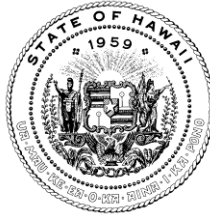


DAVID Y. IGE  
GOVERNOR OF  
HAWAII



SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

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LAND  
STATE PARKS

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of  
SUZANNE D. CASE  
Chairperson

Before the Senate Committee on  
WAYS AND MEANS

Tuesday, April 3, 2018  
10:00 AM  
State Capitol, Conference Room 211

In consideration of  
HOUSE BILL 1987, HOUSE DRAFT 1, SENATE DRAFT 1  
RELATING TO STREAMS

House Bill 1987, House Draft 1, Senate Draft 1 proposes to appropriate out of the general revenues of the State of Hawaii the sum of \$400,000 or so much thereof as may be necessary for Fiscal Year 2018-2019 for the Department of Land and Natural Resources' (Department) Commission on Water Resource Management (Commission) to contract with the United States Geological Survey (USGS) to conduct a study on streamflows in the State. **The Department supports this measure provided that its passage does not replace or adversely impact priorities indicated in the Executive Supplemental Budget request and offers the following comments.**

Under the State Water Code (Code), the Commission has the responsibility of establishing IFS on a stream-by-stream basis whenever necessary to protect the public interest in the waters of the State. In the Waiāhole Ditch Contested Case Decision and Order (Waiāhole), the Hawai'i Supreme Court emphasized that "instream flow standards serve as the primary mechanism by which the Commission is to discharge its duty to protect and promote the entire range of public trust purposes dependent upon instream flows."

The Code defines an instream flow standard as a "quantity or flow of water or depth of water which is required to be present at a specific location in a stream system at certain specified times of the year to protect fishery, wildlife, recreational, aesthetic, scenic, and other beneficial instream uses. In considering a petition to amend an interim instream flow standard, the Code directs the Commission to "weigh the importance of the present or potential instream values with the importance of the present or potential uses of water for noninstream purposes, including the economic impact of restricting such uses."

The Commission in cooperation with USGS has been conducting intensive low-flow stream characterization studies over the last 20 years. These studies have covered portions of Windward Oahu and most of Maui. Other agencies including the Office of Hawaiian Affairs and the county water departments have also been cooperators on the same or similar projects. In June 2015, the Commission entered into a Joint Funding Agreement with USGS to conduct another low-flow stream study in Southeast Kaua‘i that will assess the streamflow characteristics from Wailua in the north to Hanapēpē in the south. Phase 2 of this study began in June 2017 and is expected to be completed by September 2019.

The Commission has another Joint Funding Agreement with the USGS to study and estimate low-flow characteristics for all streams on the islands of Kaua‘i, O‘ahu, Moloka‘i, Maui, and Hawai‘i. Phase 1 of the study began in June 2013 and was completed in September 2015, with the purpose of providing estimates of natural, low-flow conditions at gaged sites, and developing methods to estimate natural low-flow conditions at ungaged sites. Phase 2, with funding from the 2016 Legislature in the amount of \$1,500,000 (total study cost of \$2,327,500), began in January 2017 and will involve more intensive field data collection, development of regional regression equations to estimate natural low-flow condition at ungaged sites, and implementation of a web-based tool called StreamStats. Work on the study is expected to be completed in September 2021.

To further supplement and expand on previous efforts to assess streamflow statewide, the Commission is seeking \$400,000 for the following projects:

- Initiate an intensive, site-specific low-flow streamflow study for streams in the East Maui area diverted by the East Maui Irrigation System, that were not studied in previous work. (\$200,000)
- Initiate funding for three (3) USGS continuous-record stream gaging stations for five years that will serve as index stations to aid in better long-term trend study. The gages would be identified and selected in consultation with USGS. (\$200,000)

Thank you for the opportunity to comment on this measure.



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SENATE COMMITTEE ON WAYS & MEANS  
Tuesday, April 3, 2018 — 10:00 a.m. — Room 211

**Ulupono Initiative Strongly Supports HB 1987 HD 1 SD 1, Relating to Streams**

Dear Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee:

My name is Kyle Datta and I am General Partner of Ulupono Initiative, a Hawai'i-based impact investment firm that strives to improve the quality of life for the people of Hawai'i by working toward solutions that create more locally produced food; increase affordable, clean, renewable energy; and better management of waste and fresh water. Ulupono believes that self-sufficiency is essential to our future prosperity and will help shape a future where economic progress and mission-focused impact can work hand in hand.

**Ulupono strongly supports HB 1987 HD 1 SD 1**, which requires the Commission on Water Resource Management to conduct a study on streamflows in Hawai'i, because it aligns with our goal of preserving Hawai'i's water resources.

Streamflows are a vital data point in determining the amount of clean potable water. Yet, while there is agreement that water issues are important, critical decisions require quality data on which to base those decisions on. At this stage, there is a strong need for increased data collection. As greater data is established, this should bring together the various stakeholders that govern water issues in Hawai'i.

As Hawai'i's water issues become more complex and challenging, we appreciate this committee's efforts to look at policies that protect our water resources.

Thank you for this opportunity to testify.

Respectfully,

Kyle Datta  
General Partner

*Investing in a Sustainable Hawai'i*

**HB-1987-SD-1**

Submitted on: 4/2/2018 7:20:14 AM

Testimony for WAM on 4/3/2018 10:00:00 AM

| Submitted By  | Organization  | Testifier Position | Present at Hearing |
|---------------|---|--------------------|--------------------|
| Melodie Aduja | Testifying for Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i | Support            | No                 |

Comments:

To the Honorable Donovan M. Dela Cruz, Chair; the Honorable Gilbert S.C. Keith-Agaran, Vice Chair, and Members of the Committee on Ways and Means:

Good morning. My name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") on Legislative Priorities of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on **HB1987 HD1 SD1** relating to the Commission on Water Resource Management; Streamflow Study; and an Appropriation.

The OCC on Legislative Priorities is in favor of **HB1987 HD1 SD1** and supports its passage.

**HB1987 HD1 SD1** is in alignment with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it requires the commission on water resource management to contract with the United States Geological Survey to conduct a five-year study on streamflow in the State and submit a progress report to the legislature prior to the convening of the regular sessions of 2019 to 2023, and appropriates funds for the commission on water resource management to contract with the United States Geological Survey to conduct the streamflow study.

The DPH Platform states that "[w]e support the protection of our 'aina against destruction by corporate, government, or military usage and expect full restoration and reparation of environmental damage. To handle current and future demands for water, we must assess the current condition of our aquifers and take appropriate actions to secure our freshwater resources. (Platform of the DPH, P. 8, Lines 422-425 (2016)).

Given that **HB1987 HD1 SD1** requires the commission on water resource management to contract with the United States Geological Survey to conduct a five-year study on streamflow in the State and submit a progress report to the legislature prior to the convening of the regular sessions of 2019 to 2023, and appropriates funds

for the commission on water resource management to contract with the United States Geological Survey to conduct the streamflow study, it is the position of the OCC on Legislative Priorities to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC on Legislative Priorities

Email: [legislativepriorities@gmail.com](mailto:legislativepriorities@gmail.com), Text/Tel.: (808) 258-8889