



# University of Hawaii at Manoa

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SB 804  
RELATING TO PROTECTION OF INSTREAM USES OF WATER

Statement for Senate Committee on  
Ecology, Environment, and Recreation  
Public Hearing, 8 March 1983

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SB 804 proposes amendments to HRS chapter 176 D, "Protection of instream uses of water". This statement does not represent an institutional position of the University of Hawaii.

Chapter HRS 176 D was adopted in 1982 in recognition that the beneficial uses of water are not restricted to water diverted from its natural sources but relate also to flows undiverted. Although in general the application of provisions of the chapter is not geographically restricted, the authority of the Board of Land and Natural Resources to adopt "instream flow standards" is restricted in section 176 D-4 to the windward districts of the island of Oahu. Streamflow reductions result from water diversions from streams, and may result from drafts from ground water bodies that discharge to streams, in all parts of the Islands, and although the aesthetic and ecological consequences of the streamflow reductions may vary considerably from stream to stream, detrimental consequences are by no means restricted to the windward districts of Oahu.

The present restriction to the windward districts of Oahu probably resulted from a failure to recognize how general the problem of streamflow reductions actually is, and the removal of the restrictions proposed in SB 804 is quite appropriate.

SB 804 would also require that the Board "implement its instream flow standards when disposing of water from State watersheds" and in "regulating use of lands and waters within the State conservation district". The language is somewhat imprecise, but the intent of regulating surface-water diversions and ground-water drafts to assure the continuance of streamflows in accordance with the standards is clearly appropriate.

Because the intents of Chapter 176D include the protection of fisheries, wildlife, etc., and also the aesthetic appearance of streams, we suggest that the deleterious effect of stream channelization should also be addressed in the Chapter. Channelization greatly alters stream environments and generally results in significant losses in aesthetic appeal.