

**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.**

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

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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

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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

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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