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CCH-MA06-01

Iao Ground Water Management Area High-Level Source Water-Use Permit Applications and Petition to Amend Interim Instream Flow Standards of Waihee River and Waiehu, Iao, & Waikapu Streams Contested Case Hearing



The Iao Stream Flood Control Project was completed by the U.S. Army Corps of Engineers in 1981 to protect the town of Wailuku, Maui from destructive flooding.



An upstream view of Waikapu Stream with the Waihee Ditch diversion intake in the foreground.

<u>Date</u>	<u>Action</u>
April 21, 2014	<p>News Release: Maui Parties Reach Agreement in Na Wai 'Eha Amended Interim Instream Flow Water Case (http://files.hawaii.gov/dlnr/cwrn/news/2014/nr20140421.pdf)</p> <p>The Commission issued the Order Adopting: 1) Hearings Officer's Recommendation on the Mediated Agreement Between The Parties; And 2) Stipulation RE Mediator's Report Of Joint Proposed Findings Of Fact, Conclusions Of Law, Decision And Order</p> <ul style="list-style-type: none"> • View Commission's Order Adopting... [2.1 MB] (http://files.hawaii.gov/dlnr/cwrn/cch/cchma0601/CCHMA0601-2-CWRM.pdf)
Mar. 17, 2014	<p>News Release: Na Wai Eha Contested Case Hearing Postponed Until Further Notice (http://files.hawaii.gov/dlnr/cwrn/news/2014/nr20140317.pdf)</p>
Mar. 10, 2014	<p>News Release: Na Wai Eha Contested Case Hearing Postponed to March 17 (http://files.hawaii.gov/dlnr/cwrn/news/2014/nr20140310.pdf)</p>
Feb. 25, 2014	<p>Responsive Briefs submitted to the Commission.</p> <ul style="list-style-type: none"> • HNWE/MTF and OHA Joint Supplemental Responsive Brief [1.6 MB] (http://files.hawaii.gov/dlnr/cwrn/cch/cchma0601/20140225-HNWE.pdf) • MDWS Responsive Brief to HC&S's Supplemental Opening Brief (http://files.hawaii.gov/dlnr/cwrn/cch/cchma0601/20140225-MDWS.pdf)
Mar. 10, 2014	<p>The Contested Case Hearing on Remand has been postponed for one (1) week. A Minute Order will be issued today.</p>
Feb. 18, 2014	<p>Rebuttals to Responses submitted to the Commission.</p> <ul style="list-style-type: none"> • HNWE/MTF Reply Brief [1.7 MB] (http://files.hawaii.gov/dlnr/cwrn/cch/cchma0601/20140218-HNWE.pdf) • MDWS Rebuttal Brief (http://files.hawaii.gov/dlnr/cwrn/cch/cchma0601/20140218-MDWS1.pdf) • MDWS Supplemental Exhibit List (http://files.hawaii.gov/dlnr/cwrn/cch/cchma0601/20140218-MDWS2.pdf)

	<ul style="list-style-type: none"> • OHA Rebuttal Brief (http://files.hawaii.gov/dlnr/cwrn/cch/cchma0601/20140218-OHA.pdf) • WWC Rebuttal Brief (http://files.hawaii.gov/dlnr/cwrn/cch/cchma0601/20140218-WWC.pdf) • HC&S Rebuttal Brief (http://files.hawaii.gov/dlnr/cwrn/cch/cchma0601/20140218-HC&S1.pdf) • HC&S Amended Exhibit List (http://files.hawaii.gov/dlnr/cwrn/cch/cchma0601/20140218-HC&S2.pdf)
Jan. 30, 2014	<p>Minute Order 30 – Hearing Schedule (http://files.hawaii.gov/dlnr/cwrn/cch/cchma0601/20140130-MO30.pdf) :</p> <p>Hearing is scheduled for March 10-28, 2014 on Maui at 9:00 a.m. – 4:30 p.m. at various locations.</p>
Jan. 28, 2014	<p>Responses to Witness Statements and Exhibits submitted to the Commission.</p> <ul style="list-style-type: none"> • HNWE/MTF Responsive Brief [1.9 MB] (http://files.hawaii.gov/dlnr/cwrn/cch/cchma0601/20140128-HNWE.pdf) • MDWS Responsive Brief (http://files.hawaii.gov/dlnr/cwrn/cch/cchma0601/20140128-MDWS.pdf) • OHA Responsive Brief [4.2 MB] (http://files.hawaii.gov/dlnr/cwrn/cch/cchma0601/20140128-OHA.pdf) • WWC Answering Brief (http://files.hawaii.gov/dlnr/cwrn/cch/cchma0601/20140128-WWC.pdf) • HC&S Responsive Brief (http://files.hawaii.gov/dlnr/cwrn/cch/cchma0601/20140128-HC&S.pdf)
Jan. 7, 2014	<p>Opening briefs, witness statements, and exhibits submitted to the Commission by Earthjustice on behalf of Hui O Na Wai Eha/Maui Tomorrow Foundation, Inc. (HNWE/MTF), Maui Department of Water Supply (MDWS), Office of Hawaiian Affairs (OHA), Wailuku Water Company LLC (WWC), and Hawaiian & Commercial Sugar Company (HC&S).</p>

- HNWE/MTF Opening Brief and Opening Statement [39.7 MB]
(<http://files.hawaii.gov/dlnr/cwrmm/cch/cchma0601/20140104-HNWE1.pdf>)
- MDWS Opening Brief
(<http://files.hawaii.gov/dlnr/cwrmm/cch/cchma0601/20140107-MDWS1.pdf>)
- MDWS Witness List
(<http://files.hawaii.gov/dlnr/cwrmm/cch/cchma0601/20140107-MDWS2.pdf>)
- MDWS Exhibit List [15.2 MB]
(<http://files.hawaii.gov/dlnr/cwrmm/cch/cchma0601/20140107-MDWS3.pdf>)
- OHA Opening Brief and Opening Statement, Witness List, and Exhibit List [4.2 MB]
(<http://files.hawaii.gov/dlnr/cwrmm/cch/cchma0601/20140107-OHA1.pdf>)
- WWC Opening Brief, Witness List and Exhibit List [2.8 MB]
(<http://files.hawaii.gov/dlnr/cwrmm/cch/cchma0601/20140107-WWC1.pdf>)
- HC&S Opening Brief [43.0 MB]
(<http://files.hawaii.gov/dlnr/cwrmm/cch/cchma0601/20140107-HC&S1.pdf>)
- HC&S Exhibit List
(<http://files.hawaii.gov/dlnr/cwrmm/cch/cchma0601/20140107-HC&S2.pdf>)
- HC&S Erata to Opening Brief
(<http://files.hawaii.gov/dlnr/cwrmm/cch/cchma0601/20140107-HC&S3.pdf>)
- HC&S Supplemental Opening Brief (Includes Feasibility Report for HC&S Use of Reclaimed Water from Wailuku-Kahului Wastewater Reclamation Facility) [13.6MB]
(<http://files.hawaii.gov/dlnr/cwrmm/cch/cchma0601/20140107-HC&S4.pdf>)
- Declaration of James E. Parham (Includes Technical Report on the Quantification of the impacts of water diversions in the Na Wai Eha streams, Maui on native stream animal habitat using the Hawaiian Stream Habitat Evaluation Procedure) [8.4 MB]
(<http://files.hawaii.gov/dlnr/cwrmm/cch/cchma0601/20140107-JEP1.pdf>)
- James E. Parham Technical Report on The Use of Hawaiian Stream Habitat Evaluation Procedure to Provide Biological Assessment in Support of Instream Flow Standards for East Maui Streams [6.1 MB]

	<p>(http://files.hawaii.gov/dlnr/cwrmm/cch/cchma0601/20140107-JEP2.pdf)</p>
May 22, 2013	<p>The Commission approved delegation of authority to the Chairperson to appoint a Hearing's Officer for CCH-MA06-01 on remand.</p> <ul style="list-style-type: none"> • Staff Submittal (http://files.hawaii.gov/dlnr/cwrmm/submittal/2013/sb201305D1.pdf)
Aug. 15, 2012	<p>The Supreme Court of Hawaii issued its decision in Supreme Court No. SCAP-30603, In Re Iao Ground Water Management Area High-Level Source Water-Use Permit Applications and Petition to Amend Interim Instream Flow Standards of Waihee River and Waiehu, Iao, And Waikapu Streams Contested Case Hearing.</p> <ul style="list-style-type: none"> • View Supreme Court Opinion (http://files.hawaii.gov/dlnr/cwrmm/cch/cchma0601/SCAP-30603.pdf) • View Concurring Opinion by Acoba, J. (http://files.hawaii.gov/dlnr/cwrmm/cch/cchma0601/SCAP-30603con.pdf)
Jun. 10, 2010	<p>The Commission issued its Findings of Fact, Conclusions of Law, and Decision and Order.</p> <ul style="list-style-type: none"> • View the Commission's Findings of Fact... [4.58 MB] (http://files.hawaii.gov/dlnr/cwrmm/cch/cchma0601/CCHMA0601-1-CWRM.pdf)
May. 19, 2009	<p>The Parties' Exceptions to the Hearings Officers Proposed Findings of Fact, Conclusions of Law, and Decision and Order.</p> <ul style="list-style-type: none"> • Hawaiian Commercial and Sugar (http://files.hawaii.gov/dlnr/cwrmm/cch/cchma0601/DO-HCS.PDF) • Hui o Na Wai Eha and Maui Tomorrow Foundation, Inc. (http://files.hawaii.gov/dlnr/cwrmm/cch/cchma0601/DO-HuiONaWaiEha.PDF) • County of Maui, Department of Water Supply (http://files.hawaii.gov/dlnr/cwrmm/cch/cchma0601/DO-MDWS.PDF) • Intervenor Office of Hawaiian Affairs (http://files.hawaii.gov/dlnr/cwrmm/cch/cchma0601/DO-OHA.PDF) • Wailuku Water Company LLC (http://files.hawaii.gov/dlnr/cwrmm/cch/cchma0601/DO-WWC.PDF)

Apr. 9, 2009

The Commission issued the Hearings Officer's Proposed Findings of Fact, Conclusions of Law, and Decision and Order.

- [View Hearings Officer's Proposed Findings of Fact... \[3.82 MB\]](http://files.hawaii.gov/dlnr/cwrn/cch/cchma0601/CCHMA0601-1-HO.pdf)
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma0601/CCHMA0601-1-HO.pdf>)