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

Informational Briefing for the Hawaiian Homes Commission
Agenda Item G-6
91-5420 Kapolei Parkway, Kapolei, Oʻahu, Hawaiʻi
Andrew Choy, Acting Planning Program Manager
Jonathan Likeke Scheuer, Consultant to DHHL
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
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

- 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)*

<table>
<thead>
<tr>
<th></th>
<th>2016</th>
<th>2021</th>
<th>2026</th>
<th>2031</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potable</td>
<td>0.259</td>
<td>0.662</td>
<td>1.061</td>
<td>1.061</td>
</tr>
<tr>
<td>Non-potable</td>
<td>4.721</td>
<td>5.360</td>
<td>6.091</td>
<td>6.091</td>
</tr>
<tr>
<td><em>(for development)</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nonpotable</td>
<td>4.721</td>
<td>5.360</td>
<td>6.091</td>
<td>34.985</td>
</tr>
<tr>
<td>Total</td>
<td>4.980</td>
<td>6.022</td>
<td>7.153</td>
<td>36.046</td>
</tr>
</tbody>
</table>

* 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

Diversion Ditch, Wailua River, Kaua`i
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)
I. WPP Priority Goals

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