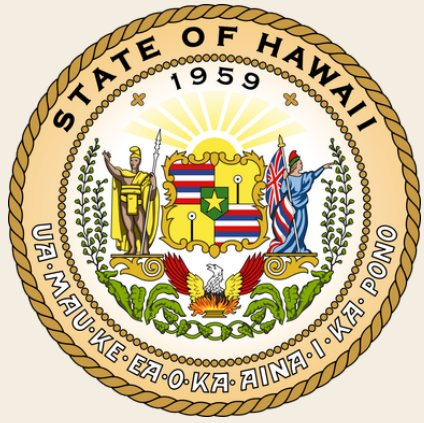


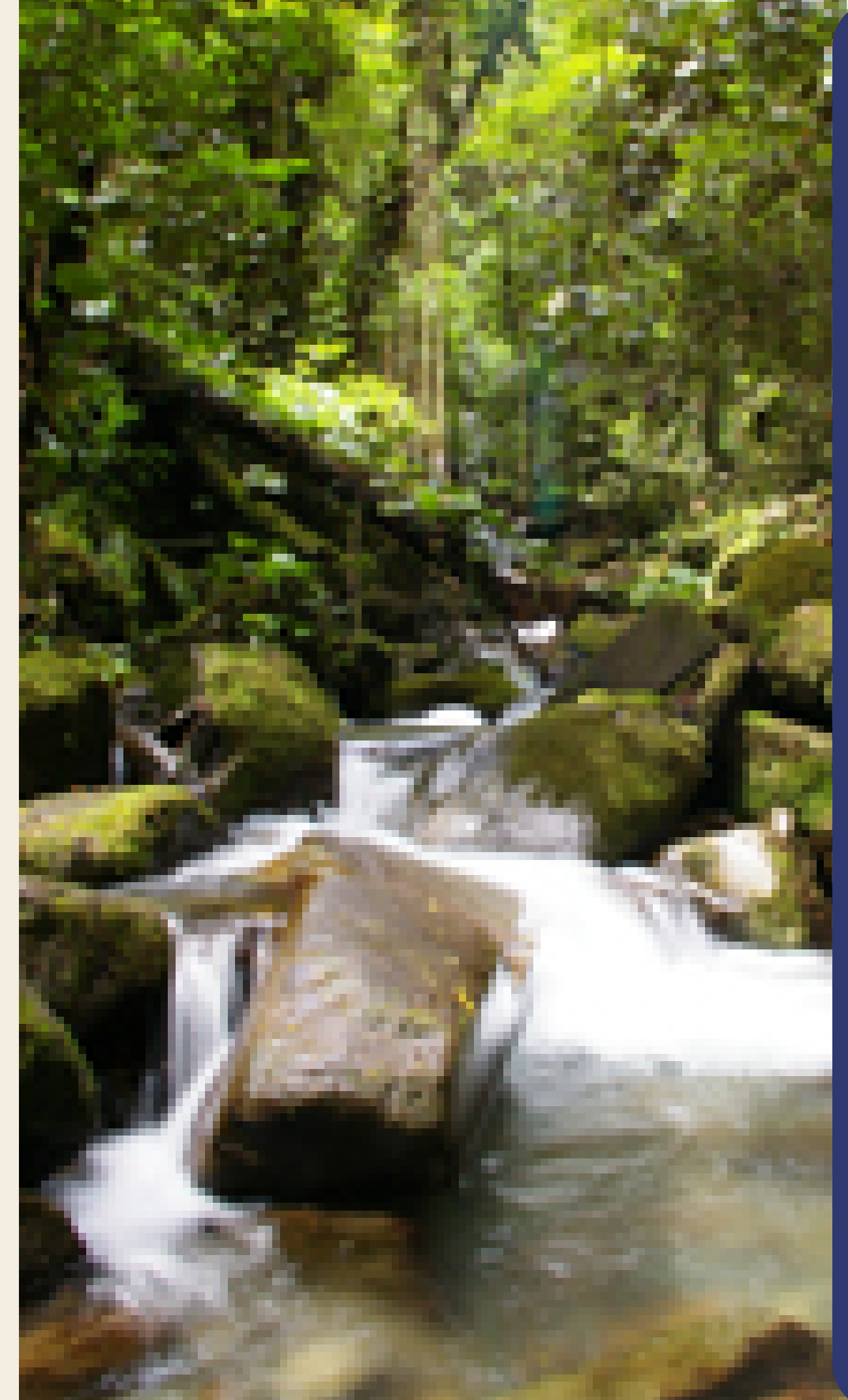


September 2026

WATER & WELLS PERMITTED INTERACTION GROUP REPORT

Simplifying Permitting for Enhanced
Economic Development (SPEED) Task Force

Ola i ka wai
Water is Life



Agenda

- 01** Introduction/Background
- 02** Findings
- 03** Recommendations For Adoption
- 04** Recommendations For Further Study



Introduction/Background

- **1978 – HAWAII STATE CONSTITUTION ADOPTED**
 - ARTICLE XI, SECTION 7. THE STATE HAS AN OBLIGATION TO PROTECT, CONTROL AND REGULATE THE USE OF HAWAII'S WATER RESOURCES FOR THE BENEFIT OF ITS PEOPLE.
- **1987 – STATE WATER CODE PASSED**
 - LEGISLATURE ESTABLISHED COMMISSION ON WATER RESOURCE MANAGEMENT (CWRM) AS THE TRUSTEE OF HAWAII'S WATER RESOURCES
- **2000 – WAIAHOLE 1 DECISION PUBLISHED**
 - THE COURT DECLARED: WATER IS A PUBLIC TRUST RESOURCE, PRESUMPTION IN FAVOR OF PUBLIC TRUST PURPOSES, PROTECTION CONSTITUTES “USE”, PRIVATE COMMERCIAL USE IS NEVER GUARANTEED

Introduction/Background

Constitutional Mandate:

What is the Commission on Water Resource Management?

- Established by Article XI, Section 7 of the Hawai'i State Constitution
- The primary guardian of Hawai'i's water resources under the public trust
- Mission: To protect and manage the waters of Hawai'i for present and future generations
- CWRM balances competing public and private, instream and offstream water needs.



Introduction/Background

Permit Types & Permitting Process

- **Ground Water**

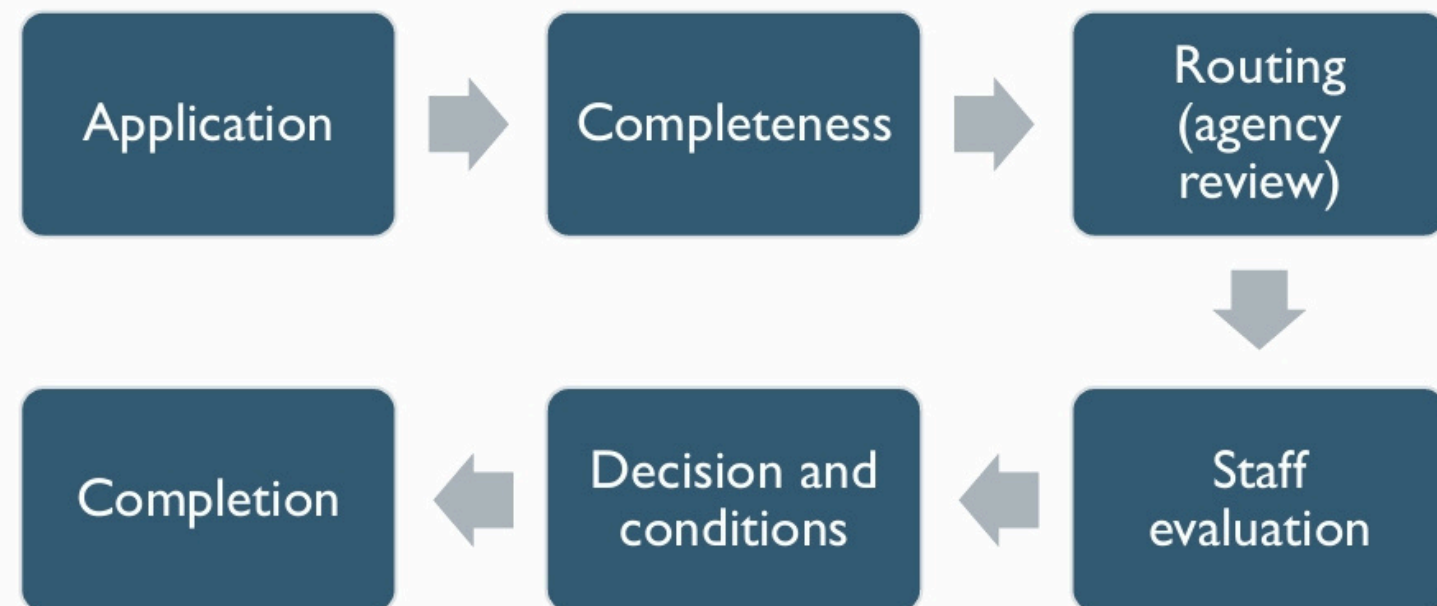
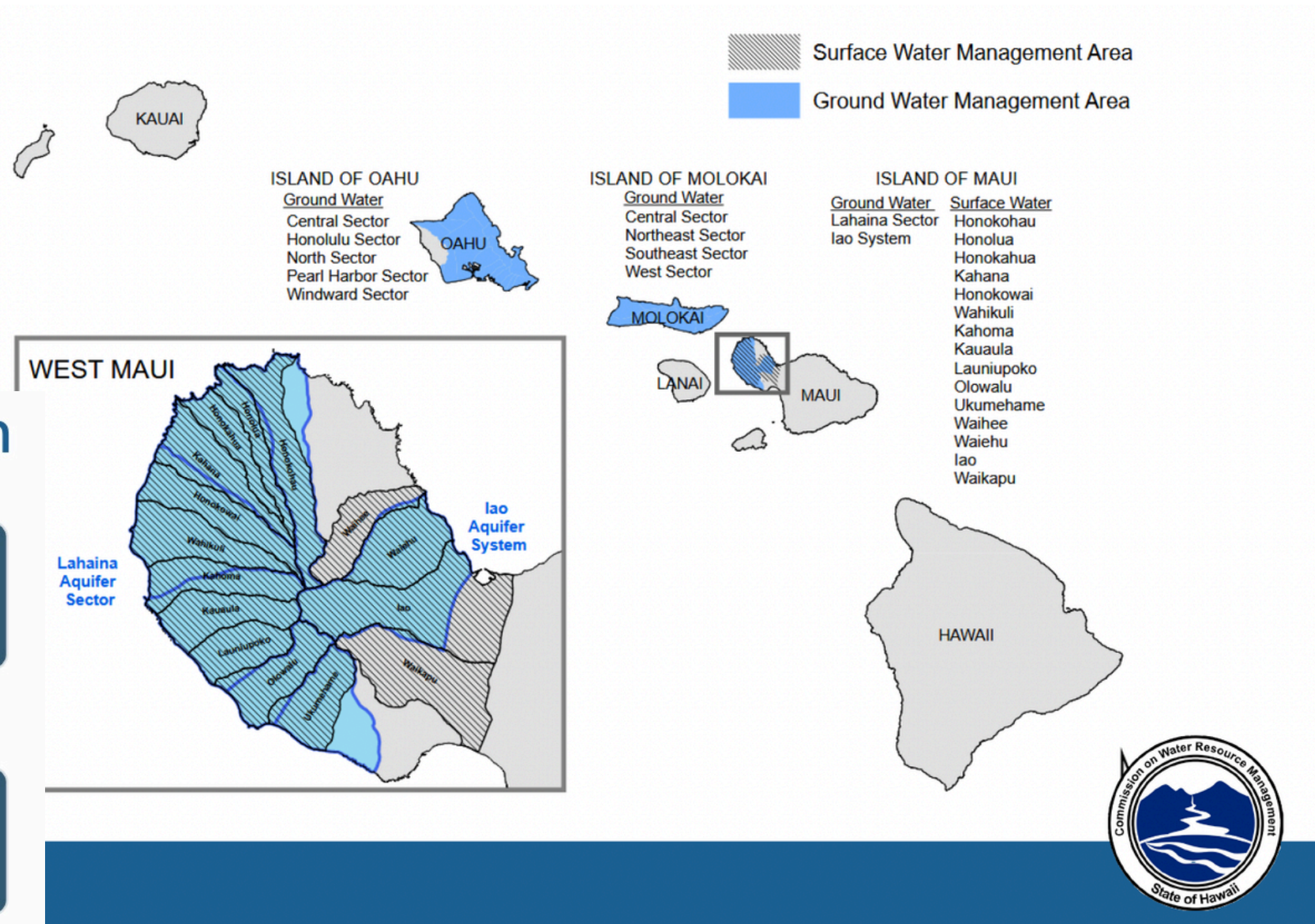
- Ground Water Use Permit
- Well construction
- Pump installation

- **Surface Water**

- Surface Water Use Permit
- Stream Channel Alteration Permit
- Stream Diversion Works Permit

Introduction/Background

Well Construction / Pump Installation



Introduction/Background

Commission Involvement

As of July 23, 2024, certain permits must be taken to the Commission for a vote:

- **Well Construction Permits**

- Well penetrates two discrete water bodies
- Artesian source: water rises to the surface without pumping

- **Pump Installation Permits**

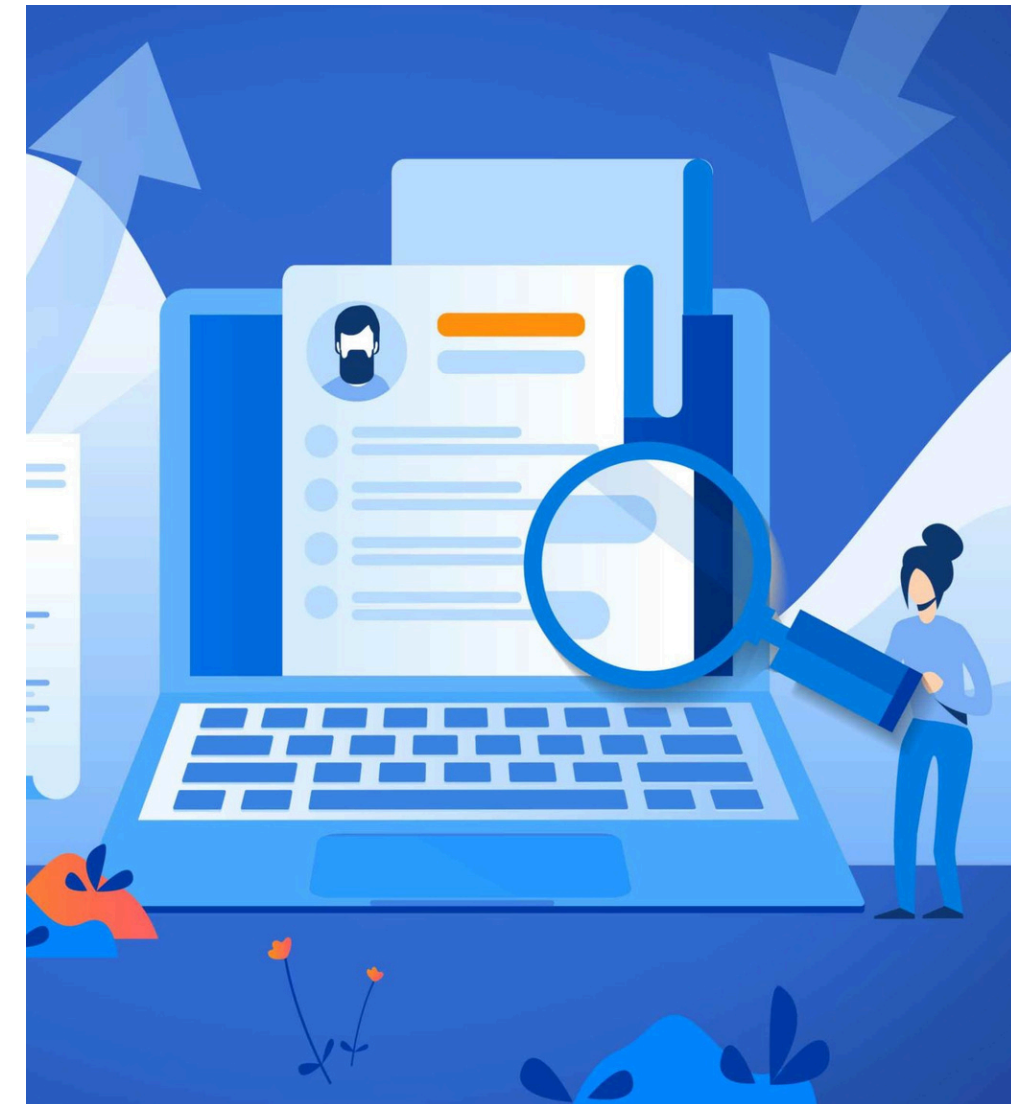
- Pump intake may affect streamflow
- Aquifer has reached sustainable yield
- Objections to an application have been received
- Pump capacity is greater than 27 gallons per minute (gpm)
- Pump is under 27 gpm, but a water use permit is also required

Finding 1:

Staffing is the Biggest CWRM Administrative Challenge

Expediting permit processing requires additional staff

- CWRM's duties require specialized technical and scientific knowledge.
- Although significant progress has been made in filling vacant positions, CWRM's permitting would materially benefit from additional positions in specialized areas
- Dedicated staff is needed to develop adaptive management plans for aquifers or areas requiring heightened monitoring and management.
- Deputy for Water Resources Management (CWRM Chief) is an appointed position that limits continuity of knowledge and procedures



Finding 2:

Commission Review And Decision on Permits Takes Time

- All well construction and pump installation permits currently require commission review and action.
- Well construction & pump installation permits even if uncontroversial, ministerial, or without significant impact, are still require Commission action.



Finding 3:

Streamlining Permitting Need Not Conflict with Protecting Traditional and Customary Practices

- Areas for protecting groundwater dependent ecosystems or customary practices can be identified
- Projects considerably unlikely to negatively impact communities can be identified.
- Already existing wells within sensitive areas may be re-evaluated using latest hydrologic science, technology and strategies developed to mitigate impact.

Finding 4:

Stakeholders Would Benefit from Sharing Data

- **CWRM, State Historic Preservation Division, Department of Health, and the Department of Hawaiian Home Lands all have separate processes and data systems that are needed for permitting decisions.**
- Lack of online portal for applicants to submit easy and accessible submission applications and track status of permits.
- Reviewing agencies separately review, comment on, and process submitted paperwork and information, which could be expedited for decision-making.
- Need for mapping tools that collect and aggregate information on streamflow, groundwater, and dependent ecosystem information to assess impacts to communities



Recommendation 1:

Support Funding for Additional CWRM Positions

- Redescribe a position to establish an Assistant Administrator position for continuity of policies, procedures, and organizational management.
- Add 8 specialized positions.
 - Add: 1) Research Statistician, 2) Program Specialist, 3) Engineer, 4) Ground Water Adaptive Management Planner, 5) Planners, 6) Information Specialist, 7) Administrative Specialist.
- Redescribe one position to establish Engineer
- Total budget: \$745,140 impact to general funds
- Support for inclusion in the administrative package.

Recommendation 2:

Approve Delegation of Authority to the Chairperson

- **Clarify decision-making authority to staff for certain permits by authorizing decision to the Chairperson, as DLNR Director. (Amend HRS §174C-3)**
- **Delegate authority to the Chairperson for certain actions identified in HRS §174C-84 (Well Construction & Pump Installation), -85 (Filing of completion report), and -87 (Sealing of abandoned wells)**
- **Codify Commission amendment 97-1 – Statutory changes to delegate authority to the Chairperson; and adding provisions to §174C-84 for:**
 - Well construction and well modification permit applications statewide
 - Pump installation and modification permits in aquifer systems that are not designated water management areas and where estimated water usage is less than 70% of sustainable yield
 - No new or additional permit application in designated and non-designated water management areas required for the replacement of pumps less than or equal to the existing pump capacity.

Recommendation 3:

Direct CWRM to Convene a Working Group to Develop a “Reasonable Management Plan” to Protect Traditional & Customary Practices

- Inventory groundwater dependent ecosystems and hydro-geological features of 'āina
- Develop a plan for adaptive management strategies
- Develop a restoration strategy within groundwater dependent ecosystems

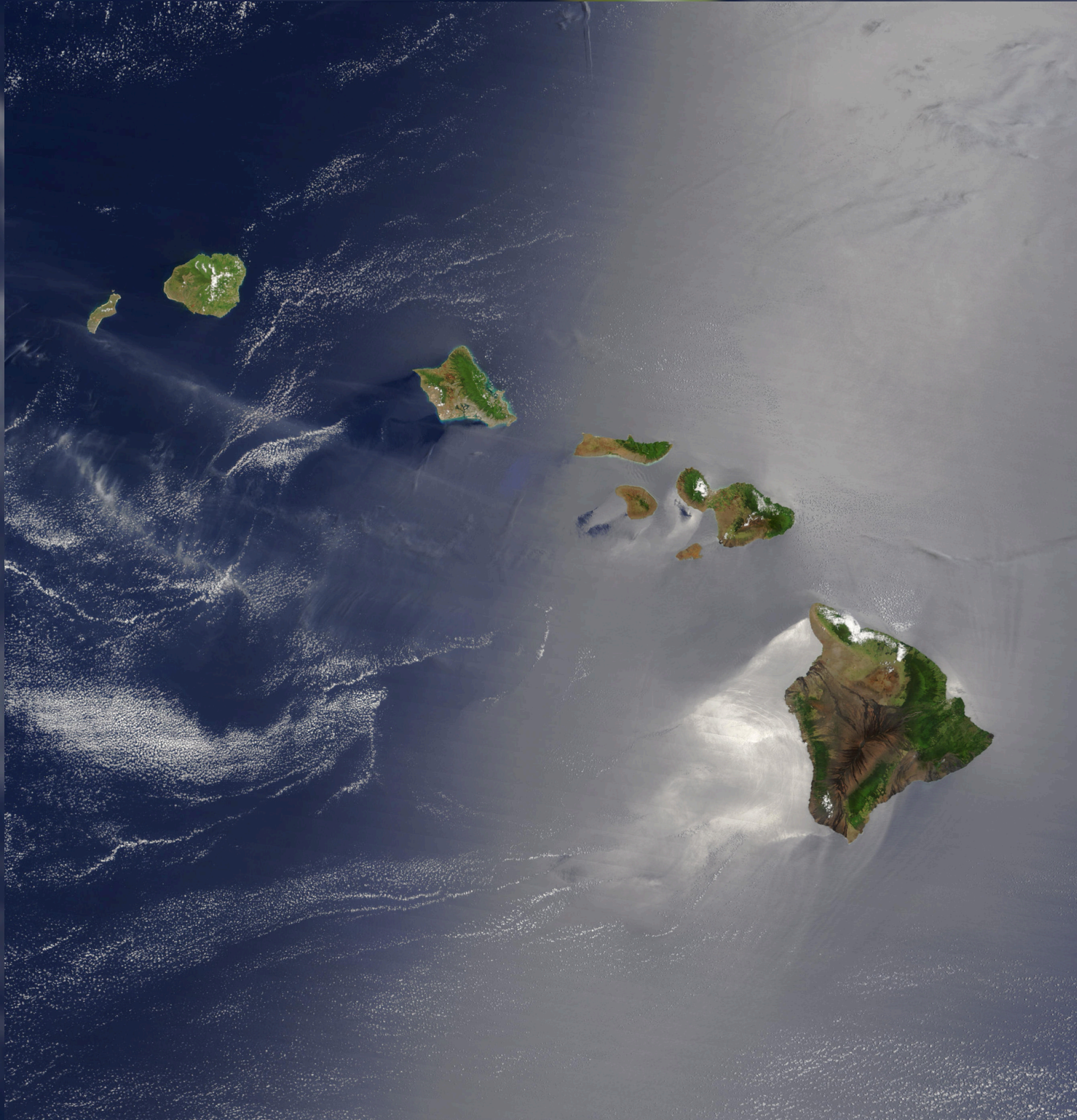
Recommendation 4:

Work With State Chief Data Officer to Create an Online Permitting System

- **Develop online portal for applicants for easy and accessible submission of applications and to track status of permits.**
- **Develop online portal for reviewing agencies to input their comments on permit applications.**
- Develop map-based data analytics and visualizations of wells

Recommendations for Further Study

- Continue evaluation of approval processes to simplify permitting
- Work with agencies and community groups to build data governance and online resources for applicants and agencies
- Support the Adaptive Management Planning Working Group to establish a reasonable avoidance approach to permitting of groundwater wells and pump installation.
- Develop a framework for permit approvals within groundwater sensitive areas.



THANK
YOU

September 2026