

Status of DHHL Central Moloka`i Water Use Permit Application (WUPA)

**Informational Briefing for the
Hawaiian Homes Commission
Agenda Item G-6**

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DHHL Central Molokai WUPA Status

1. Pending DHHL WUPA

2. Why now?

- **Some resolution in 30 years of litigation**
- **MR & MDWS pending WUPA**
- **Completion of 10 year USGS study**

3. Why this amount?

4. What is next?

1. Pending WUPA

- **Will apply for .595 million gallons per day (mgd)**
- **Current permit is .367 mgd**
 - **One previous WUPA for .5 mgd granted in part (1993)**
 - **One for .637 never acted on (1996)**
- **Dec 2018 12MAV pumping: .480 mgd**

WUPA Sources & Uses

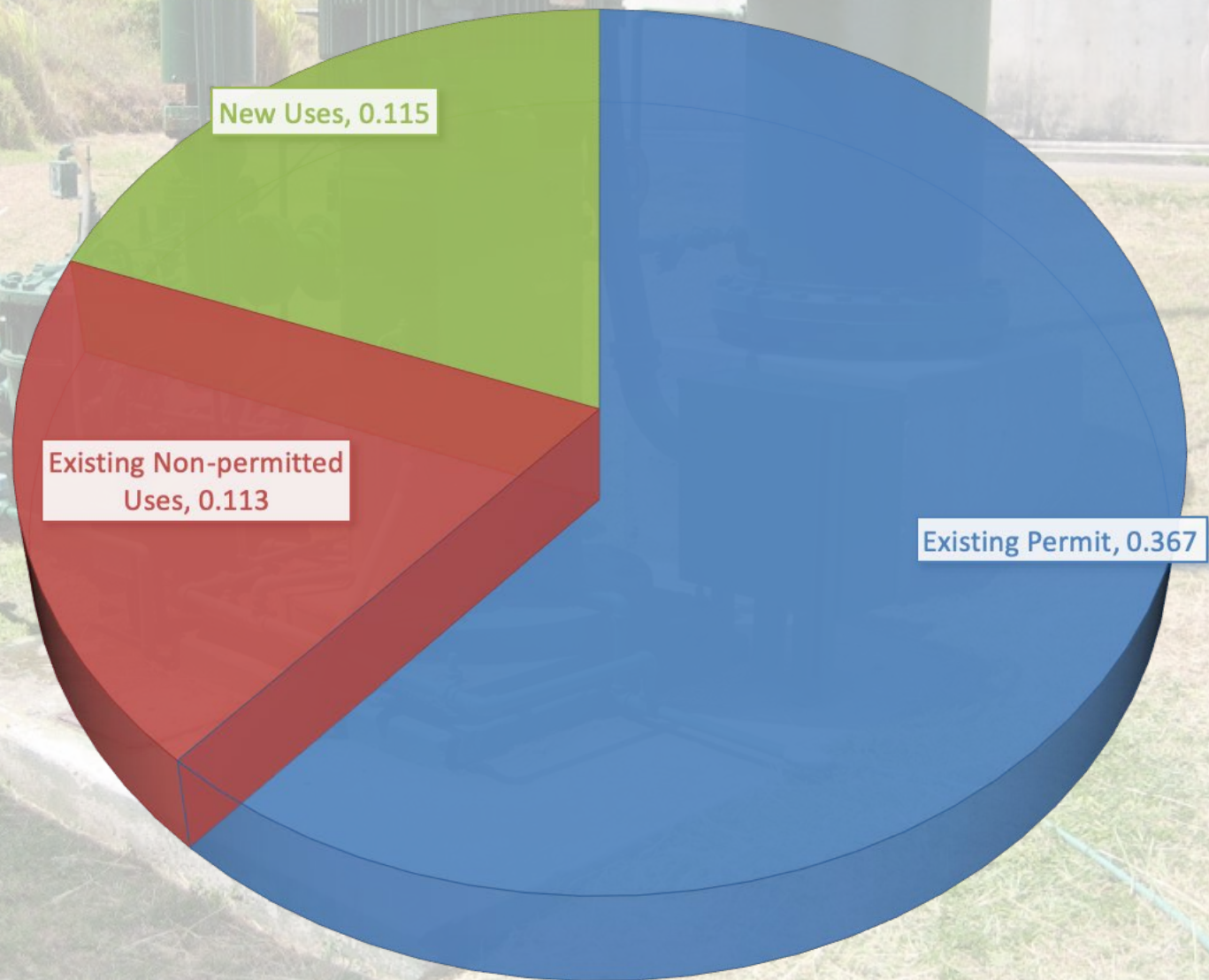
Location: Kualapu'u Aquifer System

Water sources: Kauluwai Well Nos. 1 & 2

Users: 2,400 customers & approximately 581 service connections:

- Homestead users (HHCA 221)
- Homestead supporting uses (HHCA 207)
- Non-Homestead uses

PENDING WUPA



2. Why now?

- **2.a. 30 years of litigation ended**
- **2.b. MR & MDWS WUPA**
- **2.c. 10 years of study finished**

2.a. Legal Proceedings

1990 - 1992: Water Management Area (WMA) Designation

1993: DHHL (.5 mgd), MDWS, MR initial apply for permits; DHHL awarded 0.367

2.a. Legal Proceedings

1997 - 2001: MR contested case and award

2007: HSC, *In re Kukui (Moloka'i), Inc.*,
reversed CWRM and remanded.

- confirmed DHHL's reservations are public trust uses of water

2.a. Legal Proceedings

October 20, 2015: CWRM noticed three WUPAs: (1) Molokaʻi Public Utilities (Well No. 17); (2) Maui DWS; (3) DHHL: 0.637 mgd.

March 2016: OHA & DHHL objected
recommended dismissal

December 10, 2018 HSC dismisses *Kukui*

2.b. Other Pending WUPA

- **MDWS: 0.9 mgd**
- **MR: 1.1440 mgd**

2.c. USGS Study

- **2009:** DHHL, OHA, and Maui DWS commissioned a new USGS groundwater model
- **Purpose:** estimates the effects of pumping on salinity and coastal discharge
- **Finding:** Pumping Well 17 raises chlorides in DHHL wells and coast
- **Status:** Published January 31, 2020

3. Why this amount?

- **Why .595 mgd?**
- **Current WUPA: 0.367 mgd**
- **Current pumping (.48) exceeds WUPA**
- **.595 is reliable pumping level**
- **Will allow issuance of new meters for existing lots**
- **Will not allow for all future needs**

Future DHHL Molokai Water Demands (mgd)*

	2016	2021	2026	2031
Potable	0.259	0.662	1.061	1.061
Non-potable <i>(for development)</i>	4.721	5.360	6.091	6.091
Nonpotable	4.721	5.360	6.091	34.985
Total	4.980	6.022	7.153	36.046

* These are 20 year demands, not “foreseeable” demands, which may be higher

5. WUPA next steps

- Drafting in accordance with WPP
- DHHL will identify
 - HHCA § 221 uses
 - Non-HHCA § 221 uses
 - Alternatives
 - Possible effects on other Public Trust uses

DHHL Alternatives: Efficiency

- Existing planned improvements
- Water Loss Audit (forthcoming)



Possible next actions

- CWRM considers DHHL first
- CWRM considers Public Trust and Domestic uses first in three applications
- CWRM treats all permits as “competing”
- Pending mediation request

Nīnau?



Background: HHC Water Policy Plan

- Data Gathering & Analysis: (2012)
- Beneficiary issue identification: (2012-2013)
- Draft Water Policy Plan (WPP): (Feb. 19, 2014)
- Beneficiary consultation: (Feb.-May 2014)
- **Adoption (July 22, 2014)**

I. Water Policy Plan Contents

- **Vision**
- **Mission**
- **Values**
- **Policies**
- **Goals (four priority)**
- **Delegation of Authorities and Reporting; and**
- **Legal Authorities, Related Plans and Policies, References, and Definitions.**

Kawaihae Water Tank

I. WPP Priority Goals

Goal 1: Affirmatively communicate with beneficiaries regarding water decisions, performance, and water rights on a regional and annual basis

I. WPP Priority Goals

Goal 2: Aggressively, proactively, consistently, and comprehensively advocate for the kuleana of the beneficiaries, the DHHL, and the HHC to water before all relevant agencies and entities

I. WPP Priority Goals

Goal 3: Develop and manage a Water Assets Inventory (WAI)

Diversion Ditch, Wailua River, Kauaʻi

I. WPP Priority Goals

Goal 4: Support watershed protection and restoration on DHHL lands and source areas for DHHL water.