

**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

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