



Restoring 'The Four Great Waters'

Settlement announced in dispute over Maui's Nā Wai 'Ehā

On a normal day, this 10-foot-high cement dam drains all of the flow from 'Īao stream, leaving little water behind for area kalo farmers like John Duey (inset). - Photo: Sterling Kini Wong

By Sterling Kini Wong
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There is a point where the famed 'Īao stream in central Maui abruptly disappears. It's as if the stream's water suddenly falls off the face of the earth – like one of those fancy infinity pools, except that the backdrop isn't a picturesque horizon but a parched streambed.

The culprit is a 10-foot-high cement dam with a metal grate that runs across the width of the stream and diverts, on a normal day, every drop of 'Īao's water. The diversion is part of an extensive, century-old plantation ditch system that draws water from all four of central Maui's main streams, which are traditionally known as Nā Wai 'Ehā, or The Four Great Waters.

According to environmentalists, of the 60 million gallons per

day diverted from Nā Wai 'Ehā streams, nearly half is unused – which not only contributes to Maui's worsening drinking water shortage, but also threatens native stream life and the cultural traditions of Hawaiian kalo farmers.

On Dec. 15, however, Maui Mayor Alan Arakawa, OHA, the environmental law firm Earthjustice and two Maui groups announced a possible resolution to the loss of Nā Wai 'Ehā water. Arakawa said that he will continue to press Wailuku Agribusiness – the owner of the ditch system – to restore water to 'Īao and Waihe'e streams, the largest of the four water sources. If Wailuku Agribusiness fails to comply, the county will acquire, by condemnation if necessary, the former sugar company's ditch system, and will itself restore water to those two streams and Waiehu stream as well. The acquisition could cost the county

upwards of \$7 million, Arakawa said.

In return, OHA and the two Maui groups, Maui Meadows Homeowners Association and Hui o Nā Wai 'Ehā, withdrew their legal challenges of Maui County's permit applications for water from 'Īao Aquifer, Maui's primary source of drinking water.

OHA Chair Haunani Apoliona praised the settlement, noting that it will benefit not only the native stream life, such as 'o'opu (gobies), hīhīwai (limpet) and 'ōpae (crustaceans), but it will also help kalo farmers flourish in the area once again.

"Restoring water to the streams of Nā Wai 'Ehā will help ensure Maui County's water future," she said. "We look forward to when we will hear beyond just the kani (sound) of the words, but will indeed hear the kani of the waters that flow back in the streams."

Earthjustice attorney Kapua Sproat, who represents the two Maui groups, said that while agreeing to the settlement means that her clients gave up significant rights, they trust the county to make good decisions. "We are thrilled that that the county is accepting the kuleana to mālama this resource," she said.

The dispute came to a head in 2003, when the state water commission took control of the 'Īao Aquifer because the county was mismanaging it. As a result, the county and all other users were required to apply for permits with the state for water from the aquifer, and OHA and the two Maui groups subsequently challenged the county's applications.

In November, Arakawa sent a letter to Avery Chumbley, president of Wailuku Agribusiness, requesting that the company voluntarily restore water to the 'Īao and Waihe'e streams. Chumbley,

who has said previously that all of the diverted water is being used for agriculture, has not responded to the letter. He did, however, tell the *Honolulu Star-Bulletin* that if the county wants to acquire the ditch system it must also purchase the surrounding 13,000 acres of watershed land. In 2003, Chumbley offered to sell the land and the water system to the county for almost \$28 million and said he remains open to negotiations.

Meanwhile, Sproat said that the settlement represents just an interim solution to restoring water to Nā Wai 'Ehā. She said that Hui o Nā Wai 'Ehā and Maui Tomorrow will continue with their petitions in a separate case with the water commission to amend the minimum amount of water required in each of the four streams to sustain stream life, Hawaiian cultural practices and public uses.