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HAWAII



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

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FIRST DEPUTY

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DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
KEKOA W. KALUHIWA
First Deputy Director**

**Before the House Committee on
FINANCE**

**Friday, February 26, 2016
1:00 P.M.
State Capitol, Conference Room 308**

**In consideration of
HOUSE BILL 2501, HOUSE DRAFT 1
RELATING TO WATER RIGHTS**

House Bill 2501, House Draft 1, proposes to amend the public lands statute, Hawaii Revised Statutes (HRS) Chapter 171, to allow revocable permits for use of water to be extended annually on a “holdover” status during the pendency of an application for a water lease. **The Department of Land and Natural Resources has no objection to this measure.**

Under HRS Section 171-58, the Board of Land and Natural Resources has authority to issue month-to-month revocable permits for water use. An applicant can also seek a water lease under the same section. However, the requirements for obtaining a water lease are much more stringent, including the completion of an environmental impact statement under HRS Chapter 343, securing a conservation district use permit in appropriate cases, and consulting with the Department of Hawaiian Home Lands regarding possible water reservations in favor of its beneficiaries. Satisfying the requirements of an application for a water lease could take several years. Accordingly, it is understandable that an applicant for a water lease would want to continue water use under a revocable permit in the interim. In many cases, the water uses have existed for many years or decades, and so an interruption of the water supply under a permit could have serious impacts on residents, schools, hospitals, businesses and agricultural communities that rely on the water.

Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 12:15 PM
To: FINTestimony
Cc: susan.n.richey@hawaii.gov
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Richey	DHHL	Comments Only	No

Comments: DHHL is submitting revised comments for HB 2501 HD 1 which are attached with this email.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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HB2501 HD1
RELATING TO WATER RIGHTS
House Committee on Finance

February 26, 2016

1:00 p.m.

Room 308

The Office of Hawaiian Affairs (OHA) **OPPOSES** HB2501 HD1. **This measure would allow the state to continue abdicating its kuleana to East Maui kalo farmers – many of whom have deep ancestral ties to their lands, and who have long sought the modest return of water to just 27 of 100-plus East Maui streams – as well as the cultural practitioners, gatherers, fishers, and others who depend on the public trust in East Maui’s water resources. In doing so, this bill may also inadvertently tie the state’s hands in managing and upholding the public trust in our water resources generally, and potentially undermine the foundation of water management and policy in Hawai‘i.**

Since time immemorial, water in Hawai‘i has been considered a public trust resource, to be managed and administered for the benefit of present and future generations. Traditional Hawaiian laws and land management practices revolved around the sharing and beneficial use of stream and spring waters, which were treated not as a commodity, but as a community good to be respected and administered to meet a number of social and ecological needs. Today, our constitution and water code reflect this traditional understanding of water, as a fundamental resource that cannot be reduced to ownership, and that must be used and managed to fulfill specific public trust purposes and further the public interest.

Notwithstanding long-standing laws recognizing water as a public trust resource, however, for over a century large plantation interests have laid exclusive claim to substantial amounts of water, in furtherance of their private, commercial endeavors. These interests have diverted streams throughout the islands and continuously deprived farmers, cultural practitioners, and native species alike of the water resources they depend upon, in direct contravention to the public trust. Unfortunately, as evidenced by a number of court rulings over the last fifteen years, the state Commission on Water Resource Management and Board of Land and Natural Resources have repeatedly failed to uphold their duties to enforce the public trust in water, particularly with respect to large-scale water diverters. Moreover, even when such court rulings are issued, it appears that years may pass before farmers and others seeking to enforce the public trust see any water returned to diverted streams, if at all.

East Maui provides a salient example of the injustice that can occur as a result of the state’s patent abdication of its public trust duties. For over three decades, Native

Hawaiian farmers and practitioners have sought to restore modest amounts of water to East Maui streams, in hopes of continuing the farming, fishing, and gathering practices of their ancestors and ensuring that their children and future generations can do the same. In 2003, a circuit court found that an environmental assessment was required prior to issuing a new long-term water lease for Alexander and Baldwin (A&B), which for over fifteen years had continuously diverted 100-400 million gallons of water per day from 100-plus East Maui streams, pursuant to “revocable” one-year water leases. As the court noted, an environmental assessment would identify whether and to what extent the long-term diversion of water could impact natural resources and the cultural practices that depend on them, i.e. the protected public trust purposes of water. Despite the court ruling, A&B continued to divert water under so-called “holdover” permits, while East Maui kalo farmers and others waited for some stream flow to be restored. 12 years later, the state and A & B have failed to start, much less issue, an environmental assessment; meanwhile, some kalo farmers have passed away, waiting for water that has still not returned. Not surprisingly, the state’s practice of issuing “holdover” permits for the last 12 years has recently been found improper by a circuit court.

This measure would effectively overrule this most recent circuit court decision regarding East Maui “holdover” permits, and legitimize the state’s highly inappropriate practice of allowing water to be continuously diverted in contravention of our state constitution, water code, case law, and public trust principles. **This could prolong indefinitely the amount of time East Maui kalo farmers and cultural practitioners must wait for the modest stream flow they need, and allow A&B to continue its commercial use of public trust water at the clear expense of otherwise protected public trust purposes.** Such an outcome would fly in the face of justice and fairness to those who have waited over 30 years for the state to uphold the public trust in East Maui waters.

Moreover, should this measure pass, any entity in the state who receives a revocable water permit, even inappropriately, may also be able to retain its claim to water by simply relying on state inaction on any water rights applications it may subsequently submit. Even if the state does begin taking more proactive steps to properly administer and uphold the public trust in water, corporate diverters with substantial financial and legal resources may maintain their ability to privatize water for years, if not decades, by raising continuous challenges preventing their applications for water rights to be “finally resolved.” Kalo farmers and others who wish to defend or enforce their right to water by challenging diverters’ water rights applications may end up only prolonging the diverters’ existing claims, until their own limited resources are exhausted. Accordingly, the preference this measure may grant to corporate diverters over kalo farmers, other stream users, and public trust purposes may significantly undermine the foundation of water management and policy in our islands.

OHA understands that this bill may be intended to allow A&B to continue diverting water for the purposes of supplying Upcountry Maui, as well as supporting its last year of sugar cultivation and its subsequent exploration of diversified agriculture. However, this measure is not necessary to fulfill any of these purported needs. Even without its

invalidated “holdover” permits, A&B can still divert substantial amounts of water from the 17,000 acres of East Maui watershed lands it owns in fee (up to 55 million gallons a day, or mgd) and sustainably pump over 83 mgd from its brackish water wells. **Based on these figures and water consumption estimates, OHA believes that A&B has more than enough water to cultivate the 17,000 acres of sugar it will grow through 2016, deliver to Maui County the nearly 8 mgd it has promised for Upcountry residents, and support its future exploration of diversified agriculture, without the additional water it diverts through “holdover permits.”**

OHA also appreciates that this measure may have been intended, in part, to ensure that kalo and other small farmers can continue to receive water initially granted under a revocable permit, pending the resolution of potentially complicated and protracted water distribution proceedings. OHA agrees that such procedural delays may create unreasonable burdens, especially for those whose uses of water clearly fall within the reasonable and beneficial use requirements of the water code, and would not otherwise impact public trust purposes. However, OHA is not aware of any such water users who would currently benefit from this measure. Moreover, this measure fails to distinguish between those for whom its presumptive “holdover” right to water would be clearly justifiable, and those whose existing and proposed uses would call for a much higher level of scrutiny before receiving any such presumptive right. Accordingly, this measure may risk unintentionally prejudicing kalo and other small farmers to an equal or greater extent than any future relief it may otherwise purport to convey.

Therefore, OHA respectfully urges the Committee to **HOLD** HB2501 HD1. Mahalo nui for the opportunity to testify on this measure.



February 24, 2016

Representative Sylvia J. Luke, Chair
Representative Scott Y. Nishimoto, Vice Chair
House Committee on Finance

Testimony in Support of HB 2501, H.D.1 Relating to Water Rights. (Allows for a holdover disposition of water rights previously authorized pursuant to a lease during the pendency of an application for a lease renewal.)

Friday, February 26, 2016, 1:00 p.m., in Conference Room 308

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. LURF's mission is to 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.

LURF strongly supports HB 2501, H.D.1, which proposes to amend Hawaii Revised Statutes (HRS), Section 171-58 to allow a holdover disposition of water rights previously authorized pursuant to a lease during the pendency of an application for a lease renewal.

HB 2501, H.D.1. This purpose of this bill is to afford the State Board of Land & Natural Resources (BLNR) the authority to issue holdover permits to enable a previously authorized disposition of water rights to continue while a pending application for the re-disposition of said rights is being completed. The bill would address and resolve an inequitable situation affecting a number of permittees, which has been realized through a January 2016 Circuit Court decision stating that under HRS Section 171, the BLNR does not possess the authority to issue State water permits for a term greater than one year, thus invalidating State water permits on Maui which serve the water needs of the County of Maui and its 36,000 Upcountry Maui residents and farmers, and 36,000 acres farmed by Hawaiian Commercial & Sugar Company, which recently announced it will be ceasing sugar operations at the end of 2016 and transitioning to a diversified agricultural model for these lands.

Factual Background. East Maui Irrigation Company (EMI), a subsidiary of Alexander & Baldwin, Inc. (A&B), has collected water from State lands in East Maui continuously for well over a century – since 1878, pursuant to various lease agreements, initially with the kingdom of Hawaii, and subsequently with the Territorial and State governments. In 1985, the State proposed the sale of a long-term lease for these waters, but that effort was ultimately stalled by a lawsuit filed by the Native Hawaiian Legal Corporation.

In 2001, A&B applied to the BLNR to re-initiate the lease process, recognizing that the lease would be put up for sale at a public auction; that preparation of an EIS would be required; and that instream flow standards would need to be established and acknowledged by the lease. Since 2001, however, the lease process has been held up by subsequent procedural and legal challenges initiated by opposing parties, and the request to issue a long-term water lease remains pending before the BLNR. In the interim, the BLNR issued permits to enable the waters to continue to flow pending resolution of the legal and procedural challenges which would allow the lease process to ensue.

In early January 2016, in response to one of the opposition's legal challenges, the Circuit Court ruled that the BLNR does not have the authority to issue water permits with a term greater than one year, thereby invalidating the permits which allowed water collection to continue. In essence, according to the Circuit Court's ruling, pursuant to HRS Chapter 171, the BLNR is only able to grant either one-year revocable permits, or long-term water leases, and nothing else – which leaves a number of permittees which have had revocable State water permits in place for longer than one year, in limbo.

The Circuit Court's decision is being appealed, however, should said ruling be upheld, the consequences are potentially dire. On the island of Maui, the majority of the water used for domestic and agricultural purposes in Central and Upcountry Maui would not be available until a long-term State water lease is secured, which may be years away. This vital water source has enabled agriculture to thrive in Central Maui for over one hundred years and is essential to keep these lands in continued agricultural production after cessation of sugar operations. Recently announced efforts to transition Maui sugar operations to diversified agriculture (grass fed livestock, bio-energy crops, establishment of an agricultural park) are in jeopardy due to the need for an adequate and reliable supply of cost-efficient water. Absent assurance of such a water supply, farmers will not risk investing in new ventures or crops.

This Committee should note that it is not only the island of Maui which would be affected. The Circuit Court's ruling could also negatively impact Kauai Island Utility Cooperative, Hawai'i Electric Light Company, and several other entities, individuals, and small farmers which hold State annual revocable water permits.

The procedure for issuing a long-term State water lease is arduous and may entail a number of steps and processes¹, all or each one of which, may likely take more than a year to complete. It is therefore imperative that the BLNR be authorized to allow permits to be continued for a period longer than one year, in order that State waters which are used and relied upon may continue to be collected while the long-term lease process is properly and thoroughly pursued and vetted.

LURF's Position. LURF believes the drafters of HRS Section 171-58 could not possibly have anticipated, let alone intended the inequity of the application of the statute to extraordinary situations such as the current one involving a number of permittees, including EMI/A&B, which have relied upon the waters for years past, and have made substantial investments based on said waters.

LURF further believes it would be irresponsible for this Legislature to stand by and ignore the potential economic and social consequences, as well as the health and safety issues that could arise due to the courts being legally duty-bound to apply HRS Section 171-58 to situations such as the present, when in fact, underlying extraordinary circumstances exist, which are completely outside the control of the permittees.

Particularly with respect to the island of Maui, LURF understands that with the loss of sugar, if there is to be any chance of an agricultural future for Central Maui, as well as new economic opportunity and activity for the island while preserving its rural quality of life, access to the State's East Maui waters must be sustained.

Having been made aware of the issues with the statutory provision as currently written, this Committee should take appropriate action to address the problem and pass this bill to allow BLNR to take narrow exception and to allow for a holdover disposition of water rights previously authorized pursuant to a lease during the pendency of the lease renewal process, in cases involving exceptional circumstances, particularly when the issuance of such permit will best serve the interests of the State.

For the reasons set forth above, LURF is **in support of HB 2501, H.D.1**, and respectfully urges your favorable consideration of this bill.

Thank you for the opportunity to present testimony regarding this measure.

¹ Today, the process for issuing a long-term State water lease could include several important, potentially time-consuming regulatory processes, which were likely not contemplated by the drafters of HRS Chapter 171. Prior to the issuance of a water lease, required steps may include the following:

- An environmental assessment or environmental impact statement - compliance with HRS Chapter 343
- The amendment of interim instream flow standards
- An appraisal
- Contested case hearing proceedings and other litigation
- Conduct of the sale of the lease at public auction



Chamber of Commerce HAWAII

The Voice of Business

**Testimony to the House Committee on Finance
Friday, February 26, 2016 at 1:00 P.M.
Conference Room 308, State Capitol**

RE: HOUSE BILL 2501 HD 1 RELATING TO WATER RIGHTS

Chair Luke, Vice Chair Nishimoto, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **strongly supports** HB 2501 HD 1, which allows for a holdover disposition of water rights previously authorized pursuant to a lease during the pendency of an application for a lease renewal.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

The proposed amendment would greatly assist in situations where the State is encouraging transitioning from one type of agriculture to another. The need for a supply of irrigation water is critical for any transition. Economically viable agriculture requires not only the availability of productive land but also water.

There is a need to understand that replacing plantation agricultural with other forms of agriculture is not a simple task. New agribusinesses may require different amounts of water for its crops. Additionally, having multiple users and operators present further challenges as the transition from one plantation system which operated and maintained the infrastructure on the plantation, to a situation where there maybe multiple users with no overall plan on who or how the infrastructure will be operated and maintained.

The State's record of transitioning from plantation agriculture to other forms of agriculture has not been successful if you were to look at the amount of former sugar and pineapple lands are still vacant and unproductive. Rather than rush to dismantle the plantation and stop stream diversions, there is a need pause and give some thought to how to insure a successful transition to other forms of agribusinesses, or we face the prospect of having more vacant and unproductive agricultural lands.

The disposition of public resources such as water has become a contentious and volatile process. There is a need to keep the process open and competitive while at the same time balancing the need to reduce risks and provide some certainty as the State encourage the growth of new agribusinesses.



Chamber of Commerce HAWAII

The Voice of Business

Maui is in the process of a significant transition. After more than 145 years, sugar will not be grown across the central plain of Maui. If there is to be any chance of an agricultural future for Central Maui, providing new agricultural job opportunities, new economic activity for the island of Maui, and preserving Maui's rural quality of life, access to the state's East Maui waters will need to be sustained.

HB 2501 provides the BLNR with the needed tools to allow the collection and use of state water to continue, on Maui and elsewhere, to users who have relied upon the waters in the past and made investments based on those waters, while a lease renewal process is being pursued.

We appreciate the opportunity to express our strong support for HB 2501 HD 1.

**HB 2501 HD1
RELATING TO WATER RIGHTS**

**MEREDITH CHING
SENIOR VICE PRESIDENT – GOVERNMENT & COMMUNITY RELATIONS
ALEXANDER & BALDWIN, INC.**

FEBRUARY 26, 2016

Chair Luke and Members of the House Committee on Finance:

I am Meredith Ching, testifying on behalf of Alexander & Baldwin, Inc. (A&B) on HB 2501 HD1, “A BILL FOR AN ACT RELATING TO WATER RIGHTS.” We support this bill.

The East Maui Irrigation Company (EMI) maintains and operates an integrated system of water ditches, intakes, and tunnels that collects water from streams located on the rainy slopes of East Maui and transports it to Central Maui for domestic and agricultural use. It is the primary source of water used by the Maui County Department of Water Supply to meet the domestic water needs of over 36,000 Upcountry residents and the irrigation needs of the small farmers in Kula. It is likewise the primary source of water used by HC&S to cultivate 36,000 agricultural acres in Central Maui.

EMI has been collecting and delivering water from state lands in East Maui since 1878, under various lease agreements with the kingdom of Hawaii and then the Territorial and State governments. In 2001, A&B applied to the State Board of Land and Natural Resources (BLNR) to initiate the process of issuing a long-term lease for the State’s East Maui waters. Our application acknowledged that the lease would be put up for sale at a public auction (for anyone to bid on); that an EIS would need to be

prepared (with A&B proposing to prepare the EA); and that instream flow standards would need to be established and acknowledged by the lease. Since 2001, the lease process has been held up by a series of procedural and legal challenges initiated by other parties, and the request to issue a long term water lease remains pending before the BLNR today. In the interim, the BLNR issued permits to enable the waters to continue to flow while the legal challenges were being resolved, and the lease process enabled to proceed.

On January 8, 2016, the Hawaii Circuit Court invalidated the water permits, which had been in place for thirteen years while the regulatory and legal challenges were being acted upon. The court stated that the continued use of public lands on a holdover basis for this duration of time is not a temporary use of public lands pursuant to legislative intent under HRS 171.

The purpose of this bill is to clarify that the BLNR has the authority to grant holdover permits for periods longer than one year, in order to continue a previously authorized disposition of water rights until such time as a pending application for the re-disposition of these water rights is finally resolved.

At risk is the water currently relied upon by 36,000 Upcountry Maui residents and farmers, and by HC&S to complete its last crop of sugar and transition to a diversified agriculture model so as to keep the central valley of Maui in cultivated open space. Our vision is a comprehensive patchwork of compatible agricultural activities blanketing central Maui—some farmed by HC&S, some by others. We see biofuel crops that could provide electricity or transportation fuel to support the state's renewable energy goals; irrigated pastures for local ranchers so their cattle don't have to be sent to the Mainland

for finishing; food crops; evaluation of crops new to Hawaii, such as industrial hemp; and an agricultural park open to community farmers. The assurance of continued access to state waters in East Maui is critical to making our vision of a vibrant, diversified agriculture future in Central Maui a reality, while continuing to supply the County of Maui with the water it needs.

While A&B is also diligently pursuing a judicial solution to this problem, it is important to note that the only real judicial solution for HC&S and for the County of Maui is for the circuit court ruling to be overturned. Stays have been mentioned as a means of relief that should be pursued rather than this bill. However, while we are actively pursuing the option of a stay, a stay provides only temporary relief, effective just until the higher court rules on the appeal. Should the higher court affirm the circuit court's ruling, and the water permits are invalidated, what is the relief for all of the people currently relying on this water? They just do without water until the lease is issued?

The recently announced Department of Land & Natural Resources (DLNR) Task Force also does not preclude the need for this bill. While we commend the department for their prompt attention to rectify this long standing issue, the implementation of these new procedures and the ultimate issuance of leases will take a considerable amount of time. The Task Force is to develop recommendations by April and to implement new procedures for the issuance of leases by June. However, the DLNR also indicated that amendments to their administrative rules may be necessary. Given the time needed to amend rules, and process leases which may involve addressing legal challenges and contested case hearing requests, the preparation of required environmental reviews, the disposition of certain leases by public auction, and other matters, there may be

considerable delays in the issuance of leases to the over 300 holders of revocable permits. In the meantime, the permittees may have no legal tenure to the land and waters they depend upon.

Given the importance of this water to Maui, with the court's decision clearly referencing the Legislature's intent behind HRS 171 as a basis for their ruling, we believe clarification of that legislative intent as provided in this bill would be timely and appropriate.

We urge your support for this bill to authorize holdover status for permits to continue a previously authorized disposition of water rights while a pending application for the re-disposition of those water rights is finally resolved. This will ensure the continued delivery of much needed water to Central and Upcountry Maui for agricultural and domestic uses on an interim basis, until the BLNR can complete the process for issuing a water lease for sale at public auction.

Thank you for the opportunity to testify.



Maui County

February 26, 2016

HEARING BEFORE THE
HOUSE COMMITTEE ON FINANCE

TESTIMONY ON
HB 2501 HD1: RELATING TO WATER PERMITS

Room 308
February 26, 2016, 1:00 AM

Aloha Chair Luke, Vice Chair Nishimoto, and Members of the Committee:

I am Warren Watanabe, Executive Director of Maui County Farm Bureau. We are a County Chapter of the Hawaii Farm Bureau, representing 200 farm families and organizations on the island. Our mission seeks to protect and increase the viability of farms and ranches while ensuring the social and environmental wellbeing of the island.

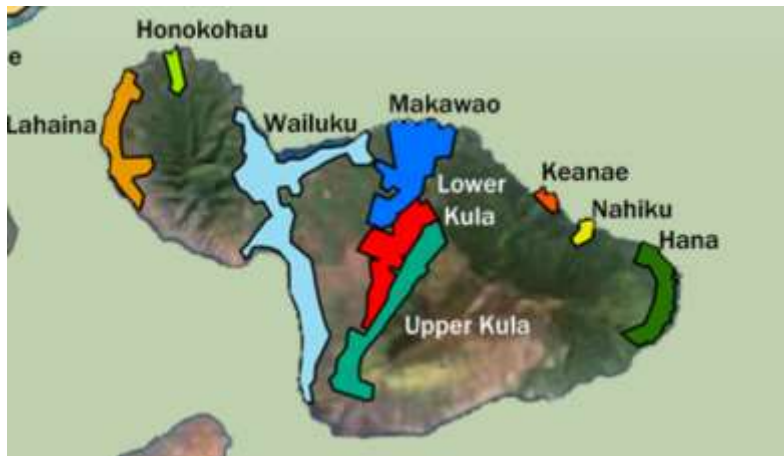
MCFB **strongly supports HB2501** authorizing holdover permits to be issued to an applicant seeking to renew their water rights lease. Over 500 of Maui's farmers and residents are joining me today via signatures as attached.

Maui's water infrastructure grew out of the sugar plantations. Among the islands, Maui is unique, in its' dependence on surface water sources. These water systems predated many of our laws. We agree that our laws should properly apply to these water systems, but we also think our laws should recognize the reliance of the island of Maui on these systems. The issue before this committee falls just into that category. We don't think the laws covering the state's disposition of water rights contemplated the lengthy processes that are a common part of laws today—contested case hearings, environmental impact statements—not to mention the proliferation of lawsuits. So, as existing water permits or leases expired, there is no clear provision on how to handle renewals in which a contested case was being considered. The BLNR did its' best in this situation by trying to maintain the status quo while recognizing the contested case, and so, held over the existing revocable permits. Not issuing some kind of legal authority to allow the water to continue to flow was not a viable option.

The East Maui watershed provides water for upcountry Maui (Kula, Pukalani, Makawao, Haiku) in addition to HC&S. It is the largest single surface watershed in the State, providing to the second largest service area on Maui. Stopping water collection in East Maui would have impacted entire communities and Maui's social and economic wellbeing. Especially impacted

Maui County Farm Bureau • Box 148 • Kula, Hawaii 96790 • (808)2819718
info@mauicountyfarmbureau.org

would be agriculture. This involves not just HC&S but farmers and ranchers in Upcountry Maui whose water is delivered to the County using the East Maui water collection and delivery system. The following image is extracted from the County's website, illustrating the sources of water for its' users. The dark blue, red and teal service areas are from East Maui, illustrating the many impacted communities.



This matter must be clarified as Hawaii is evolving. The required capacity of Maui County's system may evolve. The current scenario is just a spot in time. Laws need to encompass various situations in the future in which existing permits expire and timely issuance of new permits is not possible. DLNR utilized what they thought was the only mechanism they had at that time. If it needs to be changed, this measure proposes just such a solution. It does not seek to bypass requirements as it only applies to cases with preexisting permits. It is also limited only to a **"holdover period until such time as the pending application for the disposition of such water rights is finally resolved."** This means that **it is a stopgap measure until the current legal processes of IIFS and contested cases can be resolved**. We commend the DLNR for forming the task force and setting forth an aggressive schedule to resolve this issue. However, best laid plans can go awry and current holders of revocable permits should not be left in limbo due to a deficiency in the process.

There has been reference to the price of water. The permits only allow for the collection of water. The price we as consumers pay, includes the cost of delivery and treatment to our spigot. Is water used by HC&S delivered by the County? No. Is water used by HC&S of potable quality as delivered to our homes? No. So why would the cost be similar? It is not.

We have seen agriculture on Maui digress with the most dramatic being the HC&S announcement. Marketing, transportation and invasive species threats contributed to the downsizing. However, access to water has played a major role. Farmers no longer count on summer crops as the threat of inadequate water is real and with extended stress, pest and disease pressures increase. Ranches have had to cull their herds due to lack of water. HC&S has faced major losses due to inadequate water and that is with a crop that normally can withstand significant periods of drought, much more than a field of lettuce. We know what the impacts of the loss of water are. Passage of this measure will provide a policy message that we

cannot put agriculture at risk with continued uncertainty. There is recognition that without water there will be no agriculture.

This measure merely seeks to address a gap in law. For this reason, we respectfully request your **support by passing this measure today**. Thank you for this opportunity to address this important measure.



P.O. Box 253, Kunia, Hawai'i 96759
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February 26, 2016

HEARING BEFORE THE
HOUSE COMMITTEE ON FINANCE

TESTIMONY ON HB 2501, HD1
RELATING TO WATER RIGHTS

Room 308
1:00 PM

Aloha Chair Luke, Vice Chair Nishimoto, and Members of the Committee:

I am Randy Cabral, President of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,900 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.

The Hawaii Farm Bureau strongly supports HB 2501, HD1, authorizing a holdover process for existing water permits.

HFB supports the position of Maui County Farm Bureau. Authors of laws do their best to cover a range of conditions. However, times change. The bills coming before this body today are very different from those a decade ago. Questions will arise and there will be cases in which existing laws cannot accommodate the issue at hand. This is when the case is brought before the legislature to provide direction. The Guide to Government provided by the LRB provides only the Legislature with the authority to make laws. The judicial branch cannot create law. It can only interpret law, just as the administrative branch implements law. The issue before you today, involves a case in which there is no law. The administrative branch implemented the law to the best of its' ability based on its' knowledge. However, the courts have decided that their action was not correct. The circumstance in which existing permits expired while unresolved contested cases remained was not considered during the creation of existing law. Therefore, it is time for the legislature to resolve this matter. The matter goes beyond Alexander and Baldwin. The law needs to address how this issue can be resolved when similar cases occur in the future.

This case is of special interest to agriculture as many of our farms and ranches depend on diverted waters for irrigation. Without water, there can be no agriculture. The Maui case involves one of the largest contiguous active agricultural lands in the State. The farm families and organizations along with their communities are at risk if an interim solution is not identified. We believe the proposed measure provides a good option. As

stated it is clearly an interim measure and not a means to get around the law. It provides time for the law to be interpreted and implemented in the best interest of the people and environment.

For these reasons, Hawaii Farm Bureau respectfully requests your **strong support of HB 2501, HD1**, authorizing a holdover permit process by passing this measure as written.

Thank you for the opportunity to comment on this measure.



Ponoholo Ranch Limited

P O BOX 700489
KAPOLEI, HI 96709
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COMMITTEE ON FINANCE REPRESENTATIVE REP. SYLVIA LUKE, CHAIR REPRESENTATIVE SCOTT Y. NISHIMOTO, VICE CHAIR

DATE: Friday, February 26, 2016
TIME: 1:00 PM
PLACE: Conference Room 308

HB 2501, HD1 – RELATING TO WATER RIGHTS.

Allows for a holdover disposition of water rights previously authorized pursuant to a lease during the pendency of an application for a lease renewal.

Chair Luke, Vice Chair Nishimoto, and Members of the Committee:

My name is Alan Gottlieb, and I am The Vice President of Ponoholo Ranch, a working cattle ranch on the Big Island of Hawaii. We steward over 10,000 acres of land, some Fee Simple, some long term leases from DLNR and one small Revocable Permit from DLNR.

Ponoholo Ranch **strongly supports** HB 2501,HD1 as this measure will provide continuing service to residents and agricultural producers in Hawaii.

This bill provides the Board of Land and Natural Resources the ability to provide longer-term holdover permits, over one year, for the use of water, when longer term permit applications are being considered, and in some cases litigated. Without this water many farming operations will fail.

While this measure has been portrayed in recent days as affecting a single agricultural entity, it's impact has far greater ramifications. This issue affects nearly every county and is not only limited to large agricultural users, but also to small farms and ranches and even residential users.

This bill will provide a mechanism for the continuation of water resources to be permitted while DLNR works to find a solution and the court system makes final determinations of current cases. Our ranchers, like other agriculturists, can't afford to hang in the balance during this interim time period.

Furthermore, as we read it, the recent court ruling may also affect Revocable Permits (RPs) for land issued by DLNR. Many ranches statewide hold RPs, some for many years. These are not sweetheart deals, or who gave campaign contributions to whom, as recently alleged in the press. These RPs are issued to hard working cattle producers, most who would like nothing better than a long term lease. We ask you to strongly consider finding a vehicle to provide relief to these land RP holders as well, in light of the recent court ruling and DLNR's revamping of their process. We need your assistance during this interim period on land RPs as well.

The State of Hawaii and this legislature says they support agriculture and want it to succeed. If so, the state should provide for water for farmers, even when long term permits are held up through ongoing litigation.

We respectfully ask this committee to pass HB 2501, HD1 and we appreciate the opportunity to testify on this important matter.

KAPAPALA RANCH

P. O. Box 537
Pahala, Hawaii 96777
808-936-2922

February 25, 2016

Representative Sylvia Luke
House Committee on Finance

Subject: Support HB 2501

Please consider all Revocable Permits for water. Passage of this bill is critical. RP S-7054 supplies drinking water to all the livestock on the ranch. Our reservoirs will support delivering water for 4 to 6 months. After that we reach a point of inhumane treatment to animals, the lactating females who need water the most will die first. Then their calves.

That water also supports endangered Nene who have made Kapapala their home. The game birds and wildlife all depend on the water that has been delivered for 96 years.

In our case, RP S-7054, Makakupu Tunnel was built in 1920 by the plantation. Ka'u Agribusiness operated the sugar company and the ranch for over 100 years. When my father took over Kapapala Ranch in 1977, the distribution of water from Makakupu was almost nothing due to age of the pipelines and landslides in the Tunnel. We have invested greatly in 80 miles of pipelines, 10 million gallons of water storage for GL 5374, RP 7637, and RP 7758.

Kapapala Ranch has tried for years to gain long-term tenure to Makakupu water. We and the agricultural community in Ka'u banded together in 2006 and have worked relentlessly for the past 10 years to form the Ka'u Agricultural Water Cooperative District. The purpose of the cooperative was to secure tenure on water sources that could serve the agricultural community in Ka'u.

We believed in Act 90, passed in 2003. It provided a framework whereby agricultural leasees could have stability in their tenure and equity in their lease. Nothing has come of Act 90 except the investment that we have made believing our leases would transfer to the HDOA.

Sincerely,

KAPAPALA RANCH



Lani C. Petrie



Testimony Before the House Committee on
Finance

By Jim Kelly
Member Services & Communications Manager
Kauai Island Utility Cooperative
4463 Pahee Street, Suite 1, Lihue, Hawaii, 96766-2000

Friday, February 26, 2016, 1:00 p.m.
Conference Room # 308

House Bill No. 2501, HD1 – Relating to Water Rights

To the Honorable Sylvia Luke, Chair; Scott Y. Nishimoto, Vice-Chair, and Members of the Committee:

Thank you for the opportunity to testify on this measure. I am Jim Kelly, Member Service and Communications Manager at Kauai Island Utility Cooperative (“KIUC”). KIUC stands in support of House Bill No. 2501, HD1.

HB 2501, HD1 provides important assurances that a holdover permit issued to an entity that has applied for a long-term water lease may remain in place while the lease application is pending.

This measure would greatly benefit the 30,000 members of the cooperative, which holds a revocable permit for the diversion of water from the North Fork of the Wailua River and Waikoko Stream. This year-to-year permit enables the operation of the co-op’s Upper and Lower Waiahi Hydroelectric plants. These plants have been reliable sources of electricity for Kauai dating back to 1920 and make an important contribution to KIUC’s efforts to meet the state’s 100 percent clean energy mandate.

In 2004, KIUC applied for a long-term water lease and continues to operate the diversions under a revocable permit approved by the Board of Land and Natural Resources (“BLNR”) during the pendency of the lease application.

KIUC believes that it has been a responsible steward of this resource. The use of these plants saves more than 500,000 gallons of oil per year. As a not-for-profit cooperative that is owned by the people of Kauai, KIUC does not profit from use of the water.

Being able to rely on the continuation of the revocable permit under the process described in HB 2501, HD1 would benefit all of the cooperative’s members and for this reason we offer our support of this measure.

Thank you for the opportunity to inform you of KIUC's position on this matter.

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OUR MISSION

HCIA is a Hawaii-based non-profit

organization that promotes modern agriculture to help farmers and

communities succeed.

Through education, collaboration and advocacy, we work to ensure a safe and sustainable food supply, support responsible farming

In Strong Support of HB2501
Relating to Water Rights

HOUSE COMMITTEE ON FINANCE

Friday, 02-26-16 1:00PM in House conference room 308.

Aloha Chair Luke, Vice Chair Nishimoto, and Members of the Committee:

My name is Bennette Misalucha, Executive Director of the Hawaii Crop Improvement Association (HCIA). HCIA is a Hawaii-based non-profit organization promoting agricultural bio tech to help farmers and communities succeed. Through education, collaboration, and advocacy, we work to ensure a safe and sustainable food supply, support responsible farming practices, and build a healthy state economy.

HCIA is in **strong support of HB2501.**

For years, Hawaii farmers have been maintaining proper irrigation and water usage throughout the islands. They have developed and preserved Hawaii's natural resources to better cultivate the land and support local residents.

Water rights are instrumental to the continued care Hawaii's farmers provide for agricultural land throughout the State. Installing a process to assist good stewards of the land contributes to the sustainability and future of agriculture in Hawaii.

The current lack of an intermediary (hold-over) permitting or licensing process puts local farmers at undo risk. The potential for harm to agricultural entities throughout the state is something that should not be left unmitigated.

HB2501 provides the BLNR with a tool to issue permits with a term longer than one year, in limited situations – when there was a previously authorized disposition of water rights, while an application for the re-disposition of those water rights is pending.

In closing, HB2501 puts into place the necessary amendments to facilitate a just and efficient intermediate leasing and permitting procedure for water rights in the State of Hawaii. We thank you for your time and hope that you will vote in favor of HB2501.

Bennette Misalucha

Executive Director, Hawaii Crop Improvement Association

P.O. Box 126 Aiea, HI 96701

Telephone: (808) 594-3611 Email: Director@hciaonline.com

www.bettercrophawaii.com



**East Kauai
Water Users' Cooperative**

4334 Rice Street, Suite 202
Lihue, Kauai Hawaii 96766
Phone: 808-246-6962
Fax: 808-245-3277

February 25, 2016

TO: House Committee on Finance
Rep. Sylvia Luke, Chair
Rep. Scott Y. Nishimoto, Vice Chair

RE: **Testimony on HB2501 Relating to Water Rights
February 26, 2016, Conference Room 308**

Chairperson Luke and Members of Committees:

My name is Jerry Ornellas and I support HB2501. I am the president of the East Kauai Water Users' Cooperative which has managed the State-owned reservoir and ditch system in the Kapaa/Kalepa area for the past 14 years. In recent years, the state has invested millions of dollars in repairs and upgrades to the systems reservoirs and ditches.

A recent court decision addressing the situation with water diversion on Maui may have the unintended consequence of drastically impacting water system across the State, including those like ours which serve hundreds of small farmers, ranchers and land-owners. Because of the contested case hearings, the state has been unable to even consider any long-term licenses, so most of the water systems in the State operate on year-to-year revocable permits.

The local residents in Kapaa and Kalepa have worked successfully together since 2001 to keep a very valuable reservoir and ditch system functioning after the sugar company left. It would be a great loss if because of specific issues on one island, systems of benefit to many community members were to suffer.

I respectfully ask that you pass this bill.

East Kauai Water Users' Cooperative

Jerry Ornellas, President

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 6:15 PM
To: FINTestimony
Cc: aliceleemaui@yahoo.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Alice L. Lee	GO Maui	Support	No

Comments: Please support HB2501. Current permittees should not be penalized because agencies have no comprehensive permit system in place. Ag will suffer, our farmers will suffer, our economy will definitely suffer. HB 2501 will help. Mahalo.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Ka'u Agricultural Water Cooperative District
P.O. Box 22
Pahala, HI 96777

February 23, 2016

Sylvia Luke, Chair
House Committee on Finance

SUBJECT: SUPPORT FOR HB 2501 HD 1

Dear Chair Luke, and Committee Members

The Ka'u Agricultural Water Cooperative District is a Cooperative filed with the DCCA in the State of Hawaii. Our organization was formed some nine years ago by several regional water user groups with the intent of trying to amend the issue of 30 day revocable permits for water and replace that with long term lease agreements. We have held community meetings since 2006 and have several hundred community members attend and signed in. We formed a Steering Committee who ultimately over saw the formation of the KAWCD, a federated master Coop composed of regional water system entities or regional cooperatives as members.

Our organizing members are current Revocable Permit holders 1) Edmund C. Olson Trust No. 2, (RP-7432), 2) Wood Valley Water & Farming Cooperative (two permits, RP-7234 & RP-7267), and 3) Kapapala Ranch, (RP-7054). We are further joined on our Coop Board by other interested land and farming regional groups who want and desire long term water permits to the tunnel sources within DLNR State of Hawaii lands, they are 4) Ha'ao Springs Cooperative and the region of South Point and Naalehu, and 5) the recently incorporated Moaula Water Coop that represents the area where most of the award winning coffee is grown in Kau. All the current members maintain these water sources on some to no tenure.

The RP water comes from man-made tunnel systems bored in the mid 1920's by the Sugarcane Plantations. The water is NOT from stream or river diversions, its use by the permittees does not remove water from any downslope traditional Hawaiian cultivation use. The water from the tunnels CREATES agricultural use, not reduce it.

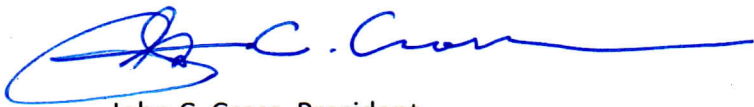
It should be known that one of our RP permit holders, Wood Valley Water and Farming Cooperative uses some of the water for Domestic farmstead use. Their system is registered and licensed by the State Dept. of Health for this use.

The Legislature allocated funds, (previously), to the Hawaii Department of Agriculture, (HDOA) to survey the tunnels and pipeline easements. We have been working diligently with the HDOA, the Agribusiness Development Corporation,(ADC), and the DLNR/DOFAW over the assignment of the tunnel water resources to the ADC where by long term licenses to the tunnel sources could be issued to the KAWCD and sublicensed to its member regional groups.

Now suddenly, as a result of a recent Circuit Court ruling invalidating H,C&S Revocable Permits, we are led to believe that ALL existing RP permits State Wide could be impacted and subject to invalidation thus risking our current permits held in Ka'u. The State and our coop has spent a significant amount of time and effort to perform studies, metes and bounds surveys, and develop a draft MOU to the Water Commission regarding the transfer of the sources to the ADC and expected long term license with our Coop.

We ask that HB2501 HD-1 be passed and that the efforts of the KAWCD be taken into consideration. One of our guiding principles in our By Laws is the equitable distribution and sharing of water among land owners, farmers, and ranchers within the regional geographic water districts. We look forward to helping secure good water sources for a productive and successful agricultural community State Wide.

Respectfully Submitted,



John C. Cross, President
Ka'u Agricultural Water Cooperative District

The Board of the Ka'u Agricultural Water Cooperative District

Edmund C. Olson Trust No. 2 by: John C. Cross
Wood Valley Water & Farming Coop by: Ron Self, Esq.,
Kapapala Ranch by: Lani Cran - Petrie
Ha'ao Springs by: Jeremy Buhr

Members of the KAWCD Steering Committee:

Moaula Water Coop by: Brenda Domondon
Kuahiwi Ranch by: Michelle Galimba
And the dozens and dozens of individual members who helped us these past nine years.

CC: Suzanne Case, Chairperson, DLNR
Scott Enright, Chairman, HDOA



Hawaii Cattlemen's Council, Inc.

**COMMITTEE ON FINANCE
REPRESENTATIVE REP. SYLVIA LUKE, CHAIR
REPRESENTATIVE SCOTT Y. NISHIMOTO, VICE CHAIR**

DATE: Friday, February 26, 2016
TIME: 9:00 AM
PLACE: Conference Room 325

HB 2501, HD1 – RELATING TO WATER RIGHTS.

Allows for a holdover disposition of water rights previously authorized pursuant to a lease during the pendency of an application for a lease renewal.

Chair Luke, Vice Chair Nishimoto, and Members of the Committee:

My name is Dale Sandlin, and I am Managing Director of the Hawaii Cattlemen's Council. The Hawaii Cattlemen's Council, Inc. (HCC) is the Statewide umbrella organization comprised of the five county level Cattlemen's Associations. Our 140+ member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of approximately 25% of the State's total land mass.

The Hawaii Cattlemen's Council **strongly supports** HB 2501, HD1 as this measure will provide continuing service to residents and agricultural producers in Hawaii.

This bill provides the Board of Land and Natural Resources the ability to provide longer-term holdover permits, over one year, for the use of water, when longer term permit applications are being considered, and in some cases litigated. Without this water many farming operations will fail.

While this measure has been portrayed in recent days as affecting a single agricultural entity, it's impact has far greater ramifications. This issue affects nearly every county and is not only limited to large agricultural users, but also small farms and ranches, as well as residential users. Currently, two of these revocable permits for water will directly affect the continued livelihood of ranchers on the Big Island. Capital resources from these ranchers have provided the continuation of water delivery infrastructure amounting to hundreds of thousands of dollars being invested.

While this measure alone will not address the core issue in the permitting process of state entities, it will provide a mechanism for the continuation of water resources to be permitted while DLNR works to find a solution and the court system makes final determinations of current cases. Our ranchers, like other agriculturists, can't afford to hang in the balance during this interim time period.



Furthermore, as we read it, the recent court ruling may also affect Revocable Permits (RPs) for land issued by DLNR. Many ranches statewide hold RPs, some for many years. These are not sweetheart deals, or who gave campaign contributions to whom, as recently alleged in the press. These RPs are issued to hard working cattle producers, most who would like nothing better than a long term lease. We ask you to strongly consider finding a vehicle to provide relief to these land RP holders as well, in light of the recent court ruling and DLNR's revamping of their process. We need your assistance during this interim period on land RPs as well.

The State of Hawaii and this legislature says they support agriculture and want it to succeed. If so, the state should provide for water for farmers, even when long term permits are held up through ongoing litigation.

We respectfully ask this committee to pass HB 2501, HD1 and we appreciate the opportunity to testify on this important matter.

BIA-HAWAII

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Testimony to the House Committee on Finance The Honorable Sylvia Luke, Chair The Honorable Scott Y. Nishimoto, Vice-Chair Members of the Committee

**Friday, February 26, 2016
1:00p.m., Capitol Room 308**

RE: HB 2501 H.D. 1: Relating to Water Rights.

Dear Chair Luke, Vice-Chair Nishimoto, and members of the Committee:

My name is Gladys Marrone, Chief Executive Officer for the Building Industry Association of Hawaii (BIA-Hawaii), the Voice of the Construction Industry. We promote our members through advocacy and education, and provide community outreach programs to enhance the quality of life for the people of Hawaii. BIA-Hawaii is a not-for-profit professional trade organization chartered in 1955, and affiliated with the National Association of Home Builders.

BIA Hawaii is in strong support of H.B. 2501, which would amend Chapter 171-58 HRS by allowing for a holdover permit to be issued to an applicant seeking to renew their water rights lease. The bill is necessary to allow for continuous, uninterrupted operations when an application has been made for a lease of a previously authorized disposition of water rights, for the operator to obtain a holdover permit, until such time as the pending application for the disposition of such water rights is finally resolved, even if such holdover period may exceed one year.

The proposed bill would greatly assist in situations where the State is encouraging transition from one type of agriculture to another. The need for a supply of irrigation water is critical for any transition. Economically viable agriculture requires not only the availability of productive land, but also water.

There is a need to understand that replacing plantation agricultural with other forms of agriculture is not a simple task. New agribusinesses may require different amounts of water for its crops. Additionally, having multiple users and operators present further challenges as the transition from one plantation system which operated and maintained the infrastructure on the plantation, to a situation where there maybe multiple users with no overall plan on who or how the infrastructure will be operated and maintained.

The State's record of transitioning from plantation agriculture to other forms of agriculture has not been successful if you were to look at the amount of former sugar and pineapple lands are still vacant and unproductive. Rather than rush to dismantle the planation and stop stream diversions, there is a need to pause and give some thought to how to insure a successful transition to other forms of agribusinesses. Otherwise, we will face the prospect of having more vacant and unproductive agricultural lands.

The disposition of public resources such as water has become a contentious and volatile process. There is a need to keep the process open and competitive while at the same time balancing the need to reduce risks and provide some certainty as the State encourages the growth of new agribusinesses.

H.B. 2501 H.D. 1 provides the BLNR with the needed tools to allow the collection and use of state water to continue, on Maui and elsewhere, to users who have relied upon the waters in the past and made investments based on those waters, while a lease renewal process is being pursued.

We appreciate the opportunity to express our strong support for H.B. 2501.

Testimony of Brooke Wilson
Pacific Resource Partnership

State of Hawaii
House of Representatives

House Committee on Finance
Representative Sylvia Luke, Chair
Representative Scott Y. Nishimoto, Vice Chair

HB 2501, HD1 – Water Rights
Friday, February 26, 2016
1:00 P.M.
State Capitol – Conference Room 308

Aloha Chair Luke, Vice Chair Nishimoto and members of the Committee:

We support HB 2501, HD1 which allows a holdover permit to be issued to an applicant seeking to renew their water rights lease.

This proposed measure is not only critical to maintaining the flow of water to 36,000 upcountry Maui residents and farmers, but critical to HC&S for the transitioning to diversified agriculture which will take years to fully implement. The implementation involves dividing the plantation into smaller farms with a variety of uses including energy crops, food crops, support for the local cattle industry and developing an agriculture park.

For the reasons mentioned above, we respectfully ask for your support on HB 2501, HD1.

Thank you for allowing us to share our views.

About PRP

Pacific Resource Partnership (PRP) is a not-for-profit organization that represents the Hawaii Regional Council of Carpenters, the largest construction union in the state, and more than 240 of Hawaii's top contractors. Through this unique partnership, PRP has become an influential voice for responsible construction and an advocate for creating a stronger, more sustainable Hawaii in a way that promotes a vibrant economy, creates jobs and enhances the quality of life for all residents.



From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 3:12 PM
To: FINTestimony
Cc: alan.takemoto@monsanto.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Takemoto	Monsanto	Support	Yes

Comments: Please support Hawaii's agriculture.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 1:02 PM
To: FINTestimony
Cc: director@maui-tomorrow.org
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Albert Perez	Maui Tomorrow Foundation Inc.	Oppose	No

Comments: This bill is unnecessary. There is no "water crisis" on Maui. HC&S will be harvesting their last crop of sugar this year; during the last 6 months before harvest, water is withheld from cane to increase sugar output and burning more efficient. They are not planting new cane, which needs the most water. Therefore, the water needs of HC&S will be much LOWER in 2016. Diversified agriculture is not yet established on the land, so their water needs for that purpose are undetermined, but probably much lower. Most importantly, the people who are contesting A&B's claim to the water have been following the process in good faith for 13 years. Now that they appear to be winning, this legislation would cut off that effort; the lesson would be that there is no point in following the process. This is a justice issue, and the legislature should not be interfering with justice.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 8:00 AM
To: FINTestimony
Cc: unaviami@yahoo.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Bryna Storch	Commercial Farmer	Oppose	No

Comments: This bill is a terrible idea and will only result in further costly litigation for the state. Please instead remember to protect our public trust resources for all users and stop water hoarding by bully developers. The current situation is shameful, there should be water in all streams: its absolutely critical for ecosystem health, family farmers and tourism. Please kill this bill and stop wasting limited public process time on behalf of private interests and contentious legal battles.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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REPRESENTATIVE SYLVIA LUKE, CHAIR
REPRESENTATIVE SCOTT Y. NISHIMOTO, VICE-CHAIR
HOUSE COMMITTEE ON FINANCE

TESTIMONY IN OPPOSITION TO HOUSE BILL NO. 2501, H.D. 1
RELATING TO WATER RIGHTS

February 26, 2016, 1:00 p.m.
Conference Room 308

Good afternoon Chair Luke, Vice-Chair Nishimoto, and members of the committee:

My name is David Lane Henkin, and I am an attorney with Earthjustice. We appreciate the opportunity to offer this testimony in opposition to House Bill 2501, H.D. 1, which seeks to authorize the Department of Land and Natural Resources to shirk its constitutional duty to be a good steward of our state's limited freshwater resources, a critical component of the public trust. The bill would allow the Department to extend indefinitely an expired lease for use of state water resources, without ever considering or mitigating the harm such diversions can inflict on Hawai'i's unique and fragile stream environments and on the exercise of traditional and customary rights.

HB 2501 is a transparent attempt to overturn a recent circuit court decision holding that the Department violated "the public interest" when it allowed, for more than thirteen years, a private corporation to divert up to 450 million gallons of water each day from over a hundred streams and tributaries on public lands in East Maui. Carmichael v. Board of Land and Natural Resources, Civ. No. 15-1-0650-04, slip op. at 4 (Haw. 1st Cir. Ct. Jan. 8, 2016). While HB 2501 seeks most immediately to benefit this one, powerful private interest, if enacted, the bill would authorize similarly destructive diversions throughout the state, with no limit on how long the harm could continue.

As the Supreme Court recently reaffirmed, the "public trust encompass[es] all the water resources of the State." Kauai Springs, Inc. v. Planning Com'n of County of Kauai, 133 Hawai'i 141, 171 (2014). The public trust imposes on the Department "the duty and authority to maintain the purity and flow of our waters for future generations and to assure that the waters of our land are put to reasonable and beneficial uses." Id. at 172. The Department cannot fulfill this constitutionally imposed mandate if, as HB 2501 proposes, it is allowed to circumvent existing procedures for issuing leases to use the state's freshwater resources.

We appreciate the opportunity to offer this testimony and respectfully ask you to hold HB 2501, H.D. 1.



February 25, 2016

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

Please accept this testimony from KAHEA: The Hawaiian-Environmental Alliance. KAHEA is a Hawai'i-community based 501(c)(3) nonprofit organization with over 10,000 supporters. We are writing in **strong opposition to H.B. No. 2051**, which proposes to make permanent the temporary "holdover" permits that were recently deemed invalid by the Circuit Court. **This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion.**

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. **Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources.** Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the

PROTECTING

NATIVE HAWAIIAN

CUSTOMARY & TRADITIONAL

RIGHTS AND OUR FRAGILE

ENVIRONMENT

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P.O. Box 37368
Honolulu, HI 96837

toll-free phone/fax
877.585.2432

www.KAHEA.org
kahea-alliance@hawaii.rr.com

KAHEA: the Hawaiian-Environmental Alliance is a non-profit 501(c)3 working to protect the unique natural and cultural resources of the Hawaiian islands. KAHEA translates to English as "the call."

water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. **This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.**

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust.

Please do everything in your power to protect public water rights and ensure HB2501 will not be passed.

Mahalo for your time and consideration,

KAHEA Board and Staff, 2016

HOUSE COMMITTEE ON FINANCE
ATTN: CHAIR SYLVIA LUKE & VICE-CHAIR SCOTT Y. NISHIMOTO

TESTIMONY IN OPPOSITION TO HOUSE BILL NO. 2501, HD1
RELATING TO WATER RIGHTS

February 26, 2016, 1:00 p.m.
Conference Room 308

Aloha kākou e Chair Luke, Vice-Chair Nishimoto, and Members of the Committee:

My name is Camille Kalama and I am a staff attorney with the Native Hawaiian Legal Corporation. The Native Hawaiian Legal Corporation is a non-profit, public interest law firm committed to the protection and preservation of Native Hawaiian rights and culture, including Native Hawaiian traditions and customs that rely on sufficient stream flow. The Native Hawaiian Legal Corporation strongly opposes Bill 3001 which would amend HRS 171-58(c) to allow the Department of Land and Natural Resources (DLNR) to authorize the continued diversion of state waters under an invalid permit indefinitely while the diverter's long-term lease application is pending. The only current entity under a "holdover status" is Alexander & Baldwin and its subsidiaries, which have profited off of public waters for over a century.

A&B's lease application to divert water from 33,000 acres of public lands in East Maui to its central plantation has been pending for 15 years. Nevertheless, A&B has received all the benefits of a lease award without satisfying any of its requirements, including environmental review. This flawed practice has wreaked havoc on the environment and our client's rights, culture and lives. Fifteen years ago, our clients challenged these unlawful actions before courts and agencies asking simply that the state uphold existing laws and fulfill its trust obligations. HB 2501 is a legislative response that undermines the progress made in finally holding the DLNR and A&B accountable for their above-the-law practices. And by extension, HB 2501 removes any incentive for the DLNR to act swiftly on a pending application, or for the applicant to even begin satisfying its legal obligations.

To be clear, the Court's ruling does not immediately stop A&B from delivering water to its central Maui plantation. First, A&B has ground water wells in Central Maui that can supply upwards of 80 million gallons per day. In fact, A&B continues to pump between 69 to 72 million gallons per day on average from its central Maui wells for its sugar crop. Second, one-third of the East Maui lands from which A&B diverts an average of 160 million gallons of water per day are their own private lands. Neither the leases nor the

Court's January 8, 2016 ruling applies to A&B's private lands. The remaining water available to irrigate A&B's central Maui plantation is sufficient to support diversified crops, which are far less thirsty than sugar. Finally, A&B continues to have judicial remedies available to prevent disruption to its current operations or continued deliveries to Maui County's Upcountry service area. A&B should not drag this legislature and its limited resources into a legal battle of their own making.

HB 2501 is A&B's latest attempt to reverse and undercut a circuit court order invalidating its continued diversion of billions of gallons of water every year from East Maui from over 33,000 acres of public lands without completing the necessary and legally mandated environmental review. *Carmichael v. Board of Land and Natural Resources*, Civ. No. 15-1-0650-04, slip op. at 4 (Haw. 1st Cir. Ct. Jan. 8, 2016). Ten years ago in 2006, the legislature attempted to pass a bill amending the very same statute, HRS § 171-58(c), to overturn a circuit court order impacting A&B's East Maui water diversions. See attached testimony of Moses K.N. Haia for the Native Hawaiian Legal Corporation dated February 8, 2006. Just as the 2006 Legislature rejected A&B's thinly veiled attempt to evade the law and judicial review, the Native Hawaiian Legal Corporation and our clients ask that you do the same and vote against HB 2501. Mahalo for the opportunity to testify. Should you need any further information, please contact us at (808) 521-2302.

ATTACHMENT

**HOUSE COMMITTEE ON WATER, LAND & OCEAN RESOURCES
ATTN: CHAIR EZRA KANOHO & VICE-CHAIR BRIAN SCHATZ**

Testimony Opposing House Bill 2800: Relating to Water Rights

**February 8, 2006, 6:00 p.m.
Conference Room 329
45 Copies**

Aloha Chair Kanoho, Vice-Chair Schatz, and Members of the Committee:

My name is Moses Haia. I am a staff attorney with the Native Hawaiian Legal Corporation. The Native Hawaiian Legal Corporation is a non-profit, public interest law firm committed to the protection and preservation of Native Hawaiian rights and culture, including Native Hawaiian traditions and customs that rely on sufficient stream flow. The Native Hawaiian Legal Corporation strongly opposes Bill 2800 which would amend HRS 171-58(c) to allow the approval of long term leases of water developed on state lands after negotiation rather than, as presently required in areas within the State that are not designated water management areas, by public auction under conditions which best serve the interests of the State.

In my capacity as a staff attorney with the Native Hawaiian Legal Corporation and for the past five years, I have been involved in litigation directly related to the interpretation and application of this provision. I represent Na Moku Aupuni O Ko`olau Hui, a non-profit organization comprised of residents of the ahupua`a of Ke`anae and Wailuanui, and other native Hawaiian residents of East Maui who seek to restore streamflow to East Maui streams diverted for the past 130 years.

In 1876, construction of the system of ditches and tunnels that diverts on average 160 million gallons of water per day ("mgd") from East Maui streams was commenced. Construction of this ditch system was conditioned upon non-interference with the water and other rights of East Maui landowners, which included the kuleana owning ancestors of our clients. East Maui Irrigation ("EMI"), a subsidiary of Alexander & Baldwin ("A&B"), now operates this system consisting of at least four parallel levels of water ditches that run from east to west across the East Maui mountain range intersecting streams within the area and diverting stream flow to Central Maui.

Although the current average daily water delivery through this system is 160 mgd, it is capable of capturing and, during storm events, captures as much as 445 mgd. To place this volume in perspective, all domestic water uses on O`ahu total about 160 mgd. In any given year, this system diverts approximately 60 billion gallons of East Maui Stream water. While some of the water diverted goes to domestic and other uses, the vast majority irrigates sugar cane in fields in Central Maui owned by Hawai`i Commercial and Sugar ("HC&S"), another A&B subsidiary.

Nearly sixty years into these diversions, in 1939, the Territory of Hawai'i and EMI entered into the East Maui Water Agreement. The agreement established four (4) license areas identified as Honomanu, Huelo, Keanae, and Nahiku and provided for the disposition of these four (4) water licenses at public auction to the highest bidder. The original lease term for these four areas was set at 21 years and at five-year intervals. The Keanae license expired on June 30, 1972, Nahiku on June 30, 1977, Huelo on June 30, 1982, and Honomanu on June 30, 1986. The entire area consists of approximately 33,000 acres of ceded land.

At its August 23, 1985 meeting and under Agenda Item F-5, BLNR, relying on HRS 171-58(c), approved the public auction sale of a thirty (30) -year water license to A&B/EMI. However, based upon legal concerns addressed in McBryde Sugar Co. v. Robinson 54 Haw. 174 (1973) ("McBryde") the lease was not issued. As a result, the State of Hawai'i, through the BLNR and DLNR, has for nearly 30 years issued to A&B and EMI year to year revocable permits, purportedly pursuant to HRS 171-58(c). A&B/EMI presently pays the State a fifth of a cent per thousand gallons for this water that originates on State ceded lands.

Since East Maui has not been designated a water management area pursuant to HRS 174C-41, HRS 171-58(c) governs. Although the Water Code and its water use permit requirements do not presently apply, the Water Commission is still obligated to establish instream flow standards for the 110 East Maui streams diverted.

In 2003 and purportedly pursuant to HRS 171-58(c), the BLNR stood poised to issue a lease to A&B/EMI to continue these diversions for an additional thirty years. More specifically, in contested case proceedings initiated by our clients, the BLNR determined that it could enter into this lease as long as it complied with HRS Chapter 171, remained subject to the instream flow standards set by the Water Commission at some future date, and to any future judgment of a court of competent jurisdiction establishing appurtenant or riparian rights in favor of downstream users. It also determined that since there would be no change in use an environmental assessment was not required and that, should the Water Commission fail to act to establish instream flow standards, the BLNR, prior to issuing a lease, had no duty to perform its own parallel investigation with regard to the minimum, instream flow standards necessary to protect appurtenant rights or, to the extent feasible, traditional and customary practices of native Hawaiians.

We appealed this BLNR decision to the First Circuit Court. The First Circuit Court ruled that, with respect to the application of HRS 171-58(c), the BLNR cannot decide whether it is in the best interest of the state to lease whatever is excess without knowing what is "excess." Accordingly, the BLNR could not enter into a lease pursuant to HRS 171-58(c) unless and until instream flows were established and superior rights to such water were identified.

Second, the court noted that it was erroneous for the BLNR to conclude that it could begin the process to put out to lease the water that could affect these rights without first making a determination as to whether it would be in the state's best interest in light of the lack of knowledge or information of what the Water Commission will ultimately determine in the future and that, in the process of determining whether there is any surplus water which would be in the best interest of the state to lease for 30 years, the BLNR is entitled to rely on and use any determination of the Water Commission to establish instream flow standards. The Court also ruled that if there is no Commission determination to amend instream flow standards, then any BLNR investigation it could itself perform on these issues would not be parallel and, if the BLNR believes it does not have the requisite expertise to investigate, then it should wait until the Water Commission has acted or make its own application to establish instream flows reflecting the diversion it proposes to make, before authorizing the diversion. The court further noted, in any case, the BLNR is obligated to make a truly independent investigation as to whether it's in the state's best interest to authorize the diversion of water from East Maui streams.

Finally, the court found that, at minimum, an environmental assessment was required for the proposed 30 year lease of any or all excess water that may exist after there finally is a determination of riparian and native Hawaiian rights to the said water from 33,000 acres of state land, since the proposed action did not constitute a minimal or no significant effect on the environment.

The amendment proposed is an attempt to circumvent the above pronouncements and revive the BLNR's past clearly deficient practice that has, in our case, virtually given away public trust water resources for private gain while wreaking havoc on the environment and our client's rights, culture and lives. That practice must be rejected and proper procedures designed to protect our precious trust resources laid out by the court above must be followed.

As such, the Native Hawaiian Legal Corporation requests that this bill be held. Mahalo for this opportunity to testify. Should you desire additional information of assistance, please contact us.

TESTIMONY OF MAHEALANI WENDT
NA MOKU AUPUNI O KO`OLAU HUI

OPPOSING HOUSE BILL 2501
Wednesday, February 25, 2016
Conference Room 308

I oppose Senate Bill 2501 because it would overturn the recent court decision invalidating A&B's holdover permit -- a make-believe arrangement with no basis in the law -- and allow A&B to continue avoiding laws governing long term licenses.

This is a boutique law especially tailored for A&B. A&B has not complied with legal requirements for long-term licenses. With the full cooperation of DLNR, A&B has executed temporary "holdover" permits for which there exists no authority in the law. These make-believe temporary holdover permits have been routinely and annually renewed for the past 13 years. Judge Nishimura agreed with us that 13 years is not temporary. In fact, the massive diversions over public trust lands have continued unabated since 1925.

It is insulting the intelligence and integrity of this legislature to allow its members to be used this way.

This bill would grant A&B a pardon for its illegal acts, acts only made possible because of DLNR's complicity. A&B has been diverting billions of gallons of water over public lands for at least 13 years without completing the Environmental Assessment ruled necessary by 1st Circuit Court Judge Hifo.

For many decades, although our East Maui Taro Farmers were deprived of water they followed and put their trust in the law. After 15 years of working through the courts, they finally won a historic court victory last month, but HB 2501 seeks to overturn that victory. In effect, it seeks to substitute political power, economic power and corporate influence for doing the right thing. The right thing would have been for A&B to share a reasonable amount of water with the taro farmers when they asked a long time ago. Instead, A&B intensified its diversions, improving the system's efficiency to ensure every possible drop was captured. To use this legislature to sanction the abuse, and to overturn a hard-won court battle of 15 years is a slap in the face to our law-abiding community, many of whom are decorated veterans who served this country in combat. It is a misappropriation of precious trust resources, and a betrayal of the public's trust.

Of the billions of gallons diverted from public lands, less than 10%, is sold to the County of Maui for public Upcountry and Ag Park consumption. The remaining 90% is used for A&B's commercial sugar, a crop which requires more water per acre than most. Now that HC&S is shutting down its sugar operations and transitioning to diversified agriculture, surely the taro farmers, who have priority appurtenant water rights and who are also agriculturists in the purest sense, deserve fairer treatment. Please don't make an ill-advised practice that was illegal, legal. There is ample water for all parties to share.

Please do not pass a law that would legally sanction A&B's attempts to skirt Environmental laws and continue to deprive taro farmers of their Constitutional rights.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 3:41 PM
To: FINTestimony
Cc: mark@marksheehan.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Sheehan	Maui Tomorrow	Oppose	No

Comments: Maui Tomorrow has worked for decades to return water to the dewatered streams of East Maui. This bill would allow HC&S and EMI to continue to drain the streams of water depriving area residents and the streams themselves of life-giving water. All this in the face of A&B's decision to stop sugar production. This bill will benefit a few large landowners while punishing those with riparian rights who have waited years for water.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 12:54 PM
To: FINTestimony
Cc: phhlca@aol.com
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Bill Brown	Pana'ewa Hawaiian Home Lands Community Association	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 4:01 PM
To: FINTestimony
Cc: ohana@kipahulu.org
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Crawford	Kipahulu Ohana, Inc.	Oppose	No

Comments:

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MAILING ADDRESS

PO. Box 23404
Honolulu
Hawaii'i 96823

Feb. 25, 2016

TO: Honorable Sylvia Luke, Chair; Honorable Scott Nishimoto, Vice Chair; and Members of the House Finance Committee

RE: HB 2501 Relating to Water Rights OPPOSE

HEARNG DATE: Feb. 26, 2016, 1:00 p.m.

Americans for Democratic Action is a national organization founded in the 1950s by leading supporters of the New Deal and led by Patsy Mink in the 1970s. We are devoted to the promotion of progressive public policies.

ADA Hawaii Chapter opposes HB 2501 as it would allow Alexander & Baldwin to divert an unlimited amount of water indefinitely without environmental review or mitigation for the harm to East Maui residents who rely on that water for drinking, bathing, cooking, and growing taro.

Thank you very much for considering the concerns of the Hawaii Chapter of Americans for Democratic Action.

Sincerely,

John Bickel
President

From: Max Kord <Max@TotalMarinaPackage.com>
Sent: Thursday, February 25, 2016 8:46 AM
To: FINTestimony
Subject: FW: HB2501

I oppose Senate Bill 3001 because it would overturn the recent court decision in favor of taro farmers and allow Alexander & Baldwin to continue one of the largest private commercial diversions in the entire United States without doing an Environmental Assessment. A&B was told by Judge Eden Hifo more than a decade ago it must do an EA in order to continue its diversions, but ignored her court order. Instead, they continued to divert water out of the East Maui watershed, to the great hardship of farmers.

For many decades, although our East Maui Taro Farmers were deprived of water they have always followed and respected the law. After 15 years of fighting through the courts, they finally won a historic court victory last month, but H.B. 2501 would overturn that victory. To use this legislature to overturn a hard-won court battle of 15 years is unjust!

Of the billions of gallons diverted from public lands, less than 10%, is sold to the County for public Upcountry and Ag Park consumption. The remainder is used for A&B's commercial sugar operations, which requires more water per acre than any other crop. Now that HC&S is closing down its sugar operations and transitioning to diversified agriculture, surely the taro farmers, who have priority appurtenant water rights and who are also agriculturists in the purest sense, deserve fairer treatment from this political system! There is ample water for all parties to share!

Please do not pass a law that would legally sanction A&B's attempts to skirt Environmental laws and continue to deprive taro farmers of their Constitutional rights!

Sincerely,



Max Kord, President

Kord Information Systems, LLC
Creators of the *Total Marina Package*
8320 Kamehameha V Hwy
Kaunakakai, HI 96748
808-558-8111 (V)
866-646-8764 (F)
<http://www.TotalMarinaPackage.com>

From: Annette Kord <annette@totalmarinapackage.com>
Sent: Wednesday, February 24, 2016 9:36 PM
To: FINTestimony
Subject: HB2501

I oppose Senate Bill 3001 because it would overturn the recent court decision in favor of taro farmers and allow Alexander & Baldwin to continue one of the largest private commercial diversions in the entire United States without doing an Environmental Assessment. A&B was told by Judge Eden Hifo more than a decade ago it must do an EA in order to continue its diversions, but ignored her court order. Instead, they continued to divert water out of the East Maui watershed, to the great hardship of farmers.

For many decades, although our East Maui Taro Farmers were deprived of water they have always followed and respected the law. After 15 years of fighting through the courts, they finally won a historic court victory last month, but H.B. 2501 would overturn that victory. To use this legislature to overturn a hard-won court battle of 15 years is unjust!

Of the billions of gallons diverted from public lands, less than 10%, is sold to the County for public Upcountry and Ag Park consumption. The remainder is used for A&B's commercial sugar operations, which requires more water per acre than any other crop. Now that HC&S is closing down its sugar operations and transitioning to diversified agriculture, surely the taro farmers, who have priority appurtenant water rights and who are also agriculturists in the purest sense, deserve fairer treatment from this political system! There is ample water for all parties to share!

Please do not pass a law that would legally sanction A&B's attempts to skirt Environmental laws and continue to deprive taro farmers of their Constitutional rights!

Sincerely,



Annette Kord, CEO

Kord Information Systems, LLC

Creators of the *Total Marina Package*

8320 Kamehameha V Hwy

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866-646-8764 (F)

Annette@TotalMarinaPackage.com

<http://www.TotalMarinaPackage.com>

From: Melissa Bauer | Tiny Design Studio <melissa@tinydesignstudio.com>
Sent: Wednesday, February 24, 2016 4:55 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial

review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo.



Melissa Bauer | melissa@tinydesignstudio.com
Tiny Design Studio | <http://tinydesignstudio.com>

/ Responsive Website Design & Development
/ eMail & Social Media Marketing
/ Branding & Graphic Design
/ Search Engine Optimization
/ Domain & Hosting Management

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 2:36 PM
To: FINTestimony
Cc: mary@mauivortex.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Overbay	Individual	Oppose	No

Comments: Aloha Rep. Sylvia Luke, Rep. Scott Y. Nishimoto, and Committee Members, I strongly OPPOSE HB2501. Please, protect our native ecosystem and uphold the rights of traditional taro farmers to the public water in our streams, and DO NOT PASS this bill. For decades, Alexander & Baldwin has diverted public water from streams in East Maui without proper authority, an environmental impact statement, or mitigation for the harm it has caused to Hawaiian farmers and native resources. Restore public streams. Mahalo for your kind consideration.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 2:34 PM
To: FINTestimony
Cc: bmurphy420@mail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Murphy	Individual	Oppose	No

Comments: Aloha Rep. Sylvia Luke, Rep. Scott Y. Nishimoto, and Committee Members, I strongly OPPOSE HB2501. Please, protect our native ecosystem and uphold the rights of traditional taro farmers to the public water in our streams, and DO NOT PASS this bill. For decades, Alexander & Baldwin has diverted public water from streams in East Maui without proper authority, an environmental impact statement, or mitigation for the harm it has caused to Hawaiian farmers and native resources. Restore public streams.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 2:31 PM
To: FINTestimony
Cc: stephmanera@gmail.com
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie Manera	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 2:31 PM
To: FINTestimony
Cc: lkaapuni@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Leilani Lindsey-Kaapuni	Individual	Oppose	No

Comments: To members of the House Finance Committee, I'm testifying in opposition to House Bill 2501 and ask you to protect the public's right to fresh water and stop the decades-long theft of water in East Maui by voting NO on this bill. The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user, Alexander & Baldwin (A&B), to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement and Environmental Assessment obligations of Chapter 343, Hawaii's environmental analysis requirements. A recent court decision has ruled that Alexander & Baldwin's special "hold-over" permits do not exist but A&B has still not restored sufficient water to streams. East Maui taro farmers are still without critical water granted to them under the law. HB2501 would allow A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a private corporation over the interests of the public trust. Please vote "NO" on HB2501. Me ke aloha 'āina, Leilani Lindsey-Kaapuni

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 2:11 PM
To: FINTestimony
Cc: killertiller@yahoo.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Brady Townsend	Individual	Oppose	No

Comments: Return stream flow. It is " the people's trust". ALL the people, not just A&B, or the wailuku water company.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 2:08 PM
To: FINTestimony
Cc: piiaiwohi@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
darilayne aiwohi	Individual	Oppose	No

Comments: I oppose this bill this is ridiculous

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 2:06 PM
To: FINTestimony
Cc: coolsrk@aol.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Ruth Coules	Individual	Oppose	No

Comments: I strongly oppose bill HB2501 and ask that you vote 'no'. Please prioritize protecting the streams and kalo farmers of Maui. Corporate demands should not be more important than the health of the aina.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 2:03 PM
To: FINTestimony
Cc: chris.nakahashi@gmail.com
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Christopher Nakahashi	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 2:00 PM
To: FINTestimony
Cc: slwsurfing@yahoo.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
sharon willeford	Individual	Oppose	No

Comments: Please support water rights for farmers and taro farmers ~ not A&B without EIS! Mahalo!

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 1:54 PM
To: FINTestimony
Cc: stephmanera@gmail.com
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie Manera	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 1:52 PM
To: FINTestimony
Cc: healiikauhane@yahoo.com
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
George Kauhane	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 1:52 PM
To: FINTestimony
Cc: hokulani_684@yahoo.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Nicole cody	Individual	Oppose	No

Comments: I oppose HB2501

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Testimony Submitted to the House Committee on Finance
Hearing: Friday, February 26, 2016, 1:00 p.m., Room 308

In Opposition to HB 2501 Relating to Water Rights

Aloha Chair Luke, Vice Chair Nishimoto, and members of the Committee,

I oppose House Bill 2501. As others before me have testified, this measure is obviously tailored to allow Alexander & Baldwin to continue its long time exploitation of water resources on 33,000 acres of ceded lands in East Maui. It is a shameful attempt to avoid the ramifications of the Circuit Court's recent ruling invalidating A&B's illusory East Maui "holdover permits" and to circumvent the clear legal requirements preceding any lawful diversion of water. Significantly, this bill would allow the Department of Land and Natural Resources to extend expired water leases without requiring the otherwise mandatory analysis of impacts on Native Hawaiian traditional and customary practices, the environment, and the public trust.

As the history of East Maui illustrates, allowing holdover permits for an applicant seeking to renew its lease for use of state water resources removes any incentive for the would-be lessee to advance the lease application process because it would already enjoy the rights it seeks via a lease. In fact, lease applicants would absolutely benefit from the State's failure to act on their application – a failure that has allowed for the continued monopoly of East Maui water without an environmental impact statement or proper lease in place. And with no limit on the holdover period, there is the potential to remain in this leasing limbo indefinitely. As far as A&B is concerned, why bother jumping through hoops to secure an actual lease?

Passing HB 2501 is simply not in the public's interest. It is not in the interest of the Native Hawaiian farmers and gatherers who rely upon this water for farming, gathering, and fishing. It is not in the interest of our streams and their flora and fauna -- resources protected as part of the public trust. HB 2501 is also completely inconsistent with the Hawai'i constitution and the spirit of our existing laws.

Please put what's best for our people and our land's precious resources above the greed of big business.

Mahalo for the opportunity to testify on this very important issue.

Sincerely,

Ashley K. Obrey

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 1:24 PM
To: FINTestimony
Cc: spectekula@gmail.com
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Sara Tekula	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 12:39 PM
To: FINTestimony
Cc: katc31999@gmail.com
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Katarina Culina	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 12:25 PM
To: FINTestimony
Cc: pamelapcm@gmail.com
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Pamela M Williams	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 12:05 PM
To: FINTestimony
Cc: mmcardle19@aol.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Peggy McArdle	Individual	Oppose	No

Comments: I strongly oppose HB2501. Stop the A&B water diversion of the East Maui streams. Corruption in Hawaii must stop. Introducers of this measure need voted out! Hawaii Legislators have forgotten their duty to serve the PEOPLE of HAWAII, not Corporate interests. The electorate is watching and we vote.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 11:58 AM
To: FINTestimony
Cc: Salinasckl@gmail.com
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kimberly crawford	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 11:53 AM
To: FINTestimony
Cc: moon_eyes43@hotmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Braden	Individual	Oppose	No

Comments: I do not agree with the taking of the water from the agricultural individuals. Leave the water to the farmer!

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 11:48 AM
To: FINTestimony
Cc: moanaluvally@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Roddy Akau	Individual	Oppose	No

Comments: As state-recognized Kahu of Moanalua Valley I am writing to oppose this bill. The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial use, and this bill is not consistent with this. This bill would also establish a dangerous precedent for mis-use of water throughout the state. Moanalua Valley is the home to the aquifers for Honolulu, and the health of the aquifers depends on protecting native forests and rivers absorption of water into these aquifers. We need to work together to protect this irreplaceable resource for all our people throughout the state. The corporate mis-use of water has gone on long enough and needs to end.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 11:44 AM
To: FINTestimony
Cc: tulsi@mauiishome.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Tulsi	Individual	Oppose	No

Comments: Aloha, The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. If passed, this bill would allow commercial users to divert millions of gallons of public water per day and avoid protections for both Hawaiian and public water interests indefinitely, with no limitations on the amount or duration of the diversion. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review. This bill circumvents public trust protections by allowing private users to evade Environmental Impact Studies (EIS) and Environmental Assessments (EA) required for revocable permits. A&B does not need public water. A&B holds 33,000 acres in Central Maui of which 23,000 are designated Important Agricultural Lands (IAL.) Court documents submitted by A&B indicate there are 132 million gallons per day available from their existing private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the approximate water duty for A&B water and land commitments in East Maui. A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future. Diversified agriculture needs less than half the water for sugarcane or about 2,500 gallons of water per acre per day. With an average of about 42.5 million gallons of water per day for diversified agriculture on all cultivated acres and a \$2 million annual contract with the County of Maui to supply 9 million gallons of water per day for Upcountry residents, 91 million gallons of water per day would more than sufficiently satisfy approximate A&B irrigation needs. Even if A&B were to grow on 30,000 acres, they only need about 75 million gallons of water per day to cultivate diverse crops. A&B could seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while they appeal the Circuit Court's invalidation of their holdover status. A&B would simply need to explain to the Court how much water they need and why, as the County did. Since the 1980's, A&B has paid the State of Hawai'i only \$160,000 for use of 33,000 acres of public land, and 164 million gallons per day on average of diverted

public water in East Maui alone. This bill would continue to subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust.
T Thank you for your time and consideration, Tulsi Greenlee

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 11:14 AM
To: FINTestimony
Cc: tiarelawrence@yahoo.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Tiare Lawrence	Individual	Oppose	No

Comments: Now that A&B has plans for a diversified agriculture model, this is a perfect opportunity for A&B to sew seeds for a healthy tomorrow. Seeds that will require far less water from sugar thus allowing water to be put back in to the streams so that east Maui residents can also pursue their own agricultural endeavors that actually feed and sustain our community. I've read thru some of testimonies in support, much of which came from those who have a financial interest in A&B. East Maui Irrigation ditch systems are over a century old. 47 Millions of gallons a day are wasted because of poor infrastructure and A&B unwillingness to fix their systems. It is cheaper for them to waste water than to fix their broken systems that continue to leak. If A&B were good stewards and committed resources from their 1.5 billion dollars in assets to fixing their systems, they wouldn't have to divert as much water and they could help families in East Maui continue to perpetuate Kalo cultivation. A&B is obviously making a last ditch effort to change the rules in their favor because of the recent court ruling. Do not let A&B and their highly paid lobbyists use SB3001 as an end run around the state water code. Do not fall for their fear tactics and lies , There is far more than enough water to continue sending water to upcountry users and to continue agriculture in central Maui if they would actually commit to a sustainable agriculture model that will truly benefit all of Maui. and allow 30 million gallons a day back in east Maui streams. I ask that the state of Hawaii hold A&B and BLNR accountable. Judge Hifo ordered A&B a decade ago to have an environmental assessment done but they continue to ignore the court order. To use this legislature to overturn a hard won 15 year court battle is unjust. Please oppose HB2501 Tiare Lawrence

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From: kau72 <kau72@yahoo.com>
Sent: Wednesday, February 24, 2016 3:02 PM
To: FINTestimony
Subject: Opposition to HB2501

Aloha,

I am writing in opposition to this Bill going into law. The water should be shared with everyone. I feel that the big businesses and corporations are greedy. Everyone wants to live and get ahead but the hawaiian people are not about stepping on their neighbors as well. Please do not pass this Bill into law.

Mahalo,

Tamla

Sent from my Verizon Wireless 4G LTE smartphone

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 2:51 PM
To: FINTestimony
Cc: maoliinstitute@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Toni Auld Yardley	Individual	Comments Only	No

Comments: PROTECT THE PUBLIC RIGHTS - AND - THE NATIVE HAWAIIAN RIGHTS TO THE FLOW OF FRESH WATER - AND - JUSTICE. END THE "SUGAR OLIGARCHY" - SINCE THE OVERTHROW OF OUR QUEEN. DO NOT - PASS A LAW - THAT WILL ALLOW ALEXANDER AND BALDWIN TO CONTINUE TO "RUN AROUND" LAWS - ESPECIALLY "ENVIRONMENTAL LAW" - NOW THAT THE STATE HAS - A NEW "ENVIRONMENTAL JUSTICE LAW COURT" - TO BE HELD ACCOUNTABLE TO - BE PONO.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 3:12 PM
To: FINTestimony
Cc: svickery@hawaii.rr.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Vickery	Individual	Oppose	No

Comments: No No No - no more theft! Mahalo nui.

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HB 2501 Testimony

This testimony is in opposition to HB 2501. This legislation sets a horrific precedent wherein laws are created to specifically serve corporate interests over the protection of natural resources and small farming communities. The Circuit Court ruled that A&B's diversion of 165 million gallons of water per day from East Maui Streams is illegal. Let A&B appeal the Circuit Court's invalidation of its holdover status. A&B would be required to justification to the court how much water it needs and why. Your obligation to represent the community and the public trust must override your support for corporate interests and their lobbyists. Please show us that you have not forgotten the average 'People' who have truly supported your tenure in office.

Maile Lu'uwai
1518 Auwae Road,
Hilo, HI 96720
959-2312
mluuwai@hawaii.rr.com

From: Michael Gach <mrgach@att.net>
Sent: Wednesday, February 24, 2016 8:05 PM
To: FINTestimony
Subject: Oppose HB2501

Dear Rep. Luke & House Finance Committee Members,

Please stop HB2501, which diverts millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely.

This bill allows the BLNR to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements.

We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

HB2501 would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Please vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo.

Michael Gach, Ph.D.
P.O. Box 1808 Kihei, HI 96753

From: Kelsey Baehrens <kelbaehr@hawaiiantel.net>
Sent: Wednesday, February 24, 2016 7:00 PM
To: FINTestimony
Subject: Oppose HB2501 - Protect Maui's Water

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

I have ALWAYS trusted the local governance I grew up with and I am confident I always will. So I am only contacting you today because I want to let you know that I have faith in your support for the greater good based on the information you are provided. Here's just a little more from Sierra Club Hawaii:

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely.

Mahalo.

From: Kelsey Baehrens <kelbaehr@hawaiiantel.net>
Sent: Wednesday, February 24, 2016 7:00 PM
To: FINTestimony
Subject: Oppose HB2501 - Protect Maui's Water

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

I have ALWAYS trusted the local governance I grew up with and I am confident I always will. So I am only contacting you today because I want to let you know that I have faith in your support for the greater good based on the information you are provided. Here's just a little more from Sierra Club Hawaii:

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely.

Mahalo.

From: Troy Abraham <tabraham08@gmail.com>
Sent: Wednesday, February 24, 2016 7:42 PM
To: FINTestimony
Subject: Oppose HB2501 - Protect Maui's Water - FIN 2/26 at 1PM room 308

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial

review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo,
Troy Abraham

From: LOIS <lbc628@gmail.com>
Sent: Wednesday, February 24, 2016 6:47 PM
To: FINTestimony
Subject: Oppose HB2501 - Protect Maui's Water - FIN 2/26 at 1PM room 308

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

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Mahalo.
Lois Crozer
Kailua

From: George Hudes <whodisguy@gmail.com>
Sent: Wednesday, February 24, 2016 6:25 PM
To: FINTestimony
Subject: Oppose HB2501 - Protect Maui's Water - FIN 2/26 at 1PM room 308

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

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Mahalo.

George Hudes
3763 Round Top Drive
Honolulu, HI 96822

From: Roger Walraven <rogerwalraven@yahoo.com>
Sent: Wednesday, February 24, 2016 6:17 PM
To: FINTestimony
Subject: Oppose HB2501 - Protect Maui's Water - FIN 2/26 at 1PM room 308

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight.

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Mahalo.

Namaste

From: Alan Ewell <ewell@hawaii.rr.com>
Sent: Wednesday, February 24, 2016 4:20 PM
To: FINTestimony
Subject: Oppose HB2501 - Protect Maui's Water - FIN 2/26 at 1PM room 308

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

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Mahalo,
Alan Ewell
Tantalus, Oahu

From: Patricia Blair <patriciablair@msn.com>
Sent: Wednesday, February 24, 2016 4:16 PM
To: FINTestimony
Subject: Oppose HB2501 - Protect Maui's Water - FIN 2/26 at 1PM room 308

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

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Mahalo.

Patricia Blair, Kailua, adds her name in opposition to HB 2501 Sent from my iPad

From: Virginia Bennett <vbennett@hawaii.edu>
Sent: Wednesday, February 24, 2016 8:42 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

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Mahalo.

From: Wendy <wendywailua@gmail.com>
Sent: Wednesday, February 24, 2016 8:41 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight.

The Public Trust doctrine prioritizes the health of native streams and coastal life over private commercial uses. If passed, this bill would contradict that principle and allow Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for public water interests, permitting the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount. HB2501 would allow a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. In fact, current A&B diversions already remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, but this activity has never undergone any environmental review.

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Please do everything in your power to protect public water rights and ensure HB2501 will never be heard or supported again.

Mahalo.

W.M. Raebeck

From: Harriet Witt <harriet@passengerplanet.com>
Sent: Wednesday, February 24, 2016 8:16 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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Mahalo. Harriet Witt, Haiku, Maui

From: Namphuong Quach <namisop35@gmail.com>
Sent: Wednesday, February 24, 2016 8:10 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

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Mahalo.

From: Steve Ikenaga <ikenagas001@hawaii.rr.com>
Sent: Wednesday, February 24, 2016 8:07 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

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Mahalo.

Steve Ikenaga
4905 Waa Street
Honolulu, HI 96821

From: MAUREEN SCHAEFFER <maureen96821@mac.com>
Sent: Wednesday, February 24, 2016 7:32 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

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Mahalo and aloha, Maureen

(Please do what you can to undo the tragic damage to Maui streams and agriculture. The Life of the Land is Preserved in Righteousness.)

From: redahi <redahi@hawaii.rr.com>
Sent: Wednesday, February 24, 2016 7:01 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

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Mahalo.

Sent from my T-Mobile 4G LTE Device

From: Leslie Cummings <leslieannec42@yahoo.com>
Sent: Wednesday, February 24, 2016 6:57 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee, I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight. The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review. A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it. Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust. Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the

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From: Pete Wilson <perhansahi@gmail.com>
Sent: Wednesday, February 24, 2016 6:52 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

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PEOPLE BEFORE PROFITS!

Mahalo.

Pete Wilson
13-927 Kahukai Street
Pahoa HI 96778-8327

From: danderhi <danderhi@gmail.com>
Sent: Wednesday, February 24, 2016 6:34 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

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Mahalo.

Daniel Anderson

From: Shay Chan Hodges <shay.chanhodges@gmail.com>
Sent: Wednesday, February 24, 2016 6:29 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

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Mahalo.

Shay Chan Hodges

Author, [Lean On and Lead, Mothering and Work in the 21st Century Economy](#)

Catalyst, Family-Centered DesignSM thinking

Twitter: @LeanOnAndLead

Facebook: Lean On and Lead

[Download the iBook:](#)

From: Kae Toguchi <kaetog@gmail.com>
Sent: Wednesday, February 24, 2016 6:15 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

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Mahalo.

From: richard monarch <rcm_54@yahoo.com>
Sent: Wednesday, February 24, 2016 6:13 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

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public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again. Mahalo.

From: Sally Taylor <taylor.sal@gmail.com>
Sent: Wednesday, February 24, 2016 6:07 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

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I fully support the statements above and ask that you give them serious consideration.

Mahalo nui loa,
Sally Taylor

Sent from my iPhone

From: mark stone <mgkrebs@hawaii.rr.com>
Sent: Wednesday, February 24, 2016 5:58 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

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Mahalo.

From: Delbert Contival <dcontival@hawaii.rr.com>
Sent: Wednesday, February 24, 2016 5:58 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

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From: dgmencoff@aol.com
Sent: Wednesday, February 24, 2016 5:44 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

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From: Geoff G <ofhi@hotmail.com>
Sent: Wednesday, February 24, 2016 5:34 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

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Mahalo. Jeff Goodman

Sent from my iPhone

From: Sharon Barnes <sharonlb88@gmail.com>
Sent: Wednesday, February 24, 2016 5:32 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

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Mahalo.

Sharon Barnes

From: nix@lifeislight.com
Sent: Wednesday, February 24, 2016 5:16 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee, I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight. The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review. A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it. Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small

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Mahalo.

Dr. John and Debra

Confidentiality Notice: This email is intended only for the person or entity to which it is addressed and may contain confidential information. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you receive this email in error, please contact the sender by replying to this email and delete this email and any attachments from all computers without reading or saving the same in any matter whatsoever.

From: Maureen O'Neal <momoneal77@gmail.com>
Sent: Wednesday, February 24, 2016 5:38 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

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Mahalo.

Maureen O'Neal

From: Ted Greenwald <tedgreenwaldhi@gmail.com>
Sent: Wednesday, February 24, 2016 5:14 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

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Mahalo.

From: Mike Puckett <wholebetter@gmail.com>
Sent: Wednesday, February 24, 2016 5:10 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

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Mahalo.

From: Heidi Erhardt <heidielana@yahoo.com>
Sent: Wednesday, February 24, 2016 5:09 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

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Heidi Erhardt

Sent from my iPhone

From: David Westerfield <dwestinc@sbcglobal.net>
Sent: Wednesday, February 24, 2016 5:09 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

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From: Greg Puppione <gpuppione@gmail.com>
Sent: Wednesday, February 24, 2016 4:56 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

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Mahalo.

From: Stewart Wiggers <wiggers@hawaii.edu>
Sent: Wednesday, February 24, 2016 4:54 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

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Mahalo.

From: balihai7 <balihai7@hawaii.rr.com>
Sent: Wednesday, February 24, 2016 4:49 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

I know that you can help to end a decades-long injustice in East Maui.

Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight.

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Mahalo.

This email has been checked for viruses by Avast antivirus software.

<https://www.avast.com/antivirus>

From: Kathleen Dahill <kdahill56@gmail.com>
Sent: Wednesday, February 24, 2016 4:48 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

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Mahalo.

Kathy

Kathy Dahill

e-mail: kdahill56@gmail.com

website: WildwdStudios.com

From: John Rogers <vidsolve@gmail.com>
Sent: Wednesday, February 24, 2016 4:47 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

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Mahalo.

From: Jean Kallina <jkallina@gmail.com>
Sent: Wednesday, February 24, 2016 4:39 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

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Mahalo.

Jean Kallina



From: Harlisa Asumen <hasumen@hawaii.edu>
Sent: Wednesday, February 24, 2016 4:35 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

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Mahalo.

From: Laura Alskog <lauraalskog@gmail.com>
Sent: Wednesday, February 24, 2016 4:32 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

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Mahalo.

From: Marilyn Markley <rhio.gabriel@hawaiiantel.net>
Sent: Wednesday, February 24, 2016 4:17 PM
To: FINTestimony
Cc: Marilyn Markley
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

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Mahalo.Marilyn Markley

From: Kuulei Y. Park <kuulei@gol.com>
Sent: Wednesday, February 24, 2016 4:13 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight.

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Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo nui loa.

Sincerely,
Ku'ulei Y. Park

From: stevenkauai@me.com
Sent: Wednesday, February 24, 2016 4:12 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight.

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Mahalo.

Steven Ruddell

From: Maui Peace Action <maupeaceaction@earthlink.net>
Sent: Wednesday, February 24, 2016 4:07 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

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multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo.

Charles M. Carletta
51 Mano Drive, Kula, HI 96790

From: Darlene Young <wili43@yahoo.com>
Sent: Wednesday, February 24, 2016 4:06 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee, I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight. The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review. A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it. Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust. Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the

public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again. Mahalo.

From: Mele Stokesberry <holamaui@earthlink.net>
Sent: Wednesday, February 24, 2016 4:06 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

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Mahalo.

Mele Stokesberry
51 Mano Drive, Kula, HI 96790

From: Dawn Matney <dawny@tiki.net>
Sent: Wednesday, February 24, 2016 8:49 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

Aloha Representatives Luke, Nishimoto and DeCoite,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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Mahalo!

--

Dawn Matney
dawny@tiki.net
Makawao, Hawaii

From: David H C Lee <davidhc1949@live.com>
Sent: Wednesday, February 24, 2016 8:22 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

Aloha Representatives Luke, Nishimoto and DeCoite,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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Mahalo!

--

David H C Lee
davidhc1949@live.com
Honolulu, Hawaii

From: Norma Paio <paioby003@gmail.com>
Sent: Wednesday, February 24, 2016 7:42 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

Aloha Representatives Luke, Nishimoto and DeCoite,

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Mahalo!

--

Norma Paio
paioby003@gmail.com
Kapolei, Hawaii

From: Maluhia Benedicto <tmb_808@yahoo.com>
Sent: Wednesday, February 24, 2016 7:39 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

Aloha Representatives Luke, Nishimoto and DeCoite,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawaii is privy to this special "hold-over" status - only in East Maui for A&B. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid the Hawaii only \$160,000 for use of 33,000 acres of public land, and 164 million gallons per day on average of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits do not exist. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Maluhia Benedicto
tmb_808@yahoo.com
Kamuela, Hi

From: Kealii Justin Kaaikala <m11kekaai@gmail.com>
Sent: Wednesday, February 24, 2016 6:50 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

Aloha Representatives Luke, Nishimoto and DeCoite,

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Mahalo!

--

Kealii Justin Kaaikala
m11keakai@gmail.com
Kahului, Hawaii

From: Pono Kealoha <ponosize@hotmail.com>
Sent: Wednesday, February 24, 2016 6:39 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

Aloha Representatives Luke, Nishimoto and DeCoite,

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Mahalo!

--

Pono Kealoha
ponosize@hotmail.com
Pearl City, Hawaii

From: jasmine king <kingjasm@gmail.com>
Sent: Wednesday, February 24, 2016 5:27 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

Aloha Representatives Luke, Nishimoto and DeCoite,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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Mahalo!

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jasmine king
kingjasm@gmail.com
haiku, hi

From: michael levitt <mlevitt4@yahoo.com>
Sent: Wednesday, February 24, 2016 9:09 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee, I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight. The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review. A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it. Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust. Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again. Mahalo.

From: Steve Elvena <hayn8n@yahoo.com>
Sent: Wednesday, February 24, 2016 4:50 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

Aloha Representatives Luke, Nishimoto and DeCoite,

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Mahalo!

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Steve Elvena
hayn8n@yahoo.com
Simi Valley, California

From: allen lainaholo <alainaholo@hotmail.com>
Sent: Wednesday, February 24, 2016 4:27 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

Aloha Representatives Luke, Nishimoto and DeCoite,

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Mahalo!

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allen lainaholo
alainaholo@hotmail.com
torrance, ca

From: Marjorie Ziegler <mz@conservehi.org>
Sent: Wednesday, February 24, 2016 4:24 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

Aloha Representatives Luke, Nishimoto and DeCoite,

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Mahalo!

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Marjorie Ziegler
mz@conservehi.org
Kaneohe, Hawaii

From: elvin kamoku <elvinkamoku@gmail.com>
Sent: Wednesday, February 24, 2016 4:16 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

Aloha Representatives Luke, Nishimoto and DeCoite,

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Mahalo!

--

elvin kamoku
elvinkamoku@gmail.com
Kula, Hawaii

From: John Lynch <jelywich@hawaii.rr.com>
Sent: Wednesday, February 24, 2016 4:10 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

Aloha Representatives Luke, Nishimoto and DeCoite,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawaii's environmental analysis requirements. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review.

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Mahalo!

--

John Lynch
jelywich@hawaii.rr.com
Kailua Kona, HI

From: Sharon <srebischke@hotmail.com>
Sent: Wednesday, February 24, 2016 7:36 PM
To: FINTestimony
Subject: Testimony in support of HB2510 HD1

Honorable Chair Luke and Members of the Committee:

My name is Sharon Saronitman. I am a teacher at Elsie H. Wilcox Elementary school on the island of Kaua'i. As a teacher of 19 years in Hawai'i. I support HB 2510, relating to housing vouchers that may be used toward rent or mortgage payments for a classroom teacher's primary residence.

In our state teacher turnover is extremely high. Approximately 10 percent of Hawaii's teachers switch schools, relocate, or leave the profession each year. **Only 50 to 60 percent of current teachers have been at their school for five years or more. Chronic teacher turnover, in turn, forces the department of education to rely on emergency hires and long-term substitute teachers to fill vacancies.** Not being able to provide enough highly qualified teachers for our students is a problem we need to solve now. Year after year, studies, such the annual WalltetHub salary comparison, rank Hawai'i fifty-first out of fifty states and the District of Columbia for starting and median teacher salary adjusted for cost of living.

Teacher recruitment and retention is extremely difficult for poor and hard-to- staff communities, where as few as 56 percent of teachers are highly qualified. Comparatively, 93 per cent of teachers statewide are highly qualified. Nationwide, 56 per cent of teachers have an advanced degree, while only 36 per cent of Hawaii's teachers have an advanced degree.

The passing of this bill will help support teachers with the high cost of living by providing them with housing so they will be able to stay in the profession they love, teaching. We hope we can count on you for your support for HB2510 HD1.

Thank you,

Sharon Saronitman
Elsie H Wilcox Elementary
[Srebischke@hotmail.com](mailto:srebischke@hotmail.com)

Sent from my iPhone

From: kawai Kimokeo <kimokeo.kawailani@gmail.com>
Sent: Thursday, February 25, 2016 7:33 AM
To: FINTestimony

I OPPOSE TO THE BILL HB2501
NAME: KAWAILANI KIMOKEO

From: Roger Strong <rogerstrong1@gmail.com>
Sent: Thursday, February 25, 2016 8:01 AM
To: FINTestimony
Subject: East Maui water

Dear Lynn Decoite,

I oppose Senate Bill 3001 because it would overturn the recent court decision in favor of taro farmers.

After 15 years of fighting through the courts, they finally won a historic court victory last month, but H.B. 2501 would overturn that victory. To use this legislature to overturn a hard-won court battle of 15 years is unjust!

Now that HC&S is closing down its sugar operations and transitioning to diversified agriculture, surely the taro farmers, who have priority appurtenant water rights and who are also agriculturists in the purest sense, deserve fairer treatment from this political system! There is ample water for all parties to share!

Please do not pass a law that would legally sanction A&B's attempts to skirt Environmental laws and continue to deprive taro farmers of their Constitutional rights!

Sincerely,

Roger Strong
Cell: 808 250-0030
2240 Kokomo Rd
Haiku, HI 96708

From: Earl Inouye <iqsbest@gmail.com>
Sent: Thursday, February 25, 2016 6:48 AM
To: FINTestimony
Subject: I Opose HB2501

I opose HB2501. I am a Kalo farmer and need water to sustain our traditional and customary rights. We need the streams and rivers to flow to revitalize the life from the mountains to the oceans that was taken away when they started to dry up the rivers for this many years. Thank you

From: Taylor Kiyota <Babykeiks12@gmail.com>
Sent: Thursday, February 25, 2016 8:48 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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Mahalo for your time and consideration,

Taylor Kiyota
313 Hale Kai St.
Kihei, HI 96753

From: Katy Fogg <skmfogg@netscape.net>
Sent: Thursday, February 25, 2016 8:47 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I write to ask your support to prevent HB2501 from passing, and do your part to protect the public's right to freshwater. This is an all-too common situation of one wealthy and powerful interest group trying to circumvent what is in the public's interest, and the public process.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. If passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

Katy Fogg
4416 - 55th Avenue SW
Seattle, WA 98116

From: Todd Kaikala <liikaikala@gmail.com>
Sent: Thursday, February 25, 2016 8:45 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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Mahalo for your time and consideration,

Todd Kaikala
13895 Hana hwy
Keanae, HI 96708

From: Maile Goo <goomaile@yahoo.com>
Sent: Thursday, February 25, 2016 8:45 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

As a University faculty member preparing the next generation of land and ocean stewards to protect what is left of our precious resources, I humbly ask for your support.

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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Mahalo for your time and consideration,

Maile S. Goo
3683 Woodlawn Terrace Place
Honolulu, Hawaii 96822

Maile Goo
3683 Woodlawn Terrace Place
Honolulu, HI 96822

From: Jalen Moeai <JalenImoeai@gmail.com>
Sent: Thursday, February 25, 2016 8:44 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Jalen Moeai
63 kauiki
Hana, HI 96713

From: Eada Webb <biotiki@comcast.net>
Sent: Thursday, February 25, 2016 8:44 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Mahalo for your time and consideration,

Eada Webb
116 Hazleton Lane
Oak Ridge, TN 37830

From: Nancy Scarola <rscarola@mindspring.com>
Sent: Thursday, February 25, 2016 8:44 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Nancy Scarola
69-1010 Keana Place #D103
Waikoloa, HI 96738

From: Isley Puakima <Isleypuakima9488@gmail.com>
Sent: Thursday, February 25, 2016 8:43 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Isley Puakima
91 kauiki street
Hana, HI 96713

From: Precious Helekahi <Helekahiprecious@yahoo.com>
Sent: Thursday, February 25, 2016 8:43 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Precious Helekahi
118 Kauiki St.
P.o. box 162
Hana, HI 96713

From: Teanuenue Pua <Teapua98@gmail.com>
Sent: Thursday, February 25, 2016 8:42 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Teaunue Pua
4111 Hana HI
Hana, HI 96713

From: Janie Hoopai <Punahoopai98@gmail.com>
Sent: Thursday, February 25, 2016 8:41 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Janie Hoopai
Po box 201
Hana, HI 96713

From: Elizabeth Barbieto <Ekbarbieto17@gmail.com>
Sent: Thursday, February 25, 2016 8:41 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Elizabeth Barbieto
5414 Hana Hwy
Hana, HI 96713

From: Shanrae Ng <Shanraeng@gmail.com>
Sent: Thursday, February 25, 2016 8:41 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Shanrae Ng
1 mill street
Hana, HI 96713

From: Aaron Kogan <akoganslm@gmail.com>
Sent: Thursday, February 25, 2016 8:40 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Aaron Kogan
Laie
Evergreen, CO 80439

From: Gary Hooser <Garylhooser@gmail.com>
Sent: Thursday, February 25, 2016 8:39 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Gary Hooser
5685 Ohelo Rd
Kapaa, HI 96746

From: mikayla lind <mikaylalindhhs@gmail.com>
Sent: Thursday, February 25, 2016 8:33 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Mahalo for your time and consideration,

mikayla lind
4111 Han hwy
hana, HI 96713

From: Kapahu Momoa <Kapa.momoa@gmail.com>
Sent: Thursday, February 25, 2016 8:32 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Kapahu Momoa
4111
Hana, HI 96713

From: Ruhiiyyih Spock <nspock@yahoo.com>
Sent: Thursday, February 25, 2016 8:32 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Ruhiyyih Spock
115 Kealaloa Avenue
Makawao, HI 96768

From: Naponi Lecker-Tolentino <naponlthhs@gmail.com>
Sent: Thursday, February 25, 2016 8:32 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Napono Lecker-Tolentino
58 Kawaiola Place
Hana, HI 96713

From: Gerald Mahadocon <geemaha808@gmail.com>
Sent: Thursday, February 25, 2016 8:31 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Gerald Mahadocon
Hana hwy
Hana, HI 96713

From: Maximilian Abraham <Toocanrainbowwarrior@gmail.com>
Sent: Thursday, February 25, 2016 8:31 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Maximilian Abraham
4111 hwy
Hana, HI 96713

From: Matthias Moeai <Kaulam20@gmail.com>
Sent: Thursday, February 25, 2016 8:31 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Mahalo for your time and consideration,

Matthias Moeai
411 Hana highway
Hana, HI 96713

From: John Rylan Contreras <Johnc1999@yahoo.com>
Sent: Thursday, February 25, 2016 8:31 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

John Rylan Contreras
4111 HHW
Hana, HI 96713

From: Tryston-Prince Beck <Bedroommade808@gmail.com>
Sent: Thursday, February 25, 2016 8:29 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Mahalo for your time and consideration,

Tryston-Prince Beck
4111hhw
Hana, HI 86713

From: Nahiku Koomoa-Williams <knahiku@gmail.com>
Sent: Thursday, February 25, 2016 8:29 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Mahalo for your time and consideration,

Nahiku Koomoa-Williams
411 Hana Highway
Hana, HI 96713

From: Kamanaopono Bednorz <kamanaoponob@gmail.com>
Sent: Thursday, February 25, 2016 8:29 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Kamanaopono Bednorz
90 Wailua Rd
4111 Hana Highway
Haiku, HI 96708

From: Harmony-Sanoë Gonsalves-Cosma <harmonygonsalves15@gmail.com>
Sent: Thursday, February 25, 2016 8:29 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Harmony-Sanoe Gonsalves-Cosma
6894
Hana, HI 96713

From: Chevelle Oliveira <kuuipooliveira@gmail.com>
Sent: Thursday, February 25, 2016 8:29 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Chevelle Oliveira
91 Keawa place
Hana, HI 96713

From: Isabella Keegan <isabella_keegan@yahoo.com>
Sent: Thursday, February 25, 2016 8:28 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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41111 Hana Hwy
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The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

Jaylin Victorine-Dyment
P.o. Box 628
Hana, HI 96713

From: Heidi Sinenci <Hsinenci@gmail.com>
Sent: Thursday, February 25, 2016 8:27 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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Mahalo for your time and consideration,

Heidi Sinenci
PO Box 406
Hana, HI 96713

From: Shyla Boeche <sshyylv@gmail.com>
Sent: Thursday, February 25, 2016 8:26 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Shyla Boeche
P.O box 757
15 Alau St.
Hana, HI 96713

From: Jazmine Rosemond <rosemondjazmine@gmail.com>
Sent: Thursday, February 25, 2016 8:26 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Jazmine Rosemond
125 UWALA Rd
Hana, HI 96713

From: Katelynn Oliveira <Katelynnoliveirahhs@gmail.com>
Sent: Thursday, February 25, 2016 8:25 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Katelynn Oliveira
P.o. Box 923
Hana, HI 96713

From: L. Pauahi Hookano <pauahi.hookano@gmail.com>
Sent: Thursday, February 25, 2016 8:25 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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My husband is an East Maui Taro farmer who is still without the critical water granted to Him under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

L. Pauahi Hookano
245 Wailua Rd
Haiku, HI 96708

From: Awapuhimele Napoleon-O'Brien <Awapuhimele@icloud.com>
Sent: Thursday, February 25, 2016 8:18 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Awapuhimele Napoleon-O'Brien

Ho'olehua, HI 96748

From: Kekama Galioto <galioto@hawaii.edu>
Sent: Thursday, February 25, 2016 8:13 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha mai Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I am a plant and soil scientist and I know how extremely wasteful agriculture is of water. With money for proper infrastructure, much can be done to prevent normally large water losses. Please help end a decades-long freshwater injustice in East Maui. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it. Please stop HB2501 from passing.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely.

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must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your love and attention,

Thomas Kekama Galioto
3213 Woodlawn Drive
Honolulu, Hawaii 96822

Kekama Galioto
3123 Woodlawn Drive
Honolulu, HI 96822

From: Jerry Peavy <pvphoto@sbcglobal.net>
Sent: Thursday, February 25, 2016 8:12 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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Mahalo for your time and consideration,

Jerry Peavy
2111 Algonkin Avenue
Chico, CA 95926

From: Eliel Starbright <elielstarbright@gmail.com>
Sent: Thursday, February 25, 2016 8:10 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Eliel Starbright
5306 Kahala St
Kapaa, HI 96746

From: Joseph Henderson <JojoFun24@gmail.com>
Sent: Thursday, February 25, 2016 8:06 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Joseph Henderson
58 kawaiola place
Hana, HI 96713

From: Shane Sinenci <ssinenci@yahoo.com>
Sent: Thursday, February 25, 2016 8:03 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Shane Sinenci
68 Kauiki
Hana, HI 96713

Aloha mai e na Kalai'aina

'O Nameaaea Hoshino Ko'u inoa piha. No Lele o Leina mai au i ka moku-puni o Ihikapalaumaewa a'iole Mauinuiakama. My full name is Nameaaea Hoshino. I live in Lele O Leina or people refer as Lahaina on the island of Ihikapalaumaewa or Mauinuiakama. I'm here writing for the opposition for HB 2501. I will not be writing about fact or truth but how will the land and people of these islands sustain? What will happen to families and future generations? We have dealt with over a century in the deprived of access within our land, water or resources as whole?

In time of the great transaction in diversions of water taken from one ahupua'a/ district to another to increase profit for someone else pockets like plantation owners. As our kuleana claimants and awardees farmers and fisherman suffer in the lack of water in their ahupua'a some families come displace of resources. The corporation like A&B, Dole, EMI, etc. has continues to control the water in which some of these companies is no longer running anymore. Now, there is development on the rise, and more water will be diverted in needs for estate multi-millions homes not in the benefit of the people here but somewhere else.

Has it become strange to me we are coming displace because of the action by State of Hawaii House and Senate representatives to make a decision for the people future. You have to listen to the people/ community of this before anyone else other corporations.

For my closing statement you must never comprise to rule or regulation, which is best for the Islands or State of Hawaii. Whatever impact is being created for greedy or profit all of you will be accountable of your actions in the injustice of neglecting the people of the 'Aina. 'A'ole HB 2501 Don't comprise!

Kau'ionālanī Pratt-Aquino
45-735 Wainānā St.
Kāne'ōhe, Hawai'i 96744
Email: pratt.kauai@gmail.com

IN OPPOSITION OF HB2501, RELATED TO WATER RIGHTS, HOLDOVER PERMITS

Aloha Chair Luke, Vice Chair Nishimoto and House Representatives of the Finance Committee,

Thank you for the opportunity to submit written testimony. I am writing to you in strong opposition of HB2501 Relating to Water Rights and Holdover permits. This bill will negatively impact our precious water resources in Hawai'i. I respectfully urge you to oppose this measure.

My position is supported by the following statement:

At issue is that the holdover permits violate the due process rights of Native Hawaiians and the public because we have a protected property interest in our state's water resources. The Commission on Water Resource Management and the State of Hawai'i have an "affirmative duty" to protect customary and traditional rights as a protected public trust purpose secured by article XII, section 7 of the Hawai'i Constitution and Sections 174c-101(c) & (d) of the Water Code. The Commission must "establish an instream use protection program designed to protect, enhance, and reestablish, where practicable, beneficial instream uses of water in the State."ⁱ

As such, the Commission must provide adequate water to support such use to the extent these rights "shall not be abridged or denied."ⁱⁱ This includes kalo cultivation on kuleana land "and the gathering of hihiwai, opae, o'opu, limu, thatch, ti leaf, aho cord, and medicinal plants for subsistence, cultural, and religious purposes."ⁱⁱⁱ Moreover, HRS § 174C-63^{iv} entitles Hawaiian farmers to water to the extent, "appurtenant rights are preserved" and the exercise of these rights shall not be denied.^v The public trust doctrine, therefore, is a fundamental principle of constitutional law in Hawai'i.^{vi} The State must act with a sense of fiduciary responsibility.^{vii} Any balancing between public and private purposes begin with a presumption in favor of public use, access, and enjoyment.^{viii} Trust purposes are the norm or 'default' condition.^{ix}

Those who divert water for private profit must justify their use by way of the Commission's permitting requirements mandated by the due process clause of the Fourteenth Amendment of the U.S. Constitution and state law. The administrative process for off-stream uses provides Native Hawaiians and the public with fundamentally fair procedural safeguards to protect our property interests in our state's water resources. The holdover permits in HB2501 disregards these constitutional rights because it gives private actors the ability to circumvent the due process requirements by allowing them the right to divert water indefinitely and unregulated.

For over 160 years, private businesses diverted water from our streams until they were completely dry as they saw fit. The diversions have negatively impacted the health and well-being of our citizens because they cannot practice subsistent living. Those who own kuleana land cannot exercise their rights for kalo cultivation because there is insufficient water due to these mass private diversions.

This is gravely concerning especially because it abridges the public's right to dispute such private use. In addition to this, I find this bill as a last chance effort to avoid the judicial decisions in Na Wai 'Eha and East Maui to protect private interests over public trust purposes. To prevent future litigation for constitutional violations, I respectfully urge to reject this bill. Should you have any questions or concerns, please feel free to contact me.

Thank you,

Kau'ionālanī Pratt-Aquino

Kau'ionālani Pratt-Aquino
45-735 Wainānā St.
Kāne'ōhe, Hawai'i 96744
Email: pratt.kauai@gmail.com

ⁱ HAW. REV. STAT § 174C–5(3) (West) (Westlaw through 2014) (affirming the Commission's duty to prioritize instream values such as T&C rights under the Code.).

ⁱⁱ HAW. REV. STAT. § 174C-101(c)-(d).

ⁱⁱⁱ *Id.*

^{iv} HAW. REV. STAT § 174C–63 (West) (Westlaw through 2014) (“Appurtenant rights are preserved. Nothing in this part shall be construed to deny the exercise of an appurtenant right by the holder thereof at any time. A permit for water use based on an existing appurtenant right shall be issued upon application.”).

^v *Id.*

^{vi} In re Water Use Permit Applications, 9 P.3d 409, 444 (2000). [“Waiāhole”]

^{vii} *Id.* at 505

^{viii} *Id.* at 454

^{ix} *Id.*

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 12:20 PM
To: FINTestimony
Cc: ashman.janet@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
J Ashman	Individual	Support	No

Comments: This bill is critically necessary because it leaves many Hawaii farmers and ranchers STATEWIDE in limbo after the recent court decision that invalidated revocable permits. There is apparently a lot of misunderstanding about who benefits from this bill and what it does. Please ignore the propaganda that has generated outrage and opposition from the uninformed public. This bill provides a temporary fix to keep water flowing and ag alive until appropriate RP and lease policies can be established. Thank you.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: Duke Duke A. Sevilla <sevillad001@hawaii.rr.com>
Sent: Thursday, February 25, 2016 8:00 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Mahalo for your time and consideration,

Duke Duke A. Sevilla
702 Kaae Road
Wailuku, HI 96793

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 12:16 PM
To: FINTestimony
Cc: wmitno@hawaii.rr.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Wesley M Nohara	Individual	Support	No

Comments: I strongly support HB2501. The water that is at risk to be lost is critical for much of Maui's agriculture, businesses, residents and community.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 12:05 PM
To: FINTestimony
Cc: shyla.moon@ymail.com
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Shyla Moon	Individual	Support	No

Comments:

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From: Kalani Pruet <kalanipruet@yahoo.com>
Sent: Thursday, February 25, 2016 7:57 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

Kalani Pruet
14389 Kamehameha V Hwy
Kaunakakai, HI 96748

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 11:48 AM
To: FINTestimony
Cc: acq@hawaii.edu
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Alex Quintana	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 11:35 AM
To: FINTestimony
Cc: hokuokekai50@msn.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Lacques	Individual	Oppose	No

Comments: I am submitting testimony in STRONG opposition to HB2501. Please support legislation that restores environmental balance in our communities which in turn ensures the balance of cultural and social justice. HB2501 can not be adopted into law because the Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses.

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From: Daniel Bishop <mealaaloha@aol.com>
Sent: Thursday, February 25, 2016 7:56 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

Daniel Bishop
47-146 Pulama Rd.
Kaneohe, HI 96744

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 11:33 AM
To: FINTestimony
Cc: jan@islandstrategy.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Jan TenBruggencate	Individual	Support	No

Comments: I wish to add my voice of support to that of Hawaii's agricultural community, in asking the approval of HN2501, to preserve access to water pending issuance of long-term leases.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 11:14 AM
To: FINTestimony
Cc: frwvolcano@hotmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Rick Warshauer	Individual	Oppose	No

Comments: This bill is bad for the stream environment, bad for taro cultivation, bad economics for the state, bad because it continues bad practices instead of resolving them, bad because it continues a disincentive for Maui County to secure its water supply directly, bad because it is one more example of perpetuating old boy politics favoring the traditional powers at the expense of the people and the environment. Kill the bill.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 11:10 AM
To: FINTestimony
Cc: kaipelayo@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Alvin K Pelayo	Individual	Support	No

Comments: As a resident of Maui, I strongly support passage of HB2501 because it is critically needed legislation that is vital for the future of the general community and for Maui's farmers."

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From: Janos Samu <Janoss@aol.com>
Sent: Thursday, February 25, 2016 7:52 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

Janos Samu
PO Box 527
Kalaheo, HI 96741

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 11:01 AM
To: FINTestimony
Cc: louiserockett@aol.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
louise rockett	Individual	Comments Only	No

Comments: I do NOT support HB2501. The water is a public resource and should be allocated justly. Mahalo for voting against this HB.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 10:57 AM
To: FINTestimony
Cc: creeves0289@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Cynthia Reeves	Individual	Support	No

Comments: I support this bill in support of all of the farmers and water issues on Maui and the other islands. Please vote to pass this bill out of committee. Thank you!

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From: Alapaki Luke <markluke@hawaii.edu>
Sent: Thursday, February 25, 2016 7:44 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

Alapaki Luke
PO Box 11085
Honolulu, HI 96828

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 10:14 AM
To: FINTestimony
Cc: clareloprinzi@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
clare loprinzi	Individual	Oppose	No

Comments: You all must be pono, it is your kuleana...you must oppose this bill, it takes from Haloa with the kalo farmers and others...if you want to control and protect wai...than stop the chemical farming...poisoning of our aina a me wai. Aloha aina

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 10:09 AM
To: FINTestimony
Cc: pluta@maui.net
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph D Pluta	Individual	Support	No

Comments: E-mail: Pluta@maui.net Toll Free: 1-800-367-5637 FAX: (808) 661-7992
Local: (808) 661-7990 www.mauidestination.com February 25, 2016 HOUSE FINANCE
COMMITTEE HEARING FRIDAY, FEBRUARY 26, 2016 ROOM 308, 1 PM RE:
STRONG SUPPORT FOR PASSAGE OF HB2501 Dear Finance Chair Rep. Sylvia
Luke, As a resident of Maui, I strongly support passage of HB2501 because it is
critically needed legislation that is vital for the future of the general community and for
Maui's farmers." Respectfully Yours, Joseph D Pluta

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identified, or directed to the incorrect office, may not be posted online or distributed to
the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 10:00 AM
To: FINTestimony
Cc: ted@acmmaui.com
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Ted Yamamura	Individual	Support	No

Comments:

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From: Lani Eckart-Dodd <Lanilehua@gmail.com>
Sent: Thursday, February 25, 2016 7:43 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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Mahalo for your time and consideration,

Lani Eckart-Dodd
Po box 2810
Wailuku, HI 96793

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 9:59 AM
To: FINTestimony
Cc: uhiwai@live.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Sarah Kihoi-Low	Individual	Oppose	No

Comments: Please undo the generations of injustice and corporate interests. Return the wai to the streams and the lo'i. Let our 'āina heal, and let our culture live. Mahalo nui.

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I strongly oppose HB2501, as it directly affect my family land, and resources. Ke'anae and Wailuanui is one of the few remaining areas in the Hawaiian Islands where 'opae could be gathered. Virtually every stream had 'opae at some time during the year. However, the diversions of EMI have made it difficult for kupuna (elders) and keiki to walk miles to the ditches to gather food for their families. The entire shoreline, reef, and near shore area once was abundant with fish, and marine life. Since the diversions those marine life & its ecosystems are drastically gone down in numbers, because our muliwai (fresh water meets the sea) are not running. The streams are dry, therefore the numbers are little to zero. East Maui is a place where traditions run deep, the people of this land make a livelihood with the resources that lie from the mountain to the sea.

I hope you to will oppose HB2501 & help East Maui farmers, fisherman, and gatherers regain their livelihood, traditions, and Hawaiian culture, by restoring stream flow.

Me Ke Aloha,

Liliana Akuna

Wailuanui, Fisherwoman

I oppose HB 2501 because environmental resources, cultural resources, natural resources, following a court order, and an ENVIRONMENTAL ASSESSMENT come first!

How could Alexander & Baldwin continue one of largest private commercial water diversions in the United States without doing an ENVIRONMENTAL ASSESSMENT for over 10 years? Alexander & Baldwin uses 90% of Maui's water for their commercial sugar operations which requires more water per acre than any other crop! HC&S is closing down. Alexander & Baldwin doesn't need to use 90% of Maui's water. Nobody should be allowed to use that much water. Common sense.

Streams dried up. There's a powerful photo of Healoha Carmichael standing in a dried up stream. No water. None. Dried up. Her grandparents used to take her there to gather. Their parents, grandparents, and kupuna used to take them. The stream was never dried up like that. Ever. Only happened when too much water was diverted.

The environment of the streams need to be restored. Opae, hihiwai, oopu, limu, kalo , etc. need the streams flowing. Without water they become endangered, then extinct.

Please do not pass a law that would legally sanction Alexander & Baldwin's attempt to "skirt" ENVIRONMENTAL LAWS!

Mahalo,

Dori Carmichael

From: Caleb Lucero <CalebLucero@hotmail.com>
Sent: Thursday, February 25, 2016 7:41 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

Caleb Lucero
91-1105 Namahoe st 2G
Kapole i, HI 96707

Aloha Mai Finance Committee,

I oppose HB2501 as it drastically make East Maui streams lifeless while visitors & maui's tourist constantly ponder the reason for the empty rivee beds.

My family has been traditional gatherers of East Maui for several generations. My heart and home resides in Wailuanui, where kalo farming and freshly gathered meals are still practiced. I have been gathering 'opae, hihiwai, and 'o'opu since I was three years old. Being backpacked by my grandparents into the kuahiwi was a typical day for me. I remember, how plentiful the streams were of all native species and stream life. Fresh meals everyday was common, oppose to today, we rely on stores 50miles away. 50 miles away for food?!

The diversions that began in 1876 brutally impacted my family food source and live hood. My grandparents can no longer hike miles up the mountain to gather a small catch, therefor, my grandparents cannot eat. Life has changed drastically for them, and in the worst way. Stealing waters from farmers who embrace our Hawaiian lifestyle is by far the worst action you can do.

It makes my heart sore to know that the things I learned as a child might not practiced with my grandchildren in the future. Gathering food today is difficult, meaning we must walk 3-6 miles up the mountain to gather a small catch of 'opae.

The actions of approving this bill will continue to destruct and desecrate myself, my grandparents, my community and especially these keiki. Teaching our young the ways of old is very rich knowledge, that we inspire all of our keiki to understand. However, how can we teach our keiki with no water flowing?

The lawmakers decisions during this case has been in absolute no benefit to East Maui farmers, gatherers, and residents. The only benefits have been the parties who support the stolen waters along with Alexander & Baldwin. The greed we have seen involving EMI these past years have been inhumane, and disrespectful.

Having been worked in the tourism industry, I get questioned daily about the dry streams, and can only explain that we are involved in the largest-privately owned diversion case in the world. I tell the tourist, Stolen waters have been evident in Na Ko'olau Maui my whole life. Our streams travel to the sugar cane fields in central Maui. Now that the sugar cane fields are closing down, there is more so the reason to release the water. I hope and

pray that you vote in opposition of this bill and require the release of at least 100% of all streams. Although it will take longer than five years for our native species to return and thrive again, the release of water will bring back at least 'o'opu, and enough fresh water for the moi in the sea to spawn. I beg you to oppose this bill as it is a negative impact to all residents, farmers, fisherman, and gatherers of east maui.

Mahalo for listening to the farmers of East Maui,

Healoha M. Carmichael

Wailuanui

East Maui Gatherer

From: Natalie Van Leekwijck <hoepagirl@gmail.com>
Sent: Thursday, February 25, 2016 7:38 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

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Mahalo for your time and consideration,

Natalie Van Leekwijck
4555 SW Main Ave
Beaverton, OR 97005

Aloha mai Finance Committee,

I oppose HB2501 as the Stolen Waters case involving A&B and East Maui Farmers, is by far the most absurd case I have ever witnessed. My family has been farmers of East Maui for several generations, living in Ke'anae, the heart of the road to Hana, and the center of these stolen waters. Ke'anae is home to about twenty families, all farmers, of Hawaiian ancestry, and the rights to 100% stream flow that lies within their district, or ahupua'a. Seeing first hand the dry, and empty streams is like seeing a ghost in the beds of these gulches and river beds. All stream life have disappeared and vanished, the hihiwai, the 'o'opu, are gone, our food source, has disappeared, because of the actions of A&B for the operations of HC&S. This is largest privately owned water diversion in the WORLD, also ILLEGAL in the United States as well as the present, Kingdom of Hawai'i. Stealing water from a farmer is by far, the worst action one can do to a farmer. Interrupting a natural flow, and resource, has diminished, all life from the mountain to the sea. The moi are not plentiful in the sea, as they were in schools of many before the diversions.

Ke'anae to Wailuanui is one of the few remaining areas in Hawai'i where 'opae can be gathered. Virtually every stream had 'opae at some time during the year. However, because of the diversion, it has made it extremely difficult for the elders, and keiki of east maui to gather food for their home. Not being able to gather food for your family, or household is an constant, and extreme stress. The people of East Maui cannot rely on stores, there are NO stores in the middle of the road to Hana, there is only our streams, mountains, and ocean. The resources that have provided more than any life to sustain families for generations and generations to come. The diversion has made not only life difficult, but has diminished life and resources for all.

There is no positive outcome from this diversion for East Maui residents and farmers, the only benefit is to A&B, HC&S and all private parties involved. Water is life's most precious resource, and this battle is a shame to all human life involved. Let the water flow naturally, so that our lifestyles will again be great. It will take years, maybe decades for our stream life to return and maybe longer for our fish in the sea to begin re-producing, but releasing 100% of all streams is what is needed to revitalize this land. Life is easier on East Maui than the outside world, However Stolen Waters has made it brutal. We find ourself spending more hard working money on food, because our streams and ocean cannot feed the entire community. The native species and ecosystems provide a stable and beautiful watershed which would be nearly impossible to replace if this destruction

of our streams continue. It is clear that Native Hawaiian subsistence practices have resulted in a sustainable use of the natural resources of these ahupua'a. The diversion is a clear practice of disruption and desecration.

I hear by order, as a resident, and farmer of East Maui, that the State of Hawai'i shall enforce the Water Code, & Kanaka Maoli Rights, that all streams: Honopou, Hanehoi/Puolua, Waikamoi, Alo, Wahinepe'e, Puohokamoa, Haipua'ena, Punalau/Kolea, Honomanu, Nua'ailua, Pi'ina'au, Palauhulu, 'Ohi'a (Waianu), Waiokamilo, Kualani (Hamau), Wailuanui, Waikani, West Wailuaiki, East Wailuaiki, Kopiliula, Pua'aka'a, Waiohue, Pa'akea, Waiaaka, Kapaula, Hanawī, and Makapipi be 100% released by East Maui Irrigation for my family, community, and generations to come. Stealing water from these twenty-seven streams is stealing my rights for religious, cultural, and subsistence purposes. (Article XII, Section 7 of the State of Hawai'i Constitution)

Me Ke Aloha,

M. Kamalani Pahukoa

East Maui Resident / Farmer

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 8:59 AM
To: FINTestimony
Cc: taaaimi@yahoo.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Taimiroa Pajimola	Individual	Oppose	No

Comments: Stop depriving the people of East Maui of their cultural and spiritual rights, and their basic right to feed themselves. A&B should not be allowed to take anymore water. They have been allowed to deplete our natural resources without giving anything back for way to long while our native farmers have been doing 10times more then A&B to perpetuate the community and environment of Maui with the little to nothing they get now. The future depends on the way we take care of our natural resources. No one can do that better then the people of this place. Do your job and protect your people. Corporations are not people.

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From: Juliet Langley <langleyjuliet@yahoo.com>
Sent: Thursday, February 25, 2016 7:35 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

Please stop HB2501 from passing and protect the public's right to freshwater. No single entity should be allowed to divert water with no limitations! Which is what this bill would do.

It is my understanding that, if passed, this bill would allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion.

HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city.

Diversified agriculture would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

Juliet Langley

Kailua, HI 96734

TESTIMONY OF EDWARD WENDT
NA MOKU AUPUNI O KO`OLAU HUI

OPPOSING HOUSE BILL 2501
Wednesday, February 25, 2016
Conference Room 308

I oppose Senate Bill 2501 because it would overturn the recent court decision invalidating A&B's holdover permit -- a make-believe arrangement with no basis in the law -- and allow A&B to continue avoiding laws governing long term licenses.

This is a boutique law especially tailored for A&B. A&B has not complied with legal requirements for long-term licenses. With the full cooperation of DLNR, A&B has executed temporary "holdover" permits for which there exists no authority in the law. These make-believe temporary holdover permits have been routinely and annually renewed for the past 13 years. Judge Nishimura agreed with us that 13 years is not temporary. In fact, the massive diversions over public trust lands have continued unabated since 1925.

It is insulting the intelligence and integrity of this legislature to allow its members to be used this way.

This bill would grant A&B a pardon for its illegal acts, acts only made possible because of DLNR's complicity. A&B has been diverting billions of gallons of water over public lands for at least 13 years without completing the Environmental Assessment ruled necessary by 1st Circuit Court Judge Hifo.

For many decades, although our East Maui Taro Farmers were deprived of water they followed and put their trust in the law. After 15 years of working through the courts, they finally won a historic court victory last month, but HB 2501 seeks to overturn that victory. In effect, it seeks to substitute political power, economic power and corporate influence for doing the right thing. The right thing would have been for A&B to share a reasonable amount of water with the taro farmers when they asked a long time ago. Instead, A&B intensified its diversions, improving the system's efficiency to ensure every possible drop was captured. To use this legislature to sanction the abuse, and to overturn a hard-won court battle of 15 years is a slap in the face to our law-abiding community, many of whom, including myself, are decorated veterans who served this country in combat. It is a misappropriation of precious trust resources, and a betrayal of the public's trust.

Of the billions of gallons diverted from public lands, less than 10%, is sold to the County of Maui for public Upcountry and Ag Park consumption. The remaining 90% is used for A&B's commercial sugar, a crop which requires more water per acre than most. Now that HC&S is shutting down its sugar operations and transitioning to diversified agriculture, surely the taro farmers, who have priority appurtenant water rights and who are also agriculturists in the purest sense, deserve fairer treatment. Please don't make an ill-advised practice that was illegal, legal. There is ample water for all parties to share.

Please do not pass a law that would legally sanction A&B's attempts to skirt Environmental laws and continue to deprive taro farmers of their Constitutional rights.

From: Laurence Roussel <ngoumbi@hotmail.com>
Sent: Thursday, February 25, 2016 7:31 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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Mahalo for your time and consideration,

Laurence Roussel
HC1 Box 184B
Hana, HI 96713

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 8:52 AM
To: FINTestimony
Cc: luly.unemori2@hawaiiantel.net
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Luly Unemori	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 8:30 AM
To: FINTestimony
Cc: ronsan2224@aol.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Ronald S. Fujiyoshi	Individual	Oppose	No

Comments: Water is one of the most basic of rights of the people. Water should be protected for native Hawaiians, not for corporations. Mahalo for the opportunity to testify in this manner!

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 8:25 AM
To: FINTestimony
Cc: PelesGrrl@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Trinette Furtado	Individual	Oppose	No

Comments: Aloha Mal Kākou Chair Luke, Vice Chair Nishimoto and Committee Members, 'O Trinette Furtado ko'u inoa. No Hamakualoa mai au ma ka mokupuni o Mauiuiakama. I am writing in STRONG OPPOSITION to HB2501HD1 and urge you to do the same. I further ask that no amendments be made to it to propel it forward AND that you don't allow it to advance further. Living in Hamakualoa, I am acutely aware of the decades-long struggle of East Maui farmers to recover adequate water from our streams to continue Kalo farming, something their 'ohana have been doing for generations. Recently, these mahi'ai Kalo won a case against EMI, with the court's judgment that illegally stolen water be returned to the streams they've historically been diverted from. As I understand it, the decision has been appealed and is currently awaiting next steps. IS this bill to allow holdover permits while awaiting application approval on revocable water permits, a legislative workaround of a judicial decision? Given the mass implications for EMI and the other large entities involved with them here on Maui, the "timely" introduction of this bill begs the question above. Revocable permits for water are such, for a reason. Allowing a holdover permit until a pending application is resolved, defeats the purpose of a revocable water permit. Such action would allow those who currently mismanage water resources, to continue to do so until such time that their renewal application authorizing continuing misuse, is issued. Where is the relief for the farmer growing food for our communities? Where is the relief for the public? As weather changes, water demand and use fluctuate, it is critical that water rights permits be examined and use of permit holders be adjusted to ensure that the Public Trust is protected and our precious resource is maintained for ourselves and our keiki. Do not forget that it is your DUTY to uphold the Public Trust Doctrine. If this IS a ploy to allow EMI, A&B and HC&S to continue to operate on a "holdover permit", it would clearly be not only a slap in the face of our legal system which we ALL rely on to be fair and objective, but it would also be a slap in the face to farmers who have been diligently, honestly and legally standing up for THEIR historical rights to water. You would send a definitive message that money really does rule our government. Not a good message during an election year. I ask that you think critically about the implications of this bill and strongly urge you to OPPOSE HB2501HD1, hear no amendments to it AND do not allow it to move forward. Mahalo for your time. Trinette

Furtado Hamakualoa, Maui, Hawai'i Nei

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 8:23 AM
To: FINTestimony
Cc: kgma1956@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Mark H. Kijima	Individual	Support	No

Comments: Please keep the water flowing to the central valley on Maui until the water rights issues have been resolved. It will be cost prohibitive to resume water delivery once the flow of water from East Maui is stopped for a significant and appreciable amount of time. Thank you

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From: Franka Lono <Flono2008@gmail.com>
Sent: Thursday, February 25, 2016 7:22 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

Franka Lono
Po box723
Hana, HI 96713

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 8:22 AM
To: FINTestimony
Cc: hulikalima@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
NO Kapaole	Individual	Oppose	No

Comments: Strongly oppose. This Bill does nothing but aid and abet the longstanding crime of stealing water from subsistence farmers and Hawaiians for special interests and greedy corporations. Shame on those who introduced this bill; they truly show their own corruption in doing so.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 8:14 AM
To: FINTestimony
Cc: tina@kiheiice.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Tina Wildberger	Individual	Oppose	No

Comments: Please oppose this bill. There has been enough water poaching by A&B. It is time to return stream flow to Kuleana farmers. Our state reps continue to do the bidding of big ag. It's time to put a stop to this blatant thievery. Mahalo.

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From: ken stec <draco9946@earthlink.net>
Sent: Thursday, February 25, 2016 7:20 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

ken stec
201 East 25th Street
14-E
New York, NY 10010

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 7:09 AM
To: FINTestimony
Cc: julianemoto@googlemail.com
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Julia Nemoto	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 7:07 AM
To: FINTestimony
Cc: gregf@haleakalaranch.com
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Gregory Friel	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 6:48 AM
To: FINTestimony
Cc: mck0714@yahoo.com
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Maggie Kramp	Individual	Support	No

Comments:

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From: John Villiarimo <johnvilliarimo@gmail.com>
Sent: Thursday, February 25, 2016 7:17 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

As a product of East Maui this has been an issue close to many of our hearts and although I now live on Moloka'i, I still want the best for my community back home. Mahalo for your time and consideration,

John Villiarimo
PO BOX 1625
Kaunakakai, HI 96748

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 6:43 AM
To: FINTestimony
Cc: tampaltin@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Tamara Paltin	Individual	Oppose	No

Comments: I strongly oppose this bill because: The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. If passed, this bill would allow commercial users to divert millions of gallons of public water per day and avoid protections for both Hawaiian and public water interests indefinitely, with no limitations on the amount or duration of the diversion. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review. This bill circumvents public trust protections by allowing private users to evade Environmental Impact Studies (EIS) and Environmental Assessments (EA) required for revocable permits. A&B does not need public water. A&B holds 33,000 acres in Central Maui of which 23,000 are designated Important Agricultural Lands (IAL.) Court documents submitted by A&B indicate there are 132 million gallons per day available from their existing private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the approximate water duty for A&B water and land commitments in East Maui. A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future. Diversified agriculture needs less than half the water for sugarcane or about 2,500 gallons of water per acre per day. With an average of about 42.5 million gallons of water per day for diversified agriculture on all cultivated acres and a \$2 million annual contract with the County of Maui to supply 9 million gallons of water per day for Upcountry residents, 91 million gallons of water per day would more than sufficiently satisfy approximate A&B irrigation needs. Even if A&B were to grow on 30,000 acres, they only need about 75 million gallons of water per day to cultivate diverse crops. A&B could seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while they appeal the Circuit Court's invalidation of their holdover status. A&B would simply need to explain to the Court how much water they need and why, as the County did. Since the 1980's, A&B has paid the State of Hawai'i only \$160,000 for use of 33,000 acres of public land, and 164 million

gallons per day on average of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 5:02 AM
To: FINTestimony
Cc: rkayelny@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Robin Kaye	Individual	Oppose	No

Comments: Please do NOT pass this bill forward; vote it down! The court has spoken, the community-at-large has spoken; It is time for the East Maui waters to leave the private world of a single corporation and again flow to the community at large.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 4:38 AM
To: FINTestimony
Cc: Karen@RedwoodGames.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Karen Chun	Individual	Oppose	No

Comments: Really? You people want to over-rule the court decision and give A&B water it doesn't need at the expense of the Hawaiian taro farmers? I see some friends of the environment voting in favor of this. What are you thinking????

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From: Melody Cosma-Gonsalves <hana.ku93@gmail.com>
Sent: Thursday, February 25, 2016 7:15 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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Mahalo for your time and consideration,

Melody Cosma-Gonsalves
6894 Hana Hwy.
Hana, HI 96713

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 10:36 PM
To: FINTestimony
Cc: arnoldkotler@aol.com
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Arnold Kotler	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 10:35 PM
To: FINTestimony
Cc: kainoawilson@yahoo.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kainoa Wilson	Individual	Oppose	No

Comments: I am in opposition of this bill because I feel that once a company has a reduced need/ceases operations, any resource they have been utilizing should be returned. It is not fair to hold a resource that would benefit others especially if no reasonably sound alternatives for its use is put forth.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 10:03 PM
To: FINTestimony
Cc: deakos@hawaii.edu
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Deakos	Individual	Oppose	No

Comments: This bill will continue to subsidize the profits of a multi-billion dollar company (A&B) receiving special status over the interests of the public trust. Please oppose HB2501 to help restore balance in our environment and justice in our community. Please defend the public right to water. Mahalo, Mark Deakos 4993 Lower Honoapiilani Road Lahaina, HI 96761

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 9:46 PM
To: FINTestimony
Cc: alexhaller.hawaii@gmail.com
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Alex Haller	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 9:37 PM
To: FINTestimony
Cc: sestshim@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Sesame Shim	Individual	Oppose	No

Comments: I URGE YOU TO OPPOSE THIS BILL. In January 2016, the courts determined it has been illegal to continue permits without an environmental impact statement for the last 15 years. And now, this bill is established to excuse a corporation from its due diligence. I do not see how this bill benefits the people of the County of Maui. Alexander & Baldwin is required to submit an environmental impact statement and show the necessary water needs. The county of Maui has one tenth of the population of the county of O'ahu, yet Alexander & Baldwin takes away the same amount of water from our rivers. This doesn't add up. There is no sense of efficiency and blatant disregard for any water management. Alexander & Baldwin MUST complete an environmental impact statement. Our rivers are suffering, our stream life is suffering, our kalo farmers are suffering, our ocean and marine life are suffering. We are all linked together, so therefore, humanity is suffering. Food is the central focus of the culture of Hawai'i, Kalo is the staple and root of the culture of Hawai'i. If the main resource to support our kalo farmers from growing the root of Hawai'i's culture continues to be stripped away, the culture of Hawai'i dies, and so will it's Aloha. I strongly OPPOSE this bill and urge you to OPPOSE this bill as well. Mahalo.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 9:34 PM
To: FINTestimony
Cc: burgharc@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl	Individual	Oppose	No

Comments: Just a reminder.. we are watching. Give the Maui water back as it is supposed to be.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 9:30 PM
To: FINTestimony
Cc: mylittleopihi@yahoo.com
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Cabalse	Individual	Oppose	No

Comments:

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February 24, 2016

To Whom It May Concern:

I am writing in opposition of this Bill HB2501ons. I am in opposition because it would allow one big corporation to waste millions of gallons of freshwater every day, while the streams run dry and Hawaiian farmers are starved from their land. It circumvents the established process for requesting access to public water. It rewards A&B for manipulating the permitting system for years. It contradicts longstanding public policies in place to protect streams, freshwater, traditional farming practices, and our imperiled natural environment.

Please do not let this bill pass, and do what is right for our environment, and this land.

Mahalo,
Nanea Lo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 8:48 PM
To: FINTestimony
Cc: aizikizia@gmail.com
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Crystal Branco	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 8:46 PM
To: FINTestimony
Cc: jeannine@hawaii.rr.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Jeannine Johnson	Individual	Oppose	No

Comments: I strongly oppose HB2501 which would reverse the hard-fought win by East Maui taro farmers and cultural practitioners and allow the State to continue the practice of using holdovers of temporary permits indefinitely. Article 11, Section 1 of the Hawai'i State Constitution states as follows: "For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawai'i's natural beauty and all natural resources, including land, water, air, minerals and energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State. All public natural resources are held in trust by the State for the benefit of the people." Like the TMT, HB2501 will violate our laws intended to protect critical natural and cultural resources. Mohala i ka wai ka maka o ka pua. (Unfolded by the water are the faces of the flowers.) Flowers thrive where there is water, as does a thriving people. Please oppose HB 2501. Mahalo.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 8:24 PM
To: FINTestimony
Cc: harriet@passengerplanet.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Harriet Witt	Individual	Oppose	No

Comments: We need sustainable agriculture on Maui and this bill makes that impossible.

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Testimony of Dr. Daniel P. de Gracia, Th.D., D.Min., M.A.
in opposition to the measure
House Bill No. 2501 HD1 (HSCR 212-16), Relating to Water Rights
before the House Committee on Finance
Friday, February 26, 2016 at 1:00PM in Conference Room 308

Chair Luke, Vice Chair Nishimoto, Honorable Members of the Committee:

Thank you for the opportunity to testify on these timely and important matters of water access, resource ownership, and environmental health. This bill, for many reasons, is highly problematic and yet exposes the very essence of why the 21st century is one of mankind's most challenging eras to live in: The single greatest source of conflict and inequality in our world today is the tug-of-war between corporate cartelization of vital environmental resources and individual dependence and perpetual need to access those same resources.

Corporations, to a large extent, unfairly hold almost all of the power when it comes to the environment, both because they have the means to buy whole ecosystems, and, to a greater extent, because of their tremendous financial power to influence governments. It is no coincidence that some of the most oppressive, totalitarian regimes in the world are *also* the richest in natural resources, as corporate cartelization of the environment can only happen with government as a willing partner to sign away public rights to multinational companies.

When government fails to steward the land for the benefit of all, the result is an annihilation of society.

This is why in the public water case of *Sawhoyama Indigineous Community v. Paraguay* (2006) the Inter-American Court of Human Rights found "personal and cultural identity" were directly affected by access to water, which the Court also linked to "the right to life" and ruled that Paraguay's "lack of due diligence to prevent the problems of shortage of land, water ... generates ... the international responsibility of the State."

This precedent holds especially true here in the Aloha State. The culture of Hawaii and our collective right to life depends on access to abundant, clean water. This measure invests far too much power over the destiny of so many in the hands but a few, and it raises serious concerns for the kind of world our future keiki will inherit.

Moral Hazard

Consider: When large corporations make so-called "mistakes" that destroy the environment or produce unintended scarcity, they are "too big to fail" and are often absolved of responsibility by the governments they control, while the average person is forced to suffer the consequences all on their own without any help.

When Alan Greenspan retired as Chairman of the Federal Reserve, his lax regulatory policies and loose money strategies were lauded *at the time* by members of Congress and financial observers as a so-called "boom" for large corporations and developers, many of which decimated large swaths of pristine,

undeveloped land to build commercial and residential properties which markets later revealed to be excessive and unsustainable. Greenspan, at the time, was even awarded the country's highest civilian honor, the Presidential Medal of Freedom, by President George W. Bush. But when the global housing market collapsed – leaving a glut of houses no one could pay for, and the obliteration of trillions of dollars' worth of individual wealth around the world – Greenspan appeared before Congress seemingly untouched by the wrong he had done, characterizing his deeds in such measured, emotionless terminology as "I found *a flaw* ... in the model that I perceived is the critical functioning structure that defines how the world works, so to speak."

Here too, in Hawaii, government personalities and corporate leaders have historically shown a total lack of blush and empathy for the people when their "flaws" destroy the environment and ruin people's lives. They profit and run while the rest of us must pay for the burden of what they destroyed. What government is effectively doing, at the public expense, is enabling the wealthy to get wealthier by leveraging for a profit what all of us depend on for life. That is unacceptable. Your job, as elected representatives, is to insure that the public is never exposed to that kind of danger where private entities can destroy public welfare.

Members, the existence and legitimacy of the modern state as a social contract entity demands earnest protections of land and water as public resources. It would not be unreasonable for many Hawaii residents – especially in the Native Hawaiian community – to see measures such as this, and fear that their State Legislature has become a willing partner in assisting cartelization of the islands and their scarce resources for the benefit of a privileged few.

The Senate Committee on Water, Land and Agriculture showed great moral leadership in deferring this measure's companion, SB 3001. I greatly encourage the House Finance Committee to do the same. As the "correction" committee for the House, you are the final line of defense for the people of Hawaii, and the world is watching for the example you set.

Remember the words of Alexander Solzhenitsyn, who warned the graduating class of Harvard in 1978, "The world belongs to *mankind* and all the defects of life are caused by wrong social systems, which must be corrected ... the fight for our planet, physical and spiritual, a fight of cosmic proportions, is not a vague matter of the future; it has already started."

Don't roll the dice on the future of Hawaii's water.

Thank you for this opportunity to testify.

To the House Finance Committee
Testimony in OPPOSITION TO HOUSE BILL 2501

I am submitting this testimony to ask you to kill House Bill 2501 completely.

I am deeply concerned about House Bill 2501 and the continued taking of our water by corporations that disregard the law.

I oppose House Bill 2501 because it would overturn the recent court decision in favor of taro farmers and allow Alexander & Baldwin to continue one of the largest private commercial diversions in the entire United States without doing an Environmental Assessment. A&B was told by Judge Eden Hifo more than a decade ago it must do an EA in order to continue its diversions, but ignored her court order. Instead, they continued to divert water out of the East Maui watershed, to the great hardship of farmers.

For many decades, although our East Maui Taro Farmers were deprived of water they have always followed and respected the law. After 15 years of fighting through the courts, they finally won a historic court victory last month, but H.B. 2501 would overturn that victory. To use this legislature to overturn a hard-won court battle of 15 years is unjust!

Of the billions of gallons diverted from public lands, less than 10%, is sold to the County for public Upcountry and Ag Park consumption. The remainder is used for A&B's commercial sugar operations, which requires more water per acre than any other crop. Now that HC&S is closing down its sugar operations and transitioning to diversified agriculture, surely the taro farmers, who have priority appurtenant water rights and who are also agriculturists in the purest sense, deserve fairer treatment from this political system! There is ample water for all parties to share!

Please do not pass a law that would legally sanction A&B's attempts to skirt Environmental laws and continue to deprive taro farmers of their Constitutional rights!

Sincerely,

Melissa W.L.S. Beavers

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 7:48 PM
To: FINTestimony
Cc: rittew@hotmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Walter Ritte	Individual	Oppose	No

Comments: Walter Ritte, I strongly oppose HB 2501. We need to bring environmental balance back to our rivers. the private profits are having a negative impact on our public trust kuleana in our rivers.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 7:41 PM
To: FINTestimony
Cc: info@courtneybruch.com
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Courtney Bruch	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 7:28 PM
To: FINTestimony
Cc: 4wdtiki@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Bill Collins	Individual	Oppose	No

Comments: I strongly oppose HB2501.

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From: Kauai Kanakaole <kkanakaole@yahoo.com>
Sent: Thursday, February 25, 2016 7:13 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

Kaui Kanakaole
4195 Hana Hwy
Hana, HI 96713

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 7:27 PM
To: FINTestimony
Cc: swc156@hawaii.rr.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Stephen Canham	Individual	Oppose	No

Comments: I oppose HB2501. Follow the courts and keep the water with the farmers, not the huge corporations. Thank you.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 7:01 PM
To: FINTestimony
Cc: ponosize@hotmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Pono Kealoha	Individual	Oppose	No

Comments: No Treaty No Annexation NO JURISDICTION OUR WATER OR RESOURCES NOT YOURS Mahalo

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From: Claudia Kalaola <wehi@kalaola.com>
Sent: Thursday, February 25, 2016 7:12 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

Claudia Kalaola
146 Kauiki Street
Hana, HI 96713

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 6:42 PM
To: FINTestimony
Cc: anelamarie@gmail.com
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Anela Evans	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 6:27 PM
To: FINTestimony
Cc: mauibrad@hotmail.com
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Brad Parsons	Individual	Oppose	No

Comments:

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From: Maki Murakami <maki@hiokiusa.com>
Sent: Thursday, February 25, 2016 7:02 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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Mahalo for your time and consideration,

Maki Murakami

Monroe, NJ 08831

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 5:47 PM
To: FINTestimony
Cc: luanajones777@hotmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Luana Jones	Individual	Oppose	No

Comments: Aloha! Strongly oppose this bill. Please give the water back to the mahi'ai farmers. Mahalo nui.

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From: Jeanne-Beige boeche <Kaweaboehme@yahoo.com>
Sent: Thursday, February 25, 2016 7:01 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

Jeanne-Beige boeche
Po box 757
Hana, HI 96713

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 5:10 PM
To: FINTestimony
Cc: wctanaka@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Wayne Tanaka	Individual	Oppose	No

Comments: What good is the law, if those that break it for years are allowed to change it after-the-fact, and for no good (proven) reason? The Senate already deferred their version of this measure, for good cause. Please oppose this bill and maintain the public confidence in the legislative process. Mahalo nui!

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Kuahiwi Contractors, Inc/Kuahiwi Ranch
PO Box 24
Naalehu HI 96772
(808) 430-4927
February 24, 201

Aloha Finance Committee Chair Luke, Vice Chair Nishimoto and Finance Committee Members,

My name is Michelle Galimba and I am testifying in **support** of HB2501 Relating to Water Rights.

My family operates a cattle ranch in Ka'u district on Hawaii Island. We live and work in a remote area where there is very little public infrastructure. We have a revocable permit that allows our ranch and several other ranches in the area to use water that originates from a water tunnel dug by the sugar plantation early last century. We only use the excess water left over after the County Department of Water Supply takes water for residential use. This water would otherwise simply be dumped on the ground. This excess water is used on our ranch, and other neighboring ranches, to create food, income, and jobs for local people, in an area where jobs are scarce. Sometimes there is water for our ranches, and sometimes, during droughts such as we are presently experiencing, there is little to no water available from our water permit. We do not divert water from streams, as there are no permanent streams in the district of Ka'u.

We do our best to obey the regulatory requirements as defined by the State. We would have preferred to have been allowed a long term water lease, however we understand how complex permitting is, and have patiently worked with what tenure has been available to us. Now even the short-term tenure that these water permits offered are at risk.

HB2501 will allow us all to work through the complex issues of water permits and leases without causing immediate harm to our agricultural businesses and homesteads here in Ka'u. I hope that you will vote in its favor.

Michelle Galimba, VP

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 4:40 PM
To: FINTestimony
Cc: skaye@runbox.com
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
sally kaye	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 4:27 PM
To: FINTestimony
Cc: stephandjim@aol.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie Austin	Individual	Oppose	No

Comments: This bill puts corporate rights (outdated) against the right of citizens - water is a public trust, and citizens of Maui and Hawaii depend upon our elected officials to protect our rights!

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 4:13 PM
To: FINTestimony
Cc: forestaf@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Forest Frizzell	Individual	Oppose	No

Comments: Please restore water to Maui kalo farmers.

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From: Deborah Eudene <reclaimingbalance@gmail.com>
Sent: Thursday, February 25, 2016 7:00 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

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Mahalo for your time and consideration,

Deborah Eudene
424 Kapakalua Rd
Haiku, HI 96708

From: Daryl boeche <Kunihi@yahoo.com>
Sent: Thursday, February 25, 2016 6:59 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

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Mahalo for your time and consideration,

Daryl boeche
15 alau st
Hana, HI 96713

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 4:02 PM
To: FINTestimony
Cc: scott@aloha.net
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Crawford	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 3:54 PM
To: FINTestimony
Cc: lsierraknight@yahoo.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
LS Knight	Individual	Oppose	No

Comments: Please oppose this bill and not allow for any amendments . The people and especially farmers have been waiting for decades to get their stream flows back. The court decided this do not let this be overturned or compromised away!!! No to HB 2501

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From: Kaimiloa Baltero <ckbaltero@yahoo.com>
Sent: Thursday, February 25, 2016 6:56 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

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Mahalo for your time and consideration,

Kaimiloa Baltero
76-338 Wana Street
Kailua Kona, HI 96740

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 3:29 PM
To: FINTestimony
Cc: potterrosina@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/24/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Rosina Potter	Individual	Oppose	No

Comments: We should protect our streams and our kalo farmers of east maui. We need to restore much needed water to east maui so the residents of Keanae and Wailua are able to open up more lo'i for kalo. A&B should not be given the rights to more water.

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From: Moani Aiona <Moani.nhsp@gmail.com>
Sent: Thursday, February 25, 2016 6:46 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Moani Aiona

Hana, HI 96713

From: Melissa-Ann Souza <melissa-ann.souza@fmc-na.com>
Sent: Thursday, February 25, 2016 6:42 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Melissa-Ann Souza
P.O. Box 2863
Wailuku, HI 96793

From: Martha Vanderlin <marthavanderlin@hotmail.com>
Sent: Thursday, February 25, 2016 6:39 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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Mahalo for your time and consideration,

Martha Vanderlin
2020 Main St
1106
Wailuku, HI 96793

From: Napua Hueu <napua14@gmail.com>
Sent: Thursday, February 25, 2016 6:30 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Napua Hueu
13705 Hana Hwy
Keanae, HI 96708

From: Chanel Souza <Kiheisouzas@aol.com>
Sent: Thursday, February 25, 2016 6:28 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Chanel Souza
120 Alahele Place
Kihei, HI 96753

From: Karen and Jeff Hay <jakehay@hotmail.com>
Sent: Thursday, February 25, 2016 6:21 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Karen and Jeff Hay
1019 Kuamauna St.
Honolulu, HI 96825

From: Cynthia Simms <choldersimms@yahoo.com>
Sent: Thursday, February 25, 2016 6:20 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Cynthia Simms
31637 E. Nine Dr.
Laguna Niguel, CA 92677
Laguna Beach, CA 92677

From: Melania Padilla <melpadillapag@gmail.com>
Sent: Thursday, February 25, 2016 6:13 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Melania Padilla
CA street D268
Managua, ot 15034

From: Forest Shomer <inspass@whidbey.net>
Sent: Thursday, February 25, 2016 6:07 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Forest Shomer
PO Box 639
Port Townsend, WA 98368

From: Caren Loebel-Fried <cblf@msn.com>
Sent: Thursday, February 25, 2016 6:05 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Mahalo for your time and consideration,

Caren Loebel-Fried

Volcano, HI 96785

From: Vicky Moraiti <vicky.morab@yahoo.gr>
Sent: Thursday, February 25, 2016 6:04 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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Mahalo for your time and consideration,

Vicky Moraiti

Athens,Greece, ot 12242

From: Manu Meyer <manulani@hawaii.edu>
Sent: Thursday, February 25, 2016 5:57 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Mahalo nui no ko aloha,
Manulani Aluli Meyer

Manu Meyer
136 Alae St
Hilo, HI 96720

From: Zachary Klaja <zklaja@gmail.com>
Sent: Thursday, February 25, 2016 5:57 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Mahalo for your time and consideration,

Zachary Klaja
1810 sw 114th st
Seattle, WA 98146

From: David Derauf <derauf@hawaii.edu>
Sent: Thursday, February 25, 2016 5:53 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

David Derauf
2239 N. School St.
Honolulu, HI 96819

From: Mavis Oliveira-Medeiros <Mavisoliveira@gmail.com>
Sent: Thursday, February 25, 2016 5:53 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the taro growers water rights, stream beds, along with all the food sources that come from the fresh water (shrimp, o'opu, hihiwai) food source, along with the salt water food sources that depend on the fresh water coming out from the streams into the salt water (muliwai), where salt water fish go to spawn naturally. By diverting the Wai, this natural Eco system is being ruined.

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Mahalo for your time and consideration,

Mavis Oliveira-Medeiros
East Maui Resident

Mavis Oliveira-Medeiros
445 Haneo'o Road
PO Box 215
Hana, HI 96713

From: Pumehana Paisner <miriampaisner@hotmail.com>
Sent: Thursday, February 25, 2016 5:45 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Pumehana Paisner
3250 O'neal Cir #24-H
Boulder, CO 80301

From: Frances Salvato <st.fjames@gmail.com>
Sent: Thursday, February 25, 2016 4:53 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Frances Salvato
284 Elilani
Makawao, HI 96768

From: Solomon Sikirdji <sol33king@gmail.com>
Sent: Thursday, February 25, 2016 4:15 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Solomon Sikirdji
23 Door of FAith Rd
Huelo, MAui HI
Makawao, HI 96768

From: Bianca Isaki <bianca@kahea.org>
Sent: Thursday, February 25, 2016 4:07 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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Mahalo for your time and consideration,

Bianca Isaki

Bianca Isaki

Honolulu, HI 96816

From: Linda Boyland <lboyland@hotmail.com>
Sent: Thursday, February 25, 2016 3:56 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Linda Boyland
7828 Mineral Springs Dr
Gaithersburg, MD 20877

From: Ricky Buttery <rickyb7771st@aol.com>
Sent: Thursday, February 25, 2016 3:32 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Mahalo for your time and consideration,

Ricky BATTERY
6395 Wien Ln.
Cocoa, FL 32927

From: Benjamin Guerrero <bguerr4@yahoo.com>
Sent: Thursday, February 25, 2016 3:14 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Benjamin Guerrero
356a Nihoa ST
KAHULUI, HI 96732

From: Kailani Ross <kailani.ross@gmail.com>
Sent: Thursday, February 25, 2016 2:59 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Kailani Ross
po box 10611
lahaina, HI 96761

From: Jessamy Hornor <Jessamyhornor@gmail.com>
Sent: Thursday, February 25, 2016 2:50 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Jessamy Hornor
4911 mana pl
Honolulu, CA 94708

From: Rchard Heinlein <muhwase@wildmail.com>
Sent: Thursday, February 25, 2016 2:25 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Rchard Heinlein
PO Box 152
Trevor, WI 53179

From: Tia Pearson <tia.pearson@gmail.com>
Sent: Thursday, February 25, 2016 1:34 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Mahalo for your time and consideration,

Tia Pearson
PO Box 861697
Wahiawa, HI 96786

From: Flora Pino García <florapino@bme.es>
Sent: Thursday, February 25, 2016 1:07 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Flora Pino García
calle romero 12
Alameda del Valle, Madrid, Españ, ot 28749

From: Janet Robinson <bocacatlover@gmail.com>
Sent: Thursday, February 25, 2016 12:46 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Janet Robinson
6391 Toulon Dr.
Boca Raton, FL 33433

From: Hope Faith <hopefpl@hotmail.com>
Sent: Thursday, February 25, 2016 12:44 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Hope Faith
PO Box 1094
Kihei, HI 96753

From: gretchen Losano <gleisenring@gmail.com>
Sent: Thursday, February 25, 2016 12:36 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

gretchen Losano

Iahaina, HI

From: Kurt Frees <krfent1@cinci.rr.com>
Sent: Thursday, February 25, 2016 12:26 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Kurt Frees
1350 Pebble Ct. #154
Cincinnati, OH 45255

From: Keone Case <chiefsrnm@gmail.com>
Sent: Thursday, February 25, 2016 12:09 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Keone Case
55-490 Keawe Iki Pl.
Hawi, HI 96719

From: Chris Drumright <astrohoops@aol.com>
Sent: Thursday, February 25, 2016 12:07 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Chris Drumright
1434 E. Main St. #26
Murfreesboro, TN 37130

From: William Viernes <1iwilly@hotmail.com>
Sent: Wednesday, February 24, 2016 11:57 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

William S Viernes
1iwilly@hotmail.com

William Viernes
15-347 Kahakai Blvd
Pahoa, HI 96778

From: Brenda Kuamoo <bkuamoo@hotmail.com>
Sent: Wednesday, February 24, 2016 11:53 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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Mahalo for your time and consideration,

Brenda M. Kuamoo
bkuamoo@hotmail.com
15-347 Kahakai Blvd
Pahoa HI 96778

Brenda Kuamoo
15-347 Kahakai Blvd
Pahoa, HI 96778

From: lorenz steininger <schreibdemstein@posteo.de>
Sent: Wednesday, February 24, 2016 11:42 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

lorenz steininger

stafford, ot 86558

From: Tom Pitman <thomaspitman@gmail.com>
Sent: Wednesday, February 24, 2016 11:39 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Tom Pitman
1913 1/2 Magnolia blvd.
Burbank, CA 91506

From: Anna Brewer <annekea1@hotmail.com>
Sent: Wednesday, February 24, 2016 11:28 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Anna Brewer
Pob 7
Fountain, MI 49410

From: Candace Fujikane <fujikane@hawaii.edu>
Sent: Wednesday, February 24, 2016 11:17 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I strongly oppose HB 2501, "Relating to Water Rights."

This legislation is an attempt to circumvent the court ruling that the A&B permits are invalid and that the uninterrupted use of public land on a holdover basis for more than a dozen years is not temporary.

The very language of the bill that specifies a "holdover permit" for a "holdover period" is an attempt to rewrite the law upon which the court ruling was correctly made. I find this attempt to manipulate the laws to favor A&B to be a gross injustice.

This theft of water as a public trust resource has gone on long enough. It is precisely because there has been no environmental assessment on the effects of the diversion to stream life ecosystems, to Hawaiian gathering practices, to estuaries and fishing, and to kalo farming that this "holdover permitting" must end and the court's ruling enforced.

The premise of HB2501 is that such legislation is needed to meet the needs of 36,000 Upcountry Maui residents and farmer, but the court ruling allows these residents to have uninterrupted service with water that Maui County gets from A&B through stream diversion and water that is not from the 33,000 acres of state lands.

As has been stated time and again, justice must have the appearance of justice. And rewriting laws that clearly apply to A&B will never have the appearance of justice.

Mahalo for your time.

Sincerely,
Candace Fujikane
Associate Professor of English
University of Hawai'i

Candace Fujikane
46-318 Haiku Road
Kaneohe, HI 96744

From: Monika Huber <monika.huber.vienna@gmx.at>
Sent: Wednesday, February 24, 2016 11:15 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Monika Huber
Springergasse 6
Vienna, ot A-1020

From: Eve Saglietto <info@saglietto.de>
Sent: Wednesday, February 24, 2016 10:51 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Mahalo for your time and consideration,

Eve Saglietto
Erlenweg
Seeshaupt, ot 86754

From: LorrieAnn Santos <anelalani@gmail.com>
Sent: Wednesday, February 24, 2016 10:43 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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LorrieAnn Santos
45-415 Loli'i Street
Kane'ohe, HI 96744

From: Jerry Rivers <Jerry.rivers13@yahoo.com>
Sent: Wednesday, February 24, 2016 10:41 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

Jerry Rivers
8-Gombert place
Roosevelt, NY 11575

From: Terri Kekoolani <Napua4u@yahoo.com>
Sent: Wednesday, February 24, 2016 10:34 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

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Mahalo for your time and consideration,

Terri Kekoolani
3704 Pelu Place
Honolulu, HI 96816



Hawaii Agriculture Research Center

Administration: P.O. Box 100, Kunia, HI 96759

Ph: 808-621-1350/Fax: 808-621-1359

www.harc-hspa.com

TESTIMONY BEFORE THE HOUSE COMMITTEE ON FINACE

HOUSE BILL 2501 Relating to Water Rights February 26, 2016

Chair Luke and Members of your Committee:

My name is Stephanie Whalen. I am Executive Director of the Hawaii Agriculture Research Center (HARC). I am testifying today on behalf of the center and our research and support staff.

HARC strongly supports House Bill SB2501: Relating to Water Rights.

Water is a critical component of agricultural as you all well know. The recent court ruling invalidating HC&S's revocable water permit comes at an extremely critical point in the re-purposing of surface water for multiple agricultural uses, not to mention the up-country water community water supply. While this one permit was challenged, there are many water and land revocable permits in the same situation. Surely, something is broken. The recent newspaper reviews bring this age old problem front and center.

It is unfortunate that negotiations over land and water use on public lands are not given a higher priority. It is not unexpected that these permits continue to be renewed based on the contentious environment in Hawaii over land and water. It seems any and all decisions will be litigated. It is time a stop is put to these issues being relegated to the courts for decisions. That is not the way our constitutional system is supposed to work. If the regular opponents of these issues put as much energy and finances into advocating for sufficient resources for the agencies to do their work then there wouldn't be the need for their endless legal challenges.

While finger pointing is widespread from the applicant to the agency, there should be some responsibility accepted by the state policy makers who also control the financial support of the systems legislated. However, considering this agency is responsible for 2M acres of state conservation land, its forests, its harbors, its historic and cultural preservation mandates and the state's water and its budget is around 1% of the state's financial resources, it is not difficult to understand why the situation is as it is.

We strongly urge you to support House Bill 2501 Relating to Water Rights but also hope you begin to consider what can be done regarding the lack of resources allocated to this agency to handle its broad scope of responsibility. Considering the mandates and lack of resources, it can't possibly do it all.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 1:20 PM
To: FINTestimony
Cc: puaena.n.ahn@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Pua?ena N. Ahn	Individual	Oppose	No

Comments: No. Sweetheart deal, not ethical, intended to benefit one specific party although not explicitly stated in the text of the bill's amendment. Granting a holdover pending resolution of application is for all intents and purposes a near guarantee of granting said application, especially if holdovers are to be statutorily allowed to exceed a year. No, this amendment is absolutely preposterous. Kill this bill.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 1:10 PM
To: FINTestimony
Cc: mnakahata@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Mae Nakahata	Individual	Support	No

Comments: This issue has very broad implications and urgently needs your support. Agriculture is already a risky business. The doubt cast by the court decision has increased its' riskiness. Nobody is trying to bypass the system. They all want long term leases. thank you

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 1:08 PM
To: FINTestimony
Cc: mauifaith@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Faith Ewbank	Individual	Oppose	No

Comments: Absolutely not. Opposing HB2501 just as opposing SB3001

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 1:01 PM
To: FINTestimony
Cc: cleveland@hawaii.edu
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Mahesh Cleveland	Individual	Oppose	No

Comments: I am writing to STRONGLY OPPOSE HB 2501. HB 2501 is nothing more than a last-ditch effort to give A&B unlimited and lasting control over East Maui water resources, despite the fact that the sugar plantation is in fact closing down operations. Please uphold the regulations set forth in the water code. Water use permits should NOT be extended indefinitely. Legitimate uses of water are in no danger of being extinguished. Let the law, and the Water Commission, operate as designed. Thank you.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 12:51 PM
To: FINTestimony
Cc: waiala.ahn@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Wai'ala Ahn	Individual	Oppose	No

Comments: Aloha, I humbly submit a brief but Strong Opposition against Bill HB2501. To deprive and divert an entire community and ecosystem of its natural resources is wrong from every angle and should be a crime. Hawai'i needs to put stock back into its traditional and natural practices and customs. Returning to our ways of life where we live off the land and all have access to clean, living and healthy water. Please remember Wai doesn't only mean Fresh Water in olelo Hawai'i it means Law. The Law to Protect, Preserve and Perpetuate Clean Fresh Living Water. THE TOP 5 REASONS WE MUST STOP HB2501: •It continues to kill our streams •It continues to undermine our taro and other traditional farming practices •It deprives downstream families of needed water •It sends the message that A&B is above the law •County residents are not affected by the court's decision •A&B has more than enough water from their own lands for diversified agriculture including hemp Mahalo for your time, Wai'ala Ahn

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 12:40 PM
To: FINTestimony
Cc: keanaelowlands@gmail.com
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Harry Pahukoa	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 12:31 PM
To: FINTestimony
Cc: toania@hawaii.edu
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Meleana Oania	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 12:28 PM
To: FINTestimony
Cc: kaleo.manuel@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Marvin Kaleo Manuel	Individual	Oppose	No

Comments: Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee, I strongly oppose HB2501. Please stop HB2501 from passing and protect the public trust. You can help to end a decades-long injustice and mismanagement of public trust lands, waters, and resources throughout the State. The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle. This bill would allow the Board of Land and Natural Resources (BLNR) to circumvent public trust protections by allowing private users to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements as well as other necessary regulatory processes that the public relies on to ensure proper management and stewardship of our precious resources. As lawmakers elected by the people to protect the public trust, you must vigorously oppose HB2501 and prevent any further steps from private users to receive special status over the interests of the public trust. Please do everything in your power to protect our public trust and ensure HB2501 will not ever be heard or supported again. Mahalo for your time and consideration.

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Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 2:12 PM
To: FINTestimony
Cc: hkahaleuahi@yahoo.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Hau'oli Kahaleuahi	Individual	Oppose	No

Comments: The continuous diversion of freshwater from East Maui will ultimately lead to the extreme loss of food sources and hindering of significant traditions that ensure the longevity of the Native Hawaiian culture. In passing this bill, you will be directly involved in the destruction of important freshwater and saltwater ecosystems, as well as the cruel eradication of indigenous practices - the very practices that make Hawai'i unique, special and beloved. Listen to the residents and community members of East Maui; we know what is best for our land, our resources, our heritage and our people. Mahalo nui for your time. Aloha!

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Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

FINTestimony

From: Wai'ala Ahn <waiala.ahn@gmail.com>
Sent: Thursday, February 25, 2016 12:49 PM
To: FINTestimony
Subject: HB2501

Aloha,

I humbly submit a brief but Strong Opposition against Bill HB2501. To deprive and divert an entire community and ecosystem of its natural resources is wrong from every angle and should be a crime. Hawai'i needs to put stock back into its traditional and natural practices and customs. Returning to our ways of life where we live off the land and all have access to clean, living and healthy water. Please remember Wai doesn't only mean Fresh Water in olelo Hawai'i it means Law. The Law to Protect, Preserve and Perpetuate Clean Fresh Living Water.

THE TOP 5 REASONS WE MUST STOP HB2501:

- It continues to kill our streams
- It continues to undermine our taro and other traditional farming practices
- It deprives downstream families of needed water
- It sends the message that A&B is above the law
- County residents are not affected by the court's decision
- A&B has more than enough water from their own lands for diversified agriculture including hemp

Mahalo for your time,
Wai'ala Ahn

FINTestimony

From: Dean Okimoto <nalofarms@hawaii.rr.com>
Sent: Thursday, February 25, 2016 12:04 PM
To: FINTestimony
Subject: I Support HB 2501 - Relating to Water Permits

TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON FINANCE

FEBRUARY 26, 2016 - Conference Room 308

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Luke and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B this impacts several water systems from the plantation days. Support farmers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Dean Okimoto

Waimanalo, HI

FINTestimony

From: masao nakamura <nakamura1382@aol.com>
Sent: Thursday, February 25, 2016 11:31 AM
To: FINTestimony
Subject: I Support HB 2501 - Relating to Water Permits

TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON FINANCE

FEBRUARY 26, 2016 - Conference Room 308

TESTIMONY ON HB 2501 – RELATING TO Water Permits

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Thank you for the opportunity to testify on this matter.

masao nakamura

Hilo, HI

FINTestimony

From: Michael Maddux <maddux@aloha.net>
Sent: Thursday, February 25, 2016 1:02 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I live in North Kohala on the Big Island and we have the same problems. Everybody wants our water.

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

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stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

Michael Maddux
55-508 Ilina Road
PO Box 424
Hawi, HI 96719

FINTestimony

From: lisa kasprzycki <lisakasprzycki@gmail.com>
Sent: Thursday, February 25, 2016 12:44 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

lisa kasprzycki
411 haumana rd.
haiku, HI 96708

FINTestimony

From: Sophia Katsikas <sophia.loveee@gmail.com>
Sent: Thursday, February 25, 2016 12:44 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

Sophia Katsikas
3275 Apache Road
9229 Bear Creek Apartments
Boulder, CO 80310

FINTestimony

From: Cindy Aban <caban54@gmail.com>
Sent: Thursday, February 25, 2016 12:35 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Cindy Aban
94-1178 Lumikula St
Waipahu, HI 96797

FINTestimony

From: James Mulcare <xsecretsx@cableone.net>
Sent: Thursday, February 25, 2016 11:54 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

James Mulcare
1110 Benjamin St
Clarkston, WA 99403

FINTestimony

From: hooleia kaeo <h.hoaka@gmail.com>
Sent: Thursday, February 25, 2016 11:50 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

hooleia kaeo
87 Pueo Dr.
Kula, HI 96790

FINTestimony

From: Marsha Schweitzer <notices@hawaiiintel.net>
Sent: Thursday, February 25, 2016 11:41 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Marsha Schweitzer
Honolulu HI
notices@hawaiiantel.net
Sylvia, I am a voter in your district

Marsha Schweitzer
905 Spencer St. #404
Honolulu, HI 96822

FINTestimony

From: Gwen Kim <epunikim@gmail.com>
Sent: Thursday, February 25, 2016 11:41 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Gwen Kim
51-254 Kamehameha Hwy
Kaaawa, HI 96730

FINTestimony

From: Kaitlyn McKee <silversurferkauai@hotmail.com>
Sent: Thursday, February 25, 2016 11:37 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Kaitlyn McKee
94-1221 Ka Uka Blvd
Waipahu, HI 96797

FINTestimony

From: Shannon Lind <Spkonohia@yahoo.com>
Sent: Thursday, February 25, 2016 11:32 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Mahalo for your time and consideration,

Shannon Lind
133 Kauiki St
Hana, HI 96713

FINTestimony

From: Momi Cheek <momihipearl55@yahoo.com>
Sent: Thursday, February 25, 2016 11:29 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

Momi Cheek
2167 Mahalo St.
Honolulu, HI 96817

FINTestimony

From: Pekelo Lind <kipahulumaui@gmail.com>
Sent: Thursday, February 25, 2016 11:20 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Pekelo Lind

Honolulu, HI

FINTestimony

From: Cheyenne Pico <ckpico@hawaii.edu>
Sent: Thursday, February 25, 2016 11:17 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

Cheyenne Pico
2591 Dole Street
Honolulu, HI 96822

FINTestimony

From: Joan Lander <namaka@interpac.net>
Sent: Thursday, February 25, 2016 11:13 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

Joan Lander
PO Box 29
Naalehu, HI 96772

FINTestimony

From: Cynee Gillette-Wenner <pohaku@ilhawaii.net>
Sent: Thursday, February 25, 2016 11:02 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

Cynee Gillette-Wenner
P. O. Box 895
Volcano, HI 96785

FINTestimony

From: Tena Garlick <TENA.GARLICK@patagonia.com>
Sent: Thursday, February 25, 2016 12:49 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the en

Kau'ionālani Pratt-Aquino
45-735 Wainānā St.
Kāne'ohe, Hawai'i 96744
Email: pratt.kauai@gmail.com

IN OPPOSITION OF HB2501, RELATED TO WATER RIGHTS, HOLDOVER PERMITS

Aloha Chair Luke, Vice Chair Nishimoto and House Representatives of the Finance Committee,

Thank you for the opportunity to submit written testimony. I am writing to you in strong opposition of HB2501 Relating to Water Rights and Holdover permits. This bill will negatively impact our precious water resources in Hawai'i. I respectfully urge you to oppose this measure.

My position is supported by the following statement:

At issue is that the holdover permits violate the due process rights of Native Hawaiians and the public because we have a protected property interest in our state's water resources. The Commission on Water Resource Management and the State of Hawai'i have an "affirmative duty" to protect customary and traditional rights as a protected public trust purpose secured by article XII, section 7 of the Hawai'i Constitution and Sections 174c-101(c) & (d) of the Water Code. The Commission must "establish an instream use protection program designed to protect, enhance, and reestablish, where practicable, beneficial instream uses of water in the State."ⁱ

As such, the Commission must provide adequate water to support such use to the extent these rights "shall not be abridged or denied."ⁱⁱ This includes kalo cultivation on kuleana land "and the gathering of hihiwai, opae, o'opu, limu, thatch, ti leaf, aho cord, and medicinal plants for subsistence, cultural, and religious purposes."ⁱⁱⁱ Moreover, HRS § 174C-63^{iv} entitles Hawaiian farmers to water to the extent, "appurtenant rights are preserved" and the exercise of these rights shall not be denied.^v The public trust doctrine, therefore, is a fundamental principle of constitutional law in Hawai'i.^{vi} The State must act with a sense of fiduciary responsibility.^{vii} Any balancing between public and private purposes begin with a presumption in favor of public use, access, and enjoyment."^{viii} Trust purposes are the norm or 'default' condition."^{ix}

Those who divert water for private profit must justify their use by way of the Commission's permitting requirements mandated by the due process clause of the Fourteenth Amendment of the U.S. Constitution and state law. The administrative process for off-stream uses provides Native Hawaiians and the public with fundamentally fair procedural safeguards to protect our property interests in our state's water resources. The holdover permits in HB2501 disregards these constitutional rights because it gives private actors the ability to circumvent the due process requirements by allowing them the right to divert water indefinitely and unregulated.

For over 160 years, private businesses diverted water from our streams until they were completely dry as they saw fit. The diversions have negatively impacted the health and well-being of our citizens because they cannot practice subsistent living. Those who own kuleana land cannot exercise their rights for kalo cultivation because there is insufficient water due to these mass private diversions.

This is gravely concerning especially because it abridges the public's right to dispute such private use. In addition to this, I find this bill as a last chance effort to avoid the judicial decisions in Na Wai 'Eha and East Maui to protect private interests over public trust purposes. To prevent future litigation for constitutional violations, I respectfully urge to reject this bill. Should you have any questions or concerns, please feel free to contact me.

Thank you,

Kau'ionālani Pratt-Aquino

Kau'ionālani Pratt-Aquino
45-735 Wainānā St.
Kāne'ōhe, Hawai'i 96744
Email: pratt.kauai@gmail.com

ⁱ HAW. REV. STAT § 174C–5(3) (West) (Westlaw through 2014) (affirming the Commission's duty to prioritize instream values such as T&C rights under the Code.).

ⁱⁱ HAW. REV. STAT. § 174C-101(c)-(d).

ⁱⁱⁱ *Id.*

^{iv} HAW. REV. STAT § 174C–63 (West) (Westlaw through 2014) (“Appurtenant rights are preserved. Nothing in this part shall be construed to deny the exercise of an appurtenant right by the holder thereof at any time. A permit for water use based on an existing appurtenant right shall be issued upon application.”).

^v *Id.*

^{vi} In re Water Use Permit Applications, 9 P.3d 409, 444 (2000). [“Waiāhole”]

^{vii} *Id.* at 505

^{viii} *Id.* at 454

^{ix} *Id.*

FINTestimony

From: Gary Passon <gary@alohaaku.com>
Sent: Thursday, February 25, 2016 1:35 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

Aloha Representatives Luke, Nishimoto and DeCoite,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawaii's environmental analysis requirements. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review.

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Mahalo!

--

Gary Passon
gary@alohaaku.com
Kihei, HI

FINTestimony

From: Joan Heartfield PhD <joan@talkinghearts.com>
Sent: Thursday, February 25, 2016 12:17 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

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Mahalo!

--

Joan Heartfield PhD
joan@talkinghearts.com
Haiku, HI

FINTestimony

From: JAMES FANG <jamesfang@hawaii.rr.com>
Sent: Thursday, February 25, 2016 2:02 PM
To: FINTestimony
Subject: I Support HB 2501 - Relating to Water Permits

TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON FINANCE

FEBRUARY 26, 2016 - Conference Room 308

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Luke and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B this impacts several water systems from the plantation days. Support farmers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

JAMES FANG

Mountain View, HI

FINTestimony

From: Sean Nagamatsu <snagamat@gmail.com>
Sent: Thursday, February 25, 2016 2:04 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a

multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

Sean Nagamatsu
PO Box 12187
Honolulu, HI 96816

From: William Knowlton <bill@jim.nu>
Sent: Thursday, February 25, 2016 9:04 AM
To: FINTestimony
Subject: HB2501

Dear Chair Luke and Members, I am opposed to giving A&B special interest legislation to continue to take water from East Maui streams. The HC&S plantation is closing down as you know and the long term impacts have not been thoroughly studied.

The legislature should have learned from the Super Ferry fiasco that rushed special interest legislation gets overturned by the Hawaii Supreme Court. Also this water should be protected in the interest of the Public Trust Doctrine. Now that the plantation is closing down, plantation mentality should close down also. There is a much older and bigger picture you need to look at here, "The people shall have the right to running water," in the streams. Mahalo, William Knowlton

From: Yarrow Flower <yflower@dakoz.com>
Sent: Thursday, February 25, 2016 9:56 AM
To: FINTestimony
Subject: I Support HB 2501 - Relating to Water Permits

TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON FINANCE

FEBRUARY 26, 2016 - Conference Room 308

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Luke and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B this impacts several water systems from the plantation days. Support farmers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Yarrow Flower

Makawao, HI

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 2:39 PM
To: FINTestimony
Cc: fernrosenstiel@yahoo.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Fern Rosenstiel	Individual	Oppose	No

Comments: I am in strong opposition to this bill and the continued theft of Maui water sources.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: Penny Levin <pennysfh@hawaii.rr.com>
Sent: Thursday, February 25, 2016 9:05 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee;

I am a taro farmer on Maui. HB2501 flies in the face of the courts decisions. There are generations who have died fighting for the return of water to our streams and lo'i. How many generations do we have to fight for our water just to continue to practice the traditions of this aina?

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

Public Trust doctrine priorities are spelled out clearly and place customary, traditional practices and the health of native streams and coastal life over private commercial uses. HB2501 contradicts this important recognition of ensuring our aina is well so that it can feed all of us, and allows a single commercial user Alexander & Baldwin (A&B) millions of gallons of public water every day, even though they are harvesting their last fields of sugar this spring. This is an outrage to every taro farmer and fisherman out there who depends on the life of the stream to thrive.

HB2501 does not heed either public trust protections or the fiascos of past legislative attempts to circumvent the EPA with the Superferry. Many of East Maui's streams are completely dry except during heavy rains which cuts off any access between the ocean and the mountains for our native oopu and opae, once famous in Maui streams, along with endemic dragonfly species that depend on upper stream reaches for reproduction.

This bill is just another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship.

Now is not the time to erode the courts decisions, the Water Code, or to try to end run the EPA.

Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo

Penny Levin
224 Ainahou Place
Wailuku, HI 96793

From: Evern Williams <pohuku@yahoo.com>
Sent: Thursday, February 25, 2016 9:04 AM
To: FINTestimony
Subject: Oppose HB2501

Aloha Hawaii Legislators,

You have a responsibility to safeguard our aina, our resources and do the right thing for our people.

Water should never be owned by anyone. It is to be shared, managed and protected.
You have a responsibility to make sure of this. HB 2501 is the total opposite of this mandate.

Please do the right thing and vote NO on HB 2501.

Walter Rees
3220 Esther Street
Honolulu, HI 96815

From: Julia Pace <julia.pace@yahoo.com>
Sent: Thursday, February 25, 2016 6:13 AM
To: FINTestimony
Subject: Oppose HB2501 - Protect Maui's Water - FIN 2/26 at 1PM room 308

Aloha Chairperson Rep. Luke, and members of the House Finance Committee, I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight. The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review. A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it. Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust. Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again. Mahalo.

From: ROBERT WOLAVER <rwolaver@aloha.net>
Sent: Thursday, February 25, 2016 4:38 AM
To: FINTestimony
Subject: Oppose HB2501 - Protect Maui's Water - FIN 2/26 at 1PM room 308

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only **\$160,000 for the use of 33,000 acres of PUBLIC land**, and on average **164 million gallons PER DAY of diverted PUBLIC water** in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over"

permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo.

Robert Wolaver
530-263-3016 C
240-248-0566 F

From: watrbaby@watrbaby.com
Sent: Thursday, February 25, 2016 8:10 AM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight. The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawaii's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review. A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it. Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawaii is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's,

A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust. Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo and Aloha, Pohakamlalama P. Palmer,
ex-Maui resident and living on Molokai forever.

From: joy wall <rainforestjoy@yahoo.com>
Sent: Thursday, February 25, 2016 7:03 AM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee, I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight. The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review. A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it. Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust. Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again. Mahalo.

From: Erway Marjorie <merway@hawaii.rr.com>
Sent: Wednesday, February 24, 2016 11:01 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

Please help end a decades-long injustice in East Maui. Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

The East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust.

Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo.
Marjorie Erway
PO Box 2807
Kailua Kona, HI 96745
808-324-4624

From: Catia <chkh@earthlink.net>
Sent: Wednesday, February 24, 2016 10:54 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to

From: peter houle <houlep1234@gmail.com>
Sent: Thursday, February 25, 2016 10:25 AM
To: FINTestimony
Subject: I Support HB 2501 - Relating to Water Permits

TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON FINANCE

FEBRUARY 26, 2016 - Conference Room 308

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Luke and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B this impacts several water systems from the plantation days. Support farmers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

peter houle

keaaau, HI

From: Tom Beck <yellowohia@yahoo.com>
Sent: Thursday, February 25, 2016 10:21 AM
To: FINTestimony
Subject: I Support HB 2501 - Relating to Water Permits

TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON FINANCE

FEBRUARY 26, 2016 - Conference Room 308

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

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Thank you for the opportunity to testify on this matter.

Tom Beck

Hilo, HI

From: Mario Gaggero <tanegg@gmail.com>
Sent: Thursday, February 25, 2016 10:16 AM
To: FINTestimony
Subject: I Support HB 2501 - Relating to Water Permits

TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON FINANCE

FEBRUARY 26, 2016 - Conference Room 308

TESTIMONY ON HB 2501 – RELATING TO Water Permits

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Thank you for the opportunity to testify on this matter.

Mario Gaggero

Kihei, HI

From: Iris Iwami <imiwami@gmail.com>
Sent: Thursday, February 25, 2016 10:07 AM
To: FINTestimony
Subject: I Support HB 2501 - Relating to Water Permits

TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON FINANCE

FEBRUARY 26, 2016 - Conference Room 308

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Luke and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B this impacts several water systems from the plantation days. Support farmers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Iris Iwami

Honolulu, HI

From: evernw@aol.com
Sent: Thursday, February 25, 2016 9:01 AM
To: FINTestimony
Subject: Please do the right thing

Aloha Hawaii Legislators,

You have a responsibility to safeguard our aina, our resources and do the right thing for our people.

Water should never be owned by anyone. It is to be shared, managed and protected.
You have a responsibility to make sure of this. HB 2501 is the total opposite of this mandate.

Please do the right thing and vote NO on HB 2501.

Evern Williams
3220 Esther Street
Honolulu, HI 96815

From: Eleanor Himes <eleanor.himes@gmail.com>
Sent: Thursday, February 25, 2016 1:18 AM
To: FINTestimony
Subject: To stop HB2501

To stop HB2501, we request that House Finance Committee vote down this bill, led by Chairwoman Sylvia Luke, Vice Chairman Scott Nishimoto.
Luckily, East Maui Representative Lynn DeCoite is on the Finance Committee and has the deference of the other committee members because this bill directly affects her district. We know she is sympathetic to our concerns, but also know that A&B is exerting a lot of pressure to pass HB2501.
The public supports to permanently stop HB2501.

From: Sarah Thompson <sarahentm@gmail.com>
Sent: Thursday, February 25, 2016 10:35 AM
To: FINTestimony
Subject: I Support HB 2501 - Relating to Water Permits

TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON FINANCE

FEBRUARY 26, 2016 - Conference Room 308

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Luke and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B this impacts several water systems from the plantation days. Support farmers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Sarah Thompson

Lawai, HI

From: Kaiana Trask <kaianatrask@aol.com>
Sent: Thursday, February 25, 2016 10:55 AM
To: FINTestimony
Subject: HB2501

To whom it may concern:

My name is Kaiana Trask. I completely oppose HB2501. Water is something that should flow freely through the land from mauka to makai and not be diverted for the capital gain of corporations and corrupt politicians. Do not continue to expedite corruption and theft of resources by passing bill 2501.
I am in complete opposition of bill 2501.

Kaiana Trask

Sent from my iPhone

FINTestimony

From: Yvonne Kealoha <gmafrenchy@hotmail.com>
Sent: Thursday, February 25, 2016 12:09 PM
To: FINTestimony
Subject: I Support HB 2501 - Relating to Water Permits

TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON FINANCE

FEBRUARY 26, 2016 - Conference Room 308

TESTIMONY ON HB 2501 – RELATING TO Water Permits

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Thank you for the opportunity to testify on this matter.

Yvonne Kealoha

Kalaheo, Kauai, HI

FINTestimony

From: Ann Smith <annsmith313@hotmail.com>
Sent: Thursday, February 25, 2016 1:26 PM
To: FINTestimony
Subject: I Support HB 2501 - Relating to Water Permits

TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON FINANCE

FEBRUARY 26, 2016 - Conference Room 308

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Luke and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B this impacts several water systems from the plantation days. Support farmers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Ann Smith

Honkaa, HI

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 3:41 PM
To: FINTestimony
Cc: ckirkland6@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Caitlin Kirkland	Individual	Oppose	No

Comments: I strongly oppose this bill and the implications it has on Maui. Waters coming from public trust land should not be at the hands of corporations for almost no money. This system is flawed and should be re-evaluated. Water should not be diverted from the East Maui streams. The permit process surrounding these water leases is corrupted and should be reconsidered. Thank you, Caitlin Kirkland

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

Aloha Finance Committee,

I am a farmer and fisherman of Ke'anae Maui, with land in Huelo. I am affected by the water diversion and do not support profit over people. Hawaiians have been fighting with A&B for years trying to restore stream flow for the benefit of the land, and its indigenous people. I strongly oppose HB2501 and encourage you to do the same, I hope you can see and understand the effects of our marine ecosystem by the destruction of these water diversions happening now from haiku to nahiku.

Mahalo for you time, Please make a righteous decision,

Harry K. Pahukoa III
Fisherman/Farmer
Ke'anae Maui

Aloha Finance Committee,

I am a kūpuna of Ke‘anae, born & raised in these streams, and valleys. My family & I have been impacted in a strong & negative way because of the diversions of EMI. Renewing their water permits, is disrespectful to the people of this area. This water case has been a burden to my family, and the traditional hawaiian lifestyle we once lived. Becasue of the diversions I was forced to rely on stores 50 miles away for food, and protein. The moi, and mullet are not plentiful anymore, because the stream water doesn't reach the sea. Our streams are dry of life, and when your food sources runs dry, so does your people. I oppose HB2501 as it goes against the natural flow of nature, Mālama ‘aina, mālama the people, and we will again live in harmony.

I ask that you make a righteous decision for the benefit of East Maui people, its farmers, fisherman, and gatherers.

Mahalo Nui Loa,

Pearl O. Pahukoa

Ke‘anae, Maui

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 3:49 PM
To: FINTestimony
Cc: leighdrake@yahoo.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
leigh drake	Individual	Oppose	No

Comments: I oppose this bill. We must save the water for our future, mahalo

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: Maude Keala Kristiansen <kealanoeau@gmail.com>
Sent: Wednesday, February 24, 2016 10:31 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

Maude Keala Kristiansen
30 ulaino road
Hana, HI 96713

From: D. Keali'i MacKenzie <david.kealii@gmail.com>
Sent: Wednesday, February 24, 2016 10:31 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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Mahalo for your time and consideration,

Keali'i MacKenzie
3218 Mokihana Street Apt B
Honolulu, HI 96816

D. Keali'i MacKenzie
1321 Aala Street
109
Honolulu, HI 96817

From: D. Keali'i MacKenzie <david.kealii@gmail.com>
Sent: Wednesday, February 24, 2016 10:29 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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Mahalo for your time and consideration,

D. Keali'i MacKenzie
1321 Aala Street
109
Honolulu, HI 96817

From: Ronni Pratt <pratt.ronni@yahoo.com>
Sent: Wednesday, February 24, 2016 10:23 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Ronni Pratt
45-735 Wainana Sy.
Kane'ohe, HI 96744

From: Mel Cup Choy <melcupchoy@gmail.com>
Sent: Wednesday, February 24, 2016 10:22 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Mel Cup Choy
45-396 Kamehameha Highway
Kaneohe, HI 96744

From: Mel Cup Choy <kilakila66@hawaii.rr.com>
Sent: Wednesday, February 24, 2016 10:21 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mel Cup Choy
45-396 Kamehameha Highway
Kaneohe, HI 96744

From: Mary Drayer <mdrayerhome@msn.com>
Sent: Wednesday, February 24, 2016 10:18 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Mahalo for your time and consideration,

Mary Drayer
557 Imi Dr
Wailuku, HI 96793

From: Thomas Tizard <tizard8@hawaii.rr.com>
Sent: Wednesday, February 24, 2016 10:16 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Mahalo for your time and consideration,

Thomas Tizard
564 Uluhala St
Kailua, HI 96734

From: Britany Edwards <mirrormirrorinthebut Sudan@yahoo.com>
Sent: Wednesday, February 24, 2016 10:16 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Mahalo for your time and consideration,

Britany Edwards

Waianae, HI 96792

From: Marguerite Beavers <bydivinedesign@hawaii.rr.com>
Sent: Wednesday, February 24, 2016 10:15 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Marguerite Beavers
55 Halili Lane 11H
Kihei, HI 96753

From: Keawe Soares <Keaweswoods@yahoo.com>
Sent: Wednesday, February 24, 2016 10:11 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Keawe Soares
10 Meakoho Place
Kula, HI 96790

From: Stuart Kahan <nahak@hotmail.com>
Sent: Wednesday, February 24, 2016 10:10 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Stuart Kahan
1028 Wainee St E-5
Lahaina, HI 96761

From: cathy bilsky <angeliteomm@aol.com>
Sent: Wednesday, February 24, 2016 9:52 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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cathy bilsky
po box 69
honokaa, HI 96727

From: Joel Peralto <peraltoj001@gmail.com>
Sent: Wednesday, February 24, 2016 9:48 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Mahalo for your time and consideration,

Joel Peralto
1329 Oma'o ma'o Place
Hilo, HI 96720

From: Vincent Dodge <aipohaku@hotmail.com>
Sent: Wednesday, February 24, 2016 9:47 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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Mahalo for your time and consideration,

Vincent Dodge
86-557 Hakalina Road
Wai`anae, HI 96792

From: Ilona Vaupel <DesideriaXX@web.de>
Sent: Wednesday, February 24, 2016 9:47 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Ilona Vaupel

Willroth, ot 56594

From: Daniela Rossi <danieladdt@hotmail.com>
Sent: Wednesday, February 24, 2016 9:44 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Daniela Rossi
Via Roma, 15
Pomezia (Roma), ID 83210

From: Bobby McClintock <redahi@hawaii.rr.com>
Sent: Wednesday, February 24, 2016 9:40 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Bobby McClintock
Disabled-email only
Honolulu, HI 96825

From: Robert Mansfield <rmsecretbonus@gmail.com>
Sent: Wednesday, February 24, 2016 9:33 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Robert Nawahine Mansfield, Jr.
rnmsecretbonus@gmail.com
POB 601
Kaaawa, HI 96730

Robert Mansfield
POB 601
Kaaawa, HI 96730

From: John Naylor <jdancer@kula.us>
Sent: Wednesday, February 24, 2016 9:33 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

John Naylor
PO Box 1749
Makawao, HI 96768

From: Kiope Raymond <kiope@hawaii.edu>
Sent: Wednesday, February 24, 2016 9:31 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Kiope Raymond
310 Kaahumanu Avenue
Kahului, HI 96790

From: Kimberly Wiley <kwiley16@hotmail.com>
Sent: Wednesday, February 24, 2016 9:31 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Mahalo for your time and consideration,

Kimberly Wiley
72 Chimney Hill Rd
Rochester, NY 14612

From: Lance Lincoln <lancelincoln59@yahoo.com>
Sent: Wednesday, February 24, 2016 9:30 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Lance Lincoln
85-934 Lihue Street Apt A133
Waianae, HI 96792

From: Cindy Lance <cindylouwho@hawaiiantel.net>
Sent: Wednesday, February 24, 2016 9:29 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Cindy Lance
2711 Anuenue St.
Honolulu, HI 96822

From: Wandalea Walker <wandalea9@hotmail.com>
Sent: Wednesday, February 24, 2016 9:28 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Mahalo for your time and consideration,

Wandalea Walker
4393 Ulua St.
Kilauea, HI 96754

From: Valerie Loh <vallohfoto@yahoo.com>
Sent: Thursday, February 25, 2016 9:58 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Valerie Loh
2552 Peter Street
Honolulu, HI 96816

From: Sharla Manley <sharla_manley@hotmail.com>
Sent: Thursday, February 25, 2016 9:38 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Sharla Manley
91-1639 Burke Street
Ewa, HI 96706

From: Kathryn Reynolds <konakatr@hotmail.com>
Sent: Thursday, February 25, 2016 9:28 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Kathryn Reynolds
PO Box 1425
Kailua Kona, HI 96745

From: Deborah DiPiero <yogadeb@msn.com>
Sent: Thursday, February 25, 2016 9:28 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Deborah DiPiero
5221 I Kohi Street
Lahaina, HI 96761

From: Michele Nihipali <nihipalim001@hawaii.rr.com>
Sent: Thursday, February 25, 2016 9:23 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Mahalo for your time and consideration,

Michele Nihipali
54-074 A Kam Hwy
Hauula, HI 96717

From: Don McKelvey <donmckelvey38@gmail.com>
Sent: Thursday, February 25, 2016 9:16 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Don McKelvey
765 East 236 St
Euclid, OH 44123

From: Klyde Neer <Klydemon surf@gmail.com>
Sent: Thursday, February 25, 2016 9:13 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Klyde Neer

Hana, HI 96713

From: Joshua Noga <joshua.noga@gmail.com>
Sent: Thursday, February 25, 2016 9:13 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Mahalo for your time and consideration,

Joshua Noga

Hauula, HI 96717

From: Shaka Kalalau <hana.highschool808@gmail.com>
Sent: Thursday, February 25, 2016 9:11 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Shaka Kalalau
4111 HHW
Hana, HI 96713

From: Mehana Kahalehoe <Shilohxeya2@gmail.com>
Sent: Thursday, February 25, 2016 8:56 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Mahalo for your time and consideration,

Mehana Kahalehoe
4111 HHW
Hana, HI 96713

From: Isaiah Lind <kipahuligan13@gmail.com>
Sent: Thursday, February 25, 2016 8:53 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Mahalo for your time and consideration,

Isaiah Lind
4111 HHW
Hana, HI 96713

From: John Naylor <jdancer@kula.us>
Sent: Wednesday, February 24, 2016 9:33 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

John Naylor
PO Box 1749
Makawao, HI 96768

From: Kiope Raymond <kiope@hawaii.edu>
Sent: Wednesday, February 24, 2016 9:31 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Mahalo for your time and consideration,

Kiope Raymond
310 Kaahumanu Avenue
Kahului, HI 96790

From: Kimberly Wiley <kwiley16@hotmail.com>
Sent: Wednesday, February 24, 2016 9:31 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Kimberly Wiley
72 Chimney Hill Rd
Rochester, NY 14612

From: Lance Lincoln <lancelincoln59@yahoo.com>
Sent: Wednesday, February 24, 2016 9:30 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Lance Lincoln
85-934 Lihue Street Apt A133
Waianae, HI 96792

From: Cindy Lance <cindylouwho@hawaiiantel.net>
Sent: Wednesday, February 24, 2016 9:29 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Cindy Lance
2711 Anuenue St.
Honolulu, HI 96822

From: Wandalea Walker <wandalea9@hotmail.com>
Sent: Wednesday, February 24, 2016 9:28 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Wandalea Walker
4393 Ulua St.
Kilauea, HI 96754

From: piilani mallory <piilanip5@gmail.com>
Sent: Wednesday, February 24, 2016 9:26 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

piilani mallory
Pua Makahala
Kaneohe, HI 96795

From: Sherry Pollack <davidsher@juno.com>
Sent: Wednesday, February 24, 2016 9:22 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Sherry Pollack
47-185A Hui Akepa Place
Kaneohe, HI 96477

From: Linda Sola <linda@lindasola.com>
Sent: Wednesday, February 24, 2016 9:21 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Linda Sola
211 Apau Place
Makawao, HI 96768

From: Yolanda Clay <yolanda-clay@earthlink.net>
Sent: Wednesday, February 24, 2016 11:39 PM
To: FINTestimony
Subject: Oppose HB2501 - Protect Maui's Water - FIN 2/26 at 1PM room 308

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight.

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Mahalo.

From: dsloucks <dsloucks@hotmail.com>
Sent: Wednesday, February 24, 2016 9:27 PM
To: FINTestimony
Subject: Oppose HB2501 - Protect Maui's Water - FIN 2/26 at 1PM room 308

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

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Mahalo.
Sent from ALCATEL ONE TOUCH POP7

From: eliza ilano <elizailano@hotmail.com>
Sent: Thursday, February 25, 2016 8:08 AM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

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Mahalo.

Sent from my iPhone

From: Aeriewaters <aeriewaters@gmail.com>
Sent: Thursday, February 25, 2016 7:58 AM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

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Mahalo.Aerie Waters

From: Charlene Hoe <chhoe_hlc@yahoo.com>
Sent: Thursday, February 25, 2016 7:17 AM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee, I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight. The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review. A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it. Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust. Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again. Mahalo.

From: Lewis Thompson <steenrod@me.com>
Sent: Thursday, February 25, 2016 6:13 AM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

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Mahalo.

Sent from my iPhone

From: joan selix berman <jsb@courtyardmaui.com>
Sent: Thursday, February 25, 2016 5:58 AM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

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Mahalo for your consideration.

joan berman

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joan selix berman
jsb@courtyardmaui.com

808.573.8822 (24/7)
f: 808.442.0050
c: 808.280.1669

10825 kula highway
kula • HI 96790
.....

From: Bill Sharfman <sharfman@umich.edu>
Sent: Thursday, February 25, 2016 4:24 AM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

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Mahalo.

Dr William L. Sharfman

From: Julia McGovern <mcgovern.je@gmail.com>
Sent: Wednesday, February 24, 2016 11:07 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

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Mahalo.

From: Temple Weste <templemaui@yahoo.com>
Sent: Wednesday, February 24, 2016 10:54 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee, I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight. The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review. A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it. Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust. Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the

public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again. Mahalo.

From: Mary Hyslop <mhyslop@hotmail.com>
Sent: Thursday, February 25, 2016 10:24 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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Mahalo for your time and consideration,

Mary Hyslop
HCR 1 PO Box 5329
Kea'au, HI 96749

From: rra8665@yahoo.com
Sent: Wednesday, February 24, 2016 10:47 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight.

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Mahalo.

Sent from my LG G Pad 7.0 LTE, an AT&T 4G LTE tablet

From: pomai stone <pomaistone@gmail.com>
Sent: Wednesday, February 24, 2016 9:35 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

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We must finally restore the intended beneficiaries of this public resource, the taro farmers. No ka mea, inā ho'ihohi'ia mai ka wai i kona mau wahi kūpono, ho'i pū mai ke ola pono o ka 'āina a me ka mauiola o kākou a pau. If the water is restored to its rightful path, the health of the land will be restored along with the life force of all of us.

he wahine aloha 'āina kēia, he kama o ku'u lepo pono'i, ke kulāiwi,
Johanna Kapōmaika'i Stone

From: ravigloom@rediffmail.com on behalf of Ravi <ravigloom@rediffmail.com>
Sent: Thursday, February 25, 2016 5:09 AM
To: FINTestimony
Subject: re: stop HB 2501

Dear Finance Committee,

Please stop HB2501 from passing and protect the public's right to freshwater. I oppose HB2501 because it will take away public water rights and subsidize the profits of a multi-billion dollar company receiving special status. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Thank you,
Ravi Grover
Lihei, HI



Get your own **FREE** website, **FREE** domain & **FREE** mobile app with Company email. [Know More >](#)

From: Mike Bond <bondma@cs.com>
Sent: Thursday, February 25, 2016 10:15 AM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

Aloha Representatives Luke, Nishimoto and DeCoite,

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Mahalo!

--

Mike Bond
bondma@cs.com
Kaunakakai, Hawaii

From: Hari Mathis <Harrison.Mathis@gmail.com>
Sent: Thursday, February 25, 2016 8:46 AM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

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Mahalo!

--

Hari Mathis
Harrison.Mathis@gmail.com
Calabasas, CA

From: Caroline George <ckgeorge808@yahoo.com>
Sent: Thursday, February 25, 2016 8:44 AM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

Aloha Representatives Luke, Nishimoto and DeCoite,

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--

Caroline George
ckgeorge808@yahoo.com
Kamuela, Hawaii

From: Marti Townsend <marti.townsend@sierraclub.org>
Sent: Thursday, February 25, 2016 8:04 AM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

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Marti Townsend
marti.townsend@sierraclub.org

From: Deborah Leili <dleili@hawaiiintel.net>
Sent: Thursday, February 25, 2016 7:49 AM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

Aloha Representatives Luke, Nishimoto and DeCoite,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawaii's environmental analysis requirements. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review.

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Mahalo!

--

Deborah Leili
dleili@hawaiiantel.net
Pukalani, Hawaii

From: Claire D'Gaia <clairedgaia@yahoo.com>
Sent: Thursday, February 25, 2016 4:19 AM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

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Mahalo!

--

Claire D'Gaia
clairedgaia@yahoo.com
Nixa, MO

From: Stephanie Strong <Stefstrong@yahoo.com>
Sent: Thursday, February 25, 2016 2:27 AM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

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Mahalo!

--

Stephanie Strong
Stefstrong@yahoo.com
Kihei, Hi

From: Philip Tong <ptong8@sbcglobal.net>
Sent: Thursday, February 25, 2016 12:42 AM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

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Mahalo!

--

Philip Tong
ptong8@sbcglobal.net
Aiea, HI

From: Sara Perry <Makahababy@aol.com>
Sent: Thursday, February 25, 2016 12:05 AM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

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Mahalo!

--

Sara Perry
Makahababy@aol.com
Waianae, HI

From: William Chang <Bayhousehana@gmail.com>
Sent: Wednesday, February 24, 2016 11:54 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

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--

William Chang
Bayhousehana@gmail.com
Hana, HAWAII

From: eugene kawaguchi <genek@lava.net>
Sent: Wednesday, February 24, 2016 11:08 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

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eugene kawaguchi
genek@lava.net
honolulu, hi

From: Karen Murray <kmurray.testimony@gmail.com>
Sent: Wednesday, February 24, 2016 11:07 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

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Karen Murray
kmurray.testimony@gmail.com
Honolulu, Hawaii

From: Jennifer Mitchell <Gethawn@icloud.com>
Sent: Wednesday, February 24, 2016 10:11 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

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The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawaii's environmental analysis requirements. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review.

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Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawaii is privy to this special "hold-over" status - only in East Maui for A&B. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid the Hawaii only \$160,000 for use of 33,000 acres of public land, and 164 million gallons per day on average of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

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Mahalo!

--

Jennifer Mitchell
Gethawn@icloud.com
Kailua Kona, Hi

From: Natasha Boteilho <tasha96792@yahoo.com>
Sent: Wednesday, February 24, 2016 9:40 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

Aloha Representatives Luke, Nishimoto and DeCoite,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawaii's environmental analysis requirements. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review.

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Mahalo!

--

Natasha Boteilho
tasha96792@yahoo.com
Waianae, Hi

From: James Long <daegnut@gmail.com>
Sent: Wednesday, February 24, 2016 9:27 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

Aloha Representatives Luke, Nishimoto and DeCoite,

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Mahalo!

--

James Long
daegnut@gmail.com
Naalehu, HI

From: Wendy Brousseau <wendysuebrousseau@gmail.com>
Sent: Thursday, February 25, 2016 10:34 AM
To: FINTestimony
Subject: Oppose HB2501 - Protect Maui's Water - FIN 2/26 at 1PM room 308

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over"

permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo.

From: Paul A Komara Jr <paulakomarajr@yahoo.com>
Sent: Thursday, February 25, 2016 10:41 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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Mahalo for your time and consideration,

Paul A Komara Jr
P.O. Box 391144
Keauhou, HI 96739
Keauhou, HI 96739

From: Dondi Nueva <dsquaredinc1@aol.com>
Sent: Thursday, February 25, 2016 10:40 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Dondi Nueva
PO Box 884
Downers Grove, IL 60515

From: He'ali'i Kauhane <Healiikauhane@yahoo.com>
Sent: Thursday, February 25, 2016 10:35 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

He'ali'i Kauhane
2020 Main St. #1106
Wailuku, HI 96793

From: Theodore Whitley <Causemcman@gmail.com>
Sent: Thursday, February 25, 2016 10:32 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Theodore Whitley

Makawao, HI 96779

From: Kathy McDuff <hohani2@msn.com>
Sent: Thursday, February 25, 2016 10:25 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Kathy McDuff
P.O. Box 1043
Ha'iku, HI 96708

From: M.T. Sherrow <Teri@TeriSherrow.com>
Sent: Thursday, February 25, 2016 10:37 AM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

Aloha Representatives Luke, Nishimoto and DeCoite,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawaii's environmental analysis requirements. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review.

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Mahalo!

--

M.T. Sherrow
Teri@TeriSherrow.com
Kihei, HI

From: Javier Mendez <mendezj@hawaii.edu>
Sent: Thursday, February 25, 2016 10:30 AM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

Aloha Representatives Luke, Nishimoto and DeCoite,

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Mahalo!

--

Javier Mendez
mendezj@hawaii.edu
Honolulu, Hawaii

From: Brenda Shanabarger <brendakshanabarger@gmail.com>
Sent: Thursday, February 25, 2016 10:30 AM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

Aloha Representatives Luke, Nishimoto and DeCoite,

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Mahalo!

--

Brenda Shanabarger
brendakshanabarger@gmail.com
Honolulu, Hawaii

From: Janet Taylor <swimmerjan1@aol.com>
Sent: Thursday, February 25, 2016 10:51 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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Mahalo for your time and consideration,

Janet Taylor
PO Box 10602
Pahoa, HI 96778



From: mailinglist@capitol.hawaii.gov
 Sent: Friday, February 26, 2016 11:23 AM
 To: FINTestimony
 Cc: rbergstrom@surfrider.org
 Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/26/2016
 Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Rafael Bergstrom	Individual	Oppose	No

Comments: Aloha Chair Luke and members of the House Finance Committee, I am writing in opposition to HB 2501 relating to hold over water use permits in Maui. While I understand the need to supply water to our farmers, I believe that these efforts are coming from a place that does not serve to protect the greater good. Water is a public trust resource and the rights associated with this are meant to be based on a healthy recharge of fresh water, ecosystem health, and protection of traditional practices. The diversion of once healthy streams is in violation of all that the public trust stands for. To overturn the court ruled contested case decision would be a direct slap in the face to the process that seeks to protect the interests of the many over the few. I strongly urge this committee to take into consideration the shifting baselines of production in Hawai'i. The sugar plantations are being phased out for a reason and a shift back to localized, traditional, and sustainable farm practices is of the utmost importance. Major diversions of water that leave stream beds dry, small-scale farmers without the ability to use the public resource, and aquifers in a state of diminished functionality are not acceptable. Mahalo for your time in considering these difficult decisions. Rafael Bergstrom.

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FINTestimony

LATE

From: Jayvimar Arellano <jayvimar@hawaii.edu>
Sent: Friday, February 26, 2016 11:23 AM
To: FINTestimony
Subject: Opposing HB2501

I, Jayvimar Arellano, oppose the A&B's "water theft" bill (HB2501) in support of the environment and the east Maui community.

Mahalo

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 26, 2016 11:29 AM
To: FINTestimony
Cc: robynwilliams@me.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM
Attachments: HB2501.docx

HB2501

Submitted on: 2/26/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Robyn Williams	Individual	Oppose	No

Comments:

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From: Ruth Aloua <ruthaloua@gmail.com>
Sent: Friday, February 26, 2016 11:30 AM
To: FINTestimony
Subject: Opposition to HB2501

Aloha,

My name is Ruth Aloua and I'm writing as a voter, community organizer, farmer and fisher and I strongly urge you to oppose HB2501 because I am deeply concerned this bill would continue to kill our streams, depriving East Maui residents of much needed water, undermining local and traditional farmers and violating their rights to public water. To date, no environmental analysis has been conducted on the harm of diverting most of the water from the public streams of East Maui and for many reasons, I am confident that all of you as our representatives have in your hearts and minds the knowledge that you have a responsibility to safeguard and protect our water and thus oppose HB2501. Water is essential to the health and well-being of our land, and thus, our people. Access to this water should never be sold or restricted to certain individuals, organizations, and corporations. Mahalo.

--

"The proper utilization of our intelligence and knowledge is to effect changes from within to develop a good heart." --His Holiness the Dalai Lama

From: Erika Kahaleuahi <reccosevol@yahoo.com>
Sent: Friday, February 26, 2016 11:37 AM
To: FINTestimony
Subject: Oppose HB2501

Aloha, My name is Erika Kahaleuahi and i want to OPPOSE HB2501 . I have been born and raised here in hawaii and am so saddened to see all the harmful changes that are taking place. The water was never yours to take it belongs to its rightful owner the aina . We cant raise our children and teach them how to live off the land if you continue t o take what was never yours, the water is precious to the hawaiians and to all people. If there was ever a natural disaster and no boats or planes could come who do you think would help sustain people? The hawaiians and their friends that know how to fish, hunt grow taro ect,. THINK ABOUT THAT.....

Mahalo, Erika Kahaleuahi

From: nomi carmona <nomicarmona@gmail.com>
Sent: Friday, February 26, 2016 11:50 AM
To: FINTestimony
Cc: BabesAgainstBiotech
Subject: Please Oppose HB2501 and Protect Our Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

I am including a link where you can view more data about this: <http://tiny.cc/ProtectOurWater>

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Sincerely,

Nomi Carmona
President
Babes Against Biotech



From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 26, 2016 11:51 AM
To: FINTestimony
Cc: kamaladock@yahoo.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/26/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kamala Galletes	Individual	Oppose	No

Comments: Aloha, Mahalo for your time!! Water is life....I oppose HB2501, no one has the right to divert this vital resource anywhere. Let the water flow where it flows, it does NOT need to be diverted for corporate gain! Let the people and and our gardens flourish! MAHALO

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LATE

February 26th, 2016

Hawane Rios
64-948A Mamalahoa HWY
Kamuela HI, 96743

Aloha Aina,

My name is Hawane Rios and I was raised in the North Kohala District in the town of Waimea on Hawai'i Island. I am writing today in firm opposition to Bill HB2501. This bill directly violates the most important natural law of the earth, the right to access clean water and clean food. It is a basic and foundational human right to not only have access to clean water but to also protect it when the people in power fail to do so. The diversion of natural waterways for private and corporate interests on an island that is sustained by rivers and streams is unjust and should be considered a crime. This diversion would deprive families downstream of much needed water and would greatly impact the traditional farming practices of the people. I come from a town that is named for the color of the water after a good rain. Four of the major streams on our side of the island run through the hills above my house. I was raised to know that water gives life and because it gives life it is deemed sacred. I was also raised to measure a leader by how well they protect the resources and how well they listen and serve the people. I hope you are listening.

THE TOP 5 REASONS WE MUST STOP HB2501:

- It continues to kill our streams
- It continues to undermine our taro and other traditional farming practices
- It deprives downstream families of needed water
- It sends the message that A&B is above the law
- County residents are not affected by the court's decision
- A&B has more than enough water from their own lands for diversified agriculture including hemp

Ku Kia'i Honua,

Hawane Rios

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 26, 2016 10:55 AM
To: FINTestimony
Cc: kaulu100@hotmail.com
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*



HB2501

Submitted on: 2/26/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
KOALANI KAULUKUKUI	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 26, 2016 9:56 AM
To: FINTestimony
Cc: wahine96779@yahoo.com
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*



HB2501

Submitted on: 2/26/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Halas	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 26, 2016 9:53 AM
To: FINTestimony
Cc: daprice80@gmail.com
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*



HB2501

Submitted on: 2/26/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Davis Price	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 26, 2016 9:46 AM
To: FINTestimony
Cc: Robinmny@aol.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM



HB2501

Submitted on: 2/26/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Robin Yardley	Individual	Oppose	No

Comments: Aloha. Please oppose HB2501 as its effects on the ecosystem are detrimental. This will kill the surrounding streams and rivers. Oppose HB2501. Mahalo.

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From: Lawrence Abed <lawabed3@yahoo.com>
Sent: Friday, February 26, 2016 9:58 AM
To: FINTestimony
Subject: I Support HB 2501 - Relating to Water Permits



TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON FINANCE

FEBRUARY 26, 2016 - Conference Room 308

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Luke and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B this impacts several water systems from the plantation days. Support farmers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Lawrence Abed

Kula, HI

From: Jan Arakawa <janscca@hotmail.com>
Sent: Friday, February 26, 2016 9:57 AM
To: FINTestimony
Subject: I Support HB 2501 - Relating to Water Permits



TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON FINANCE

FEBRUARY 26, 2016 - Conference Room 308

TESTIMONY ON HB 2501 – RELATING TO Water Permits

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Thank you for the opportunity to testify on this matter.

Jan Arakawa

Kula, HI

From: Paul Solomon <skysonghealing@yahoo.com>
Sent: Friday, February 26, 2016 9:59 AM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

LATE

Aloha Representatives Luke, Nishimoto and DeCoite,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawaii's environmental analysis requirements. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture would require less than half the water for sugarcane or about 2,500 gallons per acre per day (gad) which is 42.5 million gallons per day (mgd) for 17,000 acres, or 75 mgd if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 mgd of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 mgd average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 mgd county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawaii is privy to this special "hold-over" status - only in East Maui for A&B. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid the Hawaii only \$160,000 for use of 33,000 acres of public land, and 164 million gallons per day on average of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits do not exist. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Paul Solomon
skysonghealing@yahoo.com
Haiku, HI

LATE

From: skysonghealing@yahoo.com
Sent: Friday, February 26, 2016 10:11 AM
To: FINTestimony
Cc: Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite; Rep. Romy Cachola; Rep. Ty Cullen; Rep. Aaron Ling Johanson; Rep. Jo Jordan; Rep. Jarrett Keohokalole; Rep. Bertrand Kobayashi; Rep. Matthew LoPresti; Rep. Nicole Lowen; Rep. Richard Onishi; Rep. James Tokioka; Rep. Kyle Yamashita; Rep. Feki Pouha; Rep. Gene Ward
Subject: HB2501

I taking you to appose HB2501.

HB2501 is about not abut all farmers, just A&B. HB2501 creates a “hold over status” for revocable permits for water, as a way to undo Judge Nishimura’s decision invalidating A&B’s permits treated on a “hold over basis.” BLNR admitted to the court that A&B is the only one in Hawaii with a special “hold over” status.

HB2501 does not protect drinking water for Maui Upcountry residents provided by A&B. The County of Maui requested and received a stay of enforcement from the court decision, so there’s no risk of county residents losing access to water for drinking or farming from that decision. Plus, A&B has plenty of water from its private sources to meet County needs.

HB2501 does not prevents a dust bowl in central Maui. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day are available on average, from A&B’s private sources. A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining average of 91 million gallons of water per day would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. A&B has more than enough water from its private sources to irrigate central Maui for diversified agriculture and does not need more water to prevent a dust bowl on its land in central Maui, it needs more farmers and an actual commitment to diversified agriculture.

HB2501 does not prevent A&B from petitioning to remove the Important Agricultural (IAL) Lands designation on some of their land in central Maui. IAL designation is not automatic and neither is its removal. A&B would have to prove in a contested case hearing process to the Land Use Commission that their lands have zero access to water now or in the foreseeable future and that they are not in control of the reasons for the lack of water to the land. A&B can “reasonably control” the development of a long-term plan for diversified agriculture on their land. A plan for the use of water is the minimum needed to justify a long-term lease for additional public water from state lands.

“A farmer or landowners with qualifying lands may also petition the land use commission to remove the “important agricultural lands” designation from lands if a sufficient supply of water is no longer available to allow profitable farming of the land due to governmental actions, acts of God, or other causes beyond the farmer’s or landowner’s reasonable control.” HRS sec. 205J(g)

HB2501 is not A&B’s only option for getting access to water. A&B has a lot of options other than HB2501 for irrigating their agricultural lands including actually using their own private water rather than diverting almost all of East Maui residents’ water, which is protected under the public trust. They could also a) ask Judge Nishimura for a stay of enforcement, she invited them to do so when she granted the County’s request. b) submit an application for a new revocable permit or submit an application for a new long-term lease for water and pass the necessary environmental review

required or d) negotiate with residents of East Maui. If A&B can demonstrate a legitimate use of the water, then there are many legitimate ways for them to ensure sustainable access to water.

There is enough water on Maui for everyone to thrive. A&B diverts more 164 million gallons of water everyday just from the streams of East Maui, that's more than the entire island of O'ahu consumes everyday. A&B's failure to maintain its ditches and pipes means at least 40 million gallons of water are wasted everyday. We know there is more than enough water in the streams for everyone on Maui to thrive. With better stewardship and long-term planning, we know we can share it better.

In summary:

HB2501 continues to kill our streams.

It continues to undermine our taro and other traditional farming practices.

It deprives downstream families of needed water.

It sends the message that A&B is above the law.

County residents are not affected by the court's decision.

A&B is not growing sugar anymore.

A&B has more than enough water from their own lands for diversified agriculture including hemp.

This bill ignores public rights to water.

Current diversions cheats Hawaii taxpayers.

Mahalo,

Paul Solomon

PO Box 1183

Haiku, Maui, HI

808-633-3009

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 26, 2016 10:15 AM
To: FINTestimony
Cc: Huionawai4@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM
Attachments: Hui o Na Wai 'Eha Testimony - HB2501 (2-26-16).pdf

HB2501

Submitted on: 2/26/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Hui o Na Wai 'Eha	Hui o Na Wai 'Eha	Oppose	No

Comments:

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From: arthur berman <pandabearman2@yahoo.com>
Sent: Thursday, February 25, 2016 5:44 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

LATE

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

arthur berman
201 awalau rd.
haiku, HI 96708

LATE

From: Natasha Chang <changnatasha@yahoo.com>
Sent: Thursday, February 25, 2016 5:18 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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Mahalo for your time and consideration,

Natasha Chang

Kihei, HI 96753

LATE

From: Richard Hanson <rick.hanson46@gmail.com>
Sent: Thursday, February 25, 2016 5:14 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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Mahalo for your time and consideration,

Richard Hanson

Makawao, HI 96768

LATE

From: Laurence Rotkin <rotkin@hawaii.edu>
Sent: Thursday, February 25, 2016 5:12 PM
To: FINTestimony
Subject: Oppose HB2501 - Protect Maui's Water - FIN 2/26 at 1PM room 308

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo.

LATE

*From: Mary Wutz <innatelysourcedhealth@gmail.com>
Sent: Thursday, February 25, 2016 5:49 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams*

Aloha Representatives Luke, Nishimoto and DeCoite,

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Mahalo!

--

Mary Wutz
innatelysourcedhealth@gmail.com
Haiku, HI

LATE

*From: Lisa ann Oliveros <Lao8@hawaii.edu>
Sent: Thursday, February 25, 2016 5:36 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams*

Aloha Representatives Luke, Nishimoto and DeCoite,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawaii's environmental analysis requirements. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review.

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Mahalo!

--

Lisa ann Oliveros
Lao8@hawaii.edu
Wailuku, Hawai'i

LATE

The Society for Hawaii Heritage Animals

SUPPORTING HB2501 HD1

HOUSE OF REPRESENTATIVES
THE TWENTY-EIGHTH LEGISLATURE
REGULAR SESSION OF 2016

COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair
Rep. Scott Y. Nishimoto, Vice Chair
Committee Members

DATE: Friday, February 26, 2016
TIME: 1:00 P.M.
PLACE: Conference Room 308
State Capitol
415 South Beretania Street

RELATING TO WATER RIGHTS.

Allows for a holdover disposition of water rights previously authorized pursuant to a lease during the pendency of an application for a lease renewal.

We support this measure as it provides much needed relief for farmers and gives the Department of Land and Natural Resources the time it needs to continue water leases until a more long term plan can be formulated.

Mahalo for your support!

Tony Sylvester
Executive Director
The Society of Hawaii Heritage Animals

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 5:22 PM
To: FINTestimony
Cc: churchsend@aol.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Sterling Church	Individual	Support	No

Comments: I am a Maui farmer adamantly in support of HB2501.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

LATE

*From: Maelani Lee <maelanilee@yahoo.com>
Sent: Thursday, February 25, 2016 6:36 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water*

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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Mahalo for your time and consideration,

Maelani Lee
po box 1054
Waiānae, HI 96792

LATE

*From: Nancy Carter <Alohaciara@gmail.com>
Sent: Thursday, February 25, 2016 6:34 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams*

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Mahalo!

--

Nancy Carter
Alohaciara@gmail.com

LATE

From: Jonathan Yim <subs2@489group.com>
Sent: Thursday, February 25, 2016 6:32 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Jonathan Yim

Honolulu, HI

LATE

From: Stuart Nicholls <snicholls@hawaii.rr.com>
Sent: Thursday, February 25, 2016 6:26 PM
To: FINTestimony
Subject: I Support HB 2501 - Relating to Water Permits

TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON FINANCE

FEBRUARY 26, 2016 - Conference Room 308

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Luke and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B this impacts several water systems from the plantation days. Support farmers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Stuart Nicholls

Kula, HI

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 6:25 PM
To: FINTestimony
Cc: Mchughj001@hawaii.rr.com
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

LATE

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
John McHugh	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

LATE

From: mail@alohatherapy.net
Sent: Thursday, February 25, 2016 6:24 PM
To: FINTestimony
Subject: Oppose HB2501 - Protect Maui's Water - FIN 2/26 at 1PM room 308

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

I know that you can help to end a decades-long injustice in East Maui.

Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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Mahalo.

Gabriele Jaitt, Pahoa, HI 96778

LATE

From: Gail Jackson <billgail.hi@gmail.com>
Sent: Thursday, February 25, 2016 6:21 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

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Mahalo

Gail W Jackson
68-1907 Lina Poepoe St
Waikoloa, HI 96738.

LATE

*From: Carrie Hesse <Artemite@gmail.com>
Sent: Thursday, February 25, 2016 6:19 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams*

Aloha Representatives Luke, Nishimoto and DeCoite,

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Mahalo!

--

Carrie Hesse
Artemite@gmail.com
Los angeles, Ca

LATE

From: Emily Kandagawa <ekandagawa@gmail.com>
Sent: Thursday, February 25, 2016 6:39 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Emily Kandagawa

Waianae, HI 96792

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 6:39 PM
To: FINTestimony
Cc: sunhealingsbysonni@yahoo.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
sonni dawkins	Individual	Oppose	No

Comments: It is unfair that the water they take from lao stream, a sacred place is being used to water golf courses when in turn it could go to an organization for the benefit of the community like farmers including the rightful taro farmers. Please put an end to A&B stealing water for over a decade.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: Logan Narikawa <logann@hawaii.edu>
Sent: Thursday, February 25, 2016 6:46 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

LATE

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Mahalo for your time and consideration,

Logan Narikawa

Honolulu, HI

*From: Lisa Foster <lfoster507@gmail.com>
Sent: Thursday, February 25, 2016 6:51 PM
To: FINTestimony
Subject: I Support HB 2501 - Relating to Water Permits*

LATE

TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON FINANCE

FEBRUARY 26, 2016 - Conference Room 308

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Luke and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B this impacts several water systems from the plantation days. Support farmers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Lisa Foster

Kaunakakai, HI

From: Curtis Carmichael <CVCCSC@AOL.COM>
Sent: Thursday, February 25, 2016 7:00 PM
To: FINTestimony
Subject: I Support HB 2501 - Relating to Water Permits



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FEBRUARY 26, 2016 - Conference Room 308

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Thank you for the opportunity to testify on this matter.

Curtis Carmichael

Hilo, HI

From: Greg Wilson <primo304@yahoo.com>
Sent: Thursday, February 25, 2016 7:07 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

LATE

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Mahalo for your time and consideration,

Greg Wilson
HC1 Box 182
Haiku, HI 96708

LATE

From: Leigh Drake <Leighdrake@yahoo.com>
Sent: Thursday, February 25, 2016 3:51 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

Aloha Representatives Luke, Nishimoto and DeCoite,

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Mahalo!

--

Leigh Drake
Leighdrake@yahoo.com
Haiku, Hi

LATE

From: john korpi <korpi32@yahoo.com>
Sent: Thursday, February 25, 2016 3:40 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

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--

john korpi
korpi32@yahoo.com
Haiku, Hawaii

From: Maureen O'Neal <momoneal77@gmail.com>
Sent: Thursday, February 25, 2016 5:07 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water



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Mahalo for your time and consideration,

Maureen O'Neal
9100 s.w. 80th ave.
Portland, OR 97223

From: Gary Passon <gary@alohaaku.com>
Sent: Thursday, February 25, 2016 1:34 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

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multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

Gary Passon
1390 S. Kihei Rd
Kihei, HI 96753

From: Nancy Gilgoff <hyz0@hotmail.com>
Sent: Thursday, February 25, 2016 1:31 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

Nancy Gilgoff
411 Haumana Road
Haiku, HI 96708

From: Janice Y S Jong <jandanceshula@gmail.com>
Sent: Thursday, February 25, 2016 1:28 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

Janice Y S Jong
108 Candelerio Place
Walnut Creek, CA 94598

From: Anna Louise E. Fontaine <annalouisefontaine@yahoo.ca>
Sent: Thursday, February 25, 2016 1:28 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

Anna Louise E. Fontaine
102 Chemin du Lac Cloutier
Lantier, QC J0T 1V0

From: Malia Henderson <Malianaire@gmail.com>
Sent: Thursday, February 25, 2016 1:24 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

Malia Henderson
PO Box 984
Hana, HI 96713

From: Paul Lazor <plazor@hotmail.com>
Sent: Thursday, February 25, 2016 2:05 PM
To: FINTestimony
Subject: Oppose HB2501 - Protect Maui's Water - FIN 2/26 at 1PM room 308

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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Mahalo.

LATE

From: Kaylene Sheldon <kauwilamahina@gmail.com>
Sent: Thursday, February 25, 2016 2:20 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Kaylene Sheldon
51-310 Kekio Rd
Kaaawa, HI 96730

LATE

From: Kay Fukumoto <rmkhawaii@gmail.com>
Sent: Thursday, February 25, 2016 2:55 PM
To: FINTestimony
Subject: I Support HB 2501 - Relating to Water Permits

TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON FINANCE

FEBRUARY 26, 2016 - Conference Room 308

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Luke and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B this impacts several water systems from the plantation days. Support farmers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Kay Fukumoto

Kahului, HI

LATE

From: Kara Kelai <karamelingo@yahoo.com>
Sent: Thursday, February 25, 2016 3:22 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Kara Kelai
3630 Kalihi St
Honolulu, HI 96819

LATE

From: Nanifay Paglinawan <nanifaykp@yahoo.com>
Sent: Thursday, February 25, 2016 2:35 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

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Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

A&B has already destroyed all the sugar cane land and made mega millions on this destruction. When is enough, enough. STOP HB2501. Don't be a part of the problem, solve for future generations.

Mahalo for your time and consideration,
NaniFay Paglinawan
P>O> Box 1629
Kihei, Maui

Nanifay Paglinawan
PO Box 1629
Kihei, HI 96753

LATE

From: Conservation Council for Hawai'i <Info@conservehi.org>
Sent: Thursday, February 25, 2016 2:35 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Conservation Council for Hawai'i
250 Ward Avenue Suite 220
Honolulu, HI 96814

LATE

From: hollis taylor <hollis@hawaii.rr.com>
Sent: Thursday, February 25, 2016 2:37 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

I know that you can help to end a decades-long injustice in East Maui.

Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely.

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Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

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Mahalo.
Hollis Taylor
P.O. Box 1162
Kurtistown, HI
96760

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 3:40 PM
To: FINTestimony
Cc: toania@hawaii.edu
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Meleana Oania	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

LATE

From: Audrene Kamakeeaina <kamakahou@yahoo.com>
Sent: Thursday, February 25, 2016 3:02 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

Aloha Representatives Luke, Nishimoto and DeCoite,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawaii's environmental analysis requirements. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review.

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Mahalo!

--

Audrene Kamakeeaina
kamakahou@yahoo.com
Portland, OR

LATE

From: Stephanie Mock <stephanie.k.mock@gmail.com>
Sent: Thursday, February 25, 2016 2:24 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

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Mahalo!

--

Stephanie Mock
stephanie.k.mock@gmail.com
Wahiawa, Hawaii

LATE

From: Serafina Gajate <sgajate@yahoo.com>
Sent: Thursday, February 25, 2016 2:41 PM
To: FINTestimony
Subject: Testimony to OPPOSE HB2501

Aloha,

My name is Serafima Gajate, I am a resident and registered voter of Hawai'i Island, and I am writing to express my strong opposition to HB2501, for the following reasons:

- It continues to kill our streams
- It continues to undermine our taro and other traditional farming practices
- It deprives downstream families of needed water
- It sends the message that A&B is above the law
- County residents are not affected by the court's decision
- A&B has more than enough water from their own lands for diversified agriculture including hemp

Mahalo for your time,
Serafina Gajate

LATE

From: Elaine Olson <espamtrap@gmail.com>
Sent: Thursday, February 25, 2016 4:00 PM
To: FINTestimony
Subject: I Support HB 2501 - Relating to Water Permits

TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON FINANCE

FEBRUARY 26, 2016 - Conference Room 308

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Luke and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B this impacts several water systems from the plantation days. Support farmers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Elaine Olson

Kula, HI

From: Normand Dufresne <normandgorby@aol.com>
Sent: Thursday, February 25, 2016 4:01 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

LATE

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Normand Dufresne
PO Box 587
Pahoa, HI 96778

LATE

From: Tamara Paltin <Tampaltin@gmail.com>
Sent: Thursday, February 25, 2016 3:33 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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Mahalo for your time and consideration,

Tamara Paltin
110 Pualu Pl
Lahaina, HI 96761

LATE

From: juliet Pearson <julietjohns@me.com>
Sent: Thursday, February 25, 2016 3:42 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

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I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight.

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A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo.



Kalepa Koalition

5868 Kini Place
Kapaa, Hawaii 96746
Phone/Fax: 808-639-0152

LATE

February 25, 2016

TO: House Committee on Finance
Rep. Sylvia Luke, Chair
Rep. Scott Y. Nishimoto, Vice Chair

**RE: Testimony on HB2501 Relating to Water Rights
February 26, 2016, Conference Room 308**

Chairperson Luke and Members of Committees:

My name is Les Milnes and I support HB2501. I am the president of the Kalepa Koalition, an Hawaii agricultural cooperative of the farmers and ranchers who hold long-term licenses on 6,500 acres of State land behind Kalepa Ridge on Kauai and under the administration of ADC.

The East Kauai Water Cooperative System services a large portion of the Kalepa lands; most of the farmers, ranches and the huge Green Energy Team biomass project on a 1,000 acres utilize the system through Hanamaulu Ditch or off the Upper and Lower Aahoaka Reservoirs.

We are concerned that recent court decision addressing the situation with water diversion on Maui may have the unintended consequence of negatively impacting our system.

I respectfully request that this bill be passed.

A handwritten signature in black ink, appearing to read "Les Milnes".

Leslie P. Milnes, President
Kalepa Koalition



LATE



**Department of Land and Natural Resources
Aha Moku Advisory Committee
State of Hawaii
Post Office Box 621
Honolulu, Hawaii 96809**

**Testimony of
Leslie Kuloloio, Chair**

**Before the House Committee on
FINANCE**

**Friday, February 26, 2016
1:00 PM
Conference Room 308**

**In consideration of
HOUSE BILL 2501 HD 1
RELATING TO WATER RIGHTS**

House Bill 2501 HD 1 proposes to allow a holdover disposition of water rights previously authorized pursuant to a lease during the pendency of an application for a lease renewal. **Aha Moku acknowledges the intent of this bill, but we must strongly OPPOSE this measure.**

The Aha Moku System encompasses the eight main Hawaiian Islands and supports the traditional and generational knowledge of the people who are connected to each of the 46 moku and 606 ahupua'a. The system was brought forward by John Kaimikaua, a noted Moloka'i historian through translations of ancient oral chants from the 9th century, a time where sustainability and protection of resources ensured existence. It was a time where the focus of the people of the land was on survival. Those resource practices were handed down through the generations and many are still used today. The Aha Moku today is centered around sharing that knowledge with those who are now part of ahupua'a communities – the focus is on natural and cultural resource sustainability that is site-specific. Communities take care of the resources where they live.

The purpose of the Aha Moku is to bring forth the voices – concerns and recommendations for solutions – from the people of an ahupua'a on natural and cultural resources to the attention of the Department of Land and Natural Resources. The perspective is a Native Hawaiian traditional one that shares generational knowledge of methods handed down practitioner-to-practitioner of ways to protect, preserve and sustain the land, ocean, watershed and every natural resource within a site-specific ahupua'a.

Per Section 171-58, Hawaii Revised Statutes, the (c) disposition of water rights may be made by lease at public auction as provided in this chapter or by permit for **temporary use on a month-to-month basis under those conditions which will best serve the interests of the State and subject to a maximum term of one year and other restrictions under the law**". HB 2501 HD 1 has amended the measure by "clarifying that the holdover of previously authorized lease rights until the pending application can be resolved **does not require a permit**. We fear this will create havoc. This seems to be geared only towards Alexander & Baldwin and will give them the authority to prolong what was once a "temporary month-to-month" permit indefinitely. And, while this measure, on the surface will impact every island in the State, it actually seeks, for an indefinite period, to allow Alexander & Baldwin of Maui to continue to illegally divert 100-400 million gallons of water per day from 100+ East Maui streams.

For hundreds of years, Native Hawaiian *mahiai*, expert farmers and those versed in agriculture and sustainability of the land and ocean on the east coast of Maui fed a large portion of the island with bountiful harvests of the land. This harvest was made possible because of the accessibility of pure water that flowed from the eastern mountain ridges of Maui.

The five moku of East Maui with their traditional famers are:

1. Moku O Hamakuapoko with its 5 ahupua'a (Paihihi, Waiawa, Honohina, Waiopua, and Poniau);
2. Moku O Hamakualoa with its 18 ahupua'a (Papaea, Hanawana, Hanehoi, Huelo, Waipio, Mokupapa, Honokaia, Hoolawa, Honopau, Kealiinui, Kealiiki, Peahi, Opana, Ulumalu, Kapuakulua, Kuiaha, Pauwela, and Haiku);
3. Moku O Koolau with its 18 ahupua'a (Ulaino, Keaa, Mokupipi, Honolulunui, Hopenui, Puuhaehae, Kapaula, Puakea, Kaliae, Wailua, Pauwalu, Keanae, Honomanu, Keopuka, Loiloa, Kolea, Mooloa, and Makaiwa);
4. Moku O Hana with its 15 ahupua'a (Kualuu, Koali, Muolea, Puuiki, Mokae, Hamoa, Haneo, Oloewa, Wanalua, Paimo, Niumalu, Kawaipapa, Wakiu, Kaeleku, and Honomae); and,
5. Moku of Kipahulu with its 15 ahupua'a (Koalii, Wailua, Puuhaoa, Papauluana, Kaumakani, Alae, Wailamo, Kikoo, Maulili, Poponui, Kapuakini, Kukuula, Kaapahu, Kukuiulaiki, and Popolua).

Together, the five Moku encompassed 71 ahupua'a and traditional *mahiai* that carried on the generational practices of providing sustenance to the population of east Maui, and often for most of the island.

Now, for the past 40 years, these traditional practitioners have suffered and their productivity reduced to almost nothing because of sugar plantations and big business companies diverting water from natural streams to service commercial operations in other parts of the island. While we acknowledge that others need water too, their commercial needs cannot supersede the rights of traditional practitioners who are protected by the Hawaii State Constitution, or overtake the rights of the public trust. **No one owns the water, and no one should be able to monopolize its use purely for monetary reasons.**

Thank you for the opportunity to testify on this bill. We urge this committee to hold this measure until more scrutiny and thought goes into what the true ramifications to the public would be if this bill moved forward.

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 4:55 PM
To: FINTestimony
Cc: kaukaulani@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Jade Alohalani Smith	Aha Moku O Kaupo Council	Oppose	No

Comments: I Oppose this HB2501. Please restore the Balance in our environment and justice to our Communities. This should have never happened but was allowed illegally to keep our waters away from its natural resources and the people of the communities. Please don't let the money dictate the injustice that continues. Make this right.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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LATE

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 4:50 PM
To: FINTestimony
Cc: 2da1wahine@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Sandra Herndon	Individual	Comments Only	No

Comments: It is illegal to pass legislation that benefits only one company. HB2501 creates a “hold over status” for revocable permits for water, as a way to undo Judge Nishimura’s decision invalidating A&B’s permits treated on a “hold over basis.” BLNR admitted to the court that A&B is the only one in Hawaii with a special “hold over” status. Have we forgotten the Superferry debacle? It wouldn't be financially prudent to allow this to become another Supreme Court case. Mahalo for hearing the people and protecting our water!

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LATE

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 4:50 PM
To: FINTestimony
Cc: jkealoha@ilwulocal142.org
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM
Attachments: 2016 HB 2501 hd1 water rights FIN.docx

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Joanne Kealoha	ILWU Local 142	Support	No

Comments:

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LATE

From: Tony Sylvester <wekeis333@gmail.com>
Sent: Thursday, February 25, 2016 4:49 PM
To: FINTestimony
Subject: I Support HB 2501 - Relating to Water Permits

TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON FINANCE

FEBRUARY 26, 2016 - Conference Room 308

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Luke and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B this impacts several water systems from the plantation days. Support farmers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Tony Sylvester

Hilo, HI

From: Kathy Shimata <kshimata@hawaiiintel.net>
Sent: Thursday, February 25, 2016 7:09 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

LATE

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

Kathy Shimata
3453 Pawaina St
Honolulu, HI 96822

*From: Michael Glidden <glidden@hawaii.edu>
Sent: Thursday, February 25, 2016 7:25 PM
To: FINTestimony
Subject: I Support HB 2501 - Relating to Water Permits*



TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON FINANCE

FEBRUARY 26, 2016 - Conference Room 308

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Luke and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B this impacts several water systems from the plantation days. Support farmers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Michael Glidden

Waipahu, HI

LATE

From: Umi Perkins <umiperkins@gmail.com>
Sent: Thursday, February 25, 2016 7:50 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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Mahalo for your time and consideration,

Umi Perkins
98-654B Kaonohi St
Aiea, HI 96701

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 7:54 PM
To: FINTestimony
Cc: pcashman@hawaii.edu
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

LATE

HB2501

Submitted on: 2/25/2016
Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Pilialoamauloa Cashman	Individual	Oppose	No

Comments:

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From: Starlyte Yockman <aloha7honua@gmail.com>
Sent: Thursday, February 25, 2016 8:02 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

LATE

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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P.S. Regardless of these acts..when we have a government in set we will get rid of this. It is the inevitable. U want what is ours...i am telling all involved...that the corruption must end. Hawaiian have a purpose...a God given one. Hawaii belongs to us. No more selling or buying of land...we value these things like u value your family. What would u do to protect your family? Stop now. Peaceful action is requested.

Mahalo for your time and consideration,

Starlyte Yockman

Honolulu, HI 96817

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 8:05 PM
To: FINTestimony
Cc: kaukaulani@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Jade Alohalani Smith	Individual	Oppose	No

Comments: I oppose House Bill 2501 because it would overturn the recent court decision in favor of taro framers and allow Alexander & Baldwin to continue one of the largest private commercial diversions in the entire United States without doing an Environmental Assessment. This will set the illegal bar for allowing commercial and any other Entity to dismiss an Environmental Assessment??? A&B was told by judge Eden Hifo more than a decade ago it must do an EA in order to continue its diversions, but ignored her court order. Instead, they continue to divert water out of the East Maui watershed, to the great hardship of farmers. For many decades, although our East Maui Taro Farmers were deprived of water they have always followed and respected the law. After 15 years of fighting through the courts, they finally won a historic court victory last month, but HB2501 would overturn that victory. To use this legislature to overturn a hard-won court battle of 15 years is unjust! Of the billions of gallons diverted from public lands, less than 10%, is sold to the County for public upcountry and Ag Park consumption. The remainder is used for A&B's commercial sugar operations, which requires more water per acre than any other crop. Now that HC&S is closing down it sugar operations and transitioning to diversified agriculture, surely the taro farmers, who have priority appurtenant water rights and who are also agriculturists in the purest sense, deserve fairer treatment from this political system! There is ample water for all parties to share. Please do not pass a law that would legally sanction A&B's attempts to skirt Environmental laws and continue to deprive taro farmers of their Constitutional rights.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 2:40 PM
To: FINTestimony
Cc: fernrosenstiel@yahoo.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

LATE

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Fern Rosenstiel	'Ohana o Kaua'i	Oppose	No

Comments: We strongly oppose this bill, please do not continue this legacy of water theft.

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LATE

From: Mike Szymanski <mike@msinvestments.com>
Sent: Thursday, February 25, 2016 8:11 PM
To: FINTestimony
Subject: Oppose HB2501 - Protect Maui's Water - FIN 2/26 at 1PM room 308

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial

review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo.

Mike Szymanski
Maui homeowner

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LATE

*From: Isadora Sicking <isadora@hawaii.edu>
Sent: Thursday, February 25, 2016 8:14 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams*

Aloha Representatives Luke, Nishimoto and DeCoite,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawaii's environmental analysis requirements. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review.

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Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawaii is privy to this special "hold-over" status - only in East Maui for A&B. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid the Hawaii only \$160,000 for use of 33,000 acres of public land, and 164 million gallons per day on average of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits do not exist. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Isadora Sicking
isadora@hawaii.edu
Lahaina, Hawaii

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 26, 2016 7:42 AM
To: FINTestimony
Cc: cushmanzoo@hawaiiantel.net
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

LATE

HB2501

Submitted on: 2/26/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Sharron Cushman	Individual	Oppose	No

Comments: I strongly oppose HB2501. THE TOP 10 REASONS WE MUST STOP HB2501 ➤It continues to kill our streams ➤It continues to undermine our taro and other traditional farming practices ➤It deprives downstream families of needed water ➤It sends the message that A&B is above the law ➤County residents are not affected by the court's decision ➤A&B is not growing sugar anymore ➤A&B has more than enough water from their own lands for diversified agriculture including hemp ➤This bill ignores public rights to water ➤Current diversions stiff Hawaii taxpayers ➤It is not fair` In addition to above concerns no environmental analysis has been conducted on the harm of diverting most of the water from the public streams of East Maui.

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LATE

*From: Mavis Oliveira-Medeiros <Mavisoliveira@gmail.com>
Sent: Friday, February 26, 2016 7:30 AM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams*

Aloha Representatives Luke, Nishimoto and DeCoite,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawaii's environmental analysis requirements. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review.

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Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawaii is privy to this special "hold-over" status - only in East Maui for A&B. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid the Hawaii only \$160,000 for use of 33,000 acres of public land, and 164 million gallons per day on average of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

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Mahalolo!

--

Mavis Oliveira-Medeiros
Mavisoliveira@gmail.com
Hana, HI

From: Guy Naehu <alohaainawarrior@gmail.com>
Sent: Friday, February 26, 2016 6:50 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

LATE

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

Guy Naehu
99205 Kamehameha V
Kaunakakai, HI 96748

LATE

Aloha Committee Members of the House of Representatives.

Aha Moku o Maui's members are traditional practitioners from Moku Districts throughout Maui who possess generational knowledge about land and ocean resources management. Our members oppose House Bill 2501, House Draft 1.

Kalo farmers are traditional practitioners, and House Bill 2501, House Draft 1 would overturn the recent court decision in favor of Ko`olau Moku kalo farmers, allowing Alexander & Baldwin to continue one of the largest private commercial diversions in the entire United States without doing an Environmental Assessment. A&B was told by Judge Eden Hifo more than a decade ago it must do an EA in order to continue its diversions, but ignored her court order. Instead, it continued to divert water out of the East Maui watershed, to the great hardship of farmers.

For many decades, although our Ko`olau Moku Kalo Farmers were deprived of water they have always followed and respected the law. After 15 years of fighting through the courts, they finally won a historic court victory last month, but H.B. 2501, House Draft 1 would overturn that victory. To use this legislature to overturn a hard-won court battle of 15 years is unjust!

Of the billions of gallons diverted from public lands, less than 10%, is sold to the County for public Upcountry and Ag Park consumption. The remainder is used for A&B's commercial sugar operations, which requires more water per acre than any other crop. Now that HC&S is closing down its sugar operations and transitioning to diversified agriculture, surely the taro farmers, who have priority appurtenant water rights and who are also agriculturists in the purest sense, deserve fairer treatment from this political system! There is ample water for all parties to share!

Please do not pass House Bill 2501, House Draft 1, a law that would legally sanction A&B's attempts to skirt Environmental laws and continue to deprive our Ko`olau Moku kalo farmers of their Constitutional rights!

Sincerely,
Kyle K. Nakanelua
AMAC Representative Maui Island Act 288
Aha Moku Island Counsel Maui Act 212

LATE

*From: Louis Lopes <llopes1620@gmail.com>
Sent: Friday, February 26, 2016 6:28 AM
To: FINTestimony
Subject: I Support HB 2501 - Relating to Water Permits*

TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON FINANCE

FEBRUARY 26, 2016 - Conference Room 308

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Luke and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B this impacts several water systems from the plantation days. Support farmers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Louis Lopes

Haiku, HI

LATE

*From: Laurie Lopes <jranch@hawaiiantel.net>
Sent: Friday, February 26, 2016 6:27 AM
To: FINTestimony
Subject: I Support HB 2501 - Relating to Water Permits*

TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON FINANCE

FEBRUARY 26, 2016 - Conference Room 308

TESTIMONY ON HB 2501 – RELATING TO Water Permits

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Thank you for the opportunity to testify on this matter.

Laurie Lopes

Haiku, HI

LATE

*From: Luana Beck <hooluanaranch@yahoo.com>
Sent: Friday, February 26, 2016 6:20 AM
To: FINTestimony
Subject: I Support HB 2501 - Relating to Water Permits*

TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON FINANCE

FEBRUARY 26, 2016 - Conference Room 308

TESTIMONY ON HB 2501 – RELATING TO Water Permits

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Thank you for the opportunity to testify on this matter.

Luana Beck

Mt. View, HI

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 26, 2016 6:00 AM
To: FINTestimony
Cc: Kauai.Trainer@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/26/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kauai Trainer	Individual	Oppose	No

Comments: I strongly oppose HB 2501. The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. If passed, this bill would allow commercial users to divert millions of gallons of public water per day and avoid protections for both Hawaiian and public water interests indefinitely, with no limitations on the amount or duration of the diversion. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review. This bill circumvents public trust protections by allowing private users to evade Environmental Impact Studies (EIS) and Environmental Assessments (EA) required for revocable permits. A&B does not need public water. A&B holds 33,000 acres in Central Maui of which 23,000 are designated Important Agricultural Lands (IAL.) Court documents submitted by A&B indicate there are 132 million gallons per day available from their existing private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the approximate water duty for A&B water and land commitments in East Maui. A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future. Diversified agriculture needs less than half the water for sugarcane or about 2,500 gallons of water per acre per day. With an average of about 42.5 million gallons of water per day for diversified agriculture on all cultivated acres and a \$2 million annual contract with the County of Maui to supply 9 million gallons of water per day for Upcountry residents, 91 million gallons of water per day would more than sufficiently satisfy approximate A&B irrigation needs. Even if A&B were to grow on 30,000 acres, they only need about 75 million gallons of water per day to cultivate diverse crops. A&B could seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while they appeal the Circuit Court’s invalidation of their holdover status. A&B would simply need to explain to the Court how much water they need and why, as the County did. Since the 1980’s, A&B has paid the State of Hawai’i only \$160,000 for use of 33,000 acres of public land, and 164 million gallons per day on average of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please oppose HB 2501.

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LATE

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 26, 2016 5:56 AM
To: FINTestimony
Cc: mamoaliiokalani@gmail.com
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/26/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Grace Bezilla	Individual	Oppose	No

Comments:

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LATE

From: Nastassia Hill <nastassia@hawaiiistoneimp.com>
Sent: Friday, February 26, 2016 5:16 AM
To: FINTestimony
Subject: Oppose HB2501 - Protect Maui's Water - FIN 2/26 at 1PM room 308

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

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Mahalo.

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 26, 2016 4:42 AM
To: FINTestimony
Cc: afrancokaupo@gmail.com
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/26/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Alex Franco	Maui Cattle Company	Support	No

Comments:

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LATE

*From: Shay Sunderland <shay.l.sunderland@gmail.com>
Sent: Friday, February 26, 2016 4:22 AM
To: FINTestimony
Subject: I Support HB 2501 - Relating to Water Permits*

TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON FINANCE

FEBRUARY 26, 2016 - Conference Room 308

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

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Thank you for the opportunity to testify on this matter.

Shay Sunderland

Mililani, HI

From: Miki Cachola <miki.cachola@gmail.com>
Sent: Friday, February 26, 2016 3:58 AM
To: FINTestimony
Subject: PLEASE KILL HOUSE BILL 2501

LATE

- > Aloha kakou,
- >
- > Please consider the past, current and future effects it may have on East Maui's water flow and kill HB2501.
- >
- > It is wrong for the legislature to pass a law that overturns the farmers' court victory after the parties have been in litigation for 15 years!
- >
- > It is wrong for the legislature to pass a law which is specifically designed to favor a single private corporation, as Alexander & Baldwin!
- >
- > It is wrong for the legislature to pass a law which allows A&B to continue diverting millions of gallons of water every day from PUBLIC lands, which it has been doing without interruption for the past 100+ years. AND, without having to follow the law, including doing an environmental assessment and bidding at a public auction.
- >
- > It is time that you all earn back our trust in you, our representation. We cannot keep allowing corporate greed to dictate our democratic processes. Please consider my testimony, along with the thousands of others, I'm sure. We need to be pono...for our aina, for our keiki and for our Hawai'i!!
- >
- > Me ka ha'aha'a,
- > Miki Cachola Lene

LATE

*From: Ninu-Alexandri Quirk, MD <drquirk@openmindedmd.com>
Sent: Friday, February 26, 2016 2:32 AM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208*

Chairperson and members of the House Finance Committee,

As a former Upcountry Maui farmer, I am strongly against the diversion of massive amounts of public water to Alexander and Baldwin (A&B).

Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has

not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo.

Ninu-Alexandri Quirk, MD
Kapoho, HI

LATE

From: *bryston Tanigawa <brystont1@hotmail.com>*
Sent: *Friday, February 26, 2016 12:25 AM*
To: *FINTestimony*
Subject: *I OPPOSE HB2501*

A&B does not have the right to divert all this water at the expense of the farmers and those who gather for sustenance. The diversion of that much water wrecks havoc on the ecosystem and should not be allowed to happen. I strongly oppose this bill, do the right thing!

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 26, 2016 12:00 AM
To: FINTestimony
Cc: legechair@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

LATE

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Simon Russell	Individual	Oppose	No

Comments: Aloha Chair Luke and Members of the Committee, I strongly oppose this current draft of HB 2501. My main point of opp id it is a reversal of last months court decision invalidating the concept of permanent "Holdover permits" The taro farmers of East Maui deserve to have their water rights honored. Water from the diversion areas must be restored to them. Thank you for taking the time to consider this important measure, Simon Russell Farmer Hali'imaile, Maui

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov



SIERRA CLUB OF HAWAII

MĀLAMA I KA HONUA. *Cherish the Earth.*

HOUSE COMMITTEE ON FINANCE

Friday February 26, 2016 1PM Room 308

In Opposition HB2501 Relating to Water Rights

LATE

Aloha Chairwoman Luke and members of the House FIN Committee,

Alexander and Baldwin's improper diversion of public water from East Maui streams is one of the last injustices that remain of sugar plantations in Hawai'i. These diversions are killing native streams, undermining sustainable farming practices, and dividing communities. It represents the old-fashioned, Big Five, mono-crop economy that required massive public subsidy and total political domination to survive; it represents a system we have chosen to leave behind. Today, Hawai'i is embracing a new future and a new economy built on self-reliance, innovation, and a commitment to true mālama 'āina.

By considering this bill, the Legislature is stepping into a highly litigated, polarized and localized conflict. One that requires considerable command of the science, history, and law to make an informed decision. This Legislature recognizes the gravity of these decisions, which is why it created the Commission on Water Resources Management to administer our Water Code and decide the best allocations of our precious water resources. After years of intransigence, the system is finally and fully engaged in decision making about A&B's long history of harmful diversions in East Maui. The Water Commission is preparing to rule in the contested case on minimum in-stream flow standards and the circuit court decision on A&B's "hold-over" revocable permits is being appealed through the usual judicial process.

The best way to strike a proper balance in this circumstance is for this Legislature to refrain from acting at all. Allow the legal process to run its course. Create the conditions that require A&B to rely first on its own resources before taking from others. The system we have in place provides ample opportunity for this corporation to assert a legitimate agricultural use and request adequate water resources from the public inventory.

There is more than enough water on Maui for everyone to thrive — the streams, the people, and the farms. Everyday more water flows through the streams of East Maui than is consumed by the entire island of O'ahu. It simply needs more magnanimous management.

For these reasons, we strongly urge you to defer this measure.

Mahalo,

Martha Townsend
Director

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 11:46 PM
To: FINTestimony
Cc: luanajones777@hotmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

LATE

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Luana Jones	Individual	Oppose	No

Comments: Please enforce Hawaiian laws that give kuleana farmers their share of the wai. Their rights were never honored by the large land holders. There is enough water for all. Please restore what is pono, and bring abundance for all! Mahalo nui.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

LATE

*From: Alison Grabel <alisongrabel@gmail.com>
Sent: Thursday, February 25, 2016 11:04 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams*

Aloha Representatives Luke, Nishimoto and DeCoite,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawaii's environmental analysis requirements. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture would require less than half the water for sugarcane or about 2,500 gallons per acre per day (gad) which is 42.5 million gallons per day (mgd) for 17,000 acres, or 75 mgd if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 mgd of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 mgd average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 mgd county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawaii is privy to this special "hold-over" status - only in East Maui for A&B. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid the Hawaii only \$160,000 for use of 33,000 acres of public land, and 164 million gallons per day on average of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits do not exist. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Alison Grabel
alisongrabel@gmail.com
Makawao, HI

LATE

*From: Meenakshi Honig <angel@angelyoga.com>
Sent: Thursday, February 25, 2016 11:03 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams*

Aloha Representatives Luke, Nishimoto and DeCoite,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawaii's environmental analysis requirements. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review.

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Mahalo!

--

Meenakshi Honig
angel@angelyoga.com
Haiku, Hawaii

From: Debbie Benton <shine97250@yahoo.com>
Sent: Thursday, February 25, 2016 10:58 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

LATE

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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Mahalo for your time and consideration,

Debbie Benton
PO Box 790
Haiku, HI 96708

LATE

*From: Greg Wilson <primo304@yahoo.com>
Sent: Thursday, February 25, 2016 10:46 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams*

Aloha Representatives Luke, Nishimoto and DeCoite,

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Mahalolo!

--

Greg Wilson
primo304@yahoo.com
Haiku, Hawaii

LATE

*From: Janet Perkins <Janetmp@hawaii.edu>
Sent: Thursday, February 25, 2016 10:43 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water*

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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Mahalo for your time and consideration,

Janet Perkins
84-551 Nukea St.
Waianae, HI 96792

LATE

*From: Rhonda Stoltzfus <Stoltzfus34@yahoo.com>
Sent: Thursday, February 25, 2016 10:41 PM
To: FINTestimony
Subject: I Support HB 2501 - Relating to Water Permits*

TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON FINANCE

FEBRUARY 26, 2016 - Conference Room 308

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Luke and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B this impacts several water systems from the plantation days. Support farmers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Rhonda Stoltzfus

Kihei, HI

From: Brian Emmons <brimohi@msn.com>
Sent: Thursday, February 25, 2016 10:36 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water



Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

Brian Emmons
1755 Waiola St
Honolulu, HI 96826

LATE

*From: Ruth Andersen <Whalewan10@yahoo.com>
Sent: Thursday, February 25, 2016 10:29 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams*

Aloha Representatives Luke, Nishimoto and DeCoite,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawaii's environmental analysis requirements. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review.

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Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits do not exist. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Ruth Andersen
Whalewan10@yahoo.com
Kihei, HI



House Committee on Finance

Hawai'i Center for Food Safety Opposes HB2501 HD1

Dear Chair Luke, Vice Chair Nishimoto, and Members of the Committee:

My name is Dr. Ashley Lukens and I am the Hawai'i Director for the Center for Food Safety (CFS). CFS is a nationwide public interest, sustainable agriculture nonprofit organization whose mission centers on furthering the public's right to know how their food is produced, through labeling and other means. We have over 750,000 farmer and consumer members across the country, including nearing 10,000 in Hawai'i. On behalf of CFS and our members, I thank you for the opportunity to speak to you today regarding this important bill.

CFS has been dedicated to addressing the human health and environmental impacts of our increased reliance on pesticide use in food production, both in the State of Hawai'i and nationally. We were instrumental in providing legal and communications support in the passage of numerous ordinances relating to pesticide use and disclosure, such as Kaua'i's Bill 2491. Since 2014, as the inaugural director here in Hawai'i, I have worked closely with community members across the state, in all counties, and have played an instrumental role in the passage of Maui's moratorium on GE production until companies submit environmental and public health impact assessments.

I am writing in opposition of HB2501 HD1, which allows for a holdover disposition of water rights previously authorized pursuant to a lease during the pendency of an application for a lease renewal. This bill would hurt our public and native water rights, as well as our local environment and agriculture industry.

Not only are Maui kalo farmers struggling to keep the water that is unjustly disappearing, Alexander and Baldwin (A&B) has successfully avoided performing an environmental assessment study since a circuit court mandated it in 2003. Since then A&B has continued to divert upwards of **400 million gallons of water per day** from East Maui streams.

HCFS believes that traditional farmers and local residents should have fresh water priority over large development companies, especially when these companies have little respect for other water users. For example, A&B already has at least 80 million gallons of fresh water per day from private sources and knowingly wastes 35 million gallons per day from bad pipes.

Contrary to some arguments, **this bill would hurt local agriculture** on Maui. Drastically changing the local water cycle, like A&B is currently doing and will continue to if this bill is passed, will lead to more dried up stream beds, increased loss of biodiversity, and decreased soil productivity.

NATIONAL HEADQUARTERS

660 Pennsylvania Avenue, SE, Suite 302
Washington, D.C. 20003
T: 202-547-9359 F: 202-547-9429

CALIFORNIA OFFICE

303 Sacramento Street, 2nd Floor
San Francisco, CA 94111
T: 415-826-2770 F: 415-826-0507

PACIFIC NORTHWEST OFFICE

917 SW Oak Street, Suite 300
Portland, OR 97205
T: 971-271-7372 F: 971-271-7374

HAWAI'I OFFICE

1132 Bishop Street, Suite 2107
Honolulu, Hawaii 96813
T: 808-681-7688

Although this bill would benefit A&B primarily at first, the passing of HB2501 HD1 would open the door for more unregulated water diversion in unlimited quantities from East Maui streams.

Thank you for the opportunity to testify, and I am happy to answer any follow up questions or provide additional analysis.

Respectfully,

A handwritten signature in black ink, appearing to read 'Ashley Lukens', with a stylized, cursive script.

Ashley Lukens
Director, Hawai'i Center for Food Safety

LATE

From: Thomas Nishimura <myriadmess@yahoo.com>
Sent: Thursday, February 25, 2016 10:16 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 because it continues the decades-long diversion of public water from public land for private use without proper permits, environmental analysis, or regulatory oversight.

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Mahalo.

Sent from my iPhone

LATE

*From: Danielle Delise <ddelise808@gmail.com>
Sent: Thursday, February 25, 2016 10:14 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208*

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

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Mahalo,

Danielle Delise
ddelise808@gmail.com

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 10:13 PM
To: FINTestimony
Cc: observingmaui@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Mary McClung Law	Individual	Oppose	No

Comments: My East Maui reasons against HB2501: Because it would allow one big corporation to waste millions of gallons of freshwater every day, while the streams run dry and Hawaiian farmers are starved from their land. It circumvents the established process for requesting access to public water. It rewards A&B for manipulating the permitting system for years. It contradicts longstanding public policies in place to protect streams, freshwater, traditional farming practices, and our imperiled natural environment. Nothing can live without water, so why is East Maui consistently denied access to the very water that rains on our Moku? No private interest ought to control the water valves for our state's citizens and lands, water is too critical. The failures of this long devastating case are proof of that. Many corporations realized years ago how much money was to be made from investments in water as our climate changes. Here is a golden opportunity for the State of Hawaii to reclaim these local water rights to establish a public non profit distribution system that will not fail the citizens like has been happening for so many years now. Public entities are specifically created for the well being of the citizens, to ensure access to basic rights of life of our civilized world. We need to reorganize water to be a top priority also because the islands' water tables have dropped. Water ought to top the list for publicly run entities. The costs and risks are just too great to put water management into private interests. Nothing against corporations per se, but they do not have citizens interests as a priority. The health and rights of East Maui cannot compete with their bottom line. Corporations are legally bound to put shareholder profit above all else. What more do you need to know? They are just doing what they were designed to do. We hold the responsibility for these problems by assigning them a task they are unable legally to fulfill. Let this moment be a harbinger to us, a game changer that helps us to see the importance of publicly protecting all the water resources in Hawaii much more carefully and staunchly. We hope for all our future generations will be able to enjoy the beautiful land and the water-full life in Hawaii we leave them as our legacy. Please hear our East Maui cries for dignity and the right to life. Thank you for your time and deep consideration, Mary McClung Law

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

LATE

From: mdeycaza <mdeycaza@yahoo.com>
Sent: Thursday, February 25, 2016 10:10 PM
To: FINTestimony
Subject: Oppose HB2501 FIN 2/26 at 1PM room 208

Aloha Chairperson Rep. Luke, and members of the House Finance Committee,

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Mahalo.

LATE

*From: Cecilia Reilly <newdawnnewday77@gmail.com>
Sent: Thursday, February 25, 2016 9:47 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water*

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Cecilia Reilly
100 Kane Rd
Ha'iku, HI 96708

LATE

From: Travis White <Twhite1587@gmail.com>
Sent: Thursday, February 25, 2016 9:46 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Travis White
34 Iuanaiki pl.
Kihei, HI 96753

LATE

*From: Litsa Katsarou <li.katsarou7@gmail.com>
Sent: Thursday, February 25, 2016 9:38 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water*

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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Mahalo for your time and consideration,

Litsa Katsarou

Athens,Greece, ot 12242

LATE

*From: Mary Toledo <toledomylife@gmail.com>
Sent: Thursday, February 25, 2016 9:24 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams*

Aloha Representatives Luke, Nishimoto and DeCoite,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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Mahalo!

--

Mary Toledo
toledomylife@gmail.com
Hilo, Hawaii

LATE

*From: Mary Law <Observingmaui@gmail.com>
Sent: Thursday, February 25, 2016 9:13 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams*

Aloha Representatives Luke, Nishimoto and DeCoite,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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Mahalo!

--

Mary Law
Observingmaui@gmail.com
Hana, Hi

LATE

*From: Susan Miyasaka <sc_miyasaka@yahoo.com>
Sent: Thursday, February 25, 2016 9:09 PM
To: FINTestimony
Subject: I Support HB 2501 - Relating to Water Permits*

TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON FINANCE

FEBRUARY 26, 2016 - Conference Room 308

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Luke and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B this impacts several water systems from the plantation days. Support farmers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Susan Miyasaka

Hilo, HI

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 9:05 PM
To: FINTestimony
Cc: robelloj@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

LATE

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
JAMES ROBELLO	Individual	Support	No

Comments: I support HB2501 because it will allow farmers and ranchers a reasonable amount of access to irrigation water and farm land.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 9:00 PM
To: FINTestimony
Cc: occupyhilomedia@yahoo.com
Subject: *Submitted testimony for HB2501 on Feb 26, 2016 13:00PM*

HB2501

Submitted on: 2/25/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kerri Marks	Individual	Oppose	No

Comments:

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Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

LATE

*From: Mimi Desjardins <Mimidesjardins808@gmail.com>
Sent: Thursday, February 25, 2016 8:59 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams*

Aloha Representatives Luke, Nishimoto and DeCoite,

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Mahalo!

--

Mimi Desjardins
Mimidesjardins808@gmail.com
Kula, Hawaii

*From: Keola Nakanishi <Keolanakanishi@yahoo.com>
Sent: Thursday, February 25, 2016 8:53 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams*

LATE

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Mahalo!

--

Keola Nakanishi
Keolanakanishi@yahoo.com
Honolulu , Hi

LATE

*From: Dean Sensui <dean@HawaiiGoesFishing.com>
Sent: Thursday, February 25, 2016 8:47 PM
To: FINTestimony
Subject: I Support HB 2501 - Relating to Water Permits*

TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON FINANCE

FEBRUARY 26, 2016 - Conference Room 308

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Luke and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B this impacts several water systems from the plantation days. Support farmers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Dean Sensui

Pearl City, HI

LATE

Aloha Congressmen and women,

I wanted to take a moment to share with you my concerns about HB2501 and SB3001. I see both sides of the argument to have their points however I find that I cannot help but side with the Hawaiian voice to overturn the bill. The diversion of 68 billion gallons of water from East Maui a year is astronomical and the effect on the local ecosystem and farmers is large. The decrease in native species allows invasive plants to flourish where the water no longer flows. The East Maui watershed host 159 rare and endangered plant species and 13 native birds, 12 of them endemic to Maui. I am not a native to these lands, but since I have been on this island and come in contact with the native peoples I have begun to understand the struggle they face if only on an outside level. There is so much Mana running through this island carried to the sea from the mountain through the streams. It truly is emotionally distressing to witness the plight of wetland taro farmers when they struggle to keep their patches saturated with this life giving water. Taro in the form of poi has become a staple in my diet and the strength and nourishment I gain from it I attribute to the mana put into it from the land and the people that work it. To think that this life force that I and many others thrive off of could be further endangered as well as witnessing the continued plight of these stewards is disheartening and upsetting. It is unacceptable for A&B to have continuous uninterrupted use of this water since 2000 (over 15 years) seeing as the permits are for a temporary basis only. I believe that the native waters that Kane blessed East Maui with should stay in native hands and no longer be diverted for the use of large corporations and their subsidiaries. The only exception I can see is the allotment of 84 million gallons of water for domestic use. I hope you consider this and work hard to uphold the will of the people and overturn this bill.

Mahalo,
Brian Perkins

From: Ginger Johnson <awapuhi@hotmail.com>
Sent: Thursday, February 25, 2016 8:35 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

LATE

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

Ginger Johnson
17 paihuamst
Makawao, HI 96768

From: Kim Kozuma <kimkdvm719@gmail.com>
Sent: Thursday, February 25, 2016 8:31 PM
To: FINTestimony
Subject: I Support HB 2501 - Relating to Water Permits

LATE

TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON FINANCE

FEBRUARY 26, 2016 - Conference Room 308

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Luke and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B this impacts several water systems from the plantation days. Support farmers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Kim Kozuma

Hilo, HI

From: Alicr Stein <alices55@yahoo.com>
Sent: Thursday, February 25, 2016 8:30 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

LATE

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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Mahalo for your time and consideration,

Alicr Stein

pukalani, HI 96768

LATE

From: Diana Miller <diana411@earthlink.net>
Sent: Thursday, February 25, 2016 8:19 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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Mahalo for your time and consideration,

Diana Miller
16-1582 Koloa Moali Rd
Kurtistown, HI 96760

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 26, 2016 8:07 AM
To: FINTestimony
Cc: henry.lifeoftheland@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/26/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Henry Curtis	Life of the Land	Oppose	Yes

Comments: Please hold this bill. Public Trust water should be used for public trust uses not wasted

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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LATE

*From: Paul Burns <Paulburns808@gmail.com>
Sent: Friday, February 26, 2016 8:32 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water*

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

Diverting the water causes the fisheries to decline. The water feeds the limu which feeds fish and the baby shrimp and prawns feed the fish as well. The fishery is dying because of this diversion. This is criminal and must be stopped.

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid the State of Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust

must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

Paul Burns
PO Box 901
Hana, HI 96713

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 26, 2016 8:41 AM
To: FINTestimony
Cc: crystalinx@yahoo.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/26/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Crystal West	Individual	Oppose	No

Comments: Water is the right of the people of Hawaii not corporations. It is a public resource that should remain as such and not be bought by private organizations with vested interests.

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LATE

*From: Crystal West <crystalinx@yahoo.com>
Sent: Friday, February 26, 2016 8:38 AM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams*

Aloha Representatives Luke, Nishimoto and DeCoite,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawaii's environmental analysis requirements. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review.

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Mahalolo!

--

Crystal West
crystalinx@yahoo.com
Kapaau, Hawaii

LATE

*From: Lehua Holt colleado <Lehuaht@gmail.com>
Sent: Friday, February 26, 2016 8:43 AM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams*

Aloha Representatives Luke, Nishimoto and DeCoite,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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Mahalolo!

--

Lehua Holt colleado
Lehuaht@gmail.com
Hauula, Hi

LATE

*From: Emma Spurgin Hussey <spurginhussey@wildmail.com>
Sent: Friday, February 26, 2016 8:55 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water*

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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Mahalo for your time and consideration,

Emma Spurgin Hussey
4 Dereham Terrace
Truro, ot TR1 3DE

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 26, 2016 8:52 AM
To: FINTestimony
Cc: sharonzm@yahoo.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/26/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
sharon zalsos	Individual	Support	No

Comments: Sharon Zalsos P.O. Box 2844 Wailuku, HI 9793 Sharonzm@yahoo.com HOUSE FINANCE COMMITTEE HEARING FRIDAY, FEBRUARY 26, 2016 ROOM 308, 1 PM RE: STRONG SUPPORT FOR PASSAGE OF HB2501 Dear Finance Vice Chair Rep. Scott Nishimoto, As a resident of Maui, I strongly support passage of HB2501 because it is critically needed legislation that is vital for the future of the general community and for Maui's farmers." Respectfully, Sharon Zalsos Sharonzm@yahoo.com

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Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

*From: Lehua Holt colleado <Lehuahtc@gmail.com>
Sent: Friday, February 26, 2016 8:43 AM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams*

LATE

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Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawaii is privy to this special "hold-over" status - only in East Maui for A&B. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid the Hawaii only \$160,000 for use of 33,000 acres of public land, and 164 million gallons per day on average of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits do not exist. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalolo!

--

Lehua Holt colleado
Lehuaht@gmail.com
Hauula, Hi

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 26, 2016 9:04 AM
To: FINTestimony
Cc: naluhiwa@aol.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/26/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Hau'oli Thielk	Individual	Oppose	No

Comments: Stop the stealing of water from our rivers on Maui's north and east shore!No to hold over permits!

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: J. Chee <jchee3@hawaii.edu>
Sent: Friday, February 26, 2016 9:04 AM
To: FINTestimony
Subject: In Defense of Maui's Public Water

LATE

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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Mahalo for your time and consideration,

J. Chee
92-7096 elele st.
kapolei, HI 96707

LATE

*From: Carol Schwarz <mschwarz@maui.net>
Sent: Friday, February 26, 2016 9:29 AM
To: FINTestimony
Subject: NO on HB2501!!!! PLEASE!!!*

To my government representatives,

I oppose Senate Bill 3001 because it would overturn the recent court decision in favor of taro farmers.

After 15 years of fighting through the courts, they finally won a historic court victory last month, but H.B. 2501 would overturn that victory. To use this legislature to overturn a hard-won court battle of 15 years is unjust!

Now that HC&S is closing down its sugar operations and transitioning to diversified agriculture, surely the taro farmers, who have priority appurtenant water rights and who are also agriculturists in the purest sense, deserve fairer treatment from this political system! There is ample water for all parties to share!

Please do not pass a law that would legally sanction A&B's attempts to skirt Environmental laws and continue to deprive taro farmers of their Constitutional rights!

Sincerely,

Carol and Michael Schwar
1135 Makawao Ave.
PMB 132
Makawao Hi 96768

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 26, 2016 12:41 PM
To: FINTestimony
Cc: callgomesforhomes@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/26/2016
Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
luana gomes	Individual	Oppose	No

Comments: I believe water permits should not be held over for years

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LATE

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 26, 2016 12:39 PM
To: FINTestimony
Cc: begoniabarry@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/26/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Barry	Individual	Oppose	No

Comments: Aloha, I am writing to urge Representative Lynn DeCoite to vote NO on this Bill like she said she would do last night at the Haiku Community Meeting. I urge all members of this committee to vote NO and kill this Bill once and for all, Mahalo

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 26, 2016 1:08 PM
To: FINTestimony
Cc: debbie.leejackson@gmail.com
Subject: Submitted testimony for HB2501 on Feb 26, 2016 13:00PM

HB2501

Submitted on: 2/26/2016

Testimony for FIN on Feb 26, 2016 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Debbie Lee-Jackson	Individual	Oppose	No

Comments: Please protect our water. Water is a public trust. This bill ignores that. This bill kills our stream ecosystems. Please do not support this bill.

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Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

LATE

From: Ryan Aspili <rka38@hawaii.edu>
Sent: Friday, February 26, 2016 12:55 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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Mahalo for your time and consideration,

Ryan Aspili

Lahaina, HI 96761

From: Adam Dochin <adochin@hawaii.edu>
Sent: Friday, February 26, 2016 12:54 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Adam Dochin
3241 Alani Drive
Honolulu, HI 96822

From: lisa kasprzycki <lisakasprzycki@gmail.com>
Sent: Friday, February 26, 2016 12:36 PM
To: FINTestimony
Subject: i oppose HB2501

good morning,

i am writing to strongly OPPOSE HB2501.

A&B needs to have the EA, if nothing else, before attempting and move to overturn the hardwon and FAIR court decision in favor of east maui farmers. in their effort to defy constitutional rights and humane reason, A&B is showing us loud and clear that they do not care, and that they deserve NO FAVOR in any decision making. they are acting in opposition to the values they say they have.

i am writing not only because of the farmers of east maui, but because i grew up here in the areas of hamakuapoko, hamakualoa, ko'olau, maui. it pains me to see the streams empty because i know the devastation of THE WHOLE ECOSYSTEM is laid out before me.

in my opinion the east maui farmers stand at the pinnacle of what is the richest of all of hawaii's attributes : human beings wirking together with the elements to bring forth food for all. hawaiian food. that requires the health of their ecosystem.

NO ONE has the right to break that; but A&B HAS BEEN TRYING TO BE SUCH A CRIMINAL.

i vehemently oppose HB2501.

mahalo nui for your complete compliance compassion.

sincerely,
lisa kasprzycki
makawao, hamakuapoko, maui

From: Peter Cummins <peter_ac@bigpond.net.au>
Sent: Friday, February 26, 2016 1:39 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Peter Cummins
13 Sidlaw St
Cairns, ot 4878

FINTestimony

LATE

From: Amber Souza <amberks@hawaii.edu>
Sent: Friday, February 26, 2016 1:53 PM
To: FINTestimony
Subject: Opposing Bill HB2501

My name is Amber Souza and I am opposing the A&B bill (HB2501) in support of the East Maui communities and the environment. Water should be put toward agricultural practices that are perpetuated through the East Maui 'ohana's.

Mahalo.

From: Dayson Bailey <Daysonbailey1996@gmail.com>
Sent: Friday, February 26, 2016 2:05 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

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Mahalo for your time and consideration,

Dayson Bailey

Waianae, HI 96792

From: Pete Arnold <pete@hawaiiilife.com>
Sent: Friday, February 26, 2016 2:50 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

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A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres, or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 million gallons of water per day of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 million gallons of water per day average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 million gallons of water per day county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a

multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo for your time and consideration,

Pete Arnold
2468 Lamaku pl
honolulu, HI 96816

From: Ann Baker <annbaker@cox.net>
Sent: Friday, February 26, 2016 3:53 PM
To: FINTestimony; Rep. Sylvia Luke; Rep. Scott Nishimoto; Rep. Lynn DeCoite
Subject: Stop HB2501 and Save East Maui's Streams

Aloha Representatives Luke, Nishimoto and DeCoite,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawaii's environmental analysis requirements. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture would require less than half the water for sugarcane or about 2,500 gallons per acre per day (gad) which is 42.5 million gallons per day (mgd) for 17,000 acres, or 75 mgd if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 mgd of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 mgd average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 mgd county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawaii is privy to this special "hold-over" status - only in East Maui for A&B. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid the Hawaii only \$160,000 for use of 33,000 acres of public land, and 164 million gallons per day on average of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits do not exist. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Ann Baker
annbaker@cox.net
Solana Beach, California



LATE

BEFORE THE HOUSE COMMITTEE ON FINANCE

February 26, 2016, 1pm

House Bill No. 2501 HD1
Relating to Water Rights

Aloha Chair Luke, Vice Chair Nishimoto and Members of the Committee:

The Ka Lahui Hawai'i Political Action Committee (KPAC) affirms and defends our Hawaiian peoples' right to over 1.8 million acres of our national lands.

KPAC submits the following testimony in opposition to HB 2501 HD1. This bill would allow a holdover permit to be issued to an applicant seeking to renew their water rights lease. Essentially, this bill is an end run to allow Alexander & Baldwin, Inc. and the East Maui Irrigation Company to continue to divert millions of gallons of water from the streams of East Maui.

KPAC stands with our kalo farmers and cultural practitioners who continue to work to preserve our traditions and precious resources for generations to come.

Sincerely,

A handwritten signature in blue ink, reading "Healani Sonoda-Pale".

Healani Sonoda-Pale
KPAC Chair

LATE

From: Kalei Kahawaii <tk42@hawaii.edu>
Sent: Friday, February 26, 2016 4:53 PM
To: FINTestimony
Subject: In Defense of Maui's Public Water

Aloha Chair Luke, Vice-Chair Nishimoto, East Maui Representative DeCoite and members of the Finance Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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Mahalo for your time and consideration,

Kalei Kahawaii

Hauula, HI 96717