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SB 1506, SD 1 RELATING TO INSTREAM USES OF WATER

Statement for
House Committee on
Water, Land Use Development and Hawaiian Affairs
Public Hearing - March 14, 1986

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SB 1506, SD 1 would extend, to streams throughout the State, the program for protection of "instream" uses that, in HRS 176 D-4, is now restricted to a part of Oahu, and would amend provisions in that section for implementation of the program. This statement on the bill does not reflect an institutional position of the University of Hawaii.

The "instream" uses to which the bill relates are uses of water undiverted from streams such as the provision of aesthetic benefits and of habitat for flora and fauna. HRS 176 D-4 provides for the establishment of "instream flow standards for the windward Oahu districts whenever necessary to protect the public interest in waters of the State." A particular "flow standard" relates to an individual stream. Hence the "flow standards" are actually stream-specific specifications of the minimum flows to be maintained in the streams or perhaps of the flows representing the minima from which diversion is permissible.

Neither beneficial uses of "instream" water nor the threats to such uses by diversion are restricted to windward Oahu. There is thus no sound rationale for the present geographic restriction of the program for protection of "instream uses", and amendment proposed in HB 1506, SD 1 to delete the restriction is highly appropriate.

With the amendment of the provisions of HRS 176 D-4 regarding implementation of the program, the "instream uses" of water would have to be considered in the disposal of "water from state watersheds, including that pumped from wells" and in "regulating use of lands and waters within the state conservation district." Except perhaps with respect to the disposal of water pumped from wells, the appropriateness of the amendment is obvious. Its appropriateness with respect to the disposal of water pumped from wells derives from the fact that the low-water flows of most streams represent discharges from groundwater bodies that would be reduced if water is drawn from wells developing the same groundwater bodies.

In summary, the provision of SB 1506, SD 1 are quite appropriate.