

It is the policy of the HHC and the DHHL to:

1. Dedicate the time and attention necessary, including development of a Water Assets Inventory (WAI), to appropriately manage water.
2. Expressly determine and plan for our future water needs both internally and by actively participating in broader water management, use and protection efforts in Hawai'i.
3. Educate ourselves and others continually on our water rights, and aggressively exercise them in a manner that balances our uses with other Public Trust water uses to the extent possible.
4. Foster self-sufficiency of beneficiaries by promoting the adequate supply of water for homesteading when developing or managing water.
5. Foster the self-determination of beneficiaries by seeking ways for beneficiaries to participate in the management of water.
6. Develop, manage, and steward water in a manner that balances cost, efficiency, and Public Trust uses in the short and long term.
7. Make water decisions that incorporate the traditional and place-based knowledge of our people and are clear and methodical in their reasoning.
8. Affirmatively communicate our decisions, our reasoning, and our performance in managing, stewarding, and using water.

## **Goals**

To achieve our Mission and comply with our Policies, the Goals of the HHC and the DHHL are to:

### **Part I. Understand our trust water assets**

1. Develop and manage a Water Assets Inventory (WAI).
2. Revise the DHHL submittal template to the HHC for water related decisions.
3. Revise budgets to show the total costs of a) water system management b) all spending on water issues.
4. Affirmatively communicate with beneficiaries regarding water decisions, performance, and water rights.
5. Staff and organize the DHHL consistent with importance of water to the trust.

**Part II. Plan for our water needs**

6. Develop and consistently maintain near- and long-term projections of water needs.
7. Design and develop homesteads optimizing cost and water conservation.
8. Support watershed protection and restoration on DHHL lands and source areas for DHHL water.

**Part III. Aggressively understand, exercise and assert our water rights**

9. Consistently and aggressively advocate for the rights of the beneficiaries, the DHHL, and the HHC to water.
10. Partner with trust beneficiaries in water advocacy efforts.
11. Engage in updates to all Hawai'i Water Plan elements to ensure DHHL water needs and rights are addressed.
12. Advocate that all water use permit applications properly address the water rights of DHHL and other Hawaiian water rights.
13. Advocate that boards of water supply have the spirit of the HHCA faithfully carried out in their actions.
14. Ensure that all legal provisions for the licensing of state water are followed.

**Part IV. Develop and protect water sources**

15. Carefully weigh alternatives regarding the dedication or DHHL management of new water systems.
16. Methodically and consistently manage and allocate water credits.
17. Support the drilling of wells by beneficiaries for their own use on lots where appropriate.

**Part V. Manage water systems**

18. Secure revenue and reduce operation costs so DHHL water systems break even financially over the long term.
19. Manage DHHL water systems consistent with legal requirements.
20. Increase security and reliability for DHHL water users.
21. Continue to pursue development of agricultural water systems.
22. Pursue resolution by the Department of Agriculture of prior audit findings in the management of the Moloka'i Irrigation System and full repair of the System.



## **Delegation of Authorities and Reporting**

### **1. Delegation**

- a. The Hawaiian Homes Commission delegates authority to the Chairperson to prepare an Implementation Program for this Water Policy Plan.

### **2. Reporting**

- a. The Chairperson shall submit the proposed Implementation Program to the Hawaiian Homes Commission annually in conjunction with the Department's budget request.
- b. The Chairperson shall annually report on progress on execution of the approved Implementation Program and overall progress towards achieving the goals of and maintaining compliance with the Water Policy Plan.

## **Legal Authorities**

1. Hawai'i State Constitution
2. Hawaiian Homes Commission Act of 1921, as amended
3. Hawai'i State Water Code, HRS 174C
4. In the Matter of Water Use Permit Applications (Waiāhole I case)
5. Wai'ōla o Moloka'i

## **Related Plans and Policies**

1. DHHL General Plan
2. DHHL Energy Policy
3. Hawaiian Homes Commission Beneficiary Consultation Policy

## **References**

1. 1983. Puku'i, Mary Kawena. 'Ōlelo No'eau: Hawaiian Proverbs & Poetical Sayings. Honolulu: Bernice Pauahi Bishop Museum.
2. Aia I hea ka wai a Kāne? (Traditional chant, "Where is the water of Kāne?")

**Definitions:**

**Hawai'i Water Plan:** The Hawai'i Water Plan and its parts, as detailed in Part III of the Hawai'i State Water Code (HRS 174C), is the state's "program of comprehensive water resources planning to address the problems of supply and conservation of water" (HRS 174C-2(b)).

**Public Trust:** As delineated in the Hawai'i Supreme Court Waiāhole I and Wai'ola O Moloka'i cases, public trust uses of water include domestic uses, traditional and customary Hawaiian rights, the protection and procreation of fish and wildlife, the maintenance of proper ecological balance and scenic beauty, and reservations of water for the DHHL.

**Water:** In this policy, water includes mists, fog, rain, and other precipitation; water as it flows above or below ground, and into the ocean; water used for homesteading; alternative sources including waste, brackish, and salt water; water used in the exercise of traditional and customary practices; infrastructure used to produce, store and transmit water; and water we use as well as water to which we have rights.

**Water Assets Inventory (WAI):** A comprehensive geographically referenced database of the water assets of the DHHL, including traditional knowledge related to water, DHHL owned water infrastructure, current and future water demand, water agreements, water credits, and potential water sources.

**Approval Date**

Policy approved by the Hawaiian Homes Commission on \_\_\_\_\_.

# DEPARTMENT OF HAWAIIAN HOME LANDS (DHHL)

## WATER KULEANA

The DHHL's main water responsibilities are to develop sources, to manage systems, and to plan for needs and advocate for rights. To do this DHHL has distinct water rights based on the Hawaiian Homes Commission Act (HHCA), the Hawai'i State Constitution (HSC) and Hawai'i Revised Statutes (HRS), and court cases.

These water rights are tools that the Hawaiian Homes Commission (HHC) can use as needed. Which tool/right is best to use in a situation depends on the opportunities at hand and the costs (financial and other) to assert the tool/right.

Right/Tool	Description	Legal Reference	Has it been exercised? Where?
<b>RESPONSIBILITY: DEVELOP WATER SOURCES</b>			
Priority Use	In water management areas, water use permits are conditioned on permitted uses not interfering with the rights of DHHL. Permitted amounts can be reduced if they interfere with DHHL rights.	<ul style="list-style-type: none"> <li>• HRS 174C-49(a)</li> <li>• <u>Wai'oloa O Moloka'i: 103</u></li> <li>• <u>Haw: 401</u></li> </ul>	In the ground water management areas established on O'ahu, Moloka'i, and Maui, permits are issued conditioned on DHHL rights.
Demand Water	To supply pastoral, aquaculture, agriculture, or domestic needs, DHHL can (1) Demand water deriving from government lands without paying the government (2) negotiate for the right to use water deriving from government or private lands, or (3) bring eminent domain proceedings. In its own name, the right to use surplus water from private lands.	<ul style="list-style-type: none"> <li>• HHCA §221 HRS 171-58</li> <li>• Attorney General Opinion dated 8/22/1994 by W. Tam</li> </ul>	DHHL has negotiated for the use of water across the islands. The HHC has authorized the assertion of a demand for water in Waimea, Kaua'i.
Issue Leases or Licenses for Transmission	The DHHL can lease or license trust land to third parties for the provision of water.	<ul style="list-style-type: none"> <li>• HHCA especially §204 S. 207</li> </ul>	Yes. Most new DHHL water systems are built to County standards then licensed to the County Board of Water Supply.
<b>RESPONSIBILITY: MANAGE WATER SYSTEMS</b>			
Own and Manage Water Systems	The DHHL can develop, manage, and own water systems and deliver water to homesteaders and others. It is barred from selling any wholly owned system.	<ul style="list-style-type: none"> <li>• HHCA §220, 220.5, 221</li> <li>• HRS 167</li> </ul>	Yes; on Moloka'i, Kaua'i, and Hawai'i.
Derive Revenue	The HHC may derive revenue from the delivery of water to non-homesteaders.	<ul style="list-style-type: none"> <li>• HHCA §220</li> </ul>	Yes; on Moloka'i and Kaua'i.
Moloka'i Irrigation System	If an actual need is shown to the Department of Agriculture, HHC and homesteaders have a preference right to 2/3 of the water developed by the system.	<ul style="list-style-type: none"> <li>• HRS 168-4</li> </ul>	Homesteaders have individually sought access to the MIS for water and been provided it.
<b>RESPONSIBILITY: WATER PLANNING AND ADVOCACY</b>			
Water Reservations	The Commission on Water Resource Management shall "reserve" water for future DHHL needs to the extent applicable, based on DHHL projections.	<ul style="list-style-type: none"> <li>• HHCA §221</li> <li>• HRS 174C-49(d), 101(a)</li> </ul>	Yes; on O'ahu and Moloka'i, but never in an "undesigned" area.
Water License Revenue	DHHL is entitled to 30% of the receipts from water licenses issued by the State.	<ul style="list-style-type: none"> <li>• HSC Art XII §1</li> <li>• HHCA §213(i)</li> <li>• HRS 171-58(g), 174C-101</li> </ul>	Yes; it has received revenue and audited returns.
Public Trust Status	Public Trust uses of water include the domestic needs of the general public, traditional and customary Hawaiian uses, maintaining wildlife and scenic beauty, and the rights of the DHHL. Public Trust uses are supposed to have priority over private commercial uses of water.	<ul style="list-style-type: none"> <li>• HSC XI, §1, 7 HRS 1-1, 174C</li> <li>• <u>Wai'āhole I, 94 Haw. 97</u></li> <li>• <u>Wai'oloa O Moloka'i: 103</u></li> <li>• <u>Haw: 401</u></li> </ul>	Yes; in legal actions on O'ahu (the Wai'āhole case) and Moloka'i (the Wai'oloa case).

**DHHL WATER POLICY PLAN STATEWIDE BENEFICIARY CONSULTATION  
CHIEFESS KAMAKAHELEI MIDDLE CAFÉ, PUHI, KAUA'I  
MARCH 31, 2014  
6:30 P.M. – 8:30 P.M.**

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**Attendance:** 17 Total (9 beneficiaries, 4 other, 4 no response)

DHHL: Kaleo Manuel (PO), Bob Freitas (PO), Ulu Lota (PO), Jonathan Scheuer (Consultant), Patsy Sheehan (HHC)

**Handouts:**

- Agenda
- Water Implementation Program Example
- DHHL Water Kuleana Handout
- DHHL Water Policy Plan Draft

**Presentation:**

Kaleo Manuel provided an overview of the Water Policy Plan process, its context and relationship to the DHHL planning system, and the work done to date in developing the plan. Jonathan Scheuer reviewed the DHHL Water Policy Plan draft that was developed using information and research from Department and external files, feedback from one-on-one interviews in the initial scoping of the project, and mana o shared during statewide beneficiary informational meetings. The DHHL Water Policy Plan is also consistent with DHHL's legal authorities, rights, and kuleana related to water.

**Open Discussion:**

Below are the questions, comments, or testimony provided either verbally or on green comment sheets, or by letter, by those present at the meeting.

- Water contamination, water quality testing on HHL as an issue has not come up, comment need to focus on water quality from source to delivery, watershed management, you must know the quality of water, keep users of water accountable, comment was expressed in a cultural way. Need to follow up.
- Focus on ag lot development appreciates water focus, but who will manage programs to deliver results not just a pretty plan, water responsibility is dispersed in DHHL, need lead water office water in the DHHL organization to develop accountability, re-name land and water management division, get staffing in place to support.
- Example from Piilani Mai Ke Kai where LDD's consultant is developing the lots by watering the grass using a wasteful watering technique, given the high cost of water from the homesteaders perspective greater care should be used in managing the water resource, DHHL should make sure departments work together to conserve and manage the water.
- Commented HHCA section 207 counties and state should follow DHHL, Waimea water shed reference, water rights identified in the act, plantations should not be there, court case DLNR and HHC bound as trustees for water, see the court case where Joe intervened with Ahuna. He discussed sublease issues use of the land at lower mana and upper mana boundaries, ADC, water

**DHHL WATER POLICY PLAN STATEWIDE BENEFICIARY CONSULTATION  
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should be made available upon demand of department, DHHL has never demanded water, Ahuna and Manini used legal aid, see Keaukaha vs DHHL Ahuna case, breach of trust ceded lands, history of his lease DLNR then it became HHL.

- Residential water needs for growing kalo on homestead lot, homesteader pays 150 dollars a month she is single mother, concerned about large farms wasting water and small users paying top dollar, need to treat water appropriately, use water practice water rights not a disposable resource, beneficiary must use water in a pono way.
- Need to organize DHHL development office must manage water, concern wants to know specifically about kauai, need regular follow up in future, concern waste water kekaha by large water users. Wants to know who is Kauai HHC Commissioner. (Note he met with Commissioner Sheehan)
- Comment need education better language in policy to represent the beneficiaries, what is the commitment in the policy to aggressively represent need explicit language? Concern beneficiary interest, no policy on water, trying to get a policy, community reporting on water updates by island, Note buffer zone around gmo farms can the water be tested and used. Concern kauai mtgs with commissioner get updates on water discuss issue?

**Green Comment Sheets:**

- There should be a policy statement to the affect of: "Define water rights based on 1921 (original) DHHL water needs and advocate aggressively for access to and maintenance of the water resources."
- There is a disconnect in the use of short-term changes (2-5 years) & community needs when they need to affect policies (State-Islands-Regional) that are much longer term (10-20 years). How will you do this?
- What will policy be if "broken" systems are identified & DHHL doesn't have resources to fix? Cannot give responsibility to the Dept. (DLNR) responsible for creating the problem in the first place. Where are the "teeth" in your policy?
- Water contamination is a BIG ISSUE. Make a policy about it.
- Your "policies" are not really "policies," but more like a series of action items. A policy would be something like "Aggressively advocate and legislate for rights to water based on original DHHL (1921) land designations."
- RESTORE water, don't just live with what those 20 year plans have decided DHHL stakeholders get.

**Broad Sheets:**

During the course of the meeting, staff also tried to capture the open discussion and conversation on broad sheets, which are transcribed below.

- Watershed management is number 1
  - Watershed contamination is a concern

**DHHL WATER POLICY PLAN STATEWIDE BENEFICIARY CONSULTATION  
CHIEFESS KAMAKAHELEI MIDDLE CAFÉ, PUHI, KAUA'I  
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6:30 P.M. – 8:30 P.M.**

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- Quality of water is key
- Keep the source accountable/clean
- Manage as it comes onto our lands
- Should have continued testing of the sources
- Great to see focus on water at DHHL, but same focus should be placed on looking at awarding and development of agricultural lots
- Staff? Funding? Budget?
- More than pretty plan, but be implemented
- LMD – not only about lands, but should include water; it's part of their name, doesn't having knowledge of water help bring/add value
  - Land and Water Management
- Hire more staff
- Surface, wastewater, water conservation
- Piilani Mai Ke Kai – wastewater on grass; in development phase, need to minimize waster
- HHCA section 207 – Constitution of SOH – No need follow county, it's a part of the Constitution! It's clear.
- DHHL/DLNR – bound as trustees, to provide water to these lessees – via court cases
- Boundary – Mana and Kekaha water location – the name is different/wrong
- Lainaholo and Manini – Keaukaha – Pana'ewa Community Association vs. HHC – won case – Court Case
- \$150/month – to grow kalo on my residential lot – to provide food for me and my girls as a single mother
- The ag businesses are wasting and not paying for water
- Abuse of Kane is happening statewide
- As kanaka start to use water as kupuna did – traditional practices – we will become more effective than any board or commission; use in pono ways
- Should have water to guide development of homesteads
- The springs in Mana were plugged when those lands were developed, not too many people know that
- Should run a pipe to community to provide free water to homesteads from the ditch system – better test the water before using it
- Want simple/island solutions – not about the larger state
- Palai – variety of kalo – grows in Kona, Kauai
- If HHC doesn't do it, then push for politicians to do it
- Educate kanaka on better way to manage water
- Beneficiaries are most important and will DHHL advocate for them above and beyond the state – advocate for beneficiaries above all others
- When you call DHHL, it seems like beneficiaries are not at the forefront
- The way I was raised, it was about my area, not anyone else's area

**DHHL WATER POLICY PLAN STATEWIDE BENEFICIARY CONSULTATION  
CHIEFESS KAMAKAHELEI MIDDLE CAFÉ, PUHI, KAUA'I  
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- Don't draft statewide letters to update us, but want to know more specifically what is happening in my region
- Get things moving – there's been no reply back

**Goal Prioritization:**

Although the DHHL Water Policy Plan draft has twenty-two (22) goals, in order to focus our (HHC, DHHL, and Beneficiary) efforts related to water, attendees were asked to go through a goal prioritization activity. Each attendee was given three (3) dots and was directed to place those dots next to the three (3) goals they felt were the most important to work on implementing in the next three to six years. Below are the results from that activity.

Goal	Description	Dots
1	Water Asset Inventory (WAI)	0
2	Submittal Template	0
3	Budget	0
4	Communicate	8
5	Staff and Organize	0
6	Projections	2
7	Design	2
8	Watersheds	4
9	Advocacy	7
10	Partner	3
11	Water Plan	0
12	WUPA	3
13	DWSs	1
14	Licenses	1
15	Dedication of Systems	0
16	Water Credits	6
17	Wells	2
18	Break Even	2
19	Run Legal Systems	1
20	Security	5
21	Ag Water	11
22	MIS	0

All handouts and notes can be found on the DHHL website at: [dhhl.hawaii.gov](http://dhhl.hawaii.gov)

**DHHL WATER POLICY PLAN STATEWIDE BENEFICIARY CONSULTATION  
BLANCHE POPE SCHOOL CAFÉ, WAIMANALO, O'AHU  
APRIL 1, 2014  
6:30 P.M. – 8:30 P.M.**

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**Attendance:** 22 Total (17 beneficiaries, 2 other, 3 no response)

DHHL: Kaleo Manuel (PO), Andrew Choy (PO), Bob Freitas (PO), Ulu Lota (PO),  
Ku'uwehi Hiraishi (ICRO), Jonathan Scheuer (Consultant)

**Handouts:**

- Agenda
- Water Implementation Program Example
- DHHL Water Kuleana Handout
- DHHL Water Policy Plan Draft

**Presentation:**

Kaleo Manuel provided an overview of the Water Policy Plan process, its context and relationship to the DHHL planning system, and the work done to date in developing the plan. Jonathan Scheuer reviewed the DHHL Water Policy Plan draft that was developed using information and research from Department and external files, feedback from one-on-one interviews in the initial scoping of the project, and mana'o shared during statewide beneficiary informational meetings. The DHHL Water Policy Plan is also consistent with DHHL's legal authorities, rights, and kuleana related to water.

**Open Discussion:**

Below are the questions, comments, or testimony provided either verbally or on green comment sheets, or by letter, by those present at the meeting.

- What is the relationship of BWS to staff functions at DHHL? What is the legal connection? Can we get someone from DHHL on BWS's and CWRM. DHHL: in the cases of BWS, it is non-existent. We could add a goal that says at least one member needs to be a homesteader. We can advocate for that for CWRM and BWS's. We can use previous court cases to advocate BWS's to stop ignoring DHHL.
- Without that relationship between DHHL and all of the counties' BWS we are just floating out in the water. We are not getting anywhere.
- Water resource is not only something we need, but if it is not managed well by others, it will impact homesteaders. For example management of dams. If it breaks, we are all in trouble.
- BWS's and CWRM have ignored DHHL. DHHL hasn't advocated for it. Connect DHHL and its beneficiaries with BWS and CWRM. We need to use our authority. Use the court cases.
- I am concerned about BLNR and its authority over geo-thermal. Geo-thermal is steam, and steam is water. What authority do they have over it and since steam is water, what is DHHL's rights to geo-thermal?
- What is the decision-making over the puu in Waimanalo in the Oahu Island Plan? DHHL: DHHL is weighing decisions about what types of lands in its



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inventory. Keep non-developable lands or trade them for developable lands?  
We have not made a decision related to the Puu.

- The chairman has discussed trading the puu at a previous meeting.
- One of the dilemma's we face on Oahu is that a lot of our beneficiaries want to live on Oahu. The question is what are you willing to give up to be able to accommodate this demand from DHHL beneficiaries. Keeping lands that we cannot develop it comes at the expense of those on the waitlist.
- I agree with the idea to get more beneficiaries on these water boards.
- Part of the public trust is education. The puu provides educational opportunities for our students. We do not need to import outsiders to be scientific experts; our own students should have the potential to be experts.
- DHHL: A policy in the water could be that when you entertain land exchanges, we should also evaluate the water resources as well as the monetary value.
- What amount of revenue has been generated by state water licenses? DHHL: We need to be more consistent with advocating DLNR and other state agencies about collecting the amount we are fairly owed. Example = comment letter on DLNR sale of Waimanalo lands.
- Are you familiar with the federal laws to assist us with DHHL water rights? This draft plan only takes into consideration state laws. DHHL: We can certainly do more research into relevant federal laws and impacts to DHHL water rights. However, with regard to water, generally, federal policy has been to let each state decide on how to manage its water resources. Federal water related to water mainly looks at navigable use of water and water quality (ex: Clean Water Act) rather than water quantity.
- In Waianae, when we were kids, the water we got was free. The water for land was free. But the water for consuming, we needed to pay. In 1992, BLNR wanted to exchange DHHL mauka lands for other lands. It is nothing new. It was something attempted before.
- On the mission statement it says only manage water systems. Why not add "develop" water systems.
- In the plan "Water storage and back-up systems" ....can use also add language related to "alternate water systems" such as water re-use or recycled water so that these options becomes part of the implementation program or at the very least are considered as an option.
- The water problem is not only DHHL. It is a people problem. On Maui, Kahikinui, they built a road. When the rain came, the road washed away. Reach out to other entities that have the engineering ability like national guard and federal agencies, they can help build resources/infrastructure to build water assets for DHHL. It costs nothing to DHHL.

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- Part IV of the draft plan – the plan should state that DHHL is working with DLNR watershed plan "Rain Follows the Forest" so DLNR has to include us and the two departments participate in each other's process.
- In Waianae everybody cleaned the auwai. Now the water is no good. We have to protect the water. If the water is there, but if it's no good, its not useable. DHHL: On Kauai last night, the absence of goals related to water quality was also mentioned as a "puka" in the plan.
- In Cal Poly when I was a student, there was a drought so they used re-used water. It was stink. I do not want to see us use re-used water to drink.
- Kailua uses water for their swimming pools. Waste of water.
- In Waianae, every drop of water in the puu goes to the military since we do not have a GWMA. We need to take a look at the policies of no re-used water for drinking especially for our children.
- It sounds like a good plan that you put together. mahalo for going to the different communities. It's wonderful that DHHL is stepping up to advocate for the existing laws.
- Are you planning to do water reservations to protect DHHL water rights? I do not see it in the plan. DHHL: In the first round we discussed reserving water or kapu water for DHHL. We need to make it more explicit in the policy plan that there should be water reservations for every Hawaiian Home Land. Through the SWPP, we now know how much water to request in water reservations.

**Green Comment Sheets:**

- Add "develop" water systems to Mission
- Add "make water reservations for all DHHL lands" to policies
- Add in Part 1 under #4 to "partner" with beneficiaries regarding water decisions to include their cultural & place based knowledge
- Part III B: Add: require State Water decisions to have formal preview & signoff from DHHL.
- Part V 20: Add: develop alternative water systems & storage systems, including recycling, desal,
- Make it a policy to license water use as well as easements – simultaneously. Require both.
- Make sure there is someone on Commission with water expertise or experience.
- Consider creation of DHHL, beneficiary-owned utility to develop & manage water systems. There are numerous federal funding resources to make this possible. See Native American Navajo Nation example.

**Broad Sheets:**

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During the course of the meeting, staff also tried to capture the open discussion and conversation on broad sheets, which are transcribed below.

- Relationship of BWS, DLNR, CWRM with DHHL – should be a stronger connection, focus on this connection – it's embedded within the State Water Code
- One member of CWRM – homesteader
  - Similar at County level – Kaua'i Springs case – County has responsibility to keep/uphold public trust
- DLNR – dams within conservation lands – can DHHL ask for those sources? We could use it for agricultural use – safety is also an issue
- DLNR has ignored needs/uses of DHHL and DHHL has not asked for it either
- Concerned: DLNR & geothermal – water is steam; is DHHL signing over authority to DLNR?
- Wai'anae does not have GWMA.
- Concerned with DHHL keeping pu'u/pali in Waimanalo & protect watershed/sources – this has a value – as source of water
  - Education – provide jobs – MA & Ph.D. next generation Hawaiians
- Participate and be on boards/commissions
- Water license revenue? How much is DHHL getting? Very little
- DLNR – manage surface water
- Federal Laws – was there an assessment/research done? I see mostly an analysis of State and County laws
  - We can do more – more federal assessment
  - Water law is usually a State law issue until it is a “navigable water way” – related to commerce
  - Looking at federal legislation – “reclamation state” – potential funding
- “Manage” and “develop” – add to mission statement
- #20 – develop recycling, desalinization, alternative water resources
- Water is not only a DHHL problem, it's a statewide problem
- Runoff/storage for agricultural use
- Reach out to other entities for help (e.g. National Guard @ Kahikinui) ask them for help
- Part IV: Working with DLNR state watershed Plan “Rain follows the forest”
- Polluted water – protect water in 'auwai – tie in within the “security” goal
- Water is there, but if its not clean then it can't be used
- Cal-Poly Pomona College – drought and we had to do reuse in the dorms – I'm from Wai'anae – don't want to see reused water for our drinking water into the future – we need to be smarter than that
- There are 6 wells that were developed in Kahana for Kailua – used for filling swimming pools
- Wai'anae – every drop on the pu'u goes to military, our drinking water comes from someplace else – that's a concern

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- Are you folks planning to do water reservations to protect DHHL's rights?  
Make it more explicit

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**Goal Prioritization:**

Although the DHHL Water Policy Plan draft has twenty-two (22) goals, in order to focus our (HHC, DHHL, and Beneficiary) efforts related to water, attendees were asked to go through a goal prioritization activity. Each attendee was given three (3) dots and was directed to place those dots next to the three (3) goals they felt were the most important to work on implementing in the next three to six years. Below are the results from that activity.

Goal	Description	Dots
1	Water Asset Inventory (WAI)	0
2	Submittal Template	0
3	Budget	0
4	Communicate	0
5	Staff and Organize	5
6	Projections	0
7	Design	1
8	Watersheds	0
9	Advocacy	9
10	Partner	1
11	Water Plan	0
12	WUPA	1
13	DWSs	1
14	Licenses	1
15	Dedication of Systems	0
16	Water Credits	1
17	Wells	0
18	Break Even	5
19	Run Legal Systems	0
20	Security	2
21	Ag Water	3
22	MIS	0

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**DHHL WATER POLICY PLAN STATEWIDE BENEFICIARY CONSULTATION  
LANIKEHA COMMUNITY CENTER, HO'OLEHUA, MOLOKA'I  
APRIL 2, 2014  
6:30 P.M. – 8:30 P.M.**

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**Attendance:** 30 Total (20 beneficiaries, 6 other, 4 no response)

DHHL: Kaleo Manuel (PO), Nancy McPherson (PO), Ulu Lota (PO), Halealoha Ayau (MDO), Juliana Kaupu (MDO), Jonathan Scheuer (Consultant), Gene Ross Davis (HHC)

**Handouts:**

- Agenda
- Water Implementation Program Example
- DHHL Water Kuleana Handout
- DHHL Water Policy Plan Draft

**Presentation:**

Kaleo Manuel provided an overview of the Water Policy Plan process, its context and relationship to the DHHL planning system, and the work done to date in developing the plan. Jonathan Scheuer reviewed the DHHL Water Policy Plan draft that was developed using information and research from Department and external files, feedback from one-on-one interviews in the initial scoping of the project, and mana'o shared during statewide beneficiary informational meetings. The DHHL Water Policy Plan is also consistent with DHHL's legal authorities, rights, and kuleana related to water.

**Open Discussion:**

Below are the questions, comments, or testimony provided either verbally or on green comment sheets, or by letter, by those present at the meeting.

- Q: Mana'e Watershed – protect. A lot of native Hawaiians on waitlist live in Mana'e, no but homesteads. Concerned about kuleana vs. DHHL. A: Comments we heard at another meeting – rights of kalo farmers from Mahele time, were there before the Homestead Act.
- Q: How do we assure that the policies will be followed through all the Chairs? A: Commissioners and Chair are obligated to follow their own policy.
- Q: This is a very nice wish list, like a kid's Christmas list – it's awesome. But how is it to be implemented? Or is this just gathering our mana'o? Just info gathering? A: We are making this palapala first. Make it pa'a first, then implement. Annual implementation program will be brought to HHC by Chair, and we will be going to the HHC for budget approval in June, to direct some resources toward implementation.
- Q: [E. Molokai] Watershed [Partnership] meetings are ongoing. RFP with State for fence line to protect watershed up Mana'e. We are not divided there. Not ag, but more aquaculture, limu gathering etc. Mana'e is different than Hoolehua. Is DHHL involved in the [watershed partnership] process? A: Not directly involved, but want to support traditional practices and resources that support them.

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- Comment: This really needs to be a partnership with the beneficiaries. Decisions are still made top-down even though we give you our mana'o re: our needs. Problem is no enforcement – lessees aren't even complying with the existing policies. DHHL is not enforcing its existing policies.
- Comment: Kapaakea homesteaders paying high water bills – on County water system. Not getting any kind of break or discount. Aunty Leilani wanted me to give you her mana'o because she couldn't be here. What comes first? Are beneficiaries the priority?
- Comment: DHHL should aggressively pursue our water rights – should be policy #1. That being said, beneficiaries also have responsibilities to be good stewards of the land. Kuleana – means rights and responsibilities. DHHL needs to defend its rights and responsibilities. We all share this kuleana. Public trust – competing. Declaring this kuleana puts the State on notice that they have a responsibility to enforce, also restore and support the HHCA's water rights. Talking about kuleana – not just asserting our water "rights" – it's not ours, it comes from Ke Akua – responsibility is to take care of it.
- Q: These are islands – all of it is important, but much of the forest reserve, in Conservation, isn't DHHL's. What clout will DHHL have with DoFAW, DLNR etc.? Where's the hammer? We'd like to see something really different, not the same old same old. Put the whole State on notice. Part III, #9.
- Comment: Also #7 – Plan for Needs – need to make water reservations, for areas where people aren't on the land yet. Not an existing use – planning for homesteads [has to include water reservations].
- Comment: Design of homesteads – need designs that create water – layout of lots. Windbreaks, rain catching – conserve and enhance watershed. Molokai people going to Africa, people there amazed that we use water for pooping. Water is a scarce commodity in many places in the world. Studies when in Molokai's history the water usage go up – it was when everyone got flush toilets and stopped using hale kukae. Outhouse now called "composting toilet." Same old thing doesn't work.
- Comment: Water is being flushed to deal with waste. Mandatory – change the toilets.
- Comment: Water crossing E. End roads and flowing into ocean. Billions of gallons – capture in reservoirs. Manage it better store it. It's water we could be using.
- Comments: Mana'e – water in streams not running any more. Running now, just because it's raining. Fish come in to lay their eggs. Important in Mana'e – different districts have different conditions. Water being diverted from the mountains. People come over here to build house – drill a well, build a swimming pool. In West End, Kawela [dry areas]. Water use for recreation is a waste. What happens when there's a big fire? DHHL needs to push these issues – talk too much, too much paperwork. No one has integrity any more. We fought for water with the [Molokai] Ranch. Molokai is unique. We have

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not been good stewards. Everybody has to share. Stand up for what's right. We have nowhere else to go. Give it [homestead] to you when you're old, can't afford. Can live without electricity, can't live without water. Get together. Don't just do paperwork, or next generation is going to be fighting for the same things.

- Comments: We're getting old, starting to worry. Make reservation – need to know for sure the quality of the water coming out of the aquifer.
- Q: Chlorine in the water? Spots on the truck when we wash it. Is it still as good as it was? Is it [water quality] deteriorating? How long do we have and what can we do about it?
- Comment: Design homesteads to use gray water in garden. Doing it anyway, with washing machine water. Now I don't have to pump out the cesspool.
- Comment: Aggressively advocate for our rights. You have more clout – I can't be there [on O'ahu] to attend the meetings – gotta take care of the grandkids. Traveling to O'ahu is a pain. If there are issues in the Leg, at Commission, it's got to be you folks. You've gotta advocate for us, at all levels. A: CWRM cut budget for meeting on outer islands. Should do like Big Island – provide ability to provide testimony from satellite offices located on various parts of the island.
- Comment: We're at saturation [on Molokai] – what we're pumping, we're using. Need efficient development, use of water. When the price of potable water went up, my usage went down, so that works. For new homes – push water reuse.
- Comment: We have the rights as a hammer, but to develop healthy partnerships, remind others of their kuleana first, then if they don't improve, pull out the hammer.
- Comment: Utilize USGS for data for WAI. Response: Do you want us to add a goal specifically about USGS? Partnering with Feds?
- Comment: Where are criteria for prioritizing homesteads? Cost of providing water needs to be included in analysis. Too expensive to get water to certain areas for homesteads – need to take these factors into account. Response: Where to develop has been somewhat political in the past, also trying to settle people where the jobs are (Kawaihae).
- Discussion: What comes first, the chicken or the egg? Whichever Commissioner makes the most noise gets the homesteads. Kamalōmalō – plenty of water, but hasn't been developed yet. Why?
- Comment: Long Range Plan – Tie land use to water availability. Response: Island Plans are supposed to be those plans.
- Comment: Water should drive, guide land use. Do [real] cost/benefit analysis – calculate real cost to develop lots.



**DHHL WATER POLICY PLAN STATEWIDE BENEFICIARY CONSULTATION  
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- Comment: Any time CWRM makes a decision, DHHL box has to be checked off – DHHL should be commenting on everything they do. DLNR still owes us land, also DOT.
- Comment: Homesteader commercial use in Hoolehua – never happened. Get control of the planning.
- Comment: DHHL must have a seat on the CWRM.

**Green Comment Sheets:**

- 14 licenses – mention NHRF in language
- For future meetings, on sign-in sheet – ask attendees if they want to receive mail notification. Love email reminders! Mahalo for your preparation and hard work. And patience

**Broad Sheets:**

During the course of the meeting, staff also tried to capture the open discussion and conversation on broad sheets, which are transcribed below.

- Mana`e – DHHL didn't participate in the watershed meetings to protect / fence the watershed. Why not?
- How do you ensure continuity through the changes in leadership?
- This is a perfect "wish list" like a kid's Christmas list –is it to be implemented? Will we walk the walk, not talk the talk>
- Aquaculture is a big issue in Mana`e.
- Need to participate in watershed protection with private entities
- No faith in the top decision makers; with existing policies in place, DHHL is not enforcing policies already there [so why would we believe this policy will be implemented?]
- Kapa`akea – high cost of water – how are you helping them, whose issue is right now?
- Where it says "aggressively assert rights" it should read "for the **responsibilities** of our beneficiaries as stewards of the land"
  - Kuleana should be explicitly used and defined
  - The right comes with responsibility
  - This is a kuleana we share; the state has responsibility too.
  - Take care of it, protect it.
- Your watershed goal – where is the hammer that DHHL can use against the state, another state agency [implied: if no hammer, need carrot]
- You need partnerships; you need to hook in others
- Put kuleana as a defined term in the WPP
- Reservations are not an existing use – from contested case
- Planning is concerned with language, so go further to include "creating water" in our developments – the layout of lots, providing for windbreaks, plants that catch rain, conserve and enhance
- Design – composting toilets are critical

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- This plan is like all others, except being developed by Hawaiians – let's make it different.
- Water is being wasted
- To get rid of waste make it mandatory to change toilets, infrastructure, etc.
- Storm water – excess flow – capture excess in reservoirs – manage that water for us to use. Not the base flow but the excess.
- Mana`e is different than other areas
  - Water hasn't flowed like it is now in a long time, because of diversions up mauka
- Swimming pools are all over Kawela – “wastefulness of recreation” – they dig wells to provide for this, NO!
- Molokai is blessed – we must all participate in stewardship
- Nobody can go without water – water is important
- The quality of water in the aquifer - Kualapu`u – is a concern
- Design homesteads to use grey water (i.e. sink / bath water to water garden); reuse water
- Yes. Aggressively advocate for our rights all the time. DHHL has clout; it is difficult and expensive for us to fly over to O`ahu; most of the time it needs to be you
- We need to be efficient in the development and the use of water; water seems abundant now but won't always be.
- Does DHHL have a seat on the water commission? It needs to – must have a seat.
  - Need to always phrase this / frame this as you will kokua their kuleana
- USGS should be a key partner, especially in developing the WAI
- Benefit / cost analysis needs to be done when developing lands, e.g. Kalama`ula
- Tie land use and water to make decisions
- DHHL should be a check off before CWRN takes action

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6	Projections	1
7	Design	5
8	Watersheds	5
9	Advocacy	8
10	Partner	2
11	Water Plan	2
12	WUPA	0
13	DWSs	0
14	Licenses	1
15	Dedication of Systems	0
16	Water Credits	2
17	Wells	0
18	Break Even	3
19	Run Legal Systems	1
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**DHHL WATER POLICY PLAN STATEWIDE BENEFICIARY CONSULTATION  
DHHL PAUKUKALO COMMUNITY CENTER, PAUKUKALO, MAUI  
APRIL 7, 2014  
6:30 P.M. – 8:30 P.M.**

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**Attendance:** 22 Total (13 beneficiaries, 6 other, 3 no response)

DHHL: Kaleo Manuel (PO), Julie-Ann Cachola (PO), Ulu Lota (PO), Mona Kapaku (MDO), Jane Gordon (MDO), Jonathan Scheuer (Consultant), Pua Gomes (HHC)

**Handouts:**

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**Open Discussion:**

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- In Jonathan's presentation, he talked about a well that was on the Big Island. Can you elaborate on the well?
  - In the 1940's a homesteader constructed a well on the Big Island. We didn't know about it before. Recently, different homesteaders on the Big Island wanted to drill their own well, but they were getting responses from DHHL that indicated they could not. The proposed policy will explicitly say that where it's feasible, it would be OK.
- Part III, regarding being aggressive with our water rights, when will DHHL seek a seat on CWRM?
  - The DHHL has recommended people to serve on the CWRM, but OHA is generally the lead on pushing for representation on Boards and Commissions. This will possibly be in the top 3 recommendations of the policy plan—to get a seat on CWRM and BLNR.
- In the interest of consistency, will any part of this policy be translated into Administrative Rules so it will not change whenever the administration changes?
  - It probably will. It will be part of the implementation plan. We could highlight which parts should be included in Hawaii Administrative Rules. Kaleo noted that we are also working on Administrative Rules for the Planning System.

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**DHHL PAUKUKALO COMMUNITY CENTER, PAUKUKALO, MAUI**  
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**6:30 P.M. – 8:30 P.M.**

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- The Rulemaking process doesn't involve discussions like this, so we want to do this first then seek the rules that would be necessary.
- I like this policy, but I am also disappointed to hear that since 1920, the Act forgot about water. Land and water always goes together. It's a disgrace for DHHL to not have water together with land. Enough of telling us what is in the policy. Maui has our own water issues; don't confuse us with information about actions on other islands—just deal with the West Maui Mountains. We want to know: what is the Clean Water Act; what are the critical water issues on Maui; where are they located? You should find Hawaiian words to explain what you are talking about. Watershed, for example, is a German word. Talk Kanaka, not Haole. We have come to know about Paukukalo and Wai'ehu Kou. Now we have to go to Haleakala where water originates. Hawaiian Home Lands have to get its act together because the train is going really fast. We have to follow the moku system. We need to show the map—the number of wells, where they are. Why is DHHL not doing the research? Water meters are \$15,000—are beneficiaries going to pay \$15,000 for a meter? Or will you exempt yourself from that requirement?
  - When DHHL constructs a well, DHHL gets "water credits" which is then used to secure water meters. So for homestead lots, there is no charge to the lessee. But if a lessee wants to subdivide the property, sometimes DHHL pays and sometimes the beneficiary or lessee needs to pay for the added water meter.
- I think every beneficiary should have the right to drill a well on their lot without DHHL telling them they cannot--without the county or BLNR or legislature saying they cannot. You say that we need to dig a cesspool/septic tank, but I can't go look for water? Other people are drilling wells—why are DHHL lessees not allowed?
- Each island is different. You cannot have a one size fits all policy. "The HHC should look at each island differently.
- The demise of Na Wai Eha is the number of wells already drilled. I speak as a Kanaka from Na Wai Eha. I don't agree that we should drill any wells; the water needs to flow so we can go down to the muliwai; so the ocean can thrive. Others came here. They disregarded what we were doing; that we were sustainable. So we have to be mindful of the resources of our ancestors. Politics is the answer, unfortunately.
- It's been almost 6 years since we started the Na Wai Eha case. I claim kuleana in Waihee Valley. One of my pet peeves is when you say that "DHHL" has the right to water. The correct way to say it is that the beneficiaries have the right, but not DHHL. I have argued this before the CWRM. If you say you own the resource, prove it. It's like you're saying that you have "superior rights." I fought the county on this and they finally admitted that water is a public trust resource. Just because the State/County is claiming "superior right" there's no proof. You cannot say the right belongs to DHHL. The right is with the beneficiary. People

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here have vested rights; DHHL is just a trustee that must protect the rights of the beneficiary.

- I agree with the wells, but I think it's more detrimental. You have to figure out how to get water to the people. Get the map. Identify the auwai, get the whole system.
- DHHL should not take the place of the person. The person is the one who has the right to provide for them.
- I heard Kalo mentioned earlier. I heard that kalo is a higher priority than the right of the state to control water.
  - We operate in a world where we recognize the illegal overthrow of the Kingdom but court rulings have acknowledged the successor sovereign.
- The public trust says they don't own the resource; they can only provide services. The public trust doctrine only refers to the citizens. Fiduciary duty is to protect the beneficiary. The State/County fiduciary duty is to protect native Hawaiians.
- Under the mission section, it identifies things you think are important for the HHC, however, this only pertains to the HHC. As seats become vacant, how will this education and knowledge be transferred? The issue is that somehow it has to filter down to the beneficiary. Tonight you are asking for input, but we're not educated on these things.
- How will the kanaka be successful? In this whole process, is the ultimate goal to expand the scope and expand the budget?
  - It's a sad history—I'm here to be a rational optimist—to say, OK let's go forward in spite of all these problems. Water is crucial to achieving the objectives of the Act. DHHL's actions have been ad hoc. The intent is to be more consistent and aligned—in line with what was envisioned versus an after thought.
- Will this policy plan cover our lands? Islands should speak for themselves. We don't want to go in now because we have to take the information into consideration. So don't divvy up the lands. We have Monsanto on land for non-Hawaiians business. On homestead lands, water will be drained. I don't hear about draining water as a means to irrigate agricultural lands versus draining streams. What do you do then because recently you raised the water rates? So if I have citrus plants I water the plants, but if it takes 5 years to grow and you have to water it for 5 years, I won't be able to afford the water, especially with the recent increase in water rates.
  - The county raised the rate, but not on Moloka'i.
- I live in Leiali'i. I can't water my grass. I'm concerned now with what are my rights? For some reason, I feel I like it will tie our hands. What if 2 years from now, we find that it's not what we want?
  - We didn't help with Na Wai Eha or Molokai.
  - This is a 3-6 year document. We want it to be useful. So what you're saying if its not connecting, then we are obviously missing the planning

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point. We have experience to produce a well. We spent \$1M-\$2M on the leaks and \$500000 on energy costs. We bring it in way below that. We understand struggles for farmers to water their crops. The trust pays \$1M each year.

- You're developing water policy for every island. What is the policy for Lana'i, where 95% of the land is owned by one private landowner? If you have county and HHLs, what are plans there?
  - This is a statewide policy. Every island has different issues. Regarding Lanai, we have 50 acres. Of that total, 15 acres is for commercial/industrial development and the other lots are vacant. The county has no water systems on Lanai.
- I'm very disappointed that DHHL has done nothing—thanks that they have you to help them. I agree that we are the beneficiaries and we have the rights. When you are talking about sharing, DHHL should cut the water diversions. You should sue them. You have to be proactive. We have the right to water so charge us for the pipes. We have the right to water. One time Paukukalo had its own water tank and our bills were low. They took the tank down (because it was dirty). At South Point, why not just let us dig a well. Anahola had a well. As families, we were all being proactive on our lands, but HHLs has not. So the question is, what does DHHL survive? How will you disseminate the water policy plan? Will you take it to the beneficiaries before the HHC?
- I want to aloha everyone for being here and taking on this great challenge. It's not just HHLs, it's the most vital part of life. When you talk about issues and policies, we want to be island-specific. I have to advise you that when you come to Maui, you need to be on Maui in your heart, head, and gut because we want to know if you know what you're talking about regarding Maui issues. I think as you get older you know how it has to happen. There are laws and rules regarding water tanks, etc. In this day and age, unfortunately, we have become so political—seeing the trusts become state entities. So we have made a shift in how we relates to taxes—now it's about what we need. In the old days, they had to think about what we all need. So unless you can think like that, it's the true 'i'o of our kupuna—7 generations from now. We've become so compliant. If you can share wisdom that we haven't heard before, that is pono. We aloha you because you understand the challenge.
- Thank you for being here. Part III exercises our water rights, but shouldn't it call for a policy to be in place? If there wasn't water rights, wouldn't that be the policy?
  - It's good to know our rights, but even knowing rights has not been enough to exercise our rights.
- In the HHCA and water code, references are made to the rights of native tenants. Water transcends HHLs. All of this about the public trust refers to "native tenants" which are the native Hawaiians. The "public" was never a part of it. Beneficiaries are those with 50% or more Hawaiian blood. He ali'i ka 'aina—he

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kawa ke kanaka. What goes with 'aina? Automatically, water. Kupuna know that water goes with land. Can I make a puka so I can collect water? In Makena, it's different because it has tubes that go down. Look at the kaona—it's not about chiefs and land. Don't make it hard for our next generation. Don't talk Honolulu over here. You have to talk Maui.

- Since you're talking about policy I suggest that you also talk about Administrative Rules. At the state level, it's like legislation. The problem at HHLs is no action. You have to explain how to advocate for our rights. The policy is the Water Code. The program is DHHL. We are at implementation. For the enforcement of the Water Code, everything happens at the subdivision level. The WAI inventory is great. Then you have to hire bodies to advocate on each island and attend meetings. That's how you partner. When looking at water use permits, they know they are supposed to re-engage Hawaiian rights but HHLs has no plans so they cannot predict or protect our water rights.
- Number #15 and #5 does not sit well. Every island is different. Where water is an asset, we should be licensing the water; and the revenue should go to NHRF, which goes directly to the beneficiaries.
- We have to develop a policy framework. It needs to be specific; it needs meat. How will you quantify water? How will you evaluate water quality? The plan is a good place to start.
- This is important kuleana because DHHL has to consent to all requests for water – and every County and the state knows that.
- I thought I knew our rights, but now I'm kind of mixed up. Whose water is it? Do I have a say?
- HHCA is your authority. Public Trust Doctrine – your position is already established.
  - The legal origin of some of the public trust doctrine is in the western states where they adopted English common law. We also have State Constitutional provisions. The public trust is established by codifying in the Constitution and other Acts where it was confirmed that water was for the people. The HHCA comes in at 1921. In court rulings, beneficiary uses of water are the for public trust uses of water. Precedent—county heard amendments to the County water use plan. The county said they would bring requests to the table, but CWRM took time to take the work as kuleana. HHLs should include in kuleana.
- What was the biggest delay in implementing the water code?
  - We had Alapaki as Chairman and he was very much in support of implementation. Then Jobie became the Chairman. Knowing how important this initiative is, Jobie wanted to take some time to see what was being proposed, etc. Then there was a lot of attention on immediate issues vs. long-term policy.
- I'm interested in mapping our water resources. For instance, as President of the Waiehu Kou 3 Hawaiian Homestead Association, we're trying to get water to the



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lands that surround us that we want to use for cultivation (Kope Gulch). I've been conducting research on different alternatives to get water to the lands we want to cultivate. Since we're so close to the ocean, I think that any underground water source (well) would contain brackish water, which could still be usable. We want to know if there are other alternatives, nearer to the highway. For instance, when the homes at Waiehu were being constructed, DHHL let the contractor use a parcel of land for a staging area. The contractor was also allowed to use a large water meter on the lot, which is close to the Highway. The construction is completed and the contractor vacated the parcel; only the water meter remains. I'm trying to get the homestead community to have access to water in order to support their agricultural Priority Project so the community can make money to support what it needs to do. Securing access to the water meter would be the easiest way to get water to the common area proposed for community gardens/agriculture.

- [POST MEETING NOTE: Per Mona, the water meter was meant to provide landscape irrigation for the large area by Waiehu Kou 4. This is the same area that Waiehu Kou 3 is proposing for their agricultural project. Waiehu Kou 4 is currently without a Board, in violation of their DCC&Rs and basically defunct. The water meter's intended use—to irrigate landscaping—is consistent with irrigating agricultural crops in the same area. An agreement with Waiehu Kou 3 would have to be reached on the terms for payment of water used.]
- The Maui Island Water Development Plan was completed and submitted to CWRM. CWRM rejected it.
- I would like to see implementation for Waiehu Kou. This could be used as a model project. The project would tap water from the Spreckles Ditch mauka that runs from Waihee to Wailuku and allow water to be accessed along the county highway.

**Benefits:**

- as a model, We could bring the water down parallel to the county road.
- Share access—Piilani trail to connect
- Heiau and families: bring pipe for water down.
- Information collection: start planting tomato, cabbage, dry land taro; use basin to plan

**Green Comment Sheets:**

- How does DHHL advocate for water use for beneficiary purposes relative to existing county planning processes, EA's, subdivisions, changes in land use at the LUC etc...?
- What policy statement will ensure proactive advocacy?
- Would an admin rule be more appropriate?
- How do we ensure consistency as administrations & goals change overtime?
- What information is required for DHHL to effectively advocate? Acreage? Use? Etc.?

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- What types of skills (manpower) are necessary to be successful advocates?
- Received rights of the state – aha moku resource management state  
DLNR→DHHL have a relationship→site specific moku ahupua□a

**Broad Sheets:**

During the course of the meeting, staff also tried to capture the open discussion and conversation on broad sheets, which are transcribed below.

- Well on HHL on Big Island?
  - Elaborate
- Part III
  - When will Department take a seat on CWRM? BLNR?
- Consistency – part / all [of the WPP should be] translated to Admin Rules.
  - Add that to the implementation plan
  - Part of larger planning system rule making
- Disappointed with presentation
  - Land and water always went together (Kūpuna knows this)
  - It's 2014 – disgrace to have gone so long without it
- Maui – handle our own kuleana
  - Don't confuse us with what's going on [other islands]
  - Focus on our mauna – our island
  - Water – Paukūkalo, Upcountry, etc.
  - Follow moku system
  - Show the map – where are the wells?
  - \$15K / meter
  - Every beneficiary should have right to drill – important to survival
    - Without the Department DLNR the County or the Legislature telling them no
  - All beneficiaries – no tax on dug wells
  - Each island is different – can't have a “one size fits all” policy
- Don't agree with digging any wells – as a kanaka that's my mana`o – let water flow in the stream to the ocean; our ocean is suffering
- Kuleana [land holders] – [their rights are] superior
  - “Implement” - have to consult with them
  - 4 areas
  - Pet peeves – DHHL's “title/right”
  - Beneficiaries have the right
  - Does state have written proof that they own the resource?
- Don't say right belongs to DHHL but beneficiary – they have the vested right
- DHHL is the trustee – the person not the entity
- Look at existing `auwai – how to get water to people / homesteads
- Grant 3343 – Spreckels?
- Public Trust Doctrine – not “own” water

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- Mission – items are necessary – only pertains to HHC; how will knowledge be transferred (filtered down) to beneficiary
- DHHL vs. Ahuna et al. – how to determine if beneficiary is successful? Return people to land
- Goal of WPP – for compliance? Expand authority / jurisdiction of DHHL related to water?
- Will WPP tie our hands? Islands should speak for themselves.
- MIS – Monsanto uses water from system and beneficiaries
- What if lessee can't afford water bill? What can you do for me now?
- What are you doing on Lāna`i? How are you dealing with lands there?
- Disappointed that DHHL hasn't done anything related to water since the HHCA.
- Gotta be proactive
- Make our own system, we'll manage.
  - In the past we did it on our own
  - DHHL can be "exempt"? from paying for water meter?
- Get Waiehu Kou III water to lands? Dig a well? Other alternatives?
  - Tap water from Spreckels ditch? Use collection basin – plant food there.
- Will final WPP be provided to beneficiaries before vote?
- "Consistent" – "same" – want to be island specific, sense of place; come to Maui prepped or Maui, in heart, mind, etc.
  - We are not the same, but we aloha you for this
  - We've become too political
- Akua ??? [gives? Creates?] water; we all need water; need to know how much we all need to drink; "Worry about 7 generations from now"
- Part III – shouldn't those rights already be policy? Why do you need the policy when you know your water rights?
- "native tenant" in HHCA vs. public trust / PT inserted in 1978
- HRS 7-1 > include language on gathering rights
- Talk with each community [not just each island]
- Policy is at state level
  - Translate goals into implementation statements – "how"
    - Too broad
- "Partner with beneficiaries" – what does that mean?
- DHHL can help to advocate for those rights
- Everything happens at county level – island specific
- Need person on each island
- No link between DHHL and CWRM
- Part IV #15 - NHRF fund – asset resources – NHRF fund
- Doesn't have meat – quantify
- Public Trust Doctrine and HHCA – weigh the two

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- Draft Water Use and Development Plan
  - Reservation for kuleana
  - DHHL should be included

**Goal Prioritization:**

Although the DHHL Water Policy Plan draft has twenty-two (22) goals, in order to focus our (HHC, DHHL, and Beneficiary) efforts related to water, attendees were asked to go through a goal prioritization activity. Each attendee was given three (3) dots and was directed to place those dots next to the three (3) goals they felt were the most important to work on implementing in the next three to six years. Below are the results from that activity.

Goal	Description	Dots
1	Water Asset Inventory (WAI)	10
2	Submittal Template	0
3	Budget	1
4	Communicate	29
5	Staff and Organize	0
6	Projections	0
7	Design	0
8	Watersheds	1
9	Advocacy	0
10	Partner	0
11	Water Plan	0
12	WUPA	1
13	DWSs	0
14	Licenses	0
15	Dedication of Systems	0
16	Water Credits	0
17	Wells	0
18	Break Even	0
19	Run Legal Systems	0
20	Security	0
21	Ag Water	0
22	MIS	0

All handouts and notes can be found on the DHHL website at: [dhhl.hawaii.gov](http://dhhl.hawaii.gov)

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**Attendance:** 12 total (5 beneficiaries, 6 other, 1 no response)

DHHL: Kaleo Manuel (PO), Julie-Ann Cachola (PO), Bob Freitas (PO), Nancy McPherson (PO), Ulu Lota (PO), Norman Sakamoto (OCH), Jonathan Scheuer (Consultant)

Other: Representative Faye Hanohano

**Handouts:**

- Agenda
- Water Implementation Program Example
- DHHL Water Kuleana Handout
- DHHL Water Policy Plan Draft

**Presentation:**

Kaleo Manuel provided an overview of the Water Policy Plan process, its context and relationship to the DHHL planning system, and the work done to date in developing the plan. Jonathan Scheuer reviewed the DHHL Water Policy Plan draft that was developed using information and research from Department and external files, feedback from one-on-one interviews in the initial scoping of the project, and manaō shared during statewide beneficiary informational meetings. The DHHL Water Policy Plan is also consistent with DHHL's legal authorities, rights, and kuleana related to water.

**Open Discussion:**

Below are the questions, comments, or testimony provided either verbally or on green comment sheets, or by letter, by those present at the meeting.

- Q: Preliminary meetings you had, organizational info, is all of this info available? Comments from 2013, word for word, are on the DHHL website?  
A: Yes, everything has been posted to our website.
- Q: What are the definitions of desalinated and distilled water? A: Desal can be done by various means – removing salt from the water. Distilled is pure water. Water in bottles isn't distilled – not drinking water.
- Question/Comment: Coming from Waimanalo – Ko'olaupoko – water was very important – mauka families. He'eia is being put in CZM [SMA?], a boundary all the way out into Kaneohe Bay. DHHL has kuleana out into ocean. Broke up into ahupua'a – I'm a moku person. What they did is very important – concerned about 1,400 acres. A: OIP – ridgelines, steep pali lands. Waimānalo – don't want to give up watersheds, important for health of Waimānalo.
- Q: Distilling water. Concerned about geothermal. I own that – steam is water and water is steam. Want distilled water.
- Q: DHHL properties for residential – traditional uses -- how are you supposed to do that? How are you going to use Traditional Ecological Knowledge? A: Example – lands on Maui, supposed to be ag and residential, Waiohuli may

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have had knowledge in place names that could have informed that development.

- Q: What about places already developed? Cost of water, sewage. What benefit is there for our beneficiaries? A: A lot of this is about the future. Concern now is cost of water with increasing rates. Water and sewer bills are together. Statewide policy – need because DHHL is a trust that covers the entire archipelago. ‘Ohana – on other islands. One of the downfalls – some policies and goals will apply more on one island or area than another. DHHL has been silent or absent at public hearings on water rates – that could change. The way sewer systems are operated. Conserve water + energy: pumping costs. Be innovative to lower costs. Stronger advocacy.
- Q: Everybody has to pay into that maintenance fee. Why are we battling concept of energy efficient systems with DWS – they should be doing it anyway. Don’t see where transitional part fits in – unless DHHL sets aside land. Because we live on an island, doesn’t mean they all see things the same way. O’ahu is better off. Maui’s argument is way different than O’ahu. The issues cross over, but policies shouldn’t apply the same way to all islands – they are all different.
- Representative Hanohano: OHA is also looking at water. Seems DHHL same beneficiary people are in the room – we should work together so we have the same understanding? Shouldn’t DHHL and OHA be a part of that (CWRM) Commission? A lot of different areas with water issues. Have to deal with the Counties, county standards. DHHL should be sitting at the table to make decisions, because going to affect beneficiaries. Water that flows under the land and ends up in the ocean should still be managed for the beneficiaries. Need to look at it more broadly. Need to have more Hawaiian voices in it. We can work on it so we can move it forward. A: CWRM’s history has not been one responsive to NH concerns, traditional and customary practices. Now have a native Hawaiian Commissioner.
- Q: Don’t have the luxury of understanding the concept. When water is next to the person. Ord. 14 – private land, doesn’t say leased land. Sewer hookup – didn’t want. Needed support from Waimanalo – sewer and water hookup. Disagreement with Ray Soon. 35 kupuna were being abused at that time. My bill is \$20/mo., their bill is \$200/mo. now. Need to talk about rates and how it hurts beneficiaries. Abe Piinaia got HUD monies on the mainland. Helped Molokai – MIS. Article should be part of your research. Brings it home to the people. Still catch it from my community for what happened. Kupuna having their water shut off. How my community was treated.
- Q: Do you have any idea how many water permits have been issued, how much water is already being taken out of the island? How it’s affecting HHL? A: Licensed water off of state lands. ID all areas with old plantation ditch systems, being leased to Agribusiness Devt. Corp. – info in different places.

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- Q: Is the Dept. looking at returning [getting] the water [systems] back? We are giving away our water. A: BLNR is doing it. They have not consistently consulted with DHHL on issuing licenses. Get the knowledge of what's there first, then start actively getting the water back. Make sure license fees are fair. Ability to weigh what to do in each situation.
- Q: Do you know the history of water in Papakōlea? Water was a big issue in Papakōlea – freshwater springs have destroyed four homes in Kalawahine – we told them there is water wells under that mountain. Gave that land to BWS, supposed to drill wells on that land to get water. They did nothing. People of Kewalo said no – Kalawahine still there, still active. They ignored what the kupuna said in Papakōlea – fractured the community – build or no build. Water is a touchy subject up here. Still affecting families. After they built Kalawahine, they gave BWS land to build 1 M gal tank. Elevation not appropriate. Still have license at bottom of Kalawahine – over 60 years have gone by, that is precious land that the community could use. What will the Dept. do to deal with it? Recall the license. Sore issue. EO – 80 families that lived on Kalawahine were displaced. Sore.
- Q: Important issue you're raising. Stories historically in the past – same concept – could have more people involved part of the stories. Want to develop – hearing the same story again – resurfaces. Action speaks more than words. A: [Newer staff] Not part of the long history. Important to acknowledge it.
- Q: Lots of things going on with us. Evictions. Because of what happened to us – 1998 – purchasing plastic containers, trying to figure out how to get water. City actually stole it from us. Mahealani Cypher, Kaulana Park, \_ Lau. A: Deal with these kinds of issues once and for all, decisions weren't made with the right info in the past, or not listening to info that was shared. Honor that knowledge, use it.
- Q: Have you done a survey of the cost of water in 3-5 systems? Separate for different types of water (potable/nonpotable, domestic/ag). A: Have some data on county water rates.
- Q: How are you going to differentiate? A: Licenses to county agencies for \$1/year. Can negotiate at market rate for a license, or we want consideration for water rates for beneficiaries.
- A: History – HHL were dry lands, excluded water rich lands. Always been an issue, a heavy history. Lots of really bad stories about how the Dept. didn't take the actions. Do we get paralyzed by that heavy history? Own it. Hewa, but be liberated by it instead. Revisit every 3-6 years, have a common vision as a community to do things better.
- Q: Judge Richardson was always with us in our meetings. Jump from Commission to High Court. A: Billy's dad overruled all those cases and reestablished Hawaiian water rights. Gov. has nominated Michael Buck for

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CWRM – going for confirmation. Can write in who should be the water commissioner.

- Q: Had 2 meetings for He'eia estuary, Reppuns are involved in this. Don't know the discrepancies between this and Waiāhole water case. I don't want to see a messed up case in He'eia. Another meeting coming up with CZM on this eventually. A: Waiāhole is one of the specific cases cited in the Water Policy. Everything is on the website for you to comment on.

**Broad Sheets:**

During the course of the meeting, staff also tried to capture the open discussion and conversation on broad sheets, which are transcribed below.

- What is the difference between the desalinization and distillation of water?
- Are notes "word for word" on the website?
- Ko'olaupoko – He'eia to Waimānalo – [ongoing revisions to the] CZM boundary is an issue related to water
- [Repeat from Waimānalo meeting] concerned w/100 acres of pali lands – protect watersheds
- Opposed to desalinization but want "distilled" on there
- Concerned w geothermal – related to "steam"
- How does traditional knowledge and other policies relate to residential homesteads? "Waiohuli"
  - What about already established homesteads? What benefits moving forward? – water / sewer bills
- System operations by DWS should be their kuleana; why are we charged for that? Especially if they aren't efficient
- DHHL set aside lands for ag
- OHA & DHHL [should] work together on water
- Shouldn't OHA/DHHL have a seat on CWRM? DHHL will be affected.
- [Most beneficiaries] Can't relate to the "concept" of water; [when DHHL does outreach they need to be clear how] it relates to what's happening in my backyard, e.g. Wai`anae "hookup to sewer"
- article – Abe Pi`ianaia – water on Moloka`i – used HUD funds
- BRING IT TO THE PEOPLE. Make it relevant to the community
- Do we know how much water licenses issued and how much water is being used?
  - DHHL not consistently consulted
- History of water related to Kalāwahine – fresh water springs there; if DHHL listened to beneficiaries then four homes wouldn't have been flooded. And caused a fracture in the community; displaced original families
- DHHL license for land at the beginning of Kalāwahine – EO to BWS to build a 1 MG tank; they did a test well at Pūowaina [that found no water]
  - Address the license



**DHHL WATER POLICY PLAN STATEWIDE BENEFICIARY CONSULTATION  
 STEVENSON MIDDLE SCHOOL, HONOLULU, OAHU  
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- It's a painful experience [that's why many people didn't come tonight]
- [Is there a statewide] Survey of costs by rates – how can we differentiate between rates?
  - Negotiate better for licenses – better returns or lowered water rates
- Waiāhole case – “don't understand it” – NERRS He'eia – don't want the same thing to happen in He'eia.

**Goal Prioritization:**

Although the DHHL Water Policy Plan draft has twenty-two (22) goals, in order to focus our (HHC, DHHL, and Beneficiary) efforts related to water, attendees were asked to go through a goal prioritization activity. Each attendee was given three (3) dots and was directed to place those dots next to the three (3) goals they felt were the most important to work on implementing in the next three to six years. Below are the results from that activity.

Goal	Description	Dots
1	Water Asset Inventory (WAI)	3
2	Submittal Template	0
3	Budget	0
4	Communicate	6
5	Staff and Organize	1
6	Projections	1
7	Design	0
8	Watersheds	1
9	Advocacy	5
10	Partner	0
11	Water Plan	1
12	WUPA	0
13	DWSs	1
14	Licenses	0
15	Dedication of Systems	1
16	Water Credits	1
17	Wells	1
18	Break Even	0
19	Run Legal Systems	0
20	Security	1
21	Ag Water	1
22	MIS	3

All handouts and notes can be found on the DHHL website at: [dhhl.hawaii.gov](http://dhhl.hawaii.gov)

**DHHL WATER POLICY PLAN STATEWIDE BENEFICIARY CONSULTATION  
LANA'I HIGH & ELEMENTARY CAFÉ, LANA'I CITY, LANA'I  
APRIL 9, 2014  
6:30 P.M. – 8:30 P.M.**

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**Attendance:** 8 total (4 beneficiaries, 2 other, 2 no response)

DHHL: Kaleo Manuel (PO), Nancy McPherson (PO), Ulu Lota (PO), Jonathan Scheuer (Consultant)

**Handouts:**

- Agenda
- Water Implementation Program Example
- DHHL Water Kuleana Handout
- DHHL Water Policy Plan Draft

**Presentation:**

Kaleo Manuel provided an overview of the Water Policy Plan process, its context and relationship to the DHHL planning system, and the work done to date in developing the plan. Jonathan Scheuer reviewed the DHHL Water Policy Plan draft that was developed using information and research from Department and external files, feedback from one-on-one interviews in the initial scoping of the project, and manaō shared during statewide beneficiary informational meetings. The DHHL Water Policy Plan is also consistent with DHHL's legal authorities, rights, and kuleana related to water.

**Open Discussion:**

Below are the questions, comments, or testimony provided either verbally or on green comment sheets, or by letter, by those present at the meeting.

- Each island has different issues. Lots of obstacles to get the information to the people. If they get it, then they can carry it to others. When they don't come to the meetings, then they say after, "oh, I should have come to the meeting." Need lots of education.
- Beneficiary Comment (BC): General overall presentation – how it falls into the Lāna'i context – history, resources, apply to the constitutional and HHCA responsibility. New program for us. Never been an opportunity for us to get water allocation. Need to decide how we envision getting a portion of water on an island that has a private water company. Need to come to a better understanding of rights. Staff Response (SR): Number one comment has been, folks understand why there has to be a statewide policy, but they mainly want to know what's going to happen in their area.
- Beneficiary Comment & Question (BCQ): It can be very complicated. We are part of a county, but we also live on an island with a private water company. Have to participate in those other processes [State, County]. Negating our understanding of water and Hawaiian Homes program. How actively have we participated in [development of] the WUDP for Lāna'i? SR: Sometimes the Dept. hasn't participated at all. WPP helps make sure DHHL is participating. Partner with beneficiaries. Are we regularly talking to our people?
- BC: County council – Lāna'i WUDP has been an 18-year process.

**DHHL WATER POLICY PLAN STATEWIDE BENEFICIARY CONSULTATION  
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- Other Response (OR): Stoddard: We made sure the State Plan was in there, and that the current and future needs for Hawaiian Homes were in there. SR: Each county handles WUDP process differently. Need to look at all the public trust values of water – it really impacts Hawaiians. Big role for beneficiaries in that process. Staff at DHHL knowledgeable about water were Rebecca Alakai, before that was Charlie Ice. How consistent have we been? Was based on how much time we had. Want to expand staffing, increase resources to bring more people on board. Planning Office has been taking the lead. Participating in or commenting on all CWRM decisions, all well permits in WMA's.
- BC: Beneficiaries don't all understand their water rights. Communicate more clearly to beneficiaries. This island is way different than all the others.
- BC: General perception is that one person owns the water. Don't understand the public trust that water still belongs to Native Hawaiians. Infrastructure owned privately, but the water isn't owned. Community needs to get that sense of understanding so they can become advocates for the public trust uses of water.
- OR: Stoddard: Lāna'i becoming a model of sustainability – people need to participate. People need to come out to the meetings. That's where the future is – planning. Lāna'i people need to participate in the Planning Commission meetings, Community Plan update. SR: One of the add-ins is water quality. Pesticides, pollutants – managing water quality.
- Anything we have totally missed for Lāna'i? Goal is to take back to HHC in June, with implementation plan. Bring it back annually. Please comment within the next three months. Call or email us. The life of the WPP is 3-6 years, so go back out in 3-5 years or so and revise the WPP. Sailing towards that star.
- BC: Add a definition of "rights." Would be great to have that in there. SR: The multi-colored handout outlines all the rights, for beneficiaries and DHHL. Another comment that came out is, add a definition of kuleana. Not just rights, but responsibilities. One of the main rights is ability to kapu water under State Water Code – water reservations. Will add that back in.
- BC: Watershed protection. Our homelands are confined to 50 acres – the idea of watershed doesn't translate to the homestead down below. Want to make sure you emphasize that even though we don't own the watershed, we have to be mindful of the WS because that is the source of water. SR: Most WS lands were excluded in the Act. DHHL going to participate in watershed partnerships, direct resources toward that.
- BC: On Lāna'i, we don't have any of the other uses – just residential. Need ag and pastoral lots too. Not sure how that land will become available. Want to be able to exercise rights to work ag and pastoral lands, want to have access to water for those purposes also. Lāna'i should have the full measure of uses that the Department offers.

**DHHL WATER POLICY PLAN STATEWIDE BENEFICIARY CONSULTATION  
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- BC: Would fit in to the vision of Pulama Lānaʻi to have beneficiaries farming on Lānaʻi.
- OC: Stoddard: That's where Lānaʻi wants to go. SR: Partnerships – look at options, ag parks, etc. Also, need to get a Hawaiian onto the CWRM. Make sure that current nominee understands rights of DHHL. Advocate for a Lānaʻi [Hawaiian Homes] Commissioner. Mahalo, was good attendance at this meeting, proportionally.
- BC: DHHL is new to us, trying to learn. Need responsiveness, need feedback. Don't make us regret [moving onto Hawaiian Home Lands] – DHHL still get chance with us!

**Broad Sheets:**

During the course of the meeting, staff also tried to capture the open discussion and conversation on broad sheets, which are transcribed below.

- How does it [DWPP] fall into the Lānaʻi context?
  - All of this will only make sense when you make that connection
- Lānaʻi – private water company – but what obligations / rights were there within the Constitution that need to be addressed on Lānaʻi
- Complicated: part of County / Private water company
  - External process / permits
  - Lānaʻi WUDP – how active were we [DHHL] in [developing the]
- Perception: one person owns water on Lānaʻi but water is a public trust; lack of understanding; deliverer of water is not the owner of water
  - Own land / system, but water is public trust
- Model of sustainability moving forward
  - Participation is key
- Definition of “rights” – tie to lehua handout – reference or link
- Emphasize – although we don't own watershed, we need that water for our homesteads
- Advocate for agricultural / pastoral lands / awards on Lānaʻi w sufficient water for those uses
- May not be DHHL land but there are ways to partner

**DHHL WATER POLICY PLAN STATEWIDE BENEFICIARY CONSULTATION  
LANA'I HIGH & ELEMENTARY CAFÉ, LANA'I CITY, LANA'I  
APRIL 9, 2014  
6:30 P.M. – 8:30 P.M.**

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**Goal Prioritization:**

Although the DHHL Water Policy Plan draft has twenty-two (22) goals, in order to focus our (HHC, DHHL, and Beneficiary) efforts related to water, attendees were asked to go through a goal prioritization activity. Each attendee was given three (3) dots and was directed to place those dots next to the three (3) goals they felt were the most important to work on implementing in the next three to six years. Below are the results from that activity.

Goal	Description	Dots
1	Water Asset Inventory (WAI)	0
2	Submittal Template	0
3	Budget	0
4	Communicate	7
5	Staff and Organize	0
6	Projections	3
7	Design	1
8	Watersheds	7
9	Advocacy	3
10	Partner	0
11	Water Plan	0
12	WUPA	0
13	DWSs	0
14	Licenses	0
15	Dedication of Systems	0
16	Water Credits	0
17	Wells	0
18	Break Even	0
19	Run Legal Systems	0
20	Security	0
21	Ag Water	0
22	MIS	0

All handouts and notes can be found on the DHHL website at: [dhhl.hawaii.gov](http://dhhl.hawaii.gov)

**DHHL WATER POLICY PLAN STATEWIDE BENEFICIARY CONSULTATION  
KAPOLEI MIDDLE SCHOOL CAFÉ, KAPOLEI, O'AHU  
APRIL 14, 2014  
6:30 P.M. – 8:30 P.M.**

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DHHL: Kaleo Manuel (PO), Andrew Choy (PO), Bob Freitas (PO), Julie-Ann Cachola (PO), Nancy McPherson (PO), Ulu Lota (PO), Jonathan Scheuer (Consultant)

**Handouts:**

- Agenda
- Water Implementation Program Example
- DHHL Water Kuleana Handout
- DHHL Water Policy Plan Draft

**Presentation:**

Kaleo Manuel provided an overview of the Water Policy Plan process, its context and relationship to the DHHL planning system, and the work done to date in developing the plan. Jonathan Scheuer reviewed the DHHL Water Policy Plan draft that was developed using information and research from Department and external files, feedback from one-on-one interviews in the initial scoping of the project, and manaō shared during statewide beneficiary informational meetings. The DHHL Water Policy Plan is also consistent with DHHL's legal authorities, rights, and kuleana related to water.

**Open Discussion:**

Below are the questions, comments, or testimony provided either verbally or on green comment sheets, or by letter, by those present at the meeting.

- Q: I live in Kanehili. Our docs [CC&Rs] require that we have grass on our planter strips. We should do something so we can conserve the water – allow us to put something other than grass. As long as it looks nice, should be able to do it. Wasting water. Would like to see an agreement or policy soon so we don't get cited for not having grass. Have that in the policy also. How soon can we get this changed? A: We think the Policy could get approved by June, so could be implemented by July 1. Things can be done fairly quickly. CC&R's can get amended.
- Q: It takes 75% of residents. [VOKA] demanding that we have grass only. A: Will put language regarding water conservation measures into the Policy.
- Q: Commission could change this in future. A: How do you do something now? We will follow up with you after this meeting.
- Q: Water is becoming a big problem around the world. It's coming. Lots of homes going up in this area. Used to have 3 waterfalls up mauka, now only one. Water table going down. DWS is not going to tell us what's going on. We won't be able to say "this is our water"- water is for everybody. The more buildings, the less water. Everybody takes showers – more people, less water. Las Vegas – conserving water. Not where we came from, but where we're going to go. About what's coming – prepare for it. These planter strips are 4-½ ft. wide, 42 ft. long. How about making the streets wider instead? It's

**DHHL WATER POLICY PLAN STATEWIDE BENEFICIARY CONSULTATION  
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wasted land. Expect us guys to take care of it, we don't even own it! Not really ours, but we are getting stuck with it. A: Las Vegas – they pay people to take out their lawns because they want to keep growing. That way they will have enough water to build more houses. Na Wai Eha – most of the water taken from Iao Aquifer waters lawns in Kihei. Taro v. sugar? Or kalo vs. lawns? Make sure we do things the right way.

- Q: Mother Nature is what gives you water. Same thing on the mainland – California – when there was a drought. People had to conserve. People didn't water their lawns, let them go brown and die. What you conserve as a community can help. I submitted my application to the HHC – they let me cement my front, paid my \$25. They do give you that option. People have to find out. Ranchers had to sell their cattle. Everyone's concerned.
- Q: I was turned down for that. We live in the same place! DHHL not being consistent – some people can, some can't.
- Q: Gist is that Commission needs to adopt a [water] policy before they build more homesteads. 2000 sq. ft. of planter strip - I don't water it – it would double my water bill. Adopt a policy for future developments to prevent unnecessary costs. A: We have a broad goal re: designing homesteads. Implementation steps – address for existing developments, make sure you don't do this again.
- Q: All Hawaiian community. Water – wai. Kakaako United – opposing development there. Turning into Manhattan. Kalaeloa – HCDA. Concerned about the water table, future of water. License laws – planters paid a certain percentage into the trust. Was there an accounting? How much revenues? Appurtenant? What happened? A: That law still applies. State water licenses – state still pays DHHL. Amount of license revenue has been going down. Mana Plain – transferred the land and irrigation system to ADC – not getting the revenue. Demise of sugar on O'ahu. All water would be allocated by year 2000. Sugar companies were using a lot of water. 20 years of development that still has enough water. BUT – we are proceeding like we have 100 years left of water. DHHL needs to kapu enough water for all of our needs for the future.
- Q: Water bill – leaflet. Live in Nanakuli – do we pay for water? No – pay us, we give the water to you. Bad way to talk about it. Problems building more or less. Electric and water are more than my mortgage. Haul the water. Put a cap on kanaka maolis on homestead. How can I save when they are burning oil? Know about the meters. We are all concerned about the wai. Future generations, the keiki – should make it mandatory for homesteaders to come to meetings – but holding down two jobs. If something happens, we're out. Gotta start making policies, or nothing going change. So precious to us – kalo farmer (Eric Enos).
- Q: Water files since 1960's haven't been looked at? A: Files were scattered throughout the agency – had to hunt them down.

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- C: So we are 53 years behind? No continuity . Had to tie in to City cesspool [WWTP] – was a bad decision. There was nothing wrong with our cesspools. Huge [financial] burden, and we'll be on fixed income soon. Had to shut one hale down. Life should be better in senior years. Something needs to be done about swimming pools – that's not the best use of water. We need to claim water that flows into the ocean. Sun – PV panels coming. Need to claim the sun, wind, soil and water. Water that goes into the ocean should be our water. HECO wants to dredge, drill off the shoreline. Need to think seriously about what is ours.
- Q: What is the deal with handing over of systems developed by DHHL to County DWS? In exchange for that, they get water credits. I need to understand that. That has been pushed down our throat without any explanation.
- A: Asked the BWS'. They said they treat DHHL "like any other developer". BUT – we aren't like any other developer. Most developers don't develop their own water. It's all part of the system. BWS – one credit = 1 water meter, for 1 residence. Water credit system is managed very close to the vest by BWS. Confusing, should be more transparent. Understanding dedication of systems in exchange for water credits – Goal 15 – want to make that more explicit. Decisions haven't been shared with beneficiaries before decisions are made. We need to look at costs of both options. Issues of self-sufficiency. Make decisions clear and transparent so everyone knows. Make it stronger. Needs to be clarified. Make sure we assess things. Don't always dedicate. Whoever had water in the past had a lot of power, control of their destiny.
- Q: Not well versed, but do have concerns about the management of water. Seems like we always take a back seat. How can I and others in the Hawaiian community get a better sense of this? Are there going to be other meetings on O'ahu so we can get well versed? Seems always like a hurried situation, never easy. A: A lot fewer people have come, but a lot of 'ike. Emphasizing education and advocacy. We have to know – you have to continue to come back and talk with us. Keep us informed. Other good sources – Kapua Sproat at UH – Water Law primer. Be very clear, annual coming out to the communities, in conjunction with the implementation plan. Evaluation. Report card from the community.
- Q: Honouliuli is the aquifer that feeds Nanakuli. Water quality seems to not be doing well. We can see the filtration systems along the freeway. Is the filtration system working? What kind of tests are they doing? We want to look at the data. A: Water quality needs to be added. Will be in the Final Draft. Explicit goals. How can we take an active role in it?
- Q: Really thank the Dept. – didn't have a water policy for so long. Now really taking the bull by the horns. It really is the healthy watershed – wao akua needed, to use wao kanaka lands, use it in a way that is pono – gotta go back to the sources. Ai pono – really complicated. Each community has different



**DHHL WATER POLICY PLAN STATEWIDE BENEFICIARY CONSULTATION**  
**KAPOLEI MIDDLE SCHOOL CAFÉ, KAPOLEI, O'AHU**  
**APRIL 14, 2014**  
**6:30 P.M. – 8:30 P.M.**

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issues. Health of our ohana, health of our food. We fought the water battle 35 years ago. Using the stream now. Same thing happened in Waiāhole. Setting precedent – why do you have to take all the water out of the ahupua'a? Use the 'āina to feed our families.

- Q: Glad – set a precedent. For Hawaiians, on HHL, need to exert our rights to the wai, from top to bottom. To manage water assets inventory – DHHL has been functioning without it all these years. Glad we have a director and a commission that is getting it. On homestead land for 30, 40 years. Gotta stop feeling less than, subject to the State. We have rights, excellent rights, knowledge is with the people. Need to create our own Commission. Shouldn't have to ask them [CWRM, BWS]. We don't know if we are getting the right credits, discounts. Establish our own Water Commission, so that we are equal to them. State is based on Hawaiian Kingdom law. From what the mo'i did in their time. We can cite those – we can just be. Always looking for recognition – just need to proclaim it, exercise it. Not the governor – homesteaders, and wait listers. Create our own commission on each island, as a separate entity. Nice to have flyers, but should have sent us more info on what does this say, how does this affect us. Postcard needs to compel people to participate. If we don't participate, our keiki suffer. People don't care for meetings. Update your mailing list. Old, updated mailing lists, target your efforts. Getting back to the water, exercise our own claims and rights. You folks are the hub that is going to make that happen. Have to prioritize... A: Taking one step forward to doing things a more proper way. More Hawaiians on the Water Commission. On the first step, appropriate thing to do.
- Q: Makaha flood meeting. Major flooding, affected Lualualei Valley. Recognize doing a water survey. Resident showed a wonderful map – flood zone and what their study showed. Makaha Stream is capped [blocked] – doesn't go out into the ocean. We should be using that water higher up. Diverted from various tributaries, streams into Makaha. Using our own culture – letting water stay here, there, use akamai best practices. Prevent flooding. Utilize diversions & capping – bring it down like we used to. Exert our rights (Eric Enos) – why doesn't DHHL learn from that? He created a path for others. Waianae Valley – have a water tower. Our ag lots are not useable because – no more water? Why would we build ag lots if we don't have water? We have a lot of water in Waianae Valley. WWTP wasn't being maximized. Needed more users on the system, made folks give up their cesspools. Many connected, saw a 3- or 4-fold increase in water fees. A: Without policies in place, Commission doesn't have clear guidance. Policy will try to guide those decisions so they're made in a more transparent way. Heard from beneficiaries that we should be using less water for waste. Impact of the switch to the sewer system was very bad for existing homesteaders. Don't do what everyone else does.

**DHHL WATER POLICY PLAN STATEWIDE BENEFICIARY CONSULTATION  
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- Q: Water is most important resource that we have. Big companies have come here, they are controlling things. Government is going to run the show – is DHHL going to put the boxing gloves on and fight the rest of the state? Bureaucrats are messing things up. Negativity against the Hawaiian people – lots of negative press. Have to advocate for ourselves – people who have the degrees have to pull these forces together – either work together as one, or it won't work. A: We have come so far – Na Wai Eha, Waiāhole, Molokai – water was something that we all shared. Got that back. Start to take those steps to work with beneficiaries to take it to the next level. Laulima – work together. Encourage your ohana to comment.

**Green Comment Sheets:**

- Establish our own water commission
- Commissioners chose by lessee & waitlist
- 1 per Island (Commission)
- Utilizing the laws & legal precedence to assert our water rights
- Until the above happens:
  - Push for reduced rates for all homesteaders
  - More support Papakolea – mahalo for all that you do Kaleo, Julie, Jonathan, Nancy & braddah

**Broad Sheets:**

During the course of the meeting, staff also tried to capture the open discussion and conversation on broad sheets, which are transcribed below.

- Kanehili – only grass is required as part of the DCCR's; can we put in concrete or bluerocks, we could conserve (save water) resources (Homestead design)
- More buildings → less water: it's a global issue, not just in Hawai'i
- Kanehili
  - 2000 sq. ft. of planter strip
  - Cost to manage is difficult
  - Extra costs that are unnecessary
- Homestead design (implementing actions)
  - 1) Address existing developments
  - 2) Plan / design better homesteads
- Kalaeloa – concerned about water table
- Water licenses: are these rights appurtenant?
- Nānākuli: “do you pay for water?”
  - Paying for electric and water like a mortgage; I'm a \$1 away from being homeless
  - Put a cap on water rates > is there a way?
- We are all concerned about water, make beneficiary attendance mandatory
- Kapolei
  - Guiding principles → common themes

**DHHL WATER POLICY PLAN STATEWIDE BENEFICIARY CONSULTATION  
KAPOLEI MIDDLE SCHOOL CAFÉ, KAPOLEI, O'AHU  
APRIL 14, 2014  
6:30 P.M. – 8:30 P.M.**

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- Chair / HHC [is] appointed
- No continuity on policy = concerned
- Tie into sewer in Wai`anae Kai – [we were on] cesspool – nothing wrong
  - Huge burden on beneficiary
  - Worse decision
- Something done about swimming pools
- Claim water, rain, sun, wind, soil – “is ours”
- Dedication of systems → credits, How is that process occur?
- Management of water – seems like Hawaiians take back seat. How can I participate and get better educated? Seems like a hurried situation all the time
- Honouliuli – water quality a concern
  - How do we as beneficiaries [find out what’s is going on and take a role in] about to manage that issue?
  - Filtration systems are going in all along the highway
- Healthy watershed – it is about the wao akua – using it at wao kanaka
  - Use it in a pono way. `āi pono – go back to health of source of water
  - Use stream water in Wai`anae
- DWS – why do you have to take all water out of ahupua`a?
- Exert our rights to wai – need to stop feeling loss than state
- Create our own water commission
  - Make it replace the state CWRM
  - On each island
  - Our own water boards
- Just be – Proclaim and exercise
- Find a way to educate / outreach
  - Know what our rights are
  - More correspondence [with beneficiaries]
  - Why does this impact you?
  - [That would] compel you to come
- Makaha – use water along stream to help control stream flow – storm surge – use traditional management methods to water
- Use Ka`ala [farm / learning center] as example / precedent
- Place at Libraries

**DHHL WATER POLICY PLAN STATEWIDE BENEFICIARY CONSULTATION  
 KAPOLEI MIDDLE SCHOOL CAFÉ, KAPOLEI, O’AHU  
 APRIL 14, 2014  
 6:30 P.M. – 8:30 P.M.**

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**Goal Prioritization:**

Although the DHHL Water Policy Plan draft has twenty-two (22) goals, in order to focus our (HHC, DHHL, and Beneficiary) efforts related to water, attendees were asked to go through a goal prioritization activity. Each attendee was given three (3) dots and was directed to place those dots next to the three (3) goals they felt were the most important to work on implementing in the next three to six years. Below are the results from that activity.

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12	WUPA	4
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17	Wells	0
18	Break Even	1
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**DHHL WATER POLICY PLAN STATEWIDE BENEFICIARY CONSULTATION**  
**DHHL KUHIO HALE, WAIMEA, HAWAII**  
**APRIL 15, 2014**  
**6:30 P.M. – 8:30 P.M.**

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**Attendance:** 27 Total (21 beneficiaries, 3 other, 3 no response)

DHHL: Kaleo Manuel (PO), Andrew Choy (PO), Ulu Lota (PO), Jim Du Pont (WHDO), Jonathan Scheuer (Consultant)

**Handouts:**

- Agenda
- Water Implementation Program Example
- DHHL Water Kuleana Handout
- DHHL Water Policy Plan Draft

**Presentation:**

Kaleo Manuel provided an overview of the Water Policy Plan process, its context and relationship to the DHHL planning system, and the work done to date in developing the plan. Jonathan Scheuer reviewed the DHHL Water Policy Plan draft that was developed using information and research from Department and external files, feedback from one-on-one interviews in the initial scoping of the project, and mana o shared during statewide beneficiary informational meetings. The DHHL Water Policy Plan is also consistent with DHHL's legal authorities, rights, and kuleana related to water.

**Open Discussion:**

Below are the questions, comments, or testimony provided either verbally or on green comment sheets, or by letter, by those present at the meeting.

- What are beneficiaries' and DHHL water rights? DHHL: If you look at the color handout, it summarizes DHHL water rights.
- How much of us can absorb what was said so far from the presentation? I don't think that there is anybody here can absorb all that and make good comments. DHHL: If you do not want to comment tonight and you need more time to think about what was presented, then you can email DHHL and view the policy online. There is more time to comment.
- What is the percent of watershed lands belong to DHHL? You are not telling us where these assets are in this plan. When you talk about assets you need to tell us. The plan has not said that. DHHL: Less than 5% of all watershed lands in the state are owned by DHHL. However, DHHL has an interest in watershed protection because it provides waters to our beneficiaries too?
- What difference does it make if we disagree with anything in the plan. Water belongs to the people, the kanaka maoli first.
- How does this policy tie into all of the other water policy plans of the state? DHHL: History on Molokai is an example. The ranch was going to take a larger water from the aquifer. DHHL beneficiaries and asked the department to advocate for it. DHHL has unique rights from other state agencies.
- Can DHHL sue other departments of the state? DHHL: We will speak up for those rights.

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- How do beneficiaries assert their rights? By the time a beneficiary goes through the process, goes to the commission, it takes too much time.
- How are you going to determine how much water is going to be needed for ag and pastoral leases? You can't because the original leases are no longer there. The water system there, who is going to need it, everyone is going to be gone.
- You will never know the history because you weren't there to experience it. How do you help all of us get water? When are you going to talk about that? Hawaiian homes water was taken by others. When you talk about rights, what rights do you really have? Coming to this meeting doesn't get us anywhere. When are we going to get the pipeline hooked up and it better not be muddy water.
- I would like you folks to write down that every lessee should get free water. I would like the HHC to be voted in and not be appointed by the Gov.
- If you are outside of watershed areas and you not tapping into the water, you need to do exploratory well drilling. We have water contractors in our community who know how to develop wells and tie into the system. Homesteaders and ranchers can start their own water company and establish and manage water. If you drill in Waimea, you will hit water. If one system is not working you do another one. Kawaihae was first awarded in 1986, you shouldn't have awarded land without infrastructure.
- Kawaihae homesteaders may get caught without water, if Kohala Ranch decides to stop providing water to us.
- Identify what is homestead lands, there is no proper inventory. We were never wards of the state.
- We are waiting too long for infrastructure, I've waited 20 years.
- When it comes to assets, you folks are missing something, you haven't identified assets in the plan.
- Look at discounting water for us.
- Do you speak to your development and management about the Puukapu Hybrid System? DHHL: LDD is the division that primarily deals with homestead development. They are aware of this policy.
- In June of 1994, we put lines out in Puukapu and have been managing that system ourselves because we knew we needed water. Other DHHL divisions are not following what is written here in the plan. We received a letter that the existing system will be taken over by the department. But we fear that the department's water system will not work. How do we proceed to use the water system we have been using for 20 years until we confirm that the new system will be reliable at a fair cost.
- I would like to congratulate DHHL for finally developing a water plan after 90 years without one. Thank you for coming to the community. Our land is our legacy, if you going fix this, fix it good. Our kupuna always managed water, it

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has never been a free for all. Konohiki have managed water. native Hawaiians have rights, but let us know what those rights are. Please educate the beneficiaries about those rights and what the consequences are of asserting those rights. You cannot manage what you don't know you have. When will this WAI be completed and shared? DHHL: The meetings we have had have been good. In other communities they have said the same thing about education. We would like to come out to our communities to do that and educate them.

- I am also very thankful for the DHHL for developing this plan. I have often heard many of the complaints with Hawaiian Homes about poor decisions. Hopefully in the future we can move forward in a better way. If the policy is to foster self-sufficiency, then getting the existing Puukapu system that has been managed by the community taken back by DHHL sounds contradictory.
- You should also include in your inventory lands that are looking in infrastructure and look at what lands you are going to prioritize, look at what lands would be appropriate to develop catchment. Consider all of these factors. Promote smart development that takes into this genealogical connection to water. DHHL: We hope that this is a policy that we hope our beneficiaries have a sense of ownership in because we know that organizations change, commissioners change, but the community is constant.
- Is this policy open to the public or is it just for the lessee? I have seen outsiders come to the meeting and taking this information to undermine the beneficiaries.
- Homestead design, why design homesteads to put Hawaiians in a small square property, example Laiopua? Is the household just the mom and dad or is it a larger group of people.
- Kuleana lands, there are many issues that have come up that need to be addressed. Maui lands, Na Wai Eha, water.
- These talks circle and circle. What have we improved since them? My dad was president of the association. Same issues we are facing then as we are now. Show us the statistics that we are improving.
- How will DHHL set itself within the larger Lahui? If the nation does come into play, how will that impact DHHL and its assets? We should get ready to be a part of a larger Lahui.
- Water used to be in Waimea, now it goes to Kona. Water is a worldwide issue. Less than 1% of water is drinkable worldwide. We don't have six years to wait for water.
- Written Comment from Kai Kaholokai (6 pages)

**Green Comment Sheets:**

- We all have a claim to 95% of watershed lands – all Hawaiians.

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- IF the Dept. follows the proposed policy, it will be very powerful & successful. No matter how difficult it may be, beneficiary consultation & comments are crucial in the decision-making. Whatever decisions made by the department impacts the homesteaders in those communities forever. Mahalo for/to the consultant (Jonathan) for the depth in which was put into this policy. Include homesteaders (& those on list too) in watershed protection or restoration planning & implementations. Allow HHAs to manage their ahupua'a if applicable. Mahalo to all who participated in creation of the policy from beginning to where it leads.
- How can we as Pu'uukapu farmers secure ag water source that we as homesteaders can control i.e. above ground & underground (desalination if need be)
- Suggestion for Goal #2 – Revise DHHL submittal template to HHC for water related decisions. Look into Aotearoa's "Mauri Model" for decision-making. It may be an effective tool to help incorporate both practical, logistical considerations as well as less-tangible but nonetheless important social values of traditional knowledge into the decision making process.  
([www.mauriometer.com](http://www.mauriometer.com),  
[www.content.alternative.ac.nz/index.php/alternative/article/view/78](http://www.content.alternative.ac.nz/index.php/alternative/article/view/78))
- Participate in watershed partnerships
- Representation on CWRM?
- Thank you Kaleo & Jonathan for being brave!! Hope we get everything moving in the right direction!!
- Great DHHL "water education." Experience/presentation. However—I attended mtg. to question the status of the Puukapu pastoral water system. DHHL has not communicated to us as to what is going on at this point (since the last mtg) We need action by the Dept./not more meetings of discussion. Please respond to above email. Thank you.

**Broad Sheets:**

During the course of the meeting, staff also tried to capture the open discussion and conversation on broad sheets, which are transcribed below.

- What are our water rights? What do we really have? I don't see that here [refers to handouts]
  - How do you assess rights? How do you present to the HHC? So many levels – struggle
- A lot of information, need time to let it all soak in, before giving mana'o / sharing / kūkākūkā
- WAI. What watershed land does DHHL own? Acreage / percentage?
- Water belongs to people
- What happens if we disagree?
  - Everything [in the policy] is done in consideration of "general public"



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- How does this policy tie into the larger state? How do we make this work?
- Can DHHL sue DLNR? State sue state?
- How will you determine the true water demands on lands --- change in lessees, parent to children. [You can't]
- In the past no one asked "How can you help me get water?" – they just did it.
- When are you hooking up the water line? [Pu`ukapu hybrid].
  - Make sure it has potable / non-potable
- Comes down to three main things
  - Lack of knowledge
  - Money
  - Control
- "Take out the old ones in the department"
- Every lessee gets free water – want that included in the WPP
- HHC – voted in, not appointed by Governor
- Drill wells (exploratory well) on lots, [develop a] water company. Assess options all the time:
  - Establish and manage water
  - If one system not working, dig another
  - [there are] two exploratory wells in Kawaihae
- Shouldn't have awarded lots without water and infrastructure (Kawaihae)
  - Cut deal with Kohala Ranch
- If going to lease out lands [to the DWS] do so at fair market rates / rent
- Gotta do something now, can't wait for you, got to take the initiative
- Assets – DHHL is not doing a good job. What are our assets?
- June 1994 – [we have been] managing a homestead system at Pu`u Kapu; license easement and three water meters. There is a letter from LMD that they will be taken back from the Pu`u Kapu system
  - Policy you have now is fair
  - Other divisions / departments are not following this policy
  - How can we proceed to use our existing system?
  - Our fear is the new system will not work
  - Fair rates for the new system?
- Commend DHHL, about time
- Long history of frustration of Hawaiians
  - Needs to be heard. Now's the chance to fix
- Our kūpuna has always managed water – konohiki – right now CWRM is acting as konohiki
- Educate beneficiaries on rights, how and when they can be used
- Can not manage what you don't know you have
- Carolyn Wong (planner) introduces self – USDA – NRCS
  - Move forward proactively
  - Come with concrete ways to implement

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- Set people up to succeed
- Inventory is great – we have resources
- Ag water
- If the policy is self-sufficiency it seems like helping existing Pu`u Kapu system is important
- For lands lacking infrastructure, look at the feasibility of catchment
- Smart development – it can be so much better
- Policy [meetings] – open to the Public or only beneficiaries?
- Design – La`i `Ōpua – small size property – who is living there? Parking? Places for kids to play?
- Address kuleana lands issue – Maui – Nā Wai `Ehā – kalo – support Public Trust
- These discussions have come up before – How have we improved? It seems like a circle.
- Show statistics – data
- Nationhood discussion - what is the interface with policy? Effect of this?
- Water billing issue – worldwide –
  - Waimea was wettest spot, now we have water issues
  - Less than 1% of water on earth is drinkable – impact on resources – we don't have six years

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**Goal Prioritization:**

Although the DHHL Water Policy Plan draft has twenty-two (22) goals, in order to focus our (HHC, DHHL, and Beneficiary) efforts related to water, attendees were asked to go through a goal prioritization activity. Each attendee was given three (3) dots and was directed to place those dots next to the three (3) goals they felt were the most important to work on implementing in the next three to six years. Below are the results from that activity.

Goal	Description	Dots
1	Water Asset Inventory (WAI)	20
2	Submittal Template	1
3	Budget	0
4	Communicate	3
5	Staff and Organize	1
6	Projections	2
7	Design	0
8	Watersheds	7
9	Advocacy	12
10	Partner	1
11	Water Plan	0
12	WUPA	1
13	DWSs	0
14	Licenses	0
15	Dedication of Systems	0
16	Water Credits	0
17	Wells	3
18	Break Even	0
19	Run Legal Systems	0
20	Security	1
21	Ag Water	2
22	MIS	0

All handouts and notes can be found on the DHHL website at: [dhhl.hawaii.gov](http://dhhl.hawaii.gov)



Submitted by: Kai K. Kaholoka  
email: kaholoka@gmail.com

## Hawaiian Homestead Water Reservation Rights:

Providing Good Living Conditions for Native Hawaiian Homesteaders, 25 University of Hawaii Law Review 85-130, 85-89 (Winter, 2002) (326 Footnotes Omitted) by Shaunda A.K. Liu

Mohala i ka wai ka maka o ka pua. This Hawaiian saying translated into English literally means "unfolded by the water are the faces of the flowers." The saying is better understood as, "flowers thrive where there is water, as thriving people are found where living conditions are good." Like flowers, people need water to flourish.

Water is essential to the survival of any type of life. But for Hawaiians, both of the past and present, survival is dependent on both land and water. The two are inseparable in providing for good living conditions. The centrality of the 'aina and wai to Hawaiians is reflected in the language, stories, and in the ability to thrive in Hawai'i today.

The 'aina and wai sustained the people of ancient Hawai'i. In ancient times, the land and its resources were under the control of the king, who in turn parceled out areas to his chiefs and supporters down to the common people. Everyone who had a parcel of land had access to most of the vegetation and could gather food from the land and the water. Hawai'i's traditional land system was eliminated in 1848, by the Mahele, which converted Hawai'i's land to governance by a private property system. The Western property system quickly took hold in Hawai'i, and coupled

with various factors, eventually forced many Hawaiians off their ancestral lands.

Homesteading came about as a response to the post-Mahele "decimation of the Hawaiian population and the social conditions under which they lived."

In 1921, the United States Congress adopted the Hawaiian Homes Commission Act ("HHCA"), providing government land to be leased to native Hawaiians on a long-term (ninety-nine year) basis at a nominal fee. The Act, backed by Prince Jonah Kuhio Kalaniana'ole, Hawai'i's delegate in the U.S. Congress, intended to provide native Hawaiians with an opportunity to reconnect with the land as homesteaders.

The HHCA recognized various rights, including rights to both land and water use. Converting the written word of the HHCA into reality has proven difficult, however, leaving Native Hawaiian rights unenforced.

"One right that has not been fully enforced is the right to a reservation of water. Hawaiian home land beneficiaries have a right to a water reservation for current and foreseeable uses. The failure to ensure a water reservation violates both the HHCA and the Hawai'i State Constitution. Furthermore, failing to ensure a water reservation breaches the State's fiduciary duty to Native Hawaiians."

The Commission on Water Resource Management ("Water Commission"), recognizes and enforces all water reservations, including reservations for homesteaders. The creation of the Water Commission was a response to concerns over the adequacy of the State's water supply. To that end, the State Legislature established the Water Commission as the State's water resource agency, with the responsibility of protecting and managing water resources. The Water Code, adopted in 1987, declares that its policy is to make adequate provisions for "the protection of traditional and customary Hawaiian rights." The Water Code, in conjunction with the HHCA and State Constitution, provide native Hawaiian homesteaders with water rights, including the right to a water reservation.

This paper argues that Hawaiian Home Land beneficiaries have a constitutional right to a water reservation for current and foreseeable needs and that a failure to ensure a reservation breaches the State of Hawai'i's fiduciary duty to native Hawaiian homesteaders. Part II of this paper provides a historical background of the HHCA, the Hawai'i Water Code, and the Water Commission. Part III discusses and compares Native American and Native Hawaiian water reservation rights. Part III also analyzes the issues surrounding quantifying reserved water. Part IV argues that the ambiguity in the Water Code leads to a failure to secure

a constitutionally protected water reservation right. Finally, Part V concludes that this failure to enforce a reservation right breaches the State of Hawai'i's fiduciary duty to native Hawaiian homesteaders.

[327]. J.D. Candidate 2003, William S. Richardson School of Law, University of Hawai'i at Manoa.

## **HAWAII STATUTES AND CODES**

### **§174C-101 - Native Hawaiian water rights.**

#### **PART IX. NATIVE HAWAIIAN WATER RIGHTS**

§174C-101 Native Hawaiian water rights. (a) Provisions of this chapter shall not be construed to amend or modify rights or entitlements to water as provided for by the Hawaiian Homes Commission Act, 1920, as amended, and by chapters 167 and 168, relating to the Molokai irrigation system. Decisions of the commission on water resource management relating to the planning for, regulation, management, and conservation of water resources in the State shall, to the extent applicable and consistent with other legal requirements and authority, incorporate and protect adequate reserves of water for current and foreseeable development and use of Hawaiian home lands as set forth in section 221 of the Hawaiian Homes Commission Act.

(b) No provision of this chapter shall diminish or extinguish trust revenues derived from existing water licenses unless compensation is made.

(c) Traditional and customary rights of ahupua`a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778 shall not be abridged or denied by this chapter. Such traditional and customary rights shall include, but not be limited to, the cultivation or propagation of taro on one's own kuleana and the gathering of hihiwai, opae, o`opu, limu, thatch, ti leaf, aho cord, and medicinal plants for subsistence, cultural, and religious purposes.

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**Attendance:** 32 Total (14 beneficiaries, 6 other, 12 no response)

DHHL: Kaleo Manuel (PO), Andrew Choy (PO), Ulu Lota (PO), Jonathan Scheuer (Consultant), Wally Ishibashi (HHC)

**Handouts:**

- Agenda
- Water Implementation Program Example
- DHHL Water Kuleana Handout
- DHHL Water Policy Plan Draft

**Presentation:**

Kaleo Manuel opened the meeting and reviewed the proposed agenda for the evening. Jonathan Scheuer began to provide an overview of the Water Policy Plan process, its context and relationship to the DHHL planning system, and the work done to date in developing the plan, but was asked by the group to stop the presentation and skip to open discussion.

**Open Discussion:**

Below are the questions, comments, or testimony provided either verbally or on green comment sheets, or by letter, by those present at the meeting.

- I am disappointed with the turnout and number of people that came out tonight. Water is for everyone, it is important. There should be more people.
- You mention that the HHC several times. Do you know that the duties of the commission have been transferred to the Chairman? Why talk about the HHC if powers are transferred to the Chairman.
- I disagree with the vision statement because the Attorney General has changed the HHCA with all of their opinions that it no longer reflects the original HHCA.
- How are we going to go forward with this if this plan needs to get approved by the commission but the commission has no authority. So what's the purpose? DHHL: The history of this trust has been sad to say the least because it has had so many problems and issues. The HHC members that are there now do want to advocate for beneficiaries rights, they do want to stand up for them.
- Act 207.
- Why has it taken DHHL so long to address water? Water is the existence of man. We have voiced our opinions. I appreciate what you folks are doing. You are the new team. But the same problem has always been the Gov and the AG. They control DHHL, not the Chairman and not HHC. Everything is planned in the back room closed door. We want Hawaiian homes to be controlled by Hawaiians for Hawaiians.



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- The Roll Commission is a farce. They are playing with words. Ceded lands are not public, it belongs to the Hawaiian people. There is no mention of Mauna Kea. That is where the water is coming from. It's the most pristine water. It is being threatened by development.
- We all kanakas here. Only get 40 people, but get 7000. They change everything on the HRS. There are three rates on the bill. The HHCA says water free of all charge. They expect us to farm and ranch without water. That's impossible.
- No Hawaiian administration has been demanding water. Demand water free of all charge. We should be able to manage water resources for residential use. In some cases no more water on Hawaiian Home Lands.
- Keaukaha has been told to tie into the sewer line.
- Congress required the state to adopt the Admissions Act and the Admission Act states that we get water free of all charge. It's the AG that is saying that beneficiaries need to pay for water service. It's their fault.
- DHHL owns Mauna Kea access road. Therefore DHHL owns the top of the Mountain. All of the waters on this island flow from Mauna Kea. How can the plan not say anything about Mauna Kea?
- Who is the responsible party of this meeting tonight? Is it the governor? Who do you work for?
- I am a citizen of this community. Will the decisions effect other citizens.  
DHHL: To some degree, yes.

After an hour of open discussion, Kaleo Manuel, for health and safety reasons, officially ended the meeting because of threats and uncontrollable outbursts from those in attendance made to DHHL staff and consultant. Once adjourned, DHHL staff stayed around for an hour to engage those attendees that still wanted to ask questions or provide comments.

**Comments received after meeting:**

- DHHL should advocate that the county give water meters to Kau homesteaders. Reach an agreement with the county.
- Fee simple owners seem to have more rights than DHHL lessees because they are just lessees, not fee simple owners of land.
- All the HHC members are appointed by the governor. So when push comes to shove, if its going to benefit the beneficiaries or the governor, they going side the with the governor

**Green Comment Sheets:**

- How come Kaūu is not included in its water plan? When its 1<sup>st</sup> priority is getting water or more water to DHHL land which the Kaūu Hawaiian Home Land Assc. Would like to work with DHHL. There are 11,000 to 12,000 acres of land in Kaūu that DHHL manages

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- Why hasn't the County of Hawaii administration mayor/Dept. of Water/County Council been informed of this meeting? Not tonight, not at the previous meeting.
- DHHL administration has NEVER DEMANDED for all water licenses for WATER FREE OF ALL CHARGE!
- Why are we paying for water?
- DHHL being a State agency is the issue.
- 3 big springs of Wailuku
- Energy & Water
- Define "adequate" and for whom?
- Define self-sufficiency & self-determination
- Define "spirit" of HHCA
- Allocated credits – to whom?
- I am afraid of the word delegate.
- Choice between beneficiary or governor → what is your decision going to be? I feel like you are just going through the motion.
- With the overall policy, can there be more moku specific issues/work done?

**Broad Sheets:**

During the course of the meeting, staff also tried to capture the open discussion and conversation on broad sheets, which are transcribed below.

- If you come back, come back to Keaukaha
- Amendments to the HHCA done at the state level by AG's should be questioned
- Rights of the HHC? What rights do they have? Act 207 [1963, deleted Commission and replaced with Department]
- Why are we commenting? What will / how will our comments make a difference / matter when the HHC doesn't have the right to act?
- HHC does believe in the rights the HHC, DHHL, beneficiaries
- Water is existence of man, comes from above; we voiced our opinions before but nothing has happened
- DHHL is under the state; Gov. controls department; got to go back to the people
- [water is] not public; it belongs to the people
- Mauna Kea – not mentioned – largest DHHL acreage, purest water, needs to be on this [included in the policy]
- [at this point, which was mid-presentation, there was a decision by those in attendance to stop the presentation and just go into open discussion]
- DHHL controlled by Hawaiians for Hawaiians
- Get "rid" of draft WPP
- Issues w/HRS revisions
- Water Bills: 3 charges – electricity, facility charge, consumption

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- Where does it say in the HHCA we need to pay for water? What happened to “free” of all charge
- Watson: Dept. has right to free water.
- Other trusts don’t have that clause
- What is the demand of our homestead?
- No more Hawaiian water – on Honomu & Ka`ū
- Keaukaha water case – sewer pipe through DHHL land (1979) for general public
  - Supposed to be compensated
- Admission Act – “states free of all charges”
  - People must vote and adopt this act, done in 1959
- Legislature – provide necessary funds for infrastructure
- We own the road at Humu`ula
  - Congress didn’t just give us a road to nowhere; we own land at the top; no one has paid DHHL to use the road / access;
  - Get past
  - \$ [as well as going forward]
- Who are you?
- Who do you work for?
- How did you inform people about meeting
- As a citizen of the state, does this affect me?
  - This problem for Hawaiians does affect all of us
- Discrimination – by not being invited to these meetings – as a citizen of the state
- Kahale Smith – crooks & criminals [murderers] Molokai case
- Water rights – Keaukaha – current water meters
- Due process
  - Cannot dedicate wells and systems developed by DHHL. Non-homesteaders pay to DHHL not county

**Goal Prioritization:**

Because the meeting ended early, this meeting did not participate in the goal prioritization activity.

All handouts and notes can be found on the DHHL website at: [dhhl.hawaii.gov](http://dhhl.hawaii.gov)

**DHHL WATER POLICY PLAN –SPECIAL KONA STAKEHOLDER MTG  
QLCC INTERPRETIVE CENTER, KEAHU'OLU, HAWAII  
APRIL 15, 2014  
10:00 A.M. – 12:00 P.M.**

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**Attendance:** 15 Total (1 beneficiary, 12 other, 2 no response)

DHHL: Kaleo Manuel (PO), Andrew Choy (PO), Ulu Lota (PO), Jonathan Scheuer (Consultant)

**Handouts:**

- Agenda
- Water Implementation Program Example
- DHHL Water Kuleana Handout
- DHHL Water Policy Plan Draft

**Presentation:**

Kaleo Manuel provided an overview of the Water Policy Plan process, its context and relationship to the DHHL planning system, and the work done to date in developing the plan. Kaleo Manuel also reviewed the DHHL Water Policy Plan draft that was developed using information and research from Department and external files, feedback from one-on-one interviews in the initial scoping of the project, and mana o shared during statewide beneficiary informational meetings. The DHHL Water Policy Plan is also consistent with DHHL's legal authorities, rights, and kuleana related to water.

**Open Discussion:**

Below are the questions, comments, or testimony provided either verbally or on green comment sheets, or by letter, by those present at the meeting.

- Policy 4 "self-sufficiency" how do you define that? DHHL: The purpose of that goal is to honor what it is in the HHCA. The definition of "self-sufficiency" varies depending upon the DHHL program. Example: The DHHL Ag-program's purpose is to provide land and assistance to our beneficiaries in order for them to be successful farmers. Another example is our residential homesteads, self-sufficiency means they can pay their mortgage. We did not purposefully define it because it looks different for different beneficiaries.
- The success of the broader community and keeping the balance of that perspective is important. Success of broader community is important to success of beneficiaries.
- What is the timeframe for calculating DHHL water demands? DHHL: We have those demands, we're working with DLNR staff to finalize those demands through the SWPP update. Our demands are based on our island plans which designate future land uses for our lands. Demands have not been as high as we had thought they were going to be. The next step is to figure out how DHHL will be providing water to those lands that need more water.
- Your supply/demand analysis for Kona is still under review?  
DHHL: We have a general estimate of our water demand in the Kona area.

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10:00 A.M. – 12:00 P.M.**

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- How do you project water demand for your residential homesteads if the average household size of beneficiaries is larger than non-DHHL beneficiaries? DHHL: We need to have the real conversation about how water demand for DHHL residential homesteads may be different than other households. We also have to look at residential conservation methods in our homesteads.
- DHHL can work with DWS to calculate better estimates. We (DWS) have data for DHHL residential homestead water use. DHHL water demand projections can be more accurate using DWS numbers and data.
- What does Goal #10 imply? Please explain. DHHL: Example, the Molokai water case, our beneficiaries led the push for that case. The beneficiaries had to beg the HHC to advocate on their behalf, it was only after lobbying the HHC that DHHL advocated for its Molokai beneficiaries. DHHL needs to be more consistent about when and how they advocate for its beneficiaries.
- Does that mean DHHL will advocate for other alii trusts? DHHL: It's meant to be more specific about our beneficiaries first. If and when it is helpful to work with other alii trusts or groups to better the condition of our beneficiaries, we will.
- DHHL has been a land developer for so long. By developing a water policy you are balancing your kuleana to the land and the people on the land. Maikai. Mahalo for speaking to your beneficiaries.
- Water has always been managed in Hawaii. It was never a free for all. It has always been managed. Our kupuna in their wisdom have exercised water management. Everything you see is critical and you need to take care of it. DHHL: How you manage water is important.
- There was a spiritual connection to water. It was not a physical commodity. That relationship needs to be restored. Make that value more explicit in the plan.
- DHHL needs to articulate its policies to the larger nation building movement among all Hawaiians. How are you articulating that? DHHL: We haven't explicitly addressed that in the plan. But we are aware that it is happening. We have met with OHA staff. But first we need to figure out internally what our kuleana is as a department before we engage in the larger discussion of nation building. This document in its current form is specific to DHHL. Perhaps in future updates of the plan, in 5 years or so, we can take a look at implications to the larger Lahui.
- DHHL has better opportunities to assert its rights in a GWMA. DHHL: There has been past precedent that when DHHL has asked for water reservations, CWRM has not acted on the reservation request. This has occurred in both GWMA and non-GWMA.
- I suggest that you inform the native Hawaiians in Kona about the implications GWMA designation has on DHHL water rights. DHHL: One of

**DHHL WATER POLICY PLAN –SPECIAL KONA STAKEHOLDER MTG  
QLCC INTERPRETIVE CENTER, KEAHU'OLU, HAWAII  
APRIL 15, 2014  
10:00 A.M. – 12:00 P.M.**

---

the things that we would like to do is educate our communities about water on a regular basis.

- I appreciate Value #4 Laulima. There is so much cross over in the people we serve (alii trusts). We got to think about the Lahui in general and what is right for all of our people. DHHL should understand unintended consequences that impact other alii trusts when DHHL asserts its water rights. DHHL beneficiaries are served by other alii trusts too.
- QLT position is to make the choices that benefit our people.
- It was wonderful that our alii left their legacies in so many ways. Those legacies make our people thrive. Each of them working independent makes no sense. It makes sense to articulate the relationship to the Lahui now rather than later during an update. Recognize that it is going on.
- In a prior administration, the Chair looked at identifying infrastructure needed for DHHL lands and looked at partnering with other neighboring landowners around DHHL lands in order to meet those needs. Is this plan consistent with previous plans? DHHL: Yes. The plan does leave room for us to look at partnering with others if it is in the best interest of the trust. This policy plan gives the commission a framework to make those decisions.
- If DHHL takes a position to designate GWMA here, it alienates your neighbors and may hurt your chances of partnering with your neighbors in the future.
- It is amazing from community to community island to island the difference in perceptions. When you go out and educate communities about water rights and advocacy, it may look different in different peoples eyes. In water management, it is not only the resource that people are unaware of, but most people are unaware of the cost of infrastructure to move water. I wonder if people have an idea of what not only what the rights are but the cost to deliver water via infrastructure. That should also be a part of the education program. DHHL: Good comment. Education programs will not be just about the rights, but about the resource as a whole and what it takes to manage the resource including constructing and operating systems to deliver water for beneficiaries' use.
- As more people get more information about water, that will be helpful. There will be consequences when DHHL does assert its rights. But there will also be consequences when DHHL doesn't assert its rights.
- Good data in means better decisions. On Oahu there were hearings regarding the waste water systems. When they looked at the data it was an expensive system to build with little added benefit. In the end, the decision was political and not data driven. It's really important to see the whole picture of infrastructure.

All handouts and notes can be found on the DHHL website at: [dhhl.hawaii.gov](http://dhhl.hawaii.gov)



**Re: Comment Deadline - May 16, 2014 - Final DHHL Draft Water Policy Plan**



**Kaleo L Manuel** to: glow808  
Cc: jllscheuer

05/08/2014 12:27 PM

From: Kaleo L Manuel/DHHL/StateHiUS  
To: <glow808@gmail.com>  
Cc: jllscheuer@gmail.com

Aloha Gloria,

Mahalo for your email and the comments. I'm sorry that your first meeting experience was not a positive one, but I hope that it does not deter you from attending future meetings because they are more often very pleasant and productive. Feedback and participation from our community is critical to help guide the Department, so I hope to see you at future meetings.

We'll be sure to incorporate your comments into the final plan to the extent applicable.

Mahalo nui,

M. Kaleo Manuel  
Planner  
Department of Hawaiian Home Lands  
P.O. Box 1879, Honolulu, Hawaii 96805  
fax: (808) 620-9559  
direct: (808) 620-9485

Aloha, That was my first time to one of those meet..

05/08/2014 11:37:48 AM

From: <glow808@gmail.com>  
To: "Kaleo.L.Manuel@hawaii.gov" <Kaleo.L.Manuel@hawaii.gov>  
Date: 05/08/2014 11:37 AM  
Subject: Re: Comment Deadline - May 16, 2014 - Final DHHL Draft Water Policy Plan

---

Aloha,

That was my first time to one of those meetings. I was surprised, annoyed, embarrassed to observe the disruptive and unproductive behavior of the audience there. I'm sure they have reason for their passionate speeches but it was nevertheless disrespectful and unproductive to the people and purpose. Unfortunate.

I have some background experience in strategic planning - my comment to the Plan is to include an auditing process. Plan, Organize, Direct (action), Control. Thanks.

Gloria

Sent from Windows Mail

**From:** [Kaleo.L.Manuel@hawaii.gov](mailto:Kaleo.L.Manuel@hawaii.gov)  
**Sent:** Monday, May 5, 2014 1:58 PM

Aloha mai,

Mahalo nui for taking the time to attend one of our community meetings or beneficiary consultations and

sharing your mana'o to help shape the future of water for our trust. This is just a friendly reminder that the deadline to submit comments on the final DHHL Draft Water Policy Plan is **Friday, May 16, 2014**.

For more information or to review the final DHHL Draft Water Policy Plan, please visit our website at:

<http://dbhhl.hawaii.gov/po/water/>

If you have any other questions or comments, please feel free to contact me.

Na'u no me ka ha'a,

M. Kaleo Manuel  
Planner  
Department of Hawaiian Home Lands  
P.O. Box 1879, Honolulu, Hawaii 96805  
fax: (808) 620-9559  
direct: (808) 620-9485  
Confidential and Privileged E-Mail Communication





**Re: Fw: Beneficiary Consultation: DHHL Water Policy Plan**

Kaleo L Manuel to: DHHL\_PLANNING  
Bcc: jillscheuer

05/12/2014 01:47 PM

From: Kaleo L Manuel/DHHL/StateHiUS  
To: DHHL\_PLANNING/DHHL/StateHiUS@StateHiUS  
Bcc: jillscheuer@gmail.com

Aloha mai,

Mahalo nui for your questions and comments. We will be sure to incorporate them into the final Water Policy Plan to the extent applicable.

M. Kaleo Manuel  
Planner  
Department of Hawaiian Home Lands  
P.O. Box 1879, Honolulu, Hawaii 96805  
fax: (808) 620-9559  
direct: (808) 620-9485

DHHL\_PLANNING ----- Forwarded by Norgaard U Lota/DHHL/State... 05/12/2014 01:06:49 PM

From: DHHL\_PLANNING/DHHL/StateHiUS  
To: Kaleo L Manuel/DHHL/StateHiUS@StateHiUS  
Date: 05/12/2014 01:06 PM  
Subject: Fw: Beneficiary Consultation: DHHL Water Policy Plan  
Sent by: Norgaard U Lota

----- Forwarded by Norgaard U Lota/DHHL/StateHiUS on 05/12/2014 01:06 PM -----



"Patrick L. Kahawaiolaa"  
<kcaiprez@gmail.com>

05/07/2014 02:42 PM

Please respond to  
kcaiprez@gmail.com

To dhhl.planning@hawaii.gov,  
cc

Subject Beneficiary Consultation: DHHL Water Policy Plan

To:  
DHHL Planning

Name:  
Patrick L. Kahawaiolaa

Email:  
kcaiprez@gmail.com

Subject:  
DHHL Water Policy Plan

Message:

I am Patrick L Kahawaiolaa a native Hawaiian as defined under the HHCA, 1920 as amended and the current President of the Keaukaha Community Association KCA and this comments are given from the KCA in as much as these discussions were held on many different occasions within our native Hawaiian communities of Keaukaha, Panaewa and Makuu. The "burning" question moving forward is Sec 221 of the HHCA "WATER FREE OF ALL CHARGES" What does that legally means to the beneficiaries not the State of Hawaii? An inventory of where the water sources are? Whose land is it on? DHHL? State? Lands having the status of Hawaiian Home lands are under the jurisdiction of the Hawaiian Home Commission,,,not the State of Hawaii and there are other questions that needs "CLARIFICATIONS" before moving forward. Time prevents my going further but resolutions has to happen NOW!

Akismet Spam Check: passed

Sent from (ip address): 174.253.208.234  
(234.sub-174-253-208.myvzw.com)

Date/Time: May 8, 2014 12:43 am

Coming from (referer): <http://dttl.hawaii.gov/po/water/>

Using (user agent): Mozilla/4.0 (compatible; MSIE 7.0; Windows NT 6.1; WOW64; Trident/7.0; SLCC2; .NET CLR 2.0.50727; .NET CLR 3.5.30729; .NET CLR 3.0.30729; Media Center PC 6.0; .NET4.0C; .NET4.0E; Zune 4.7)



**Re: Fw: Beneficiary Consultation: DHHL Water Policy Plan**

Kaleo L Manuel to: DHHL\_PLANNING

05/12/2014 01:47 PM

Bcc: jlscheuer

From: Kaleo L Manuel/DHHL/StateHiUS  
To: DHHL\_PLANNING/DHHL/StateHiUS@StateHiUS  
Bcc: jlscheuer@gmail.com

Aloha mai,

Mahalo nui for your questions and comments. We will be sure to incorporate them into the final Water Policy Plan to the extent applicable.

M. Kaleo Manuel  
Planner  
Department of Hawaiian Home Lands  
P.O. Box 1879, Honolulu, Hawaii 96805  
fax: (808) 620-9559  
direct: (808) 620-9485

DHHL\_PLANNING ----- Forwarded by Norgaard U Lota/DHHL/State... 05/12/2014 01:07:11 PM

From: DHHL\_PLANNING/DHHL/StateHiUS  
To: Kaleo L Manuel/DHHL/StateHiUS@StateHiUS  
Date: 05/12/2014 01:07 PM  
Subject: Fw: Beneficiary Consultation: DHHL Water Policy Plan  
Sent by: Norgaard U Lota

----- Forwarded by Norgaard U Lota/DHHL/StateHiUS on 05/12/2014 01:07 PM -----



**iwalani kadowaki**  
<ivkadowaki1949@gmail.com>  
m>

To dhhl.planning@hawaii.gov,  
cc

05/06/2014 11:02 AM

Please respond to  
ivkadowaki1949@gmail.com

Subject Beneficiary Consultation: DHHL Water Policy Plan

To:  
DHHL Planning

Name:  
iwalani kadowaki

Email:  
ivkadowaki1949@gmail.com

Subject:  
DHHL Water Policy Plan

Message:

Exemption for all payments of infrastructures and utility cost for Hawaiian Homes awardees.why? Because we Hawaiians have undivided interest in all lands and minerals and water. How ridiculous it is the people in authority charges and make rules, regulations, polices and include we the host culture and owners of our lands be bunched together and be treated like everyone else who come to the Islands of Hawaii. Sorry, This practice has got to stop. We Hawaiians are the HEAD NOT THE TAIL.AMEN.

Akismet Spam Check: passed  
Sent from (ip address): 72.130.197.237  
(cpe-72-130-197-237.hawaii.res.rr.com)  
Date/Time: May 6, 2014 9:03 pm  
Coming from (referer): <http://dhhl.hawaii.gov/po/water/>  
Using (user agent): Mozilla/5.0 (Linux; Android 4.1.2; SAMSUNG-SGH-I317 Build/JZO54K) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/34.0.1847.114 Mobile Safari/537.36



**Re: Fw: Beneficiary Consultation: DHHL Water Policy Plan**

Kaleo L Manuel to: DHHL\_PLANNING  
Bcc: jllscheuer

05/12/2014 01:48 PM

From: Kaleo L Manuel/DHHL/StateHiUS  
To: DHHL\_PLANNING/DHHL/StateHiUS@StateHiUS  
Bcc: jllscheuer@gmail.com

Aloha mai,

Mahalo nui for your questions and comments. We will be sure to incorporate them into the final Water Policy Plan to the extent applicable.

M. Kaleo Manuel  
Planner  
Department of Hawaiian Home Lands  
P.O. Box 1879, Honolulu, Hawaii 96805  
fax: (808) 620-9559  
direct: (808) 620-9485

DHHL\_PLANNING FYI: Mr. Brown resides in Kanehili and an employe...

05/12/2014 01:08:59 PM

From: DHHL\_PLANNING/DHHL/StateHiUS  
To: Kaleo L Manuel/DHHL/StateHiUS@StateHiUS  
Date: 05/12/2014 01:08 PM  
Subject: Fw: Beneficiary Consultation: DHHL Water Policy Plan  
Sent by: Norgaard U Lota

FYI:  
Mr. Brown resides in Kanehili and an employee with the Board of Water Supply.

----- Forwarded by Norgaard U Lota/DHHL/StateHiUS on 05/12/2014 01:08 PM -----



**Clay Brown**  
<curiousclay@rocketmail.com>

To dhhl.planning@hawaii.gov,  
cc

05/06/2014 07:38 AM

Please respond to  
curiousclay@rocketmail.com

Subject Beneficiary Consultation: DHHL Water Policy Plan

To:  
DHHL Planning

Name:  
Clay Brown

Email:  
curiousclay@rocketmail.com

Subject:  
DHHL Water Policy Plan

Message:

? How do you expect to create and sustain a water plan when DHHL can't even enforce their DCCNR'S! Also, Is their monies available to sustain it? Is the Board of Water involved in anyway?

Kanehili Homestead.

Akismet Spam Check: passed

Sent from (ip address): 98.155.173.239

(cpe-98-155-173-239.hawaii.res.rr.com)

Date/Time: May 6, 2014 5:39 pm

Coming from (referer): <http://dhhl.hawaii.gov/po/water/>

Using (user agent): Mozilla/5.0 (Macintosh; Intel Mac OS X 10\_9\_2)

AppleWebKit/537.75.14 (KHTML, like Gecko) Version/7.0.3

Safari/537.75.14

EXHIBIT "B"



**Re: Comment Deadline - May 16, 2014 - Final DHHL Draft Water Policy Plan**

Kahoku Lindsey-Asing to: Kaleo.L.Manuel@hawaii.gov

05/05/2014 04:49 PM

From: Kahoku Lindsey-Asing <lindseyasing@gmail.com>

To: "Kaleo.L.Manuel@hawaii.gov" <Kaleo.L.Manuel@hawaii.gov>

Aloha E Kaleo,

Mahalo for allowing me the opportunity to partake in such a knowledgeable water policy meetings. I am grateful to know that the future of Hawaii's water is in such great hands!

Mahalo,

Kahoku Lindsey-Asing

Sent from iPhone

On 2014 Mei 5, at 01:58 PM, Kaleo.L.Manuel@hawaii.gov wrote:

Aloha mai,

Mahalo nui for taking the time to attend one of our community meetings or beneficiary consultations and sharing your mana'o to help shape the future of water for our trust. This is just a friendly reminder that the deadline to submit comments on the final DHHL Draft Water Policy Plan is Friday, May 16, 2014.

For more information or to review the final DHHL Draft Water Policy Plan, please visit our website at:

<http://dhhl.hawaii.gov/po/water/>

If you have any other questions or comments, please feel free to contact me.

Na'u no me ka ha'a,

M. Kaleo Manuel  
Planner  
Department of Hawaiian Home Lands  
P.O. Box 1879, Honolulu, Hawaii 96805  
fax: (808) 620-9559  
direct: (808) 620-9485  
Confidential and Privileged E-Mail Communication

EXHIBIT "B"

Jerryl Mauhili  
Phone Call  
5-16-14  
10:00 a.m.

Comments:

- Checking in on Water Policy Plan – Report

Add Comment:

- When I spoke to you folks at the meeting I mentioned Section 221(b) of HHCA – that section clearly states – Water Free of All Charge – Why isn't it free of all charge?
  - Land Lease - \$1 year
  - Water – Free of all charge
- Corporations are saying that we have to pay for water transmission; Why isn't administration of DHHL adhering to that part of the act (Section 221(b))?
- Problem with DHHL – Kali Watson administration – stated only DHHL has water free of all charge; that disregards beneficiaries; The HHCA is a combination of both DHHL and beneficiaries
- All DHHL has to do is demand water; from all water licenses in the state; if that's the case why isn't it being done?
- I don't feel the process – for 94 years – has ever been transparent.
- Latest issues that concern me is that DHHL was asking not be regulated to report in house matters; that is detrimental to the trust and the participation on behalf of the beneficiaries
- Mana'o is taken and sometimes tweaked and used against us; Biggest problem is we have meetings and no follow up from meeting



Mr. Kong  
699-3406  
3:20 p.m.  
June 9, 2014

Return phone call

Nanakuli – BWS Bill  
\$1,200 for water bill  
    \$700 sewer fee  
    \$500 water fee

Homestead is not putting a cap on it – Sewer Cap – advocate for beneficiaries  
Why isn't Ernie Lau still there?  
If I get a water tank and put it on my property, haul water, not paying bill  
Sewage fees make it very expensive

If DHHL is not paying for water

Who owns the pipe? DHHL?

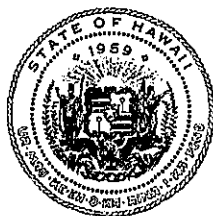
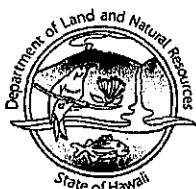
Do a survey of users to see how much they pay for their water and sewer bill?

Trying to "go green" but the larger state is not supporting it  
1,000 gallon tank – grey water (shower) used in yard;

In 1970s – have to hook up to sewer system; In nanakuli, didn't need to pump septic tank.  
- no one looked at the long term impact

We are not "everybody"

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

May 14, 2014

WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

JESSE K. SOUKI  
FIRST DEPUTY

WILLIAM M. TAM  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

TO: Mr. M. Kaleo Manuel, Planner  
Department of Hawaiian Home Lands

FROM: Lenore Ohye, Planning Branch Chief  
Commission on Water Resource Management,

SUBJECT: Comments on DHHL Draft Water Policy Plan

Mahalo for the opportunity to comment on the Draft DHHL Water Policy Plan.

Our comments are as follows:

We recommend that Part III, Goal 11 "*Engage in updates to all Hawaii Water Plan elements to ensure DHHL water needs and rights are addressed*" be moved to Part II, which includes other planning goals. Consider strengthening this goal or including another goal to "*Secure adequate reserves of water for current and foreseeable future needs statewide*". The Water Code contains provisions that allow water to be reserved for the needs of Hawaiian home lands in both water management areas and non-water management areas. DHHL water needs are an identified purpose of the water resources public trust and must be carefully considered and accommodated in future water use and development plans. Identifying these needs by establishing water reservations will facilitate future water planning and help to ensure water is available now and into the future.

Part II, Goal 7 could be expanded to also include "*use efficiency*". In addition to optimal design and development, significant amounts of water can also be conserved through behavioral practices and changes in water use habits so that water is used more efficiently. In addition, new technologies are available that support onsite distributed wastewater systems that can supplement conventional water sources for non-potable needs.

We strongly support Part II, Goal 8 "*Support watershed protection and restoration on DHHL lands and source areas for DHHL water*". The protection and restoration of native forest watersheds through resource management and partnerships are critical for the recharge and health of ground and surface waters. Forest protection also advances other DHHL goals including being stewards of natural resources and promoting Native Hawaiian use for traditional and cultural purposes. DHHL is currently partnering with DLNR and others on forest protection activities statewide, and we look forward to continuing these partnerships into the future.

**EXHIBIT "B"**

Mr. M. Kaleo Manuel  
Page 2  
May 14, 2014

Climate change is projected to decrease fresh water supplies and increase water demand due to hotter and drier conditions. The viability of existing sources may be impacted. Planning for climate change could be tied to Part IV, Goal 15 that encourages consideration of alternative water sources, some of which are drought proof, such as recycled wastewater. Development of additional storage is also a good mitigation strategy and goal.

While water is still relatively inexpensive in Hawaii, energy is not. Conserving water also conserves energy. Part V, Goal 18 addresses reduced operating costs. Implementation of industry best practices in managing water systems, including conducting water loss audits, leak detection and repair, and pressure management could help to achieve efficiency goals, defer capital costs for new source development, and reduce energy bills.

We commend the Department of Hawaiian Home Lands on developing a water policy plan. We share many of the same goals. Successful implementation of this plan will help all of us. We look forward to working with you and supporting you in the future.

If you have any questions, please contact Lenore Ohye at 587-0220.



STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
737 IWILEI ROAD, SUITE 200  
HONOLULU, HAWAII 96817

May 12, 2014

DHHL Planning Office  
P.O. Box 1879  
Honolulu, Hawai'i 96805

Re: DHHL Water Policy Draft Plan Comments by the Office of Hawaiian Affairs

Aloha mai e DHHL Planning Office:

This letter is in regards to the solicitation for comments on the draft Department of Hawaiian Home Lands (DHHL) Water Policy Plan.

The Office of Hawaiian Affairs (OHA) commends DHHL for its initiative and investment in developing a comprehensive water policy plan, which will guide consistent and effective water use and development in furtherance of DHHL's mission. Water resource development is essential to increasing DHHL's agricultural and housing capacity, and such a comprehensive water policy plan will ensure that DHHL can use its limited resources to pursue such goals in an efficient and sustainable manner. OHA also commends DHHL in its broad and inclusive stakeholder outreach efforts, which both informed DHHL beneficiaries statewide of important water rights and legal principles, and incorporated beneficiary input and concerns into the development of this draft policy plan.

OHA is established by the Hawai'i State Constitution as the body responsible for protecting and promoting the rights of Native Hawaiians, including DHHL beneficiaries. Accordingly, OHA is required to serve as the principal public agency in the State of Hawai'i responsible for the performance, development and coordination of programs and activities relating to native Hawaiians and Hawaiians; assess policies and practices impacting native Hawaiians and Hawaiians; and advocate for native Hawaiians and Hawaiians. It is with this kuleana (responsibility) in mind that OHA assisted with the promotion and outreach around this draft policy plan, and now submits the following comments for your consideration. Suggested additions to specific provisions of the plan are underlined.

Under Goals, Part II, item no. 6, OHA notes that to "consistently maintain near- and long-term projections of water needs," periodic review of water availability projections and beneficiary demand, as well as continued exploration of resource development and conservation technology, may be necessary and/or useful. Accordingly, OHA suggests that this item include an express recognition of these needs, to read as follows:

EXHIBIT "B"

May 12, 2014

Page 2

“6. Develop and consistently maintain near- and long-term projections of water needs, based upon periodic reviews of water availability projections; projected beneficiary demand, and new water use and resource development technologies and strategies.”

Under Goals, Part II, item no. 7, OHA notes that optimizing water conservation may include wastewater reuse or recycling technology and best practices. However, to make these often overlooked considerations explicitly clear, DHHL may wish to amend this item to read as follows:

“7. Design and develop homesteads optimizing cost and water conservation, including but not limited to the incorporation of water reuse and recycling technologies and best practices.”

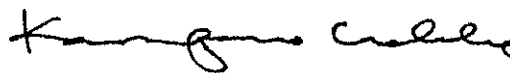
Under Goals, Part III, item no. 17, in order to better assure consistency and to provide clearer guidance on what may be “appropriate” well drilling, DHHL may wish to more specifically describe what may be considered “appropriate.” For example, consistency with the state water code, the public trust and/or cost-benefits to other leaseholders might provide clearer guidance as to whether and when DHHL will “support the drilling of wells by beneficiaries for their own use.”

Finally, while beneficiary engagement and consultation is noted in several places within the draft policy plan, DHHL may wish to incorporate beneficiary feedback under Goals, Part V, through an additional item that provides for an intake and response process for beneficiary concerns, specific to water system management issues. Such a process may assist DHHL in addressing unforeseen water system management issues as they occur, as well as bolster confidence in DHHL’s capacity to serve and engage with its beneficiaries

Again, OHA commends DHHL for its initiative in this important planning project, and looks forward to future collaboration in serving our mutual beneficiaries.

Thank you very much for your consideration of this matter.

‘O wau iho nō me ka ‘oia‘i‘o,



Kamana‘opono M. Crabbe, Ph.D.  
Ka Pouhana, Chief Executive Officer

KMC;wt

EXHIBIT “B”

## KEKAHA HAWAIIAN HOMESTEAD ASSOCIATION

Jobie Masagatani, Chair  
Kāleo Manuel, Planner  
Hawaiian Homes Commission  
Hale Kalaniana'ole, 91-5420 Kapolei Parkway  
Kapolei, HI 96707

May 14, 2014

### Re: Comments on DHHL Water Policy Draft

Dear Chair Masagatani, DHHL Commissioners, and DHHL Water Policy staff:

Kekaha Hawaiian Homestead Association, as a Kauai beneficiary association that works to protect the wellbeing of our community and its future, submits the following comments to the DHHL Water Policy Draft.

One of the missions listed in the Policy Draft states that HHC will aggressively understand, exercise and assert our water rights. To achieve this mission HHC should not just advocate, but commit to defend those beneficiaries who request their assistance in obtaining water for planting and other uses.

We need to protect our waters from big businesses and other state agencies that are consuming water freely and, in fact, diverting, taking water out of our streams, and in some cases diverting and dumping water so those further downstream are left with little and lower quality waters.

Beneficiaries who live on Hawaiian Home lands are paying high prices for commercial water for their gardens while commercial farmers are using and wasting these waters without charge to do their farming.

There can be no gauge on effectiveness of any plan unless goals are quantitative. The goals are vaguely stated and therefore cannot be measured.

Just a few things for example which would be more quantitative are: 1) Hold x town meetings each year to inform beneficiaries. 2) Restore x watershed. 3) Defend x beneficiary or beneficiary group in its fight for water. 3) Hire x number of staffers to protect waters,. 5) Attend all water management meetings, 6) Help x beneficiary in the drilling of a well. For each goal there should be some measurable means of success. Otherwise this again, is just a costly exercise on paper.

We also agree that the concerns brought up by one of our beneficiaries regarding water quality must be addressed in this plan.

(cont'd)

(Masagatani, page 2)

We want to thank you for taking a step in the right direction. We have the law and court decisions on our side which give us great power in our rights to water. We must begin to exercise these rights and are looking for leadership from a Department which was formed to assist the Hawaiians in for what is properly theirs. Please do not fail us.

Sincerely,

The Board of Directors  
Kekaha Hawaiian Homestead Association

**KEKAHA HAWAIIAN HOMESTEAD ASSOCIATION**  
**WWW.KEKAHAHOMELANDS.ORG**

**EXHIBIT "B"**

**HAWAIIAN HOMES COMMISSION WATER POLICY PLAN**  
**PROPOSED FINAL DRAFT BASED ON BENEFICIARY CONSULTATION**

**June 17, 2014**

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**Vision**

Our vision is that there will be adequate amounts of water and supporting infrastructure so that homestead lands will always be usable and accessible, to enable us to return to our lands to fully support our self-sufficiency and self-determination in the administration of the Hawaiian Homes Commission Act (HHCA), and the preservation of our values, traditions, and culture.

**Mission**

In a manner consistent with our values, the Hawaiian Homes Commission (HHC) and Department of Hawaiian Home Lands (DHHL) shall strive to ensure the availability of adequate, quality water by working cooperatively to:

- Understand our trust water assets;
- Plan for our water needs;
- Aggressively understand, exercise and assert our kuleana as stewards of water;
- Develop and protect water sources; and
- Manage water systems.

**Values**

1. **Waiwai:** Mōhala i ka wai ka maka o ka pua. *Unfolded by the water are the faces of the flowers.* The availability of water to our lands and people is integral to the trust and our mission.
2. **Waihona:** ʻUa lehulehu a manomano ka ʻikena a ka Hawaiʻi. *Great and numerous is the knowledge of the Hawaiians.* Honoring and documenting our knowledge about water is essential to managing it.
3. **Mālama:** He aliʻi ka ʻāina; he kauwā ke kānaka. *The land is a chief; man is its servant.* We consider water to be part of our genealogy and so we manage it in a manner that cares for its long-term sustainability for all things, as we also use it productively for our mission.
4. **Laulima:** E lauhoe mai na waʻa; i ke kā, i ka hoe; i ka hoe, i ke kā; pae aku i ka ʻāina. *Everybody paddle the canoes together; bail and paddle, paddle and bail, and the shore is reached.* We are one people who now share Hawaiʻi with others. DHHL is only one of many Hawaiian serving institutions. We will assert our rights while considering our larger lāhui ʻōiwi and the larger world in which we live.



## **Policies**

The water policies of the HHC and the DHHL are to:

1. Expressly determine and plan for future water needs and actively participate in broader water management, use and protection efforts in Hawai'i in order to secure water.
2. Educate beneficiaries, the DHHL, HHC, and other stakeholders continually on our water kuleana.
3. Aggressively, proactively, consistently and comprehensively exercise our water kuleana.
4. Foster self-sufficiency of beneficiaries by promoting the adequate supply of water for homesteading when developing or managing water.
5. Foster the self-determination of beneficiaries by seeking ways for beneficiaries to participate in the management of water.
6. Develop, manage, and steward water in a manner that balances cost, efficiency measures, and Public Trust uses in the short and long term.
7. Make water decisions that incorporate traditional and place-based knowledge of our people and are clear and methodical in their reasoning.
8. Make efforts to understand, maintain, and improve the quality of water as it moves into and through our lands and is used by beneficiaries.
9. Affirmatively communicate our decisions, our reasoning, and our performance in managing, stewarding, and using water before and after making major water decisions.
10. Affirmatively consider the development and use of alternative sources of water and efficiency measures in water decision-making.
11. Ensure that water decisions are consistent with other Departmental policies, programs, and plans including but not limited to the Energy Policy and Agricultural Program.
12. Explicitly consider water availability and the costs to provide adequate water when developing new homestead areas, designating land uses, issuing land dispositions, or exchanging properties.

## **Goals**

To make progress on achieving our Mission and complying with our Policies, the Priority Goals of the HHC and the DHHL are to:

1. Affirmatively communicate with beneficiaries regarding water decisions, performance, and water kuleana on a regional and annual basis.
2. Aggressively, proactively, consistently and comprehensively advocate for the water kuleana of the beneficiaries, the DHHL, and the HHC before all relevant agencies and entities.
3. Develop and manage a Water Assets Inventory (WAI).
4. Support watershed protection and restoration on DHHL lands and source areas for DHHL water.

Additional goals that DHHL and the HHC shall seek to achieve, based on the availability of resources, organized by mission activities, are:

**Part I. Understand our trust water assets**

1. Revise the DHHL submittal template to the HHC for water related decisions.
2. Revise budgets to show the total costs of a) water system management b) all spending on water issues.
3. Staff and organize the DHHL consistent with importance of water to the trust.

**Part II. Plan for our water needs**

4. Determine current and foreseeable future needs based upon periodic reviews of water availability projections that incorporate climate change, projected beneficiary demand, alternative sources and efficiency measures.
5. Design homesteads and manage lands to create and enhance water availability, optimizing costs, use of alternative sources and efficiency measures.

**Part III. Aggressively understand, exercise and assert our water rights**

6. Secure adequate and enforceable reservations of water for current and foreseeable future needs for all of its lands across the islands.
7. Partner with trust beneficiaries in water advocacy efforts.
8. Engage in updates to all Hawai'i Water Plan elements to ensure DHHL water needs and rights are addressed.
9. Advocate that all water use permit applications properly address the water rights of DHHL and other Hawaiian water rights.
10. Advocate that County boards of water supply and other county agencies that affect water have the spirit of the HHCA faithfully carried out to protect DHHL water uses as a public trust use of water and manage rates so they are affordable by beneficiaries.
11. Ensure that all legal provisions for the licensing of state water are followed.

**Part IV. Develop and protect water sources**

12. Carefully weigh alternatives regarding the dedication or DHHL management of new water systems.
13. Methodically and consistently manage and allocate water credits.
14. Support the drilling of wells by beneficiaries for their own use on lots where appropriate.
15. Partner with Department of Health and others on water quality education and outreach.
16. Continue to pursue development of agricultural water systems.

**Part V. Manage water systems**

17. Secure revenue and reduce operation costs so DHHL water systems break even financially over the long term.
18. Increase security and reliability for DHHL water users.
19. Pursue resolution by the Department of Agriculture of prior audit findings in the management of the Moloka'i Irrigation System and full repair of the System.

## **Delegation of Authorities and Reporting**

1. Delegation
  - a. The Hawaiian Homes Commission delegates authority to the Chairperson to prepare an Implementation Program for this Water Policy Plan. The Program shall identify tasks to implement each goal, and shall specify tasks that apply statewide as well as tasks that apply to different islands or regions under each goal.
2. Reporting
  - a. The Chairperson shall submit the proposed Implementation Program to the Hawaiian Homes Commission annually in conjunction with the Department's budget request.
  - b. The Chairperson shall annually report on progress on execution of the approved Implementation Program and overall progress towards achieving the goals of and maintaining compliance with the Water Policy Plan.

## **Legal Authorities**

1. Hawai'i State Constitution
2. Hawaiian Homes Commission Act of 1921, as amended
3. Hawai'i State Water Code, HRS 174C
4. In the Matter of Water Use Permit Applications (Waiāhole I case)
5. Wai'ola o Moloka'i
6. Kauai Springs, Inc. v. Planning Commission of the County of Kauai

## **Related Plans and Policies**

1. DHHL General Plan
2. DHHL Energy Policy
3. Hawaiian Homes Commission Beneficiary Consultation Policy

## **References**

1. 1983. Puku'i, Mary Kawena. **'Ōlelo No'eau: Hawaiian Proverbs & Poetical Sayings.** Honolulu: Bernice Pauahi Bishop Museum.
2. **Aia i hea ka wai a Kāne?** (Traditional chant, "Where is the water of Kāne?")

## Definitions

**Alternative sources:** Alternative sources include but are not limited to the water developed through reuse and recycling technologies and best practices, capture of flood waters, desalinated waters, and other sources as may be appropriate for proposed uses.

**Hawai`i Water Plan:** The Hawai`i Water Plan and its parts, as detailed in Part III of the Hawai`i State Water Code (HRS 174C), is the state's "program of comprehensive water resources planning to address the problems of supply and conservation of water" (HRS 174C-2(b)).

**Efficiency Measures.** Efficiency measures include but are not limited to optimal design and development, alternative energy utilization, and changes to behavioral practices and technologies that support onsite distributed wastewater systems.

**Kuleana:** Kuleana encompasses both rights and responsibilities. DHHL's water kuleana includes its responsibilities under its mission and the legal rights to water enshrined in the HHCA and state Constitutional and statutory provisions. Kuleana exists within the genealogical and spiritual relationship between water and the lāhui `ōiwi.

**Public Trust:** As delineated in the Hawai`i Supreme Court Waiāhole I and Wai`ōla O Moloka`i cases, public trust uses of water include domestic uses, traditional and customary Hawaiian rights, the protection and procreation of fish and wildlife, the maintenance of proper ecological balance and scenic beauty, and reservations of water for the DHHL.

**Water:** In this policy, water includes mists, fog, rain, and other precipitation; water as it flows above or below ground, and into the ocean; water used for homesteading; alternative sources including waste, brackish, and salt water; water used in the exercise of traditional and customary practices; infrastructure used to produce, store and transmit water; and water we use as well as water to which we have rights.

**Water Assets Inventory (WAI):** A comprehensive geographically referenced database of the water assets of the DHHL, including traditional knowledge related to water, DHHL owned water infrastructure, current and future water demand, water agreements, water credits, and potential water sources.

## Approval Date

Policy approved by the Hawaiian Homes Commission on \_\_\_\_\_.