

# GM755

Submitting for consideration and confirmation to the  
Commission on Water Resource Management, Gubernatorial  
Nominee, TED YAMAMURA, for a term to expire 6-30-2016.



EXECUTIVE CHAMBERS

HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

Testimony of  
Honorable Neil Abercrombie  
Governor, State of Hawai'i

Testimony in Support of GM754 and GM755

Senate Committee on Water, Land, and Housing  
Chair, Senator Donovan Dela Cruz  
Vice Chair, Senator Malama Solomon

Thursday, April 5, 2012  
1:25 PM, Room Number 225

Chair Dela Cruz, Vice Chair Solomon, and members of the Committee:

I am pleased to support the confirmation of Jonathan Starr and Ted K. Yamamura to the Commission on Water Resource Management.

Mr. Jonathan Starr has over 40 years of experience in water source development and resource management projects. In addition, he studied and has expertise in traditional Hawaiian and Polynesian water resource management techniques. Mr. Starr's experiences and expertise has made him a sought after speaker throughout Hawai'i on the subject of water law, history, equity, technology and resource protection for numerous organizations.

Mr. Starr has a strong business background having started several successful businesses. One of the most recent businesses started by Mr. Starr is Maui Natural Bee LLC which is a successful agricultural operation on Maui. He is also active in his community having served a four year term on the Maui Board of Water Supply and having served a five year term on the Maui Planning Commission, with 2 years as Chair.

Mr. Jonathan Starr brings with him a wealth of experience and expertise that would make him a valuable asset to the Commission on Water Resource Management. In addition, Mr. Starr's extensive work in water management and sustainability along with his background in business and planning would bring a very unique perspective to the

Commission. I am excited that Mr. Starr is willing to serve and strongly support the nomination of Mr. Jonathan Starr and encourage you to confirm him.

Mr. Yamamura was raised on the island of Maui and honorably served in the United States Air Force from 1967-1971. Upon graduating from the University of Hawai'i at Manoa, Mr. Yamamura entered the banking industry. He served as manager for the former Honolulu Federal Savings and Loan and began his appraisal career as Vice President, Maui Branch of the former Alexander & Alexander, Ltd. In 1982, Mr. Yamamura established ACM, Real Estate Appraisals, now known as ACM Consultants, Inc. Currently, ACM Consultants, Inc. is one of the largest and most experienced independent real estate consulting, valuation, and research companies in our State. In addition, Mr. Yamamura is an SRA designee of the Appraisal Institute on the County of Maui and is also a Right of Way-Appraisal Certified (R/W-AC) appraiser in the State of Hawai'i. Mr. Yamamura is approved by the U.S. Department of Housing and Urban Development (HUD) to provide appraisals for the Federal Housing Administration (FHA).

In addition to his work experience, Mr. Yamamura is actively involved in his community. He has been a past member of the State of Hawai'i, Board of Land and Natural Resources from 2001-2006, past President of the International Right of Way Association (IRWA), Hawaii Chapter #30 in 2004, member of the County of Maui, Board of Water Supply since 2008, and was the past President of the Hawai'i Chapter of the Appraisal Institute in 2010.

From his work experience and community involvement, Mr. Yamamura has been involved in land issues and land valuation for over 32 years as well as company management for over 20 years. I am excited that Mr. Yamamura is willing to serve on the Commission on Water Resource Management. I am confident Mr. Yamamura will make a valuable contribution to the commission. I know that you will find Mr. Ted Yamamura is well qualified for the Commission on Water Resource Management and encourage you to confirm him.

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**WILLIAM J. AILA, JR.**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**GUY H. KAULUKUKUI**  
FIRST DEPUTY

**WILLIAM M. TAM**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**Testimony of  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

**Before the Senate Committee on  
WATER, LAND, AND HOUSING**

**Thursday, April 5, 2012  
1:25 P.M.  
State Capitol, Conference Room 225**

**In consideration of  
GOVERNOR'S MESSAGE 755  
SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE  
COMMISSION ON WATER RESOURCE MANAGEMENT, GUBERNATORIAL  
NOMINEE, TED YAMAMURA, FOR A TERM TO EXPIRE 6-30-16**

The Department of Land and Natural Resources supports Governor's Message 755 on the appointment of Mr. Ted Yamamura to serve on the Commission on Water Resource Management ("Water Commission").

Section 174C-7(d), Hawaii Revised Statutes (HRS), provides that Water Commissioners are chosen through an open, competitive process. An independent nominating committee composed of two (2) members selected by the Governor, one (1) by the Senate President, and one (1) by the House Speaker solicits candidates by placing public notices in newspapers across the State, in the Water Commission's monthly bulletin, and on the Water Commission's website. The Nominating Committee reviews the applications, conducts interviews (if desired), and sends the names of at least three qualified individuals to the Governor for consideration.

Section 174C-7(b), HRS, provides that the members must have "substantial experience in the area of water resource management." In addition, one member must "have substantial experience or expertise in traditional Hawaiian water resource management techniques and in traditional Hawaiian riparian usage such as those preserved by section 174C-101."

Following this nominating process, the Governor selected Mr. Ted Yamamura.

Mr. Yamamura was raised on Maui and graduated from Maui High School and the University of Hawaii. He served in the United States Air Force (1967-1971) and the Vietnam War. He was a manager of the former Honolulu Federal Savings and Loan. In 1982, Mr. Yamamura established ACM, Real Estate Appraisers (now ACM Consultants).

Mr. Yamamura is a designated member of the Appraisal Institute and a certified member of the International Right of Way Association, a not-for-profit association promoting professional development of its members, improved service to employers and the public, and advancement within the right of way profession. Mr. Yamamura has 32 years experience in real estate valuation and counseling for government entities throughout the State. He has worked in real estate arbitration and provided expert witness services in the Second Circuit Court (Maui) and in the United States Bankruptcy Court. He specializes in the valuation of complex and high value residential properties. He has 20 years experience in company management.

Mr. Yamamura was a member of the Hawaii Board of Land and Natural Resources from 2001-2006. He has served one term (2008-12) as a member of the Maui Board of Water Supply.

His knowledge of land valuation and management brings professional skills to the Water Commission. The Department supports the appointment of Mr. Ted Yamamura to the Commission on Water Resource Management.

Thank you for the opportunity to comment.

NEIL ABERCROMBIE  
GOVERNOR



KALBERT K. YOUNG  
DIRECTOR

LUIS P. SALAVERIA  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF BUDGET AND FINANCE

P.O. BOX 150  
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE  
BUDGET, PROGRAM PLANNING AND  
MANAGEMENT DIVISION  
FINANCIAL ADMINISTRATION DIVISION  
OFFICE OF ECONOMIC RECOVERY  
AND REINVESTMENT (ARRA)

EMPLOYEES' RETIREMENT SYSTEM  
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND  
OFFICE OF THE PUBLIC DEFENDER  
PUBLIC UTILITIES COMMISSION

April 5, 2012

The Honorable Donovan Dela Cruz, Chair  
And Members  
Senate Committee on Water, Land, and Housing  
Hawaii State Senate  
415 South Beretania Street, Room 225  
Honolulu, Hawaii 96813

**RE: GM 755: Nomination of Mr. Ted Yamamura to the Commission  
on Water Resource Management**

Dear Chair Dela Cruz and Members of the Senate Committee on Water, Land and  
Housing:

Please accept this testimony in support of the nomination of Mr. Ted Yamamura  
to the Commission on Water Resource Management. I have had the opportunity to  
work professionally with Mr. Yamamura in his capacity as a commercial and real  
property appraiser. Mr. Yamamura has an extensive background in a variety of matters  
related to real property and development. I believe these attributes are important and  
vital areas of understanding for a member of the Commission on Water Resource  
Management.

I encourage the Committee and your colleagues in the full Senate to support Mr.  
Ted Yamamura's confirmation. Thank you for the opportunity to provide you with  
comment on Mr. Yamamura's nomination.

Aloha,

KALBERT K. YOUNG  
Director  
Department of Budget & Finance

The Water Commission hold the key to providing a comprehensive vision of the water needs of the environment and people of Hawaii. Those on the Commission need to carry out the vision as intended in the State Constitution and Water Code.

We believe that Mr. Yamamura has that ability. We respectfully request your strong support of his nomination. Thank you.

State of Hawaii  
DEPARTMENT OF AGRICULTURE  
1428 South King Street  
Honolulu, Hawaii 96814-2512

TESTIMONY OF RUSSELL S. KOKUBUN  
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEE ON WATER, LAND, AND HOUSING  
THURSDAY, APRIL 5, 2012  
1:25 P.M.

GOVERNOR'S MESSAGE NO. 755

Chairperson Dela Cruz and Members of the Committee:

Thank you for this opportunity to provide testimony on Governor's Message No. 755, submitting for consideration and confirmation to the Commission on Water Resource Management, Mr. Ted Yamamura. I would like to express my strong support for Mr. Yamamura's nomination as a personal friend and as former colleagues in public service as members of the Board of Land and Natural Resources.

Mr. Yamamura has extensive experience in both the public and private sector. His experience in land appraisal and related issues will allow him to bring a unique perspective to the Commission. Years spent as a member of the Board of Land and Natural Resources have helped him to become intimately familiar with the issues of land rights, water management, natural resource management, and government procedures. Furthermore, his time spent as a member of the County of Maui, Board of Water Supply has provided him the opportunity to further deepen his knowledge about issues facing water management from a County viewpoint.

For all of these reasons, I truly believe Ted Yamamura will be a tremendous benefit to the Committee on Water Resource Management.



Thank you for the opportunity to offer my support.



**GM 755**  
**SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE**  
**COMMISSION ON WATER RESOURCE MANAGEMENT, GUBERNATORIAL**  
**NOMINEE, TED YAMAMURA, TERM TO EXPIRE 6-30-2016**  
Senate Committee on Water, Land, and Housing

April 5, 2012

1:25 p.m.

Room 225

The Office of Hawaiian Affairs offers the following comments on GM755.

Water's importance to the Native Hawaiian people is captured in the 'ōlelo no'eau "Ola i ka Wai (Water is Life)." Since the beginning of time, management of this precious resource and assurance of ma uka to ma kai stream flow provided sufficient water for food production, drinking water, healthy estuaries, ground water recharge, and other important traditional and customary practices.

The state of Hawai'i manages fresh water as a public trust resource for present and future generations. In spite of this important designation, water has been managed as a commodity, to the detriment of the rights and interests of traditional and customary practitioners, subsistence and small scale farmers, appurtenant right holders, the Department of Hawaiian Home Lands, and domestic users.

For these reasons, decisions of the Commission on Water Resource Management (CWRM) have direct, long-term impacts on both Native Hawaiians and the larger community. In light of this, OHA advocates for compliance with the statutory requirements of HRS § 174C-7(b), which requires that the five members of the CWRM "have substantial experience in the area of water resource management; provided that at least one member shall have substantial experience or expertise in traditional Hawaiian water resource management techniques and in traditional Hawaiian riparian usage such as those preserved by section 174C-101."

Given these legal requirements, OHA urges the committee to ensure that all persons appointed to CWRM possess substantial experience in the area of water resource management, and to further ensure that at least one person appointed to CWRM possesses substantial experience or expertise in traditional Hawaiian water resource management techniques and in traditional Hawaiian riparian usage.

Mahalo for the opportunity to comment on this important measure.



EARTHJUSTICE

ALASKA CALIFORNIA FLORIDA MID-PACIFIC NORTHEAST NORTHERN ROCKIES  
NORTHWEST ROCKY MOUNTAIN WASHINGTON, DC INTERNATIONAL

SENATE COMMITTEE ON WATER, LAND, & HOUSING  
ATTN: CHAIR DONOVAN M. DELA CRUZ, VICE-CHAIR MALAMA SOLOMON

Testimony in Opposition to GM 755: Nomination of Ted Yamamura to the  
Commission on Water Resource Management

April 5, 2012, 1:25 p.m.  
Conference Room 225

Aloha Chair Dela Cruz, Vice-Chair Solomon, and Committee Members:

Earthjustice opposes GM 755, nominating Ted Yamamura to the Commission on Water Resource Management ("Commission"). At the outset, we note our office rarely, if ever, weighs in on appointments and does not take this lightly. We also wish to make clear our opposition is not at all directed at the nominee personally. This is bigger than us, the individual nominee, or the particular political interests or motives surrounding his nomination. This is about following the law and respecting the constitutional, public trust mission of this Commission.

Our objections are as follows. First, while we have no reason to doubt the nominee's credentials and skills as a land appraiser, he does not meet the legal qualifications for this Commission. Second, the selection process raises serious concerns, such as how other candidates with unquestionable qualifications for the Commission were passed over. Third, the nomination of another person from Nā Wai 'Ehā on Maui (in addition to Commissioner Neil Fujiwara, who also is from that area) creates conflicts and improper appearances of attempting to influence pending cases in this and other areas on Maui, and would impair the ability of both Mr. Yamamura and the Commission to effectively carry out their appointed responsibilities.

Unlike other boards, including the Land Board on which the nominee previously sat, this Commission's enabling statute, the State Water Code, specifically requires appointees to have "substantial experience in the area of water resource management." Haw. Rev. Stat. § 174C-7(b). Experience as a land appraiser, including any commercial valuation of water that may occur in this practice, simply bears no relevance to the Commission's role of managing water resources as a public trust. The Hawai'i Supreme Court, indeed, highlighted this difference in observing that any financial valuation of water for eminent domain purposes "is inapposite to any analysis under either the

police power or the public trust.” In re Waiāhole Ditch Combined Contested Case Hr’g, 94 Hawai’i 97, 180 n.96, 9 P.3d 409, 492 n.96 (2000) (“Waiāhole”).<sup>1</sup>

As the Court has emphasized, the management of water resources under the public trust is much more than the role of a mere “umpire calling balls and strikes,” or even a “good business manager.” Id. at 143, 9 P.3d at 455. Nothing in this nominee’s background indicates substantial qualifications for this trustee role to ensure a “level of openness, diligence, and foresight commensurate with the high priority these [public trust] rights command under the laws of our state.” Id.

The selection process has been equally lacking. Although the process for one of the Commission positions has now stretched over a year, it is unclear whether the Nominating Committee selecting the list of candidates actually interviewed any of the applicants. Thus, Glen Hong was initially appointed to the Commission without any public announcement or explanation, but then stepped down in February 2012 and admitted he lacked the qualifications. Despite this misstep, Mr. Yamamura was nominated just days later, ostensibly from the same list as Mr. Hong and with the same unfortunate result of failing to observe the specific qualification requirements of the Commission. This process is all the more questionable given that unambiguously **qualified candidates did in fact apply, yet were passed over in favor of these nominees** without any apparent rational justification consistent with the legal requirements.

Mr. Yamamura’s **nomination raises further improper appearances** that he was selected based **not on any particular water management qualifications, but rather his political connections on the island of Maui**. He is from in Nā Wai ‘Ehā in Central Maui, which is “ground zero” for ongoing, extensive legal proceedings (in which our office is involved), a major portion of which is presently on appeal to the Hawai’i Supreme Court. His appointment would make two of the five appointed Commissioners from Na Wai ‘Ehā (as well as four of five from the island of Maui). This creates conflicts and unsavory appearances of attempting to influence cases in this and other areas on Maui. Such conflicts and improper appearances would, in actuality, limit Mr. Yamamura’s availability to participate and contribute and, thus, impair the Commission’s ability to function with a full complement of Commissioners free from political taint. See Waiāhole, 94 Hawai’i at 127, 9 P.3d at 439 (admonishing the Commission and administration regarding conflicts and appearances of political influence).

In short, it is evident that this Commission and the process for selecting qualified members have simply not received the attention, care, and respect they deserve. Rather

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<sup>1</sup> As for Mr. Yamamura’s experience on the Maui County Board of Water Supply, this does not provide substantial experience in water resource management since pursuant to county charter amendment that body does not presently manage anything, but rather only serves an advisory role. Indeed, membership on the Maui county board requires no qualifications whatsoever and is a pure political appointment -- in stark contrast to what the law requires for the state Commission.

than the law and objective expertise that is fundamentally vital to manage our most precious resource, an inappropriate form of small-town politics has driven this process. This “d[oes] nothing to improve public confidence in government and the administration of justice in this state.” Id.

In this regard, we appreciate this Committee’s initiative in requesting a briefing and hope this will examine the serious questions surrounding the selection process. Did the Nominating Committee interview any of the applicants? On what basis were Messrs. Hong and Yamamura selected? Did the Commission or the Department of Land and Natural Resources provide any input or even receive any notice during the process? Who else applied, who made the list, what islands and backgrounds do they represent, and what are their qualifications?

Particularly given the ongoing controversy, the public deserves full accountability in this process. Yet, the informational briefing is scheduled immediately before the confirmation hearing, leaving this Committee, and especially the public who must submit testimony in advance, little or no opportunity to review and respond to the information. Thus, we respectfully ask that this Committee defer the confirmation hearing and decision on Mr. Yamamura’s nomination to enable the full vetting of his and other applications that has been so far lacking. This will also allow those responsible for screening and nominating candidates to reconsider his selection based on all the information, including the range of actually qualified applicants. If the Committee goes forward with the hearing on this nominee, we have no choice but to request that the Committee vote against confirmation based on all the reasons above. Mahalo for this opportunity to testify.

Very truly yours,



Isaac H. Moriwake  
Attorney  
Earthjustice



**Hawaii Farm Bureau**  
F E D E R A T I O N

2343 Rose Street • Honolulu, Hawaii 96819  
Phone: (808) 848-2074 • Neighbor-Islands: (800) 482-1272  
Fax: (808) 848-1921 • Email: [info@hfbf.org](mailto:info@hfbf.org)  
[www.hfbf.org](http://www.hfbf.org)

April 5, 2012

HEARING BEFORE THE  
SENATE COMMITTEE ON WATER, LAND AND HOUSING

TESTIMONY ON GM 755

Submitting for consideration and confirmation to the Commission on Water Resource Management, Gubernatorial Nominee, TED YAMAMURA, for a term to expire 6-30-2016

Room 225  
1:25 PM

Chair Dela Cruz and Members of the Committee:

I am Brian Miyamoto, Chief Operating Officer and Government Affairs Liaison for the Hawaii Farm Bureau Federation (HFBF). Organized since 1948, the HFBF is comprised of 1,800 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interest of our diverse agricultural community.

HFBF is in strong support of the nomination of Mr. Ted Yamamura to the State Water Commission.

Water is one of the critical resources for agriculture. Viable agriculture is dependent on reliable and affordable sources of water. Agriculture developed many of the sources of water used across the State today. With the demise of the larger agricultural operations our smaller farmers and ranchers find it difficult to maintain water systems to continue their access to this important resource. Annual requests for CIP funding to repair and maintain systems is evidence to this need. While we focus on repair and maintenance of the system, continued access to existing sources as well as development of new sources is important. Declining rainfall trends will lead to conflicts if new sources cannot be developed.



April 5, 2012

HEARING BEFORE THE  
SENATE COMMITTEE ON WATER, LAND AND HOUSING

TESTIMONY ON GM 755

Submitting for consideration and confirmation to the Commission on Water Resource Management,  
Gubernatorial Nominee, TED YAMAMURA, for a term to expire 6-30-2016

Room 225  
1:25 PM

Chair Dela Cruz and Members of the Committee:

My name is Darren Strand, President of Maui County Farm Bureau, and am before you today representing commercial farmers and ranchers on Maui. MCFB is in strong support of GM 755 nominating Mr. Ted Yamamura to the Commission on Water Resource Management.

The last few years have been challenging for agriculture faced with back to back droughts and questions as to our access to water to grow our crops and raise our livestock. Much of Maui depends on surface water for not only agriculture but municipal needs, the drinking water that provides for our farm families. Our island and specifically Upcountry Maui is the most dependent upon surface water in the State according to the Water Commission. The importance of decisions by the Water Commission is clear to us and we need people that can look at the needs of the environment, culture and society which includes municipal and agricultural needs and determine what decisions are best for everyone.

Commissioners should face issues with an open mind, without bias, listen to the findings and conditions of law and make decisions based on the information. We believe Mr. Yamamura can do this. His experience as a leader in the Boy Scouts, mentoring youth about honor speaks to his character. His tenure on the Board of Land and Natural Resources has exposed him to the need to balance societal needs with natural resources.

We respectfully request your strong support of Mr. Yamamura as a member of the Water Commission for the position previously held by Ms. Donna Kiyosaki. Thank you.

Darren Strand

President, Maui County Farm Bureau





April 4, 2012

Senator Donovan M. Dela Cruz, Chair  
Senator Malama Solomon, Vice Chair  
Senate Committee on Water, Land, and Housing

**Re: Governor's Message No. 755 - Consideration and Confirmation of Ted Yamamura to the Commission on Water Resource Management**

**Thursday, April 5, 2012, 1:25 p.m., in Conference Room 225**

Dear Chair Dela Cruz, Vice Chair Solomon, and Members of the Committee,

I am writing to strongly support the nomination of Mr. Ted Yamamura to the Commission on Water Resource Management ("CWRM").

As the Executive Director of the Land Use Research Foundation of Hawaii, a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company, I am an advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources, and public health and safety.

Mr. Yamamura's respected tenure with the State Board of Land and Natural Resources has afforded him ample opportunity to manage and deal with issues relating to all of the State's natural resources, including water. He has also served as a member of the County of Maui, Board of Water Supply. Such professional involvement unquestionably translates to "substantial experience in the area of water resource management" as prescribed for CWRM members by the Hawaii Water Code, Hawaii Revised Statutes, Section 174C-7(b).

In an effort to detract from Mr. Yamamura's true qualifications, credentials, and competence, challengers of his nomination to the CWRM attempt to distract this Committee by focusing only on his experience as an appraiser. I believe, however, that Mr. Yamamura's diverse blend of first-hand business experience and perspective, including his expertise in real estate, including land and water valuation, together with his knowledge relating to the protection and development of the State's natural resources, provide him with the background, aptitude, skills, and tools that would make him an exemplary member of the CWRM. Moreover, from a personal perspective, I have found Mr. Yamamura to be honest, diligent, respectful, and dedicated, with a temperament ideal for the collaboration required in this position. He is exactly the kind of professional and individual the community needs on the Commission.

Committee on Water, Land, and Housing  
April 4, 2012  
Page 2

I wholeheartedly recommend, and respectfully urge your favorable consideration of Mr. Ted Yamamura as a member of the CWRM.

Thank you for the opportunity to testify on this nomination.

Very truly yours,

David Z. Arakawa  
Executive Director

The Pacific Resource  
**PARTNERSHIP**



Testimony of C. Mike Kido  
External Affairs  
The Pacific Resource Partnership

Senate Committee on Water, Land, and Housing  
Senator Donovan Dela Cruz, Chair  
Senator Malama Solomon, Vice Chair

GM 755 - Submitting for consideration and confirmation to the Commission on Water Resource Management, Gubernatorial Nominee, Ted Yamamura, for a term to expire 6-30-2016.

Thursday, April 5, 2012  
1:25 p.m.  
Conference Room 225

Aloha Chair Dela Cruz, Vice Chair Solomon and Members of the Committee:

My name is C. Mike Kido, External Affairs of the Pacific Resource Partnership (PRP), a labor-management consortium representing over 240 signatory contractors and the Hawaii Regional Council of Carpenters, formerly the Hawaii Carpenters Union.

PRP supports Gubernatorial Nominee, Ted Yamamura for consideration and confirmation to the Commission on Water Resource Management.

Mr. Yamamura is currently the Executive Vice President and Senior Appraiser for ACM Consultants Inc. and has over 30 years of experience dealing with land issues and valuation; water was often a critical factor in determining land values. He served in several government positions related to water including the county Board of Water Supply and the state Board of Land and Natural Resources.

Mr. Yamamura has a great deal of experience which will serve as an invaluable tool to the Commission on Water Resource Management.

Thank you for the opportunity to express our support Ted Yamamura for consideration and confirmation to the Commission on Water Resource Management and we would like to kindly ask for your favorable consideration.



**ISLAND INSURANCE  
COMPANIES**

VIA ELECTRONIC SUBMISSION

April 3, 2012

The Honorable Donovan Dela Cruz, Chair  
Senate Committee on Water, Land and Housing  
Hawaii State Capitol  
415 South Beretania Street, Room 202  
Honolulu, Hawaii 96813

Re: Governor's Message No. 755 - Nomination of Ted Yamamura to the  
Commission on Water Resource Management

Dear Senator Dela Cruz & Members of the Committee:

I wish to offer my testimony in support of the nomination of Ted Yamamura to serve as a member of the Commission on Water Resource Management of the State of Hawaii.

Ted has been involved in public affairs in Maui and on a statewide basis for many years. He has a broad range of experience, knowledge and background relevant to the issues for which CWRM is charged with oversight. Based upon my own interaction with him, in my judgment he possesses the ability to fairly and objectively balance the competing interests of preservation and economic development when deciding matters affecting the state's resources.

I believe Ted's service on CWRM will serve the interests of the State of Hawaii well. I therefore encourage you to act favorably upon his nomination.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Colbert M. Matsumoto".

Colbert M. Matsumoto  
Chairman & CEO



Committee on Water, Land, and Housing  
Hearing  
Thursday, April 5, 2012, 1:25 p.m.  
Conference Room 225  
Senator Donovan M. Dela Cruz, Chair  
Senator Malama Solomon, Vice Chair

Testimony on GM 755 Ted Yamamura for CWRM

Dear Chair Dela Cruz and Members of the Committee:

My testimony is in **STRONG SUPPORT of GM 755**, Ted Yamamura to the Commission on Water Resources Management. My name is Lynn McCrory and I am the President of PAHIO Development, Inc. We are a locally owned and operated time share development company on the island of Kauai.

I had the privilege and pleasure of serving on the Land Board with Ted Yamamura for a number of years. His understanding of complex issues, and ability to ask questions that obtained all the relevant information was very important to address numerous issues that came in front of the Board. Regardless of the intensity of the situation, Ted was always a calming influence in the room; which often made the difference in coming to a resolution that was acceptable.

I have also worked with Ted in his business life as a land appraiser. Ted has completed numerous appraisals for us and all were very professional and without question. In looking at the issues that will come in front of CWRM, his expertise will be invaluable.

We humbly ask for your consideration to SUPPORT GM 755 Ted Yamamura to CWRM. Mahalo!

Sincerely,

A handwritten signature in cursive script that reads "Lynn P. McCrory".

Lynn P. McCrory  
President



501 Sumner Street  
Suite 620  
Honolulu, Hawaii 96817  
Phone: (808) 531-1308  
Fax: (808) 521-7348  
[www.ssfm.com](http://www.ssfm.com)

**Testimony to the Senate Committee on Water, Land and Housing  
Thursday, April 5, 2012  
1:25 pm  
State Capitol - Conference Room 225**

**RE: GOVERNORS MESSAGE NO. 755 GUBERNATORIAL NOMINEE, TED YAMAMURA FOR  
COMMISSION ON WATER RESOURCE MANAGEMENT**

Chair Dela Cruz and Vice Chair Solomon, and members of the committee:

My name is Dean Uchida and I worked with Mr. Ted Yamamura while he served on the Board of Land and Natural Resources. I support the nomination and confirmation of Mr. Yamamura to the Commission on Water Resource Management.

Mr. Yamamura brings an extensive professional background as an independent appraiser working with ACM Consultants, Inc. Mr. Yamamura has serviced on the Board of Land and Natural Resources and is familiar with the balance needed to manage the States' natural resources, including our water. Most recently, he is a member of the Maui County Board of Water since 2008. It is through this experience that he understands the relationship between the State Water Code and the County's Water Use and Development Plans.

Mr. Yamamura has the business and public natural resource management experience required to administer the Water Code in a fair and professional manner. He understands the need to protect our water resources for now and our future generations while balancing the economic impacts of the water allocation and preservation. Natural resource management, but its very nature, requires professional who are able to balance both the protection and development of our valuable natural resources, such as water.

Mr. Yamamura's experience and knowledge is well placed on the Commission on Water Resource Management.

Thank you for this opportunity to express our views.

Dane Wickar

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, April 04, 2012 11:14 AM  
**To:** WLH Testimony  
**Cc:** hawaiiifish@gmail.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Ronald Weidenbach  
Organization: Hawaii Aquaculture and Aquaponics Association  
E-mail: [hawaiiifish@gmail.com](mailto:hawaiiifish@gmail.com)  
Submitted on: 4/4/2012

Comments:

The Hawaii Aquaculture and Aquaponics Association strongly supports the Governor's nomination of Ted Yanamura to the Hawaii Water Commission due to his prior experience on the Board of Land and Natural Resources and the Maui Water Commission. Mr. Yanamura will bring balance, common sense, and important public board experience to the Water Commission to help the Commission carefully weigh the complex water issues facing the Commission. We need Commission members with this level of experience and broad-issue view point to address the potentially controversial water issues ahead, so as to balance the needs of economic development and local food production and sustainability with environmental issues such as in-stream flow standards. Please confirm Mr. Yanamura's nomination to the Commission. Thank you for the opportunity to testify.



Dane Wicker

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, April 02, 2012 7:50 PM  
**To:** WLH Testimony  
**Cc:** kaimiunger@gmail.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Keith Unger  
Organization: McCandless Ranch  
E-mail: [kaimiunger@gmail.com](mailto:kaimiunger@gmail.com)  
Submitted on: 4/2/2012

Comments:

**Tane Wicker**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, April 02, 2012 5:25 PM  
**To:** WLH Testimony  
**Cc:** diamondbranchhi@aol.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Brendan Balthazar  
Organization: Maui cattlemens Assn.  
E-mail: [diamondbranchhi@aol.com](mailto:diamondbranchhi@aol.com)  
Submitted on: 4/2/2012

Comments:

We believe that Ted is very knowledgeable and will be very concerned with the future needs of water within this state.

~~Dane Wickett~~

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, April 02, 2012 2:28 PM  
**To:** WLH Testimony  
**Cc:** gottlieb@hawaii.rr.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Alan Gottlieb  
Organization: Hawaii Cattlemen's Council  
E-mail: [gottlieb@hawaii.rr.com](mailto:gottlieb@hawaii.rr.com)  
Submitted on: 4/2/2012

Comments:

Dane Wicker

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, April 04, 2012 12:09 PM  
**To:** WLH Testimony  
**Cc:** creimann@mauihla.org  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Carol Reimann  
Organization: Maui Hotel & Lodging Association  
E-mail: [creimann@mauihla.org](mailto:creimann@mauihla.org)  
Submitted on: 4/4/2012

Comments:



**From:** alice lee [aliceleehawaii@gmail.com]  
**Sent:** Monday, April 02, 2012 4:31 PM  
**To:** WLH Testimony  
**Subject:** GM755  
**Attachments:** Petition.doc

We strongly support the confirmation of Ted Yamamura. Petition document attached. Mahalo.

1. Alice L. Lee Former Maui County Council Chair
2. Yoshio Shigezawa Retired Family Court Judge (Administrator)
3. Alan Miyamoto DDS
4. Dean Tanimoto Electronics Supervisor
5. Ted Stanich Retail Manager
6. Curtis Otsuka Stock Broker
7. Steven Kameda College Registrar
8. Mia Hew Store Owner
9. George Tengan Former Department of Water Director
10. Winford Ideue Veterinarian
11. Robert Leiferman Retail Manager

February 25, 2012


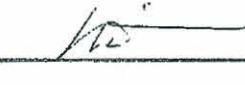


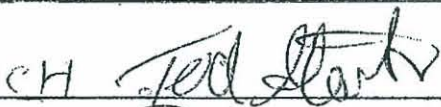



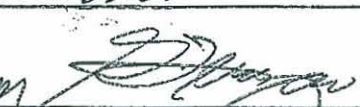
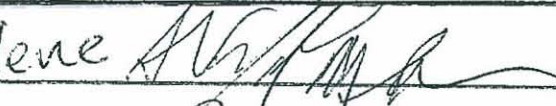

We, residents of Maui County, **strongly support the confirmation of Ted Yamamura** to the State Commission on Water Resource Management.


We believe his education, experience in farming and business, his service on the Maui County Board of Water Supply, the State Board of Land and Natural Resources and other organizations make him eminently qualified for this position.

Print Name

Signature

Email Address

- | Print Name             | Signature  | Email Address              |
|------------------------|--|----------------------------|
| 1 ALICE L. LEE         |     | alice.lee.hawaii@gmail.com |
| 2 Yoshio Shigezawa     |    | LEE SHIGEZAWA@YAHOO.COM    |
| 3 ALAN I. MIYAMOTO     |  | alan@iymiyamoto.com        |
| 4 DEAN TANIMOTO        |   | tanimoto@hawaii.rr.com     |
| 5 TED STANICH          |   | ROADAC6@GMAIL.COM          |
| 6 CURTIS OTSUKA        |   | siaco@hawaiiintel.net      |
| 7 Stephen Kameda       |   | skameda@hawaii.edu         |
| 8 Mike Hew             |   |                            |
| 9 George Y. Tengan     |   | gtengan@hawaii.rr.com      |
| 10 Winford M. Idene    |  |                            |
| 11 Robert L. Leiferman |   | bd_leif@yaho.com           |

  
**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, April 02, 2012 2:58 PM  
**To:** WLH Testimony  
**Cc:** afrancokaupo@gmail.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Alex Franco  
Organization: Individual  
E-mail: [afrancokaupo@gmail.com](mailto:afrancokaupo@gmail.com)  
Submitted on: 4/2/2012

Comments:

Dane Wicker

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, April 02, 2012 4:08 PM  
**To:** WLH Testimony  
**Cc:** jimmygomes@hawaii.rr.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: James Gomes  
Organization: Individual  
E-mail: [jimmygomes@hawaii.rr.com](mailto:jimmygomes@hawaii.rr.com)  
Submitted on: 4/2/2012

Comments:



~~Private~~

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, April 02, 2012 4:28 PM  
**To:** WLH Testimony  
**Cc:** luly.unemori2@hawaiiantel.net  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Luly Unemori  
Organization: Individual  
E-mail: [luly.unemori2@hawaiiantel.net](mailto:luly.unemori2@hawaiiantel.net)  
Submitted on: 4/2/2012

Comments:

Please confirm Ted Yamamura for the Commission on Water Resource Management. He understands land and water issues, has experience serving on boards, and is involved in the community. I believe he will do an excellent job making balanced decisions with the interest of the greater community in mind.



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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, April 02, 2012 2:30 PM  
**To:** WLH Testimony  
**Cc:** mnakahata@gmail.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Mae Nakahata  
Organization: Individual  
E-mail: [mnakahata@gmail.com](mailto:mnakahata@gmail.com)  
Submitted on: 4/2/2012

Comments:



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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, April 02, 2012 5:45 PM  
**To:** WLH Testimony  
**Cc:** KINOUE@KOBAYASHI-GROUP.COM  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Kathryn W Inouye  
Organization: Individual  
E-mail: [KINOUE@KOBAYASHI-GROUP.COM](mailto:KINOUE@KOBAYASHI-GROUP.COM)  
Submitted on: 4/2/2012

Comments:

Dear Chair Donovan Dela Cruz, Vice-Chair Malama Solomon, and members of the WLH Committee: I submit this testimony in strong support of Mr. Ted Yamamura to the Commission on Water Resource Management. I had the privilege of serving with him on the Board of Land and Natural Resources for several years. I have found him to be a dedicated board member who came to board meetings prepared and well-versed on the issues presented. His input and insight on often controversial issues were valued by both fellow board members and staff. The State of Hawaii would benefit by Mr. Yamamura's further contributions as a member of CWRM. I therefore urge you to support his appointment. Sincerely, Kathy Inouye

~~Jane Wick~~

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, April 02, 2012 5:49 PM  
**To:** WLH Testimony  
**Cc:** mauimmartha@hawaiiantel.net  
**Subject:** Testimony for GM754 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM754

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Martha Lind  
Organization: Individual  
E-mail: [mauimmartha@hawaiiantel.net](mailto:mauimmartha@hawaiiantel.net)  
Submitted on: 4/2/2012

Comments:

I support the appointment of Jonathan Starr to the Hawaii State Commission on Water Resource Management. Mr. Starr is a long-time Maui farmer and beekeeper, and is a proponent of Hawaiian traditional water rights and environmental sustainability. He would be an excellent choice to serve on the State Commission on Water Resource Management.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, April 02, 2012 5:39 PM  
**To:** WLH Testimony  
**Cc:** lindamhowe@gmail.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Linda Howe  
Organization: Individual  
E-mail: [lindamhowe@gmail.com](mailto:lindamhowe@gmail.com)  
Submitted on: 4/2/2012

Comments:

Please confirm Mr. Yamamura to serve on the Commission on Water Resource Management. He'll be a fair and open-minded leader in volunteer service to all residents of our state.

Kane Wicker

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, April 03, 2012 8:23 PM  
**To:** WLH Testimony  
**Cc:** rluuwai@hawaii.rr.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Kalei Luuwai  
Organization: Individual  
E-mail: [rluuwai@hawaii.rr.com](mailto:rluuwai@hawaii.rr.com)  
Submitted on: 4/3/2012

Comments:

My name is Kalei Lu'uwai; I have been involved with agriculture for the last 28 years. Mr. Yamamura appointment to the State Commission on Water Resource Management would be very beneficial to all concerned with agriculture. His involvement with the business community makes him a very good candidate to help resolve the complicated issues around water for all involved. His perspective from the Maui business and agriculture communities makes him uniquely qualified for this position.

Dane Wickert

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, April 03, 2012 8:48 PM  
**To:** WLH Testimony  
**Cc:** jake2u53@msn.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Lee Jakeway  
Organization: Individual  
E-mail: [jake2u53@msn.com](mailto:jake2u53@msn.com)  
Submitted on: 4/3/2012

Comments:

I am in support of Ted Yamamura's nomination for the open CWRM position. We need members to serve on this committee who will make their decisions on fact and science based information as opposed to members who will make decisions from an advocacy perspective. I believe Mr. Yamamura is the best candidate for the open CWRM position.

Gaye Hayashida  
70 Waiaka Lane, #38-103  
Wailuku, HI 96793

April 4, 2012

Honorable Donovan M. Dela Cruz  
Chair  
Senate Committee on Water, Land and Housing  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

Dear Sir:


SUBJECT: WLH MEASURE GM755  
TED YAMAMURA FOR CONSIDERATION AND CONFIRMATION  
TO THE COMMISSION ON WATER RESOURCE MANAGEMENT

I am writing to you to voice my support for Mr. Ted Yamamura. I believe Ted will make an excellent addition to the State Commission on Water Resource Management.

I have known Ted since 2008 and in my observations he has always been fair and balanced, wanting to know both sides of an issue before making a decision. There have been times when he was the sole dissenter but he stood his ground without being confrontational. That is one quality this commission needs more of.

Thank you for your time.

Sincerely,

  
Gaye Hayashida



Dane Wicke

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, April 04, 2012 9:14 AM  
**To:** WLH Testimony  
**Cc:** mlum@abinc.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Minnie Lum  
Organization: Individual  
E-mail: [mlum@abinc.com](mailto:mlum@abinc.com)  
Submitted on: 4/4/2012

Comments:

~~Dane Wicke~~

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, April 04, 2012 9:13 AM  
**To:** WLH Testimony  
**Cc:** jared.au@gmail.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Jared Au  
Organization: Individual  
E-mail: [jared.au@gmail.com](mailto:jared.au@gmail.com)  
Submitted on: 4/4/2012

Comments:

I believe Mr. Yamamura will do an excellent job of managing our state's water resources, which will improve the quality of life for affected residents.

Dane Wicker

---

**From:** David Raatz [daveraatz@yahoo.com]  
**Sent:** Wednesday, April 04, 2012 9:00 AM  
**To:** WLH Testimony  
**Subject:** Support for GM755

Aloha,

I respectfully urge you to support Ted Yamamura's confirmation to the Commission on Water Resource Management. I have known Mr. Yamamura for several years and know him to be knowledgeable, diligent, and ethical. I support his nomination without reservation.

Mahalo,

David Raatz  
Resident of Wailuku, Hawai'i

Sent from my iPhone

Dane Wicker

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**From:** John V. Duey [jduey@maui.net]  
**Sent:** Wednesday, April 04, 2012 8:58 AM  
**To:** WLH Testimony  
**Subject:** CWRM APPOINTMENT

GM 755

Aloha Chair Dela Cruz and Members of the Committee:

I urge you to **vote against the appointment of Mr. Ted Yamamura** for a seat on the CWRM. Being a land appriaser and serving on the Maui Board of Water Supply (a board that has no power and only advises the Mayor) in now way gives Mr. Yamamura the experience needed to sit on this commission.

John V. Duey  
Pres. Hui o' Na Wai Eha

Dane Wicker

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, April 03, 2012 12:06 PM  
**To:** WLH Testimony  
**Cc:** mjensen@hcsugar.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Mike Jensen  
Organization: Individual  
E-mail: [mjensen@hcsugar.com](mailto:mjensen@hcsugar.com)  
Submitted on: 4/3/2012

**Comments:**

I believe Mr. Yamamura will be very fair in managing and looking after our state's water resources.

Dane W. Walker

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, April 04, 2012 4:33 AM  
**To:** WLH Testimony  
**Cc:** yakiman@hawaiiintel.net  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Timothy C. Walker  
Organization: Individual  
E-mail: [yakiman@hawaiiintel.net](mailto:yakiman@hawaiiintel.net)  
Submitted on: 4/4/2012

Comments:

I would like to register my support for Mr. Ted Yamamura. I believe that he would be fair and even-handed in managing our State's water resources.

~~Diane Wickel~~

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, April 03, 2012 4:15 PM  
**To:** WLH Testimony  
**Cc:** dpbevil@yahoo.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Diane Bevilacqua  
Organization: Individual  
E-mail: [dpbevil@yahoo.com](mailto:dpbevil@yahoo.com)  
Submitted on: 4/3/2012

Comments:

~~Wick~~

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, April 03, 2012 4:02 PM  
**To:** WLH Testimony  
**Cc:** sloomis@hawaii.rr.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Charles Loomis  
Organization: Individual  
E-mail: [sloomis@hawaii.rr.com](mailto:sloomis@hawaii.rr.com)  
Submitted on: 4/3/2012

Comments:



Dane Wicke

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, April 03, 2012 2:53 PM  
**To:** WLH Testimony  
**Cc:** msloudermilk@gmail.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Michele Loudermilk  
Organization: Individual  
E-mail: [msloudermilk@gmail.com](mailto:msloudermilk@gmail.com)  
Submitted on: 4/3/2012

Comments:

I support the confirmation of Ted Yamamura. I think that Mr. Yamamura will be an asset to the Commission in its management of our water resources. I also think that he will use his position in an even-handed and receptive way. Thank you for this opportunity to testify.

**Dave Wicker**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, April 03, 2012 1:59 PM  
**To:** WLH Testimony  
**Cc:** kgma1956@gmail.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Mark H. Kijima  
Organization: Individual  
E-mail: [kgma1956@gmail.com](mailto:kgma1956@gmail.com)  
Submitted on: 4/3/2012

Comments:

I support Ted Yamamura's nomination to the Commission on Water Resource Management. He has served on the Board of Land and Natural Resources and is currently a member of the Maui County Board of Water Supply. He is familiar with the functioning of boards and commissions. I believe that Ted will be able to listen to and process information presented to him and balance the needs of the community when making decisions.

Thank you for this consideration.

Mark H. Kijima  
241 Puanani Pl.  
Kula, HI 96790

Dane Wicker

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, April 03, 2012 1:18 PM  
**To:** WLH Testimony  
**Cc:** rjmoore3@hawaiiantel.net  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM


Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Randall Moore  
Organization: Individual  
E-mail: [rjmoore3@hawaiiantel.net](mailto:rjmoore3@hawaiiantel.net)  
Submitted on: 4/3/2012

Comments:

I urge you to support Mr. Yamamura's nomination. I believe that he will have a fair and balanced view on the management of the State's water resources. He is qualified to serve on the Water Commission based on his experience. I appreciate his willingness to serve the community.

Randall Moore  
Kula, Maui, Hawaii



---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, April 02, 2012 7:47 PM  
**To:** WLH Testimony  
**Cc:** dtu@wsue.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Darren Unemori  
Organization: Individual  
E-mail: [dtu@wsue.com](mailto:dtu@wsue.com)  
Submitted on: 4/2/2012

Comments:



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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, April 03, 2012 8:32 AM  
**To:** WLH Testimony  
**Cc:** lmochida@whshipman.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Loren Mochida  
Organization: Individual  
E-mail: [lmochida@whshipman.com](mailto:lmochida@whshipman.com)  
Submitted on: 4/3/2012

**Comments:**

Mr. Yamamura is currently on the Maui Water Board and has served on the Board of Land and Natural Resources and is familiar with the functioning Boards and Commissions.

Thank you for the opportunity to provide support for Mr. Yamamura.

Dane Wicker

GM 755

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**From:** Lee Chong [leechong@hawaii.rr.com]  
**Sent:** Tuesday, April 03, 2012 9:06 AM  
**To:** WLH Testimony  
**Subject:** Confirmation of Ted Yamamura for Appointment to State Water Commission

I am writing to lend support to the nomination of Ted Yamamura for his appointment to the State Water Commission. Mr. Yamamura has been a solid contributor to his community here on Maui for all the many years that I have known him. In addition, his past experience as a member of the Maui County Board of Water Supply and the State Board of Natural Resources will only bode well for the State Water Commission and the people of the State of Hawaii if he is appointed. Notably, his heart, mind and actions have always been in the right place whenever an issue has called for a tough decision. I urge you to nominate Mr. Yamamura to this very important position on the State Water Commission.

L.P. "Lee" Chong  
Pukalani, Maui, HI

Dana Wickel

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, April 03, 2012 10:16 AM  
**To:** WLH Testimony  
**Cc:** parkerohana@hawaiiantel.net  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Lance Parker  
Organization: Individual  
E-mail: [parkerohana@hawaiiantel.net](mailto:parkerohana@hawaiiantel.net)  
Submitted on: 4/3/2012

Comments:

Dane Wickel

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, April 04, 2012 2:10 PM  
**To:** WLH Testimony  
**Cc:** kulakolours@hotmail.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: Yes  
Submitted by: Wesley Bissen  
Organization: Individual  
E-mail: [kulakolours@hotmail.com](mailto:kulakolours@hotmail.com)  
Submitted on: 4/4/2012

Comments:

My name is Wesley Bissen. I am a 4th generation Maui resident, and I live in Paukakaalao. I am here in support of Mr. Ted Yamamura to the State Water Commission. I am of Hawaiian Ancestry. During the last few years, I have experienced first hand what it means to be in a tug of war. The water issue has been difficult on Maui and initially we saw Hawaiians fighting Hawaiians. I work for Hawaiian Commercial & Sugar Company. At one point, our role as Hawaiians and employees of HC&S came into question. Over time, we talked and respect was developed for different points of view. Water Commissioners need to see all sides to the matters before them and make decisions on what is best on a case by case basis. Mr. Yamamura's experience on the Board of Land and Natural Resources has given him the tools to do that. Please support Mr. Yamamura's nomination to the Water commission. Thank you.



**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, April 04, 2012 1:30 PM  
**To:** WLH Testimony  
**Cc:** aloshimazu@gmail.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Anne  
Organization: Individual  
E-mail: [aloshimazu@gmail.com](mailto:aloshimazu@gmail.com)  
Submitted on: 4/4/2012

Comments:

I am submitting comments in support of Ted Yamamura's nomination to the Commission on Water Management. I have known Ted for a number of year and have found him to be a man with professional integrity. He also possesses vast knowledge of issues important to Hawaii. Please confirm Ted Yamamura's nomination.

Anne Lo-Shimazu

~~Dane Walker~~

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, April 04, 2012 12:02 PM  
**To:** WLH Testimony  
**Cc:** fmencher@hawaii.rr.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Frederick M. Mencher  
Organization: Individual  
E-mail: [fmencher@hawaii.rr.com](mailto:fmencher@hawaii.rr.com)  
Submitted on: 4/4/2012

Comments:

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, April 04, 2012 11:33 AM  
**To:** WLH Testimony  
**Cc:** sonaga@hcsugar.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Stephen Onaga  
Organization: Individual  
E-mail: [sonaga@hcsugar.com](mailto:sonaga@hcsugar.com)  
Submitted on: 4/4/2012

**Comments:**

I am in support of Ted Yamamura for the CWRM seat. Ted is a fair, open-minded, and trustworthy individual. Thank you!

Dane Wicker

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, April 03, 2012 10:19 AM  
**To:** WLH Testimony  
**Cc:** Tylr888@yahoo.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Terry Yamaguchi  
Organization: Individual  
E-mail: [Tylr888@yahoo.com](mailto:Tylr888@yahoo.com)  
Submitted on: 4/3/2012

Comments:

~~Dana Wickett~~

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, April 03, 2012 10:28 AM  
**To:** WLH Testimony  
**Cc:** rgarrett2@hawaii.rr.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Robert Garrett  
Organization: Individual  
E-mail: [rgarrett2@hawaii.rr.com](mailto:rgarrett2@hawaii.rr.com)  
Submitted on: 4/3/2012

Comments:



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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, April 03, 2012 10:36 AM  
**To:** WLH Testimony  
**Cc:** cindy.souza@hawaiiantel.net  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: CYNTHIA SOUZA  
Organization: Individual  
E-mail: [cindy.souza@hawaiiantel.net](mailto:cindy.souza@hawaiiantel.net)  
Submitted on: 4/3/2012

**Comments:**

I believe Mr. Yamamura will be fair and open-minded in the management of our state's water resources. Please confirm his nomination.

**James Mork**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, April 03, 2012 10:38 AM  
**To:** WLH Testimony  
**Cc:** kimomork@hawaiiantel.net  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: James Mork  
Organization: Individual  
E-mail: [kimomork@hawaiiantel.net](mailto:kimomork@hawaiiantel.net)  
Submitted on: 4/3/2012

Comments:

It is my belief that Mr. Yamamura can and will be a fair and impartial member of the State Commission on Water Resource Management (CWRM). We on Maui require someone who has the best interest of the community at heart and I am confident that he warrants favorable consideration.

Date: 4/3/2012

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, April 03, 2012 11:00 AM  
**To:** WLH Testimony  
**Cc:** estefanoferrari@gmail.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Estefano Ferrari  
Organization: Individual  
E-mail: [estefanoferrari@gmail.com](mailto:estefanoferrari@gmail.com)  
Submitted on: 4/3/2012

Comments:  
believe Yamamura will be fair and open-minded in the management of our state's water resources and that his anticipated service to the community is appreciated



Dane Wicker

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, April 03, 2012 11:02 AM  
**To:** WLH Testimony  
**Cc:** hallinp001@hawaii.rr.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Paul Hallin  
Organization: Individual  
E-mail: [hallinp001@hawaii.rr.com](mailto:hallinp001@hawaii.rr.com)  
Submitted on: 4/3/2012

**Comments:**

Please confirm Mr. Yamamura. I believe his background will assist him in being fair and open-minded in the management of our state's water resources and I appreciate his anticipated service to the community.

Dane Wicker

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, April 03, 2012 11:39 AM  
**To:** WLH Testimony  
**Cc:** seanokeefe@aol.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Sean M. O'Keefe  
Organization: Individual  
E-mail: [seanokeefe@aol.com](mailto:seanokeefe@aol.com)  
Submitted on: 4/3/2012

Comments:

I strongly support Mr. Yamamura's appointment to the Commission on Water Resource Management. Mr. Yamamura's service on the Board of Land and Natural Resources and on the Maui Board of Water Supply give him significant experience in water resource management that is necessary to fill this position. I respectfully urge the Senate to confirm his appointment to this position.

March 29, 2012

To: The Honorable Donovan Dela Cruz, Chair  
The Honorable Malama Solomon, Vice Chair  
Members of the Senate Committee on Water, Land and Housing

From: Toby Martyn  
3926 Waokanaka Street  
Honolulu, Hawaii 96817

Subject: GM7555—Consideration and Confirmation of TED YAMAMURA,  
to the Commission on Water Resource Management

SUPPORT

Aloha Chair Dela Cruz, Vice Chair Solomon and Members of the Committee:

Thank you for the opportunity to say a few words in support of the nomination of Ted Yamamura to the Commission on Water Resource Management.

I have known Ted for a number of years and I have had the opportunity to engage with him both professionally and personally.

Professionally, Ted and I served together as board members on the Board of Land and Natural Resources. Ted was a dedicated board member who took his responsibility very seriously, as demonstrated by his thorough preparation and regular attendance. His background and experience provided a strong foundation for understanding the issues, providing important perspective. Ted is a good listener and was always respectful of those individuals who took the time to share their thoughts or concerns on matters that came before the board.

Personally, I have come to know Ted as a man of integrity. He has an excellent sense of humor and is very humble. I am proud to call him friend.

The Commission on Water Resource Management has an important role as the overseer of the State Water Code. The seriousness of this responsibility is not lost on Ted and I am confident that if he is confirmed, that he will serve with honor and distinction. I humbly ask for your favorable consideration of his nomination.

SENATE COMMITTEE ON WATER, LAND, AND HOUSING

Attn: Chair Donovan Dela Cruz

Hearing Date: April 5, 2012

Hearing Time: 1:25 pm

Rm: 225

Testimony of Alan T. Murakami  
NATIVE HAWAIIAN LEGAL CORPORATION

RE: **GM755: CONFIRMATION OF TED YAMAMURA TO STATE WATER COMMISSION.**

Aloha kākou Chair Dela Cruz and members of the Committee,

As the litigation director of of the Native Hawaiian Legal Corporation, I testify on on behalf of the organization and our clients, including Nā Moku Aupuni o Ko`olau Hui and other native Hawaiian practitioners. I testify in strong **opposition** to GM 755, nominating Ted Yamamura to the Commission on Water Resources Management.

First, I ask that you reschedule the confirmation hearing on Mr. Yamamura to a later date to give adequate time to respond to any information presented at that time. This GM deserves closer scrutiny than what has been allowed thus far in this session.

**Water Resource Management Experience.** Second, the nomination of Ted Yamamura to the Commission raises serious questions in my mind about the integrity of the nomination process. As the Water Code mandates, "Each member shall have **substantial experience in the area of water resource management.**" HRS § 174C-7(b). This important requirement must not be taken lightly as members of the Water Commission are charged with managing water, one of Hawai`i's most valuable public trust resources and literally the wealth of our islands -- our waiwai.

Mr. Yamamura's service on the advisory Maui County Board of Water Supply simply does not qualify him at the requisite level of experience for such an important regulatory seat. Previously, Mr. Yamamura as a member of the Board of Land and Natural Resources, voted: (1) in 2002 to continue massive diversions by East Maui Irrigation Company without regard to its impact on Hawaiian water rights enshrined in the constitution; and (2) in 2003 to approve a 30-year lease to Alexander & Baldwin to continue its diversions wholesale again without regard for the constitutionally protected rights asserted by NHLC's clients. In 2003, Judge Hifo threw out the Board's decision because it utterly failed address the best interests of the state, (which would include respect the constitutional protections for traditional and customary rights of Native Hawaiians), and because it failed to conduct the required environmental (including cultural) assessment of the impacts of such a long-term action. The Senate should not confirm a person that has empirically demonstrated (1) unfamiliarity with important constitutional and statutory water rights so crucial to the continuation of traditional and customary practices, Haw. Const. Art. XII, sec. 7, and/or (2) lack of impartiality and disregard

for key environmental protections that have now been clarified in the Superferry case that state actors under the Lingle Administration attempted to bypass.

**Expertise in Traditional Hawaiian Water Management.** Also, in 2003, the legislature took action to address the domination of corporate agriculture water diverters by amending the Water Code to mandate that *at least one seat* be reserved for an individual with “substantial experience or **expertise in traditional Hawaiian water resource management techniques and in traditional Hawaiian riparian usage** such as those preserved by section 174C-101.” HRS § 174C-7(b). In nearly a decade, that seat has *never been filled*. In 2003, Mr. Yamamura signed the BLNR decision to commit 33,000 acres of ceded lands to diversion of over 100 streams in East Maui, without even evaluating the negative impacts on taro farmers and cultural gatherers and fishers dependent on natural stream flow. Certainly, someone, who already voted to approve such a lease with complete disregard for the Native Hawaiian traditions and customs, fails to meet that criterion. Moreover, he was appointed over other individuals more qualified both in traditional Hawaiian water resources management techniques and uses. These applicants included the water manager for Kamehameha Schools lands statewide, an MIT/Princeton graduate who deals with water issues on a daily basis. He is credited with inventing the first and only `o`opu fish ladder for Punalu`u Stream so the `o`opu could migrate up the stream and reproduce. Others included a University of Hawai`i Cooperative Extension Agent from Moloka`i who has dealt with water management issues for decades on his home island, and a taro farmer with extensive knowledge of Hawaiian cultural traditions. There was no shortage of qualified applicants for this crucial position.

How Mr. Yamamura was nominated over these and other applicants is unknown because neither the Governor nor the Nominating Committee has released the lists of recommended names required by statute for public scrutiny. Mr. Yamamura’s confirmation over these individuals raises serious questions about the integrity of the nomination process. While I applaud the attention you focused on that process during the informational briefing, at a minimum, I urge you to request the **release of the applicable Nominating Committee lists forwarded to the Governor** so the public can ascertain who was nominated and who the Governor bypassed to name Mr. Yamamura.

**Fiscal Impact.** Having a qualified member to the Water Commission is also important because of the fiscal consequences to the state if this entity continues to suffer reversals by the Hawai`i Supreme Court, as it has in four major appeals of CWRM decisions that have reached that appellate court. *Waiahole I, Waiahole II, In Re Waiola O Molokai, In Re Kukui Molokai.* The time and expense of these contested case hearings and appeals have been a major drain on the state’s financial resources as well as the party litigants involved. The addition of an unqualified commissioner is likely to unnecessarily compound that problem in tight budget times.

I ask that you please vote to deny Mr. Yamamura’s nomination.

Alan T. Murakami

**Victor Pellegrino**

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**From:** "Victor Pellegrino" <italiano@hawaii.rr.com>  
**To:** <WLHtestimony@capitol.hawaii.gov>  
**Sent:** Tuesday, April 03, 2012 9:15 AM  
**Subject:** Testimony Opposing GM 755: Yamamura's Nomination to the Water Commission  
**HOUSE COMMITTEE ON WATER, LAND, AND HOUSING**  
**ATTN: CHAIR DONOVAN DELA CRUZ**

Testimony Opposing GM 755: Yamamura's Nomination to the Water Commission

April 5, 2012, 1:25 p.m.  
Conference Room 225

Aloha Chair Dela Cruz and Members of the Committee:

My name is **Victor C. Pellegrino**. I am a professor emeritus, UH-MCC and currently a kalo farmer on Maui, at Noho`ana Farm, Waikapu. I am testifying in **strong opposition to GM 755**, nominating Ted Yamamura to the State Water Commission.

Hawai'i's Water Code mandates that any Commissioner have "substantial experience in the area of water resource management." (HRS § 174C-7(b). This requirement is vital to ensure that the trustees of one of Hawai'i's most precious resources are qualified to serve in this expert, objective, and fiduciary role. **Mr. Yamamura fails to meet this basic prerequisite.**

The management of water resources goes far beyond the valuation of land or even water connected with land. As the Hawai'i Supreme Court explained, the duty of a trustee over water resources is much more than the role of a "business manager," or a mere "umpire calling balls and strikes." **This trustee role is too important to be handed to political appointees lacking the necessary expertise.**

Moreover, many actually qualified applicants were passed over, **raising serious questions about the integrity of this process.** That also casts doubt on whether the Water Code's qualifications were given sufficient consideration.

In addition, **more representation is needed from other islands.** Including the pending nominees, four of the five appointed Water Commissioners will be from the single island of Maui. The Water Commission's public trust obligations extend throughout the state, and **other islands require representation as well.**

**Please vote to deny Mr. Yamamura's nomination. Mahalo for the opportunity to testify on this important issue.**

**Mahalo.**

**Victor C. Pellegrino  
Professor Emeritus, UH-MCC  
Kalo Farmer, Waikapu, Maui  
Noho`ana Farm**

GM 755

Glenn Ioane Teves  
P.O. Box 261  
Kualapuu, HI 96757

TESTIMONY  
in  
Opposition  
to Appointment of  
Ted Yamamura  
to the  
Commission on Water Resource Management

Aloha Legislators,

I'm a Hoolehua Hawaiian homestead farmer, and I have been involved in water issues on Molokai and Oahu for thirty years now. I think I know a little about water. I was an expert witness in Waiahole, Kukui, and Waiola contested water cases.

Based on the selection of Mr. Ted Yamamura, it appears there is only one island in the Hawaiian chain, and there's already disproportionate amount of Maui residents on the water commission. This is wrong; we need individuals with a broader view of water than just Maui's. This position requires a strong background in Hawaii water rights and uses. In others words, this individual must have substantial experience in Hawaii water. Unfortunately, this individual is a realtor and clearly a political appointee from the Senate President. Water is too important to just put in any person, and is worth fighting for, especially on Molokai.

I see a choo choo train coming down the road, and it's not going to stop to take our comments into consideration, so STOP THE TRAIN! This position is too important for just some political lackey to perform. We need someone with substance in water rights, use, and history, before we're forced to repeat history again and that shouldn't be an option.

Mahalo for this opportunity to provide testimony,

Glenn Ioane Teves



Dane Wicke

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, April 03, 2012 11:21 AM  
**To:** WLH Testimony  
**Cc:** bisaki@gmail.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Bianca Isaki  
Organization: Individual  
E-mail: [bisaki@gmail.com](mailto:bisaki@gmail.com)  
Submitted on: 4/3/2012

Comments:

Aloha Chair Dela Cruz and Members of the Committee:

My name is Dr. Bianca Kai Isaki and I am testifying in strong opposition to GM 755, nominating Ted Yamamura to the State Water Commission.

Hawai'i's Water Code mandates that any Commissioner have "substantial experience in the area of water resource management." HRS § 174C-7(b). This requirement is vital to ensure that the trustees of one of Hawai'i's most precious resources are qualified to serve in this expert, objective, and fiduciary role. Mr. Yamamura fails to meet this basic prerequisite.

The management of water resources goes far beyond the valuation of land or even water connected with land. As the Hawai'i Supreme Court explained, the duty of a trustee over water resources is much more than the role of a "business manager," or a mere "umpire calling balls and strikes." This trustee role is too important to be handed to political appointees lacking the necessary expertise.

Moreover, many actually qualified applicants were passed over, raising serious questions about the integrity of this process. That also casts doubt on whether the Water Code's qualifications were given sufficient consideration.

In addition, more representation is needed from other islands. Including the pending nominees, four of the five appointed Water Commissioners will be from the single island of Maui. The Water Commission's public trust obligations extend throughout the state, and other islands require representation as well.

Please vote to deny Mr. Yamamura's nomination. Mahalo for the opportunity to testify on this important issue.

Bianca Kai Isaki, Ph.D

Dane Wicker

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, April 03, 2012 11:16 AM  
**To:** WLH Testimony  
**Cc:** mendezj@hawaii.edu  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: **Oppose**  
Testifier will be present: No  
Submitted by: Javier Mendez-Alvarez  
Organization: Individual  
E-mail: [mendezj@hawaii.edu](mailto:mendezj@hawaii.edu)  
Submitted on: 4/3/2012

Comments:

I oppose Mr. Ted Yamamura's confirmation to the State Water Commission and ask the Senate Committee on Water, Land, and Housing to reschedule the confirmation hearing until after the public has adequate opportunity to review and respond to the informational meeting.



---

**From:** Alan N. Yamamoto [AYamamoto@bisihi.com]  
**Sent:** Tuesday, April 03, 2012 9:56 AM  
**To:** WLH Testimony  
**Subject:** TED YAMAMURA

Re: "GM755" Submitting for Consideration and Confirmation to the Commission on Water Resource Management, Gubernatorial Nominee, TED YAMAMURA.

I would like to ask for your consideration, Ted Yamamura, to serve on the Commission of Water Resource Mangement. I have known Mr. Yamamura both personally and professionally for the past 35 plus years. During which time have had the privilege of watching him grow into a pillar of our community. His endless hours of dedication to his profession as a commercial and residential real estate appraiser and community service leader has earned him a well respected anchor in our community.

He is well qualified for this position. Was a member of the Maui County Board of Water Supply and State Board of Land and Natural Resources. Also involved with various community service organizations to which I was also a member of. Please consider Mr. Yamamura for this position.

Humbly,

Alan Yamamoto  
Agent  
Business Insurance Services  
140 N Market St #102  
Wailuku, HI 96793

Phone: 808-243-8411  
**NEW FAX: 808-856-7548**

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Dave Wicker

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, April 03, 2012 9:47 AM  
**To:** WLH Testimony  
**Cc:** Leeplace1@yahoo.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Karen Lee  
Organization: Individual  
E-mail: [Leeplace1@yahoo.com](mailto:Leeplace1@yahoo.com)  
Submitted on: 4/3/2012

Comments:

Aloha Chair Dela Cruz and Members of the Committee:

&gt;

&gt; My name is \_\_ and I am testifying in strong opposition to GM 755, nominating Ted Yamamura to the State Water Commission.

&gt;

&gt; Hawai'i's Water Code mandates that any Commissioner have "substantial experience in the area of water resource management." HRS § 174C-7(b). This requirement is vital to ensure that the trustees of one of Hawai'i's most precious resources are qualified to serve in this expert, objective, and fiduciary role. Mr. Yamamura fails to meet this basic prerequisite.

&gt;

&gt; The management of water resources goes far beyond the valuation of land or even water connected with land. As the Hawai'i Supreme Court explained, the duty of a trustee over water resources is much more than the role of a "business manager," or a mere "umpire calling balls and strikes." This trustee role is too important to be handed to political appointees lacking the necessary expertise.

&gt;

&gt; Moreover, many actually qualified applicants were passed over, raising serious questions about the integrity of this process. That also casts doubt on whether the Water Code's qualifications were given sufficient consideration.

&gt;

&gt; In addition, more representation is needed from other islands. Including the pending nominees, four of the five appointed Water Commissioners will be from the single island of Maui. The Water Commission's public trust obligations extend throughout the state, and other islands require representation as well.

&gt;

&gt; Please vote to deny Mr. Yamamura's nomination. Mahalo for the opportunity to testify on this important issue.

~~Pans Wicker~~

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, April 03, 2012 6:33 AM  
**To:** WLH Testimony  
**Cc:** rittew@hotmail.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Walter Ritte  
Organization: Individual  
E-mail: [rittew@hotmail.com](mailto:rittew@hotmail.com)  
Submitted on: 4/3/2012

Comments:

My name is Walter Ritte and I am opposed to the confirmation of Mr. Yamamura. He is not qualified to be in this position. He will not help in solving the many problems we have with the limited water supply we have in these islands. Hawaii deserves better. Do not over stack the commission with Maui people. The whole process is suspect and government looks bad when the best possible people are not picked for such an important job.



**From:** Charlene Hoe [chhoe\_hlc@yahoo.com]  
**Sent:** Tuesday, April 03, 2012 8:55 AM  
**To:** WLH Testimony  
**Cc:** chhoe\_hlc@yahoo.com  
**Subject:** Proposed Appointment the the Water Commission

Aloha Chair Dela Cruz and Members of the Committee:

My name is Charlene Hoe and I am testifying in strong opposition to GM 755, nominating Ted Yamamura to the State Water Commission.

I served in the 1978 Constitutional Convention and worked for nearly 10 years to help realize the mandate of our State Constitution to care for our waters in trust for our people for now and into the future. To that end it is critical the the membership of the Water Commission include individuals that collectively contribute a full range of water related expertise to the decision making responsibilities of the Commission.

Hawai'i's Water Code mandates that any Commissioner have "substantial experience in the area of water resource management." HRS § 174C-7(b). This requirement is vital to ensure that the trustees of one of Hawai'i's most precious resources are qualified to serve in this expert, objective, and fiduciary role. Mr. Yamamura fails to meet this basic prerequisite.

The management of water resources goes far beyond the valuation of land or even water connected with land. As the Hawai'i Supreme Court explained, the duty of a trustee over water resources is much more than the role of a "business manager," or a mere "umpire calling balls and strikes." This trustee role is too important to be handed to political appointees lacking the necessary expertise.

Moreover, many actually qualified applicants were passed over, raising serious questions about the integrity of this process. That also casts doubt on whether the Water Code's qualifications were given sufficient consideration.

In addition, more representation is needed from other islands. Including the pending nominees, four of the five appointed Water Commissioners will be from the single island of Maui. The Water Commission's public trust obligations extend throughout the state, and other islands require representation as well.

Please vote to deny Mr. Yamamura's nomination. Mahalo for the opportunity to testify on this important issue.

Mālama pono,  
Charlene Hoe  
[chhoe\\_hlc@yahoo.com](mailto:chhoe_hlc@yahoo.com)  
(808) 284-8558

~~Dane Wicker~~

**From:** Gandharva Mahina Hou Ross [ainaboypoi@yahoo.com]  
**Sent:** Tuesday, April 03, 2012 8:39 AM  
**To:** WLH Testimony

GM 755  
**TESTIMONY OPPOSING THE APPOINTMENT OF  
TED YAMAMURA**  
BEFORE THE COMMITTEE ON LAND, WATER & HOUSING  
Thursday, April 5, 2012 1:25 p.m. Conf. Rm. 225

Aloha mai kakou,

My name is Gandharva Mahina Hou Ross and I am a subsistence kalo farmer in Halawa Valley on the east side of Molokai. I currently am farming on kuleana lands handed down to my wife from her parents and grandparents from the time of the mahele.

I oppose the appointment of Ted Yamamura to the Commission on Water Resources Management because the law provides for an individual with substantial experience or expertise in traditional Hawaiian resource management techniques and usage and in the 25 years since the law was passed, a native Hawaiian practitioner who meets these qualifications has never been appointed.

Hawaii law, HRS sec. 174C-7(b) states:

Five members shall be appointed by the governor subject to confirmation by the senate, ... provided that **at least one member shall have substantial experience or expertise in traditional Hawaiian water resource management techniques and in traditional Hawaiian riparian usage ...**.

But instead, CWRM has been stacked with Maui Commissioners, opponents of Native Hawaiian water rights, specifically friends and allies of Alexander & Baldwin, and its subsidiary East Maui Irrigation. Every single CWRM decision denying Native Hawaiians has been overturned by appellate courts. These opponents of Native Hawaiians have been making bad decisions and forcing parties into decades' long costly litigation to appeal their decisions. After 25 years of ignoring Native Hawaiians, it's time to stop the collusion between A&B, EMI and the state. Please do not confirm Mr. Yamamura to CWRM as he is not knowledgeable about Native Hawaiian water resource management and traditional usage.

Gandharva Mahina Hou Ross  
P.O. Box 1461  
Kaunakakai Hawaii  
96748

Dane Wicker

---

**From:** randy ching [oahurandy@yahoo.com]  
**Sent:** Tuesday, April 03, 2012 1:41 PM  
**To:** WLH Testimony  
**Subject:** in opposition to GM755

GM755 (opposed)

Senate Water, Land and Housing Committee  
Hearing on Thursday, April 5 at 1:15 p.m. in room 225

Aloha Chair Dela Cruz, Vice Chair Solomon, and Members of the Committee:

My name is Randy Ching and I am testifying in strong opposition to GM 755, nominating Ted Yamamura to the State Water Commission.

Hawai'i's Water Code mandates that any Commissioner have "substantial experience in the area of water resource management." HRS § 174C-7(b). This requirement is vital to ensure that the trustees of one of Hawai'i's most precious resources are qualified to serve in this expert, objective, and fiduciary role. Mr. Yamamura fails to meet this basic prerequisite.

Please vote to deny Mr. Yamamura's nomination. Mahalo for the opportunity to testify on this important issue.

Sincerely,

Randy Ching  
Honolulu  
[oahurandy@yahoo.com](mailto:oahurandy@yahoo.com)





**From:** Jamesrmccarty@aol.com  
**Sent:** Tuesday, April 03, 2012 7:04 PM  
**To:** WLH Testimony  
**Cc:** jamesrmccarty@aol.com  
**Subject:** Opposition to appointment of Ted Yamamura

GM 755

TESTIMONY OPPOSING THE APPOINTMENT OF

TED YAMAMURA

BEFORE THE COMMITTEE ON LAND, WATER & HOUSING

Thursday, April 5, 2012 1:25 p.m. Conf. Rm. 225

I oppose the appointment of Ted Yamamura to the Commission on Water Resources Management for many reasons:

First, I was involved in land use matters with Mr. Yamamura when he was on the Board of Land and Natural Resources and he acted unfairly and showed that he did not have the public interest or the State's interest at heart.

Second, his past performance shows that he would not do a good job for the State or the people.

Third, he is just one of the "good ole boys" and he does not bring independent thought to the table.

Fourth, the law provides for an individual with substantial experience or expertise in traditional Hawaiian resource management techniques and usage and in the 25 years since the law was passed, a native Hawaiian practitioner who meets these qualifications has never been appointed.

Hawaii law, HRS sec. 174C-7(b) states:

Five members shall be appointed by the governor subject to confirmation by the senate, ... provided that **at least one member shall have substantial experience or expertise in traditional Hawaiian water resource management techniques and in traditional Hawaiian riparian usage ...**

But instead, CWRM has been stacked with Maui Commissioners, opponents of Native Hawaiian water rights, specifically friends and allies of Alexander & Baldwin, and its subsidiary East Maui Irrigation. Every single CWRM decision denying Native Hawaiians has been overturned by appellate courts. These opponents of Native Hawaiians have been making bad decisions and forcing parties into decades' long costly litigation to appeal their decisions. After 25 years of ignoring Native Hawaiians, it's time to stop the collusion between A&B, EMI and the state. Please do not confirm Mr. Yamamura to CWRM as he is not knowledgeable about Native Hawaiian water resource management and traditional usage.

Richard McCarty

P.O. Box 11209

Lahaina, HI 99601

[jamesrmccarty@aol.com](mailto:jamesrmccarty@aol.com)

Aloha Chair Dela Cruz and Members of the Committee:

My name is Denise Snyder and I am testifying in **strong opposition to GM 755**, nominating **Ted Yamamura** to the State Water Commission.

**Hawaii's Water Code mandates that any Commissioner have "substantial experience in the area of water resource management."** HRS § 174C-7(b). This requirement is vital to ensure that the trustees of one of Hawaii's most precious resources are qualified to serve in this expert, objective, and fiduciary role. **Mr. Yamamura fails to meet this basic prerequisite.**

The management of water resources goes far beyond the valuation of land or even water connected with land. As the Hawaii Supreme Court explained, **the duty of a trustee over water resources is much more than the role of a "business manager,"** or a mere "umpire calling balls and strikes." **This trustee role is too important to be handed to political appointees lacking the necessary expertise.**

Additionally, **many actually qualified applicants were passed over, raising serious questions about the integrity of this process.** That also casts doubt on whether the Water Code's qualifications were given sufficient consideration.

In addition, **more representation is needed from other islands.** Including the pending nominees, **four of the five appointed Water Commissioners will be from the single island of Maui. The Water Commission's public trust obligations extend throughout the state, and other islands require representation as well.**

**Please vote to deny Mr. Yamamura's nomination.**

Thank you for considering my comments and concerns.

Sincerely,  
Denise Snyder  
Honolulu, Hawai'i  
4/2/12

Dana Wicker

**From:** LC [palolo@hawaii.rr.com]  
**Sent:** Tuesday, April 03, 2012 8:38 PM  
**To:** WLH Testimony  
**Subject:** GM 755 Testimony Opposing the Appointment of Ted Yamamura before the Committee on Land, Water, and Housing

GM 755  
TESTIMONY OPPOSING THE APPOINTMENT OF  
TED YAMAMURA  
BEFORE THE COMMITTEE ON LAND, WATER & HOUSING  
Thursday, April 5, 2012 1:25 p.m. Conf. Rm. 225

I oppose the appointment of Ted Yamamura to the Commission on Water Resources Management because the law provides for an individual with substantial experience or expertise in traditional Hawaiian resource management techniques and usage and in the 25 years since the law was passed, a native Hawaiian practitioner who meets these qualifications has never been appointed.

Hawaii law, HRS sec. 174C-7(b) states:

Five members shall be appointed by the governor subject to confirmation by the senate, ... provided that **at least one member shall have substantial experience or expertise in traditional Hawaiian water resource management techniques and in traditional Hawaiian riparian usage ...**

But instead, CWRM has been stacked with Maui Commissioners, opponents of Native Hawaiian water rights, specifically friends and allies of Alexander & Baldwin, and its subsidiary East Maui Irrigation. Every single CWRM decision denying Native Hawaiians has been overturned by appellate courts. These opponents of Native Hawaiians have been making bad decisions and forcing parties into decades' long costly litigation to appeal their decisions. After 25 years of ignoring Native Hawaiians, it's time to stop the collusion between A&B, EMI and the state. Please do not confirm Mr. Yamamura to CWRM as he is not knowledgeable about Native Hawaiian water resource management and traditional usage.

Lynette Cruz, President  
Ka Lei Maile Alii Hawaiian Civic Club  
327 Kaimake Lp., Kailua HI 96734  
Phone (808) 284-3460



**From:** nancyhedlund [nancyhedlund@yahoo.com]  
**Sent:** Tuesday, April 03, 2012 8:44 PM  
**To:** WLH Testimony  
**Subject:** GM OpposinTed Yamamura- COMMITTEE LAND, WATER & HOUSING 4/6

GM 755

TESTIMONY OPPOSING THE APPOINTMENT OF  
TED YAMAMURA

BEFORE THE COMMITTEE ON LAND, WATER & HOUSING

Thursday, April 5, 2012 1:25 p.m. Conf. Rm. 225

I oppose the appointment of Ted Yamamura to the Commission on Water Resources Management because the law provides for an individual with substantial experience or expertise in traditional Hawaiian resource management techniques and usage and in the 25 years since the law was passed, a native Hawaiian practitioner who meets these qualifications has never been appointed.

Hawaii law, HRS sec. 174C-7(b) states:

Five members shall be appointed by the governor subject to confirmation by the senate, ... provided that **at least one member shall have substantial experience or expertise in traditional Hawaiian water resource management techniques and in traditional Hawaiian riparian usage ...**

But instead, CWRM has been stacked with Maui Commissioners, opponents of Native Hawaiian water rights, specifically friends and allies of Alexander & Baldwin, and its subsidiary East Maui Irrigation. Every single CWRM decision denying Native Hawaiians has been overturned by appellate courts. These opponents of Native Hawaiians have been making bad decisions and forcing parties into decades' long costly litigation to appeal their decisions. After 25 years of ignoring Native Hawaiians, it's time to stop the collusion between A&B, EMI and the state. Please do not confirm Mr. Yamamura to CWRM as he is not knowledgeable about Native Hawaiian water resource management and traditional usage.

Name

Address

Dane Wicker

**From:** laurel douglass [douglassl001@hawaii.rr.com]  
**Sent:** Tuesday, April 03, 2012 9:15 PM  
**To:** WLH Testimony  
**Subject:** OPPOSING THE APPOINTMENT OF TED YAMAMURA

GM 755  
TESTIMONY OPPOSING THE APPOINTMENT OF  
TED YAMAMURA  
BEFORE THE COMMITTEE ON LAND, WATER & HOUSING  
Thursday, April 5, 2012 1:25 p.m. Conf. Rm. 225

I oppose the appointment of Ted Yamamura to the Commission on Water Resources Management because the law provides for an individual with substantial experience or expertise in traditional Hawaiian resource management techniques and usage and in the 25 years since the law was passed, a native Hawaiian practitioner who meets these qualifications has never been appointed.

Hawaii law, HRS sec. 174C-7(b) states:

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Name Laurel Douglass  
Address 67 Middle Road Kula Hi 96790

Dane Wicker

**From:** Leslie Ragan [lragan001@yahoo.com]  
**Sent:** Tuesday, April 03, 2012 11:01 PM  
**To:** WLH Testimony  
**Cc:** Rep. Chris Kalani Lee; Sen. Pohai Ryan  
**Subject:** Yamamura Confirmation

Aloha Chair Dela Cruz and Members of the Committee:

My name is Leslie Ragan and I am testifying in strong opposition to GM 755, nominating Ted Yamamura to the State Water Commission.

Hawai'i's Water Code mandates that **any** Commissioner have "substantial experience in the area of water resource management." HRS § 174C-7(b). This requirement is vital to ensure that the trustees of one of Hawai'i's most precious resources are qualified to serve in this expert, objective, and fiduciary role. Mr. Yamamura fails to meet this basic prerequisite.

The management of water resources goes far beyond the valuation of land or even water connected with land. As the Hawai'i Supreme Court explained, the duty of a trustee over water resources is much more than the role of a "business manager," or a mere "umpire calling balls and strikes." This trustee role is too important to be handed to political appointees lacking the necessary expertise.

Many truly qualified applicants were passed over, raising serious questions about the integrity of this process. If you really want the public's trust you must conduct yourselves in a most transparent manner. This casts doubt on whether the Water Code's qualifications were given sufficient consideration.

More representation is needed from other islands. Including the pending nominees, four of the five appointed Water Commissioners will be from the **single island** of Maui.(??) Again, if you want our trust you need to have the whole state better represented. The public is very aware of the "water battles" on Maui---"stacking the deck" in favor of big money over the public's best interest, which is your job, is a slap in the face to the civics process. The Water Commission's public trust obligations extend throughout the state, not just Maui; therefore, other islands, such as Oahu (with the largest population and water issues as well) and the Big Island (which has areas with sustained drought) require representation also.

Please vote to deny Mr. Yamamura's nomination.

Mahalo for reading my testimony,  
Leslie Ragan

Dane Wicke

**From:** Tony Castanha [castanha@hawaii.edu]  
**Sent:** Tuesday, April 03, 2012 11:07 PM  
**To:** WLH Testimony  
**Cc:** castanha@hawaii.edu  
**Subject:** GM 755

GM 755

TESTIMONY OPPOSING THE APPOINTMENT OF

TED YAMAMURA

BEFORE THE COMMITTEE ON LAND, WATER & HOUSING

Thursday, April 5, 2012 1:25 p.m. Conf. Rm. 225

I oppose the appointment of Ted Yamamura to the Commission on Water Resources Management because the law provides for an individual with substantial experience or expertise in traditional Hawaiian resource management techniques and usage and in the 25 years since the law was passed, a native Hawaiian practitioner who meets these qualifications has never been appointed.

Hawaii law, HRS sec. 174C-7(b) states:

Five members shall be appointed by the governor subject to confirmation by the senate, ... provided that **at least one member shall have substantial experience or expertise in traditional Hawaiian water resource management techniques and in traditional Hawaiian riparian usage ...**

But instead, CWRM has been stacked with Maui Commissioners, opponents of Native Hawaiian water rights, specifically friends and allies of Alexander & Baldwin, and its subsidiary East Maui Irrigation. Every single CWRM decision denying Native Hawaiians has been overturned by appellate courts. These opponents of Native Hawaiians have been making bad decisions and forcing parties into decades' long costly litigation to appeal their decisions. After 25 years of ignoring Native Hawaiians, it's time to stop the collusion between A&B, EMI and the state. Please do not confirm Mr. Yamamura to CWRM as he is not knowledgeable about Native Hawaiian water resource management and traditional usage.

Sincerely,

Dr. Anthony Castanha  
2140 10th Avenue, Apt. 502  
Honolulu, HI 96816  
Tel. (808) 737-6097



Dane Wicker

---

**From:** evernw@aol.com  
**Sent:** Tuesday, April 03, 2012 11:10 PM  
**To:** WLH Testimony  
**Subject:** In Opposition to Appointment of Ted Yamamura

To Whom It May Concern:

I oppose the appointment of Ted Yamamura to the Commission on Water Resources Management because the law provides for an individual with substantial experience or expertise in traditional Hawaiian resource management techniques and usage and in the 25 years since the law was passed, a native Hawaiian practitioner who meets these qualifications has never been appointed.

Hawaii law, HRS sec. 174C-7(b) states:

Five members shall be appointed by the governor subject to confirmation by the senate, ... provided that at least one member shall have substantial experience or expertise in traditional Hawaiian water resource management techniques and in traditional Hawaiian riparian usage ... .

But instead, CWRM has been stacked with Maui Commissioners, opponents of Native Hawaiian water rights, specifically friends and allies of Alexander & Baldwin, and its subsidiary East Maui Irrigation. Every single CWRM decision denying Native Hawaiians has been overturned by appellate courts. These opponents of Native Hawaiians have been making bad decisions and forcing parties into decades' long costly litigation to appeal their decisions. After 25 years of ignoring Native Hawaiians, it's time to stop the collusion between A&B, EMI and the state. Please do not confirm Mr. Yamamura to CWRM as he is not knowledgeable about Native Hawaiian water resource management and traditional usage.

Evern E Williams  
808-392-1486

Dane Wicker

**From:** Jeannette Hereniko [jphmovies@gmail.com]  
**Sent:** Tuesday, April 03, 2012 11:42 PM  
**To:** WLH Testimony  
**Subject:** testimony - April 5, 2012 Committee on Land, Water and Housing

GM 755  
TESTIMONY OPPOSING THE APPOINTMENT OF  
TED YAMAMURA  
BEFORE THE COMMITTEE ON LAND, WATER & HOUSING  
Thursday, April 5, 2012 1:25 p.m. Conf. Rm. 225

I oppose the appointment of Ted Yamamura to the Commission on Water Resources Management because the law provides for an individual with substantial experience or expertise in traditional Hawaiian resource management techniques and usage. In the 25 years since the law was passed, a native Hawaiian practitioner who meets these qualifications has never been appointed.

Hawaii law, HRS sec. 174C-7(b) states:

Five members shall be appointed by the governor subject to confirmation by the senate, ... provided that **at least one member shall have substantial experience or expertise in traditional Hawaiian water resource management techniques and in traditional Hawaiian riparian usage ...**

Every single CWRM decision denying Native Hawaiians has been overturned by appellate courts, forcing parties into decades' long costly litigation to appeal their decisions. After 25 years of ignoring Native Hawaiians, it's time to stop this neglect. Please do not confirm Mr. Yamamura to CWRM as he is not knowledgeable about Native Hawaiian water resource management and traditional usage. Please appoint someone who is an expert in traditional Hawaiian water resources as the law dictates.

Thank you for your attention to this important matter.

Jeannette Paulson Hereniko  
6105 A Summer Street  
Honolulu, Hawaii 96821

~~Yamamura~~

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, April 04, 2012 1:39 AM  
**To:** WLH Testimony  
**Cc:** Kealii8@hotmail.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Kealii Makekau  
Organization: Individual  
E-mail: [Kealii8@hotmail.com](mailto:Kealii8@hotmail.com)  
Submitted on: 4/4/2012

Comments:

I oppose the appointment of Ted Yamamura to the Commission on Water Resources Management because the law provides for an individual with substantial experience or expertise in traditional Hawaiian resource management techniques and usage and in the 25 years since the law was passed, a native Hawaiian practitioner who meets these qualifications has never been appointed.

Hawaii law, HRS sec. 174C-7(b) states: Five members shall be appointed by the governor subject to confirmation by the senate, ... provided that at least one member shall have substantial experience or expertise in traditional Hawaiian water resource management techniques and in traditional Hawaiian riparian usage ... . But instead, CWRM has been stacked with Maui Commissioners, opponents of Native Hawaiian water rights, specifically friends and allies of Alexander & Baldwin, and its subsidiary East Maui Irrigation. Every single CWRM decision denying Native Hawaiians has been overturned by appellate courts. These opponents of Native Hawaiians have been making bad decisions and forcing parties into decades' long costly litigation to appeal their decisions. After 25 years of ignoring Native Hawaiians, it's time to stop the collusion between A&B, EMI and the state. Please do not confirm Mr. Yamamura to CWRM as he is not knowledgeable about Native Hawaiian water resource management and traditional usage.

~~Dane Wick~~

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, April 03, 2012 12:02 PM  
**To:** WLH Testimony  
**Cc:** makaala@hawaiian.net  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Makaala Kaumoana  
Organization:  
E-mail: [makaala@hawaiian.net](mailto:makaala@hawaiian.net)  
Submitted on: 4/3/2012

Comments:  
Aloha Chair Dela Cruz and Members of the Committee:

My name is Makaala Kaaumoana and I am testifying in strong opposition to GM 755, nominating Ted Yamamura to the State Water Commission.

The Hanalei Watershed Hui implements a community authored and directed Watershed Action Plan. We understand the intent and purpose of the Hawaii State Water code was to assure members of the commission deeply understand our water issues as a public trust AND represent all the constituencies as equitably as possible.

Hawai'i's Water Code mandates that any Commissioner have "substantial experience in the area of water resource management." HRS § 174C-7(b). This requirement is vital to ensure that the trustees of one of Hawai'i's most precious resources are qualified to serve in this expert, objective, and fiduciary role. Mr. Yamamura fails to meet this basic prerequisite.

The management of water resources goes far beyond the valuation of land or even water connected with land. As the Hawai'i Supreme Court explained, the duty of a trustee over water resources is much more than the role of a "business manager," or a mere "umpire calling balls and strikes." This trustee role is too important to be handed to political appointees lacking the necessary expertise.

Moreover, many actually qualified applicants were passed over, raising serious questions about the integrity of this process. That also casts doubt on whether the Water Code's qualifications were given sufficient consideration.

In addition, more representation is needed from other islands. Including the pending nominees, four of the five appointed Water Commissioners will be from the single island of Maui. The Water Commission's public trust obligations extend throughout the state, and other islands require representation as well.

Please vote to deny Mr. Yamamura's nomination. Mahalo for the opportunity to testify on this important issue.

HOUSE COMMITTEE ON WATER, LAND, AND HOUSING  
ATTN: CHAIR DONOVAN DELA CRUZ

Testimony Opposing GM 755: Yamamura's Nomination to the Water Commission

April 5, 2012, 1:25 p.m.  
Conference Room 225

Aloha Chair Dela Cruz and Members of the Committee:

My name is Deborah Ward and I am testifying in strong opposition to GM 755, nominating Ted Yamamura to the State Water Commission.

I live on the Big Island, and I do not believe that our interests are represented well, since the nominees largely come from the island of Maui. The Water Commission's public trust obligations extend throughout the state, and other islands require representation as well.

Hawai'i's Water Code mandates that any Commissioner have "substantial experience in the area of water resource management." HRS § 174C-7(b). This requirement is vital to ensure that the trustees of one of Hawai'i's most precious resources are qualified to serve in this expert, objective, and fiduciary role. Mr. Yamamura fails to meet this basic prerequisite.

The management of water resources goes far beyond the valuation of land or even water connected with land. As the Hawai'i Supreme Court explained, the duty of a trustee over water resources is much more than the role of a "business manager," or a mere "umpire calling balls and strikes." This trustee role is too important to be handed to political appointees lacking the necessary expertise.

Moreover, many actually qualified applicants were passed over, raising serious questions about the integrity of this process. That also casts doubt on whether the Water Code's qualifications were given sufficient consideration.

Sincerely,

Deborah Ward P.O. Box 918 Kurtistown HI 96760 (808) 966-7361

Dane Wicker

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, April 04, 2012 8:26 AM  
**To:** WLH Testimony  
**Cc:** mh@interpac.net  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Cory Harden  
Organization: Individual  
E-mail: [mh@interpac.net](mailto:mh@interpac.net)  
Submitted on: 4/4/2012

Comments:

Aloha Chair Dela Cruz and Members of the Committee:

Please oppose GM 755--nominatination of Ted Yamamura to the State Water Commission.

The Water Code requires Commissioners to have "substantial experience in the area of water resource management." Mr. Yamamura doesn't.

Many qualified applicants were passed over. Why?

Mr. Yamamura would be the fourth Commissioner from Maui--out of five seats. Why?

Please deny Mr. Yamamura's nomination. Mahalo!



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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, April 04, 2012 8:08 AM  
**To:** WLH Testimony  
**Cc:** mark@marksheehan.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Mark Sheehan  
Organization: Individual  
E-mail: [mark@marksheehan.com](mailto:mark@marksheehan.com)  
Submitted on: 4/4/2012

Comments:

I am a Maui resident from the Haiku district. A significant dewatered stream flow through my property but I also have springs on the property.  
I have, therefore, followed water issues for the past 25 years. During that time I have never seen or been aware of Ted Yamamura's interest or involvement with water issues.  
As a real estate broker I have used Mr. Yamamura many times. In that capacity I have the highest respect for him. I don't think, however, he measures up to the qualifications required for this particular position.

Lane Wicker

**From:** Pauahi Hookano [pauahi.hookano@gmail.com]  
**Sent:** Tuesday, April 03, 2012 10:25 AM  
**To:** WLH Testimony  
**Subject:** testimony opposing the appointment of Ted Yamamura

GM 755

TESTIMONY OPPOSING THE APPOINTMENT OF

TED YAMAMURA

BEFORE THE COMMITTEE ON LAND, WATER & HOUSING

Thursday, April 5, 2012 1:25 p.m. Conf. Rm. 225

I oppose the appointment of Ted Yamamura to the Commission on Water Resources Management because the law provides for an individual with substantial experience or expertise in traditional Hawaiian resource management techniques and usage and in the 25 years since the law was passed, a native Hawaiian practitioner who meets these qualifications has never been appointed.

Hawaii law, HRS sec. 174C-7(b) states:

Five members shall be appointed by the governor subject to confirmation by the senate, ... provided that at least one member shall have substantial experience or expertise in traditional Hawaiian water resource management techniques and in traditional Hawaiian riparian usage ... .

But instead, CWRM has been stacked with Maui Commissioners, opponents of Native Hawaiian water rights, specifically friends and allies of Alexander & Baldwin, and its subsidiary East Maui Irrigation. Every single CWRM decision denying Native Hawaiians has been overturned by appellate courts. These opponents of Native Hawaiians have been making bad decisions and forcing parties into decades' long costly litigation to appeal their decisions. After 25 years of ignoring Native Hawaiians, it's time to stop the collusion between A&B, EMI and the state. Please do not confirm Mr. Yamamura to CWRM as he is not knowledgeable about Native Hawaiian water resource management and traditional usage.

L. Pauahi Hookano  
245 Wailua Rd.  
Haiku Hi 96708

--

In all our deeds, the proper value and respect for time determines success or failure.

\*Malcolm X

\*



HOUSE COMMITTEE ON WATER, LAND, AND HOUSING  
ATTN: CHAIR DONOVAN DELA CRUZ

Testimony Opposing GM 755: Yamamura's Nomination to the Water Commission  
April 5, 2012, 1:25 p.m.  
Conference Room 225

Aloha Chair Dela Cruz and Members of the Committee:

My name is Shanna Willing and I am testifying in strong opposition to GM 755, nominating Ted Yamamura to the State Water Commission.

Hawaii's Water Code mandates that any Commissioner have "substantial experience in the area of water resource management." HRS § 174C-7(b). This requirement is vital to ensure that the trustees of one of Hawaii's most precious resources are qualified to serve in this expert, objective, and fiduciary role. Mr. Yamamura fails to meet this basic prerequisite.

The management of water resources goes far beyond the valuation of land or even water connected with land. As the Hawaii Supreme Court explained, the duty of a trustee over water resources is much more than the role of a "business manager," or a mere "umpire calling balls and strikes." This trustee role is too important to be handed to political appointees lacking the necessary expertise.

Moreover, many actually qualified applicants were passed over, raising serious questions about the integrity of this process. That also casts doubt on whether the Water Code's qualifications were given sufficient consideration.

In addition, more representation is needed from other islands. Including the pending nominees, four of the five appointed Water Commissioners will be from the single island of Maui. The Water Commission's public trust obligations extend throughout the state, and other islands require representation as well.

Please vote to deny Mr. Yamamura's nomination.

Mahalo for the opportunity to testify on this important issue.

Me Ka Na'au Ha'aha'a,



Shanna Willing,  
Concerned Citizen of Molokai

~~Date: Wed~~

**From:** csantosbras@hawaii.rr.com  
**Sent:** Tuesday, April 03, 2012 9:46 AM  
**To:** WLH Testimony  
**Subject:** TESTIMONY OPPOSING THE APPOINTMENT OF TED YAMAMURA

GM 755

TESTIMONY OPPOSING THE APPOINTMENT OF

TED YAMAMURA

BEFORE THE COMMITTEE ON LAND, WATER & HOUSING

Thursday, April 5, 2012 1:25 p.m. Conf. Rm. 225

I oppose the appointment of Ted Yamamura to the Commission on Water Resources Management because the law provides for an individual with substantial experience or expertise in traditional Hawaiian resource management techniques and usage and in the 25 years since the law was passed, a native Hawaiian practitioner who meets these qualifications has never been appointed.

Hawaii law, HRS sec. 174C-7(b) states:

Five members shall be appointed by the governor subject to confirmation by the senate, ... provided that at least one member shall have substantial experience or expertise in traditional Hawaiian water resource management techniques and in traditional Hawaiian riparian usage ... .

But instead, CWRM has been stacked with Maui Commissioners, opponents of Native Hawaiian water rights, specifically friends and allies of Alexander & Baldwin, and its subsidiary East Maui Irrigation. Every single CWRM decision denying Native Hawaiians has been overturned by appellate courts. These opponents of Native Hawaiians have been making bad decisions and forcing parties into decades' long costly litigation to appeal their decisions. After 25 years of ignoring Native Hawaiians, it's time to stop the collusion between A&B, EMI and the state. Please do not confirm Mr. Yamamura to CWRM as he is not knowledgeable about Native Hawaiian water resource management and traditional usage.

Cecilia I. Santos Bras  
2790 Palalani St.  
Pukalani, HI 96768

GM 755

~~Donna Sterling~~

**From:** Donna Sterling [dhelekunihi@yahoo.com]  
**Sent:** Wednesday, April 04, 2012 6:28 AM  
**To:** WLH Testimony  
**Subject:** Ted Yamamura appointment

Aloha

Please do not appoint Ted Yamamura to the Commission on Water. His credentials lack the experience in the Hawaiian native water rights. He will continue to deny water rights to those Hawaiians on the East end of Maui including Maui Nui. Please Governor appoint a native Hawaiian who will support returning the waters to the taro farmers we have waited so long for water.

Mahalo

Donna Sterling  
Sent from my iPhone

House Committee on Water, Land, and Housing  
ATTN: Chair Donovan Dela Cruz

GM 755 71  
Comments

I was a member of the original commission created by Governor Ariyoshi to draft a water code for the State of Hawaii. Prior to that, any water issues had to be decided in the courts, which meant, because of the expense of going to court, that large landowners dictated water use in the State. Almost every stream was diverted to the detriment not only of appurtenant and riparian users (mostly taro growers), but also to the detriment of in stream and near shore waters. The ecology of near shore waters, enhanced by streams that flow to the ocean, is critical to improving the ability of Hawaii to be able to feed itself. It may sound strange, but ocean fish need fresh water. Understanding hydrology, and instream and nearshore ecology, including an understanding of how taro fields are a part of this, is critical to making good decisions about how to use our water.

In drafting the code, we were very conscious of the need to have people with knowledge of hydrology and biology/ecology on the Commission. Unfortunately the selection process has been mostly political from the very beginning, and the Commission has been dominated by large landowner interests

I also do not think that serving on a County water board automatically makes someone qualified, since that selection is also based on political connections. It is my understanding that there were a number of applicants this time, that were very qualified to serve on the Commission. It is time to reexamine that list. Its time to follow the water code.

Charlie Reppun

**Hana Wicka**

**From:** Sean Lester [seanlester@usa.net]  
**Sent:** Wednesday, April 04, 2012 10:48 AM  
**To:** WLH Testimony  
**Subject:** Opposition to Ted Mamamura for CLWH committee 4-5-2012

**GM 755**  
**TESTIMONY OPPOSING THE APPOINTMENT OF**  
**TED YAMAMURA**  
**BEFORE THE COMMITTEE ON LAND, WATER & HOUSING**  
Thursday, April 5, 2012 1:25 p.m. Conf. Rm. 225

**Aloha Chair and members,**

**As a resident of East Maui, I have watched A&B proponents dominate the state water commission. This is a shameful action that has caused incredible hardship and a total lack of commitment to following Hawaii State laws. The appointment of Ted Mamamura is simply continuing on in this tradition. There is not one single truly akamai person on the water board who has Native Hawaiian values and can actually follow the letter of the law in this area.**

**I request you vote against this nomination and instead send the appointment back with a request for someone who will fill the bill for HRS sec. 174C-7(b). It is up to you as our legislative body to insure your own laws are followed. If not, why are you in the positions of representatives?**

**Thank you for your time**

**Sean Lester**  
**PO Box 6**  
**Hana, Hawaii 96713**

~~Dane Wilhoit~~

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, April 04, 2012 10:30 AM  
**To:** WLH Testimony  
**Cc:** nihipalim001@hawaii.rr.com  
**Subject:** Testimony for GM755 on 4/5/2012 1:25:00 PM

Testimony for WLH 4/5/2012 1:25:00 PM GM755

Conference room: 225  
Testifier position: **Oppose**  
Testifier will be present: No  
Submitted by: Michele Nihipali  
Organization: Individual  
E-mail: [nihipalim001@hawaii.rr.com](mailto:nihipalim001@hawaii.rr.com)  
Submitted on: 4/4/2012

Comments:  
Aloha Chair Dela Cruz and Members of the Committee:

My name is Michele Nihipali and I am testifying in strong opposition to GM 755, nominating Ted Yamamura to the State Water Commission.

Hawai'i's Water Code mandates that any Commissioner have "substantial experience in the area of water resource management." HRS §174C-7(b). This requirement is vital to ensure that the trustees of one of Hawai'i's most precious resources are qualified to serve in this expert, objective, and fiduciary role. Mr. Yamamura fails to meet this basic prerequisite.

The management of water resources goes far beyond the valuation of land or even water connected with land. As the Hawai'i Supreme Court explained, the duty of a trustee over water resources is much more than the role of a "business manager," or a mere "umpire calling balls and strikes." This trustee role is too important to be handed to political appointees lacking the necessary expertise.

Moreover, many actually qualified applicants were passed over, raising serious questions about the integrity of this process. That also casts **doubt on whether the Water Code's qualifications were given sufficient consideration.**

In addition, more representation is needed from other islands. Including the pending nominees, four of the five appointed Water Commissioners will be from the single island of Maui. The Water Commission's public trust obligations extend throughout the state, and other islands require representation as well.

Please vote to deny Mr. Yamamura's nomination. Mahalo for the opportunity to testify on this important issue.

GM 755

TESTIMONY OPPOSING THE APPOINTMENT OF TED YAMAMURA  
by ED AND MAHEALANI WENDT

BEFORE THE COMMITTEE ON LAND, WATER & HOUSING  
Thursday, April 5, 2012 1:25 p.m. Conf. Rm. 225

Our family resides in East Maui and have continuously farmed the same taro patches since before the Mahele of 1848 up to the present. Our ancestors are buried in a family graveyard overlooking those taro patches.

Ed farmed 52 patches and operated a small business, a poi processing mill called Wailua Poi, from the early 1970's to 1985. In 1977 Ed was named Maui Farmer of the Year. In 1985, the business was forced to close because Alexander & Baldwin and East Maui Irrigation diverted water needed to grow taro and the business could not be sustained.

We have been fighting for many decades to get water restored.

We oppose the appointment of Ted Yamamura because we know he is not a friend of Hawaiian taro farmers. He was a member of the Board of Land & Natural Resources when its decisions, which have since been overturned by the appellate courts, were completely hostile to taro farmers

Ed served his country honorably. He served as a paratrooper in Vietnam with the 173rd Combat Airborne Brigade and received many medals. He was gravely injured and nearly died. He still suffers from physical injuries sustained in that war. Actions by the State of Hawaii, Alexander & Baldwin, and East Maui Irrigation have repaid this sacrifice by depriving his family, and the families of East Maui, of their livelihood and traditional way of life.

The Water Code provides for appointment of an individual knowledgeable about Native Hawaiian water custom and usage, but no qualified Native Hawaiian has ever been appointed in the 25 years since the Code was enacted.

Please do not confirm Mr. Yamamura's appointment as he is not qualified.

Ed and Mahealani Wendt  
185 Wailua Road  
Haiku, Hawai'i 96708  
Ph. 248-7730  
wailuanui@starband.net

Dane Wicke

**From:** Dee Texidor [deetex123@aol.com]  
**Sent:** Wednesday, April 04, 2012 9:55 AM  
**To:** WLH Testimony  
**Subject:** OPPOSITON TO GM 755 - TED YAMAMURA  
**Importance:** High

GM 755

TESTIMONY OPPOSING THE APPOINTMENT OF  
TED YAMAMURA

BEFORE THE COMMITTEE ON LAND, WATER & HOUSING

Thursday, April 5, 2012 1:25 p.m. Conf. Rm. 225

I oppose the appointment of Ted Yamamura to the Commission on Water Resources Management because the law provides for an individual with substantial experience or expertise in traditional Hawaiian resource management techniques and usage and in the 25 years since the law was passed, a native Hawaiian practitioner who meets these qualifications has never been appointed.

Hawaii law, HRS sec. 174C-7(b) states:

Five members shall be appointed by the governor subject to confirmation by the senate, ... provided that **at least one member shall have substantial experience or expertise in traditional Hawaiian water resource management techniques and in traditional Hawaiian riparian usage ...**

But instead, CWRM has been stacked with Maui Commissioners, opponents of Native Hawaiian water rights, specifically friends and allies of Alexander & Baldwin, and its subsidiary East Maui Irrigation. Every single CWRM decision denying Native Hawaiians has been overturned by appellate courts. These opponents of Native Hawaiians have been making bad decisions and forcing parties into decades' long costly litigation to appeal their decisions. After 25 years of ignoring Native Hawaiians, it's time to stop the collusion between A&B, EMI and the state. Please do not confirm Mr. Yamamura to CWRM as he is not knowledgeable about Native Hawaiian water resource management and traditional usage.

Name: Dee Texidor, 814 Kinau #308, Honolulu, HI 96813



~~Karen Chun~~

**From:** Karen Chun [karen@KarenChun.com]  
**Sent:** Wednesday, April 04, 2012 9:26 AM  
**To:** WLH Testimony  
**Subject:** Testimony opposing GM 755 Yamamura Water Commission

HOUSE COMMITTEE ON WATER, LAND, AND HOUSING  
ATTN: CHAIR DONOVAN DELA CRUZ

Testimony **Opposing GM 755:** Yamamura's Nomination to the Water Commission

April 5, 2012, 1:25 p.m.  
Conference Room 225

Dear Chair Dela Cruz and Committee members,

I am baffled that you would choose an **unqualified candidate** over several candidates with extensive water experience. Please reject this nomination so that we can have a knowledgeable and experienced Commissioner instead.

I ka wai no ke ola

Thank you,

Karen Chun  
87 Lae St.  
Paia HI 96779

~~CONFIDENTIAL~~

**From:** Gwen Morinaga [gkama@hawaii.edu]  
**Sent:** Wednesday, April 04, 2012 9:26 AM  
**To:** WLH Testimony  
**Cc:** Kapua Sproat  
**Subject:** Testimony in opposition to GM755

HOUSE COMMITTEE ON WATER, LAND, AND HOUSING  
ATTN: CHAIR DONOVAN DELA CRUZ

Testimony **Opposing GM 755:** Ted Yamamura's Nomination to the Water Commission

April 5, 2012, 1:25 p.m.  
Conference Room 225

Aloha mai e Chair Dela Cruz and Members of the Committee:

My name is Gwen Morinaga Kama and I am testifying in strong opposition to GM 755, nominating Ted Yamamura to the State Water Commission. I am lecturer in Hawaiian Ethnobotany here at Maui College and know the great responsibility of managing our most precious resource here on Maui. I see Ted Yamamura's nomination as a conflict of interest as he is a real estate appraiser who did work for the East Maui Irrigation Company.

Hawai'i's Water Code mandates that any Commissioner have substantial experience in the area of water resource management. HRS § 174C-7(b). This requirement is vital to ensure that the trustees of one of Hawai'i's most precious resources are qualified to serve in this expert, objective, and fiduciary role. Mr. Yamamura fails to meet this basic prerequisite.

The management of water resources goes far beyond the valuation of land or even water connected with land. As a conflict of interest Ted Yamamura did the land appraisal for the East Maui Irrigation Company, a subsidiary of Alexander & Baldwin, who are in a contested case hearing with the Native Hawaiian Legal Corporation, representing East Maui Kalo farmers. As the Hawai'i Supreme Court explained, the duty of a trustee over water resources is much more than the role of a business manager, or a mere umpire calling balls and strikes. This trustee role is too important to be handed to political appointees lacking the necessary expertise.

Moreover, many actually qualified applicants were passed over, raising serious questions about the integrity of this process. Carl Christiansen and T. Kaeo Duarte are two candidates who had extensive experience and training in the area of Water resources management and water rights. That also casts doubt on whether the Water Code's qualifications were given sufficient consideration.

In addition, **more representation is needed from other islands.** Including the pending nominees, four of the five appointed Water Commissioners will be from the single island of Maui. The Water Commission's public trust obligations extend throughout the state, and other islands require representation as well.

Please vote to deny Mr. Yamamura's nomination. Mahalo for the opportunity to testify on this important issue.

Gwen Morinaga-Kama, Lecturer- Hawaiian Ethnobotany, UH Maui College B.A. Anthropology, B.S. General Agriculture Master's Candidate-Indigenous Studies, University of Otago, NZ



**From:** Nancy Davlantes [ndavlantes@aol.com]  
**Sent:** Wednesday, April 04, 2012 1:01 PM  
**To:** WLH Testimony  
**Subject:** Testimony Opposing GM 755: Yamamura's Nomination to the Water Commission

April 5, 2012, 1:25 p.m.  
Conference Room 225

Aloha Chair Dela Cruz and Members of the Committee:

My name Nancy Davlantes and I oppose the nomination of Ted Yamamura to the State Water Commission.

Hawai'i's Water Code mandates that any Commissioner have "substantial experience in the area of water resource management," a requirement that is vital to ensuring that the trustees of one of Hawai'i's most precious resources are qualified to serve in this expert, objective, and fiduciary role. As a land appraiser, Mr. Yamamura fails to meet this basic prerequisite.

The management of water resources goes far beyond the valuation of land or even water connected with land and is too important a responsibility to be handed to political appointees lacking the necessary expertise.

Including the pending nominees, four of the five appointed Water Commissioners will be from the single island of Maui. More representation is needed from other islands. The Water Commission's public trust obligations extend throughout the state, and other islands require representation as well.

Additionally, the nomination process leaves much to be desired in the area of transparency. Since neither the commission nor the governor's office will disclose the names of those who have applied, it raises legitimate concerns that the commission has ignored more qualified applicants.

For these reasons, I ask that the committee votes to deny Mr. Yamamura's nomination.

Mahalo for the opportunity to testify.

Nancy Davlantes  
Kaneohe



**From:** Michael Odegaard [modegaard@gmail.com]  
**Sent:** Wednesday, April 04, 2012 12:32 PM  
**To:** WLH Testimony  
**Subject:** Opposing the appointment of Ted Yamamura to the Commission on Water Resources Management

GM 755  
TESTIMONY OPPOSING THE APPOINTMENT OF  
TED YAMAMURA  
BEFORE THE COMMITTEE ON LAND, WATER & HOUSING  
Thursday, April 5, 2012 1:25 p.m. Conf. Rm. 225

I oppose the appointment of Ted Yamamura to the Commission on Water Resources Management because the law provides for an individual with substantial experience or expertise in traditional Hawaiian resource management techniques and usage and in the 25 years since the law was passed, a native Hawaiian practitioner who meets these qualifications has never been appointed.

Hawaii law, HRS sec. 174C-7(b) states:

Five members shall be appointed by the governor subject to confirmation by the senate, ... provided that **at least one member shall have substantial experience or expertise in traditional Hawaiian water resource management techniques and in traditional Hawaiian riparian usage ...**

But instead, CWRM has been stacked with Maui Commissioners, opponents of Native Hawaiian water rights, specifically friends and allies of Alexander & Baldwin, and its subsidiary East Maui Irrigation. Every single CWRM decision denying Native Hawaiians has been overturned by appellate courts. These opponents of Native Hawaiians have been making bad decisions and forcing parties into decades' long costly litigation to appeal their decisions. After 25 years of ignoring Native Hawaiians, it's time to stop the collusion between A&B, EMI and the state. Please do not confirm Mr. Yamamura to CWRM as he is not knowledgeable about Native Hawaiian water resource management and traditional usage.

Name: Michael E. Malulani K. Odegaard, 319 Haili St., Hilo, HI 96720



**From:** LFreidenburg [lanihuli@hawaii.rr.com]  
**Sent:** Wednesday, April 04, 2012 1:03 PM  
**To:** WLH Testimony  
**Subject:** I oppose appointment of Ted Yamamura to Comm. on L,W and H

GM 755

TESTIMONY OPPOSING THE APPOINTMENT OF  
TED YAMAMURA

BEFORE THE COMMITTEE ON LAND, WATER & HOUSING

Thursday, April 5, 2012 1:25 p.m. Conf. Rm. 225

I oppose the appointment of Ted Yamamura to the Commission on Water Resources Management because the law provides for an individual with substantial experience or expertise in traditional Hawaiian resource management techniques and usage and in the 25 years since the law was passed, a native Hawaiian practitioner who meets these qualifications has never been appointed.

Hawaii law, HRS sec. 174C-7(b) states:

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But instead, CWRM has been stacked with Maui Commissioners, opponents of Native Hawaiian water rights, specifically friends and allies of Alexander & Baldwin, and its subsidiary East Maui Irrigation. Every single CWRM decision denying Native Hawaiians has been overturned by appellate courts. These opponents of Native Hawaiians have been making bad decisions and forcing parties into decades' long costly litigation to appeal their decisions. After 25 years of ignoring Native Hawaiians, it's time to stop the collusion between A&B, EMI and the state. Please do not confirm Mr. Yamamura to CWRM as he is not knowledgeable about Native Hawaiian water resource management and traditional usage.

Name: Linda Freidenburg

Address: 150 Hauoli St Apt. 503

Wailuku, HI 96793

~~Michael de Ycaza~~

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**From:** Michael de Ycaza [mdeycaza@yahoo.com]  
**Sent:** Wednesday, April 04, 2012 2:16 PM  
**To:** WLH Testimony  
**Subject:** testimony opposing GM755 Yamamura's nomination to water commission

Aloha Chair Dela Cruz and Members of the Committee:

My name is Michael deYcaza\_\_ and I am testifying in strong opposition to GM 755, nominating Ted Yamamura to the State Water Commission.

Hawai'i's Water Code mandates that any Commissioner have "substantial experience in the area of water resource management." HRS § 174C-7(b). This requirement is vital to ensure that the trustees of one of Hawai'i's most precious resources are qualified to serve in this expert, objective, and fiduciary role. Mr. Yamamura fails to meet this basic prerequisite.

The management of water resources goes far beyond the valuation of land or even water connected with land. As the Hawai'i Supreme Court explained, the duty of a trustee over water resources is much more than the role of a "business manager," or a mere "umpire calling balls and strikes." This trustee role is too important to be handed to political appointees lacking the necessary expertise.

Moreover, many actually qualified applicants were passed over, raising serious questions about the integrity of this process. That also casts doubt on whether the Water Code's qualifications were given sufficient consideration.

In addition, more representation is needed from other islands. Including the pending nominees, four of the five appointed Water Commissioners will be from the single island of Maui. The Water Commission's public trust obligations extend throughout the state, and other islands require representation as well.

Please vote to deny Mr. Yamamura's nomination. Mahalo for the opportunity to testify on this important issue.

Sincerely, Michael deYcaza

~~Dana Wicker~~  

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**From :** nanifay paglinawan [nanifaykp@yahoo.com]  
**Sent:** Wednesday, April 04, 2012 11:09 AM  
**To:** WLH Testimony  
**Subject:** Oppose appointment of Ted Yamamura GM 755

Aloha mai,

My name is NaniFay Paglinawan and I reside on the island of Maui in the Kihei district.

I am **in opposition of the appointment of Ted Yamamura** to the commission on Water Resources Management.

There needs to be at

"least one member shall hav esubstantial experience or expertise in traditional Hawaiian water resosource management techniques and in the traditional Hawaiian riparian usage...."

Maha lo nui loa,

NaniFay Paglinawan