

DHHL WATER POLICY PLAN STATEWIDE BENEFICIARY CONSULTATION
DHHL KUHIO HALE, WAIMEA, HAWAI'I
APRIL 15, 2014
6:30 P.M. – 8:30 P.M.

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,
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