12-16-94

Ernie B. Ortiz, Kingdom of Hawaii on behalf of Crystal Baptio
on behalf of a resident who lives on Waiahole Stream.
Concern that additional releases will cause flooding +
hazardous conditions. - only 1 inadequate outlet to
the ocean.

BWS

Will revisit be a continuation of this action or is it a separate action.

Item 8

Michael Gibson - Campbell Estate
Stephen Mau - Robinson Estate
Jim Anthony
Ben Kudo KSBE - concerned about proposed order
strongly opposed to releases to Windward side.
Would like to request a contested case hearing

Nakata: What are interests of the estate?

Ben Kudo - significant impact on environment.
12-20 MGD - {may will} create wetland areas &
move jurisdiction (over the water) out of COWRM & give to
US Army Corps of Engineers !!

Interest of Adjoining landowner - Oahu Waiawa

Pool of water resources may be
reduced if critical habitats are
created.

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Even if standing is found

Matthews v. Eldredge
endorsed by Haw Sup Ct

Individual Interest - None of KSBE - concerns
re wetlands were not raised earlier.

Govt Interest - Strong - avoid waste - restore streams.

Risk of erroneous determination
Facts of Matthews

Degrading coral offshore ⇒ Wetlands may be created in the Gulches!

+ critical habitats Koloa Duck Damsel Fly

O'opu to flourish

Irony of KSBE raising these issues.

Alice Rhodes

Experts not yet engaged to study yet.

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12-16-94

BWS guy Chester Law (Cheryl Connett)

18 MGD dumped Navy

10 MGD increase in amount going into Pearl Harbor

So 8 MGD ~~resto~~ recharges Pl Aquifer.

[Check elevation of stream data]

Standing to challenge Mediation Rpt

Bill Tam: - neither of these ptys have standing because this is only an operational matter.

- hearings are not always required prior to action.
- Commission votes 4-0 to deny standing!
- " " 4-0 " adopt mediator's report.!

Staff recommended order is with dissent - Adopted 4-0

Item #9

UIC has standing

Written petitions to intervene must be filed by Jan 12, 1995 (so we don't have to refile)

Brode Rpt.?

Not appropriate to set date yet - premature.

Kahana Stream is not relevant or affected. - organizations connected to Kahana are denied standing w/o prejudice.

Michael Gibson - blasts Tam for denying standing to Ortiz + KSBE

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