

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

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:

dhhl.hawaii.gov