

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lt. Governor



State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

**TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE SENATE COMMITTEE ON WAYS AND MEANS

April 4, 2016
9:00 P.M.
CONFERENCE ROOM 211

**HOUSE BILL NO. 2501 HD2 SD1
RELATING TO WATER RIGHTS**

Chairperson Tokuda and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 2501 HD2, 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 Department strongly supports this measure.

This bill seeks to create a holdover period for those applications pending before the Board of Land and Natural Resources that have previously been authorized a disposition of water rights. The holdover period may exceed one year. There are a number of permittees to which this legislation would affect, including many agriculturalists throughout the State who rely on these water sources to continue farming and ranching. Without a continued water source, there may be significant economic and social impacts on Hawaii's agricultural community.

Thank you for the opportunity to testify on this measure.





HB2501 HD2 SD1
RELATING TO WATER RIGHTS
Senate Committee on Ways and Means

April 4, 2016

9:00 a.m.

Room 211

The Office of Hawaiian Affairs (OHA) **OPPOSES** HB2501 HD2 SD1. **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 considerably 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.

OHA understands that this bill is 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. Notably, while A&B has not provided salinity information for most of its wells, salinity information that is available indicates water quality levels that would be considered “fresh” by most water quality standards. **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, from 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 speculative future relief it may otherwise purport to convey, while also perpetuating the immediate and direct harms that stream water diversions have inflicted on East Maui kalo farmers, cultural practitioners, and native ecosystems for generations.**

Finally, OHA appreciates amendments made in the last Senate Draft of this measure, setting a three-year time limit on any holdovers it would authorize, and requiring holdovers to be “consistent with the public trust doctrine and any applicable law.” However, such an amendment would likely prolong the final resolution of the East Maui water case, by removing A&B’s incentive to engage in settlement discussions in a timely manner. As illustrated by the complete lack of action to comply with the court order issued 12 years ago, it is highly likely that A&B will continue to seek to maintain the status quo of its current diversions, and it is very possible that, lacking any final resolution by the end of the three year period, A&B may seek an extension of this measure or other legislative relief at that time. Three years is also not an insignificant amount of time, particularly for those who have waited for over a decade for some meaningful action to satisfy the original court order requiring an environmental assessment for the East Maui diversions. Moreover, without clearer standards, it is unclear whether or how the “consistent with the public trust doctrine” requirement for holdovers will be enforced, insofar as the decades-long legal dispute underlying this legislation has sought to address that very issue.

Therefore, OHA respectfully urges the Committee to **HOLD** HB2501 HD2 SD1. Mahalo nui for the opportunity to testify on this measure.

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: ttengan@hawaii.edu
Subject: Submitted testimony for HB2501 on Apr 4, 2016 09:00AM
Date: Saturday, April 02, 2016 7:48:30 PM

HB2501

Submitted on: 4/2/2016

Testimony for WAM on Apr 4, 2016 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Ty P. Kawika Tengan	Ethnic Studies Department, UHM	Oppose	No

Comments: Aloha Chair Tokuda and Vice Chair Dela Cruz. My name is Ty Kawika Tengan, and I am chair of the Department of Ethnic Studies at UH Manoa. The Ethnic Studies Department strongly opposes HB2501 HD2 SD1 relating to water rights. Our faculty have published numerous academic and applied studies on the political economy of Hawai'i and Native Hawaiian land and water rights. The proposed bill will allow for a circumvention of state law in order to allow large corporations to continue the diversion of streams which denies the practice of Native Hawaiian cultural and subsistence practices through taro farming, resource gathering, and religious observations. The efforts of Native Hawaiians and other Hawai'i residents to carry out sustainable agricultural practices and perpetuate Hawaiian customs can only proceed with the mauka to makai flow of water, which is a public trust. The legislature has the duty to serve people, not profits. We urge this committee to kill this bill for the good of all Islanders and the future generations who we hope will still be able to call this place home. Mahalo for allowing us to testify.

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

DAVID Y. IGE
GOVERNOR OF
HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
KEKOA W. KALUHIWA
First Deputy Director

Before the Senate Committee on
WAYS AND MEANS

Monday, April 4, 2016
9:00 A.M.
State Capitol, Conference Room 211

In consideration of
HOUSE BILL 2501, HOUSE DRAFT 2, SENATE DRAFT 1
RELATING TO WATER RIGHTS

House Bill 2501, House Draft 2, Senate 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 for up to three years during the pendency of an application for a water lease, provided that the holdover is consistent with the public trust doctrine and applicable law. The current draft of the bill additionally proposes to make an appropriation of an undetermined amount for Fiscal Year 2016-2017 to assist the Department of Land and Natural Resources (Department) in expediting pending applications for the disposition of water rights. **The Department offers the following comments.**

Under HRS Section 171-58, the Board of Land and Natural Resources (Board) has the 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. Contested case proceedings and other litigation can add considerable delay to the review process, while the setting of interim instream flow standards and instream flow standards to determine the amount of water to remain in streams is in itself a rigorous task. For these reasons, satisfying the requirements of an application for a water lease could take several years at minimum.

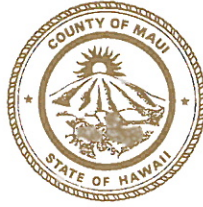
Accordingly, it is understandable that an applicant for a water lease would want to continue water use under a revocable permit in the interim. In many cases, the water uses have existed for many

years, and so an interruption of the water supply under a revocable permit could have serious impacts on residents, schools, hospitals, businesses and agricultural communities that rely on the water.

In reference to the holdover of revocable permits issued to Alexander & Baldwin, Inc. and East Maui Irrigation Company, they are unique because they are the only permits that are in holdover status at this time. But, under the current law, the situation that required the Board to place the revocable permits into holdover status is still capable of occurring again in the future, as the Department is aware of several other applicants seeking to convert from a revocable permit to a water lease. This proposed legislation addresses what would happen if and when these circumstances occur again.

The Department notes the inclusion of \$1.5 million in general funds to conduct an interim instream flow standards study in the Administration's Supplemental Budget request. However, this budget item was not retained in the House Draft 1 of House Bill 1700. Subsequently, Governor's Message 15 was submitted to change the means of financing for the study to special funds from the Natural Area Reserve Fund. The study would be beneficial in addressing future situations that require the Board to issue water licenses. As such, the Department respectfully requests that this appropriation be considered either by this bill or through the Department's biennium budget request.

Thank you for your consideration of this testimony.



OFFICE OF THE MAYOR

Ke'ena O Ka Meia

COUNTY OF MAUI – Kalana O Maui

**TESTIMONY OF ALAN ARAKAWA, MAYOR
COUNTY OF MAUI**

BEFORE THE SENATE COMMITTEE ON WAYS AND MEANS

Monday, April 4, 2016

9:00 a.m.

Conference Room 211

HB 2501, HD2, SD1, RELATING TO WATER RIGHTS

Honorable Jill N. Tokuda, Chair

Honorable Donovan M. Dela Cruz, Vice Chair

Honorable Members of the Senate Committee on Ways & Means

Thank you for this opportunity to testify in **SUPPORT of HB 2501, HD2, SD1**, which would authorize annual holdovers until the pending application for the disposition of water rights is resolved or for three years, whichever is sooner. I support this bill for the following reasons:

1. Hawaiian Commercial & Sugar Co. recently announced that it will be shutting our state's last sugar plantation and transitioning to diversified agriculture. If, as I hope, agriculture is to continue on Maui, it is vital that adequate water be available.
2. If water were to become unavailable, we risk thousands of acres of prime agricultural land being converted to commercial and urban use, or being left with a large dust-bowl.
3. Maui County's water-system relies upon water from the EMI ditches to provide water for the Upcountry region. Simply put, without this water the County will NOT be able to provide water for our Upcountry residents, farmers and businesses.
4. With regards to the new language added to the SD1 version of the bill, may I humbly request that the Legislature's intent is clarified so that the three year holdover period authorized applies prospectively as of the effective date of this Act. It is important that our Upcountry residents, farmers and businesses not be negatively impacted while the lease process for the East Maui waters is being completed.

For these reasons I **support HB 2501, HD2, SD1.**

**HB 2501 SD1
RELATING TO WATER RIGHTS**

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

APRIL 4, 2016

Chair Tokuda and Members of the Senate Committee on Ways & Means:

I am Meredith Ching, testifying on behalf of Alexander & Baldwin, Inc. (A&B) on HB 2501 SD1, "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. Without this water, the central valley of Maui would be arid and never would have supported the development of an agricultural industry or the associated economic activity that has fueled Maui for nearly a century and a half.

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 environmental review would need to be done (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 provide that a holdover may be authorized annually by the BLNR until a pending application for the disposition of water rights is finally resolved, or for three years, whichever is sooner.

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.

A&B has been diligently pursuing a long-term lease for these state waters since 1985, with its last application made in 2001. The issuance of the lease has been delayed by a series of legal challenges filed by opponents to the lease, which have extended the lease process far longer than anyone envisioned at the time of application. These filings have included requests for numerous contested case hearings, challenges as to who should prepare the environmental impact statement, petitions to set the interim instream flow standards, and other legal challenges.

The State Commission on Water Resource Management (CWRM) issued decisions in 2008 and 2010 on interim instream flow standards (IIFS) for East Maui streams, decisions which specify how much water needs to remain in the streams for instream purposes. Opposition parties then requested, and received, a re-do of the IIFS decisions in a contested case hearing format, and a final decision remains pending today.

When A&B applied in 2001 for the BLNR to put up for sale at public auction a long-term lease for the State's East Maui waters, A&B proposed to prepare the EA for the action. The Native Hawaiian Legal Corporation (NHLC), in its first of many legal and regulatory filings on this lease, opposed A&B doing the EA. Its opposition continued until just this past May 2015, when for the first time, NHLC discussed withdrawing its opposition to A&B doing the EA, and talks began on A&B starting on those portions of

the EA which were not dependent on the CWRM's final decision on the IIFS, and to identify mutually agreeable consultants to be used to prepare the EA, to minimize future conflict. These discussions fell apart in June 2015. A&B remains open to initiating the preparation of the EA now.

While these legal and regulatory processes have been pursued, however, interim water releases have been made, returning water to streams. Water has been provided on all of the "taro streams", which were identified jointly by the East Maui taro farmers and the State Commission on Water Resource Management, as well as on five additional streams for stream habitat purposes, notwithstanding the lack of a final IIFS decision for East Maui.

As HC&S winds down its sugar crop this year, this will result in more water returned to the streams as HC&S' needs will be less in the early years of transition than they were under sugar. And while water from East Maui streams will continue to be needed to support the County of Maui's needs and will again be needed as diversified agricultural projects are ramped up, it is highly unlikely that there will ever be as much water diverted from East Maui streams as with sugar. But as we explore our diversified agriculture options, please know that HC&S will only divert and utilize the amount of water that is needed, with the rest of the water remaining in the watershed for other uses.

Some have asked why HC&S cannot rely on its system of 15 brackish water wells which, in the past, have provided an average of 70 million gallons per day to our sugar crop, rather than continuing to divert stream water. The reason is the salt content of the well water, the majority of which is 5 to 8 times the allowable salinity for drinking

water. While sugar cane is a plant with high salt-tolerance, other plants vary in their ability to grow in soils with soluble salts. According to the UH College of Tropical Agriculture (CTAHR), many food crops and flowering and ornamental plants could not withstand the salinity levels of HC&S' wells. Further, as reported by the USGS, as sugar cultivation decreases and there is less irrigation of the overlying fields – less “recharge” – these brackish water aquifers are likely to get even saltier. Therefore, reliance on our brackish water wells for irrigation will limit the types of crops and the amount of acreage that we can pursue as we move towards a new diversified agricultural model.

Diversified agriculture will be a challenge, but we are committed to its pursuit. If it were easy, we would see crops proliferating across the thousands of acres on Oahu, Kauai, and Hawaii that were once in sugar cane and pineapple. Instead, most of these lands lie fallow. We want to give diversified agriculture on Maui every chance of succeeding. This is where the assurance of continued access to state waters in East Maui is critical. We do not otherwise have access to water sources of sufficient quantity and quality to make 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 for Upcountry Maui.

We ask this committee to pass HB 2501. It provides some time to find solutions to an unexpected circuit court decision with significant impacts. At risk is the continued water supply for Upcountry Maui's residents, farmers and businesses as well as the potential for keeping Central Maui in agriculture. For over 100 years, it has been the state's East Maui waters that have enabled the Central Maui isthmus to be in productive

agriculture. And it is these waters that will enable it to remain in agriculture, after sugar. This is a pivotal point in Maui's agricultural history—if diversified agriculture does not gain a foothold in these early years, key agricultural infrastructure, manpower and skills could be lost, likely forever.

Questions have arisen as to whether a court stay is a more appropriate path for remedy, rather than this legislation. The answer is no. A stay provides only temporary relief, in effect only until the appeal is decided. And if that appeal is lost, and the higher court confirms the judge's decision, then collection of ALL state waters in East Maui will have to cease, whether for the County's needs, or A&B's. A stay provides no certainty. This bill, however, will provide continuity for current water revocable permit holders—A&B and the nine others who are affected—as well as set the template for supporting hundreds of long-tenured *land* permit holders, also clouded by the court decision. It is an interim measure that will enable the proper processes to be developed and completed for users of state lands and waters while avoiding disruptions that would harm thousands of residents, farmers, and businesses as well as the renewable energy and agricultural future for our neighbor islands.

We urge your support for this bill. We note that the bill contains a three-year sunset provision to provide time for BLNR to complete the long term lease process. This will allow the continued delivery of much needed water to thousands of people who currently rely upon these water sources.

Thank you for the opportunity to testify.



**Testimony to the Senate Committee on Ways & Means
Monday, April 4, 2016 at 9:00 A.M.
Conference Room 211, State Capitol**

RE: HOUSE BILL 2501 HD 2 SD 1 RELATING TO WATER RIGHTS

Chair Tokuda, Vice Chair Dela Cruz, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **strongly supports** HB 2501 HD 2 SD 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.



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 2 SD 1.

April 1, 2016

The Honorable Jill N. Tokuda, Chair
Senate Committee on Ways and Means
State Capitol, Room 211
Honolulu, Hawaii 96813

RE: H.B. 2501, H.D.2, S.D.1, Relating to Water Rights

HEARING: Monday, April 4, 2016 at 9:00 a.m.

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

I am Myoung Oh, Government Affairs Director, submitting written testimony on behalf of the Hawai'i Association of REALTORS® (“HAR”), the voice of real estate in Hawai'i, and its 8,900 members. HAR **supports** H.B. 2501, H.D.2, S.D.1 which:

1. Requires that where an application has been made for a lease to continue a previously authorized disposition of water rights, a holdover may be authorized annually until the pending application for the disposition of water rights is finally resolved or for three years, whichever is sooner;
2. Requires that the holdover is consistent with the public trust doctrine and any applicable law; and
3. Repeals on June 30, 2019.

H.B. 2501, H.D.2, S.D.1 would address, on a short-term temporary basis, an inequitable situation affecting a number of permittees, which has been realized through a January 2016 Circuit Court decision stating that under Hawaii Revised Statutes Section 171, the BLNR does not possess the authority to issue State water permits for a term greater than one year. The decision invalidated 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.

HAR believes this measure will help to temporarily resolve the situation in Maui by allowing BLNR to take narrow exception and allow for a holdover disposition of water rights.

Mahalo for the opportunity to submit written testimony.



Hawaii Cattlemen's Council, Inc.

COMMITTEE ON WAYS AND MEANS

Senator Jill N. Tokuda, Chair

Senator Donovan M. Dela Cruz, Vice Chair

DATE: Monday, April 04, 2016
TIME: 9:00 a.m.
PLACE: Conference Room 211

HB 2501, HD2, SD1 – 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 Tokuda, Vice Chair Dela Cruz, 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, HD2, SD1 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.

Some have said that these permits should be temporary: WE AGREE

Some have said that DLNR should work to convert Temporary Permits to Long-Term Leases: WE AGREE. However, this may take years to happen, based on current rules and regulations.

The Attorney General has rendered an opinion that this bill may eventually help other water permit holders. The Attorney General has stated, "Currently, we understand that in the County of Hawai'i, seven water revocable permits have been issued. If one of those permit holders applies for a lease and a contested case is requested in connection with the lease application and/or the revocable permit, that the applicant would be in the same situation as Alexander & Baldwin."

Some may argue, that this is currently not applicable in one breath, and in another breath say that all RP holders should apply for Long Term Permits.



The Attorney General goes on to say: “If the bill is not passed, the Board might be required to discontinue use of water under the revocable permit until the case is decided and a decision is made on the lease application.” Based on the recent court ruling, additional questions remain for all RP holders:

Does the judge’s ruling affect those RP holders, either water or land, who have held the permit for years? In other words, might the precedent of the judge’s ruling that determined the temporary permits held by A&B should not be renewed year after year, then affect all RPs which have been renewed for several years?

The judge’s ruling said that the statute meant for RPs to be temporary and having an RP go on year after year is not temporary, and therefore, not in compliance with the statute. The judge did not say that the reason for an RP going on for a long time is a factor in its validity. Under that ruling, any RP that has gone on for a number of years, regardless of whether it was renewed year after year (as most RPs are) or whether it was in holdover status, whether it’s gone on for a long time because of a contested case or for any other reason, is not temporary, and therefore not in compliance with the statute.

While this measure has been portrayed 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. Currently, two of these revocable permits for water will directly affect the continued livelihood of ranchers on the Big Island. Significant capital resources from these ranchers have provided the continuation of water delivery infrastructure, amounting to hundreds of thousands of dollars being invested out-of-pocket.

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.

Many ranches statewide hold RPs, some for many years. These RPs are not sweetheart deals, and have not been granted continuation or designation as a favor for campaign contributions, as recently alleged in the press. These RPs have been issued to hard working cattle producers, most of whom would prefer the stability and security of 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, HD2, SD1 and we appreciate the opportunity to testify on this important matter.



P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

April 04, 2016

HEARING BEFORE THE
SENATE COMMITTEE ON WAYS AND MEANS

TESTIMONY ON HB 2501, HD2, SD1
RELATING TO WATER RIGHTS

Room 211
9:00 AM

Aloha Chair Tokuda, Vice Chair Dela Cruz, 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 HD2, SD1, 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.

HFB does not agree with statements that this measure only applies to A&B and there are sections within the same documents that clearly say that this is not true.

First, in the transcript of proceedings in the hearing before Judge Nishimura, Deputy Attorney General Linda Chow stated:

“: .. but the **Plaintiffs don't seem to argue that it's only applicable to these four permits**. They're saying four revocable permits that are continued on an annual basis, that an EA or at least an exemption declaration is required for them. I have not seen any way that they've distinguished these permits from all other revocable permits that are issued by the board.”

Second, in the final ruling by the Judge, she stated:

“§HRS 171-10 and 171-55 authorize the “temporary” occupation of public lands. A&B's continuous uninterrupted use of these public lands on a holdover basis for the last 13 years is not the “temporary” use that HRS Chapter 171 envisions. See also Black's Law Dictionary, 10th edition. Otherwise, holdover tenants could arguably be allowed to occupy public lands almost in perpetuity for continuous one-year periods. Such a prospect is inconsistent with the public interest and legislative intent.”

Third, in a request for clarification of intent by Senator Ruderman, Deputy Attorney General Chow stated:

If passed, HB 2501, HD2 would not be limited to just Maui. The bill is intended to amend section 171-58c, Hawaii Revised Statutes(HRS), which applies to the disposition of water rights throughout the State. **There is no wording in the current draft that would limit its application to a particular geographic area or situation. Accordingly any amendment to section 171-58, HRS, would apply statewide.”**

The uncertainty created by the Judge's ruling provides significant risk to our farmers and ranchers. They are already at risk with annual revocable permits that could be rescinded at any time. Yet, they have invested significant resources including sweat equity to produce food and fiber for the people of Hawaii. Increasing their burden of risk seems unfair.

SD1 provides a sunset date, coupled by DLNR's commitment to address this issue should provide further assurance that the intent of this measure is NOT to bypass the system.

For these reasons, the Hawaii Farm Bureau respectfully requests your **strong support of HB 2501, HD2, SD1**, authorizing a holdover permit process by passing this measure as written.

Thank you for the opportunity to comment on this measure.

HAWAII FISH COMPANY, INC.

Since 1978

P. O. Box 740
Waialua, HI 96791, USA
Contact: 808-429-3147
E-mail: hawaiiifish@gmail.com

City Bank TIGR Award
US SBA Tibbitts Award
US SBA Small Business Award
Special Congressional Recognition

THE SENATE
THE TWENTY-EIGHTH LEGISLATURE

COMMITTEE ON WAYS AND MEANS

Senator Jill Tokuda, Chair, Senator Donovan Dela Cruz, Vice Chair

DATE: Monday, April 4, 2016
TIME: 9:00 A.M.
PLACE: Conference Room 211
State Capitol
415 South Beretania Street

HB 2501 – RELATING TO Water Rights

Aloha Chair Tokuda, Vice Chair Dela Cruz, and Committee members.

HB2501, HD2, SD1, is an attempt to legislatively provide temporary relief for DLNR Revocable Permit holders who may be in jeopardy, only until such time as DLNR can put into place a system that will benefit both the public and farmers and ranchers. In many, if not most, cases, the long term RP status has been a choice of DLNR Land Division, not the tenants.

This situation is NOT just about A&B. There are other DLNR Revocable Permit (RP) holders who may be in jeopardy due to a recent court ruling that invalidated certain DLNR permits that the court felt were renewed too many times to be considered “temporary” under the program in which they were issued. All RP holders are therefore vulnerable, not only because DLNR must enforce the court decision equitably against all those with “temporary” permits, but also because of the threat of lawsuits against them.

Thank you for the opportunity to testify on this matter,

Ron and Lita Weidenbach



Testimony Before the Senate Committee on
Ways and Means

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

Monday, April 4, 2016, 9:00 a.m.
Conference Room # 211

House Bill No. 2501, HD2, SD1 – Relating to Water Rights

To the Honorable Senator Jill N. Tokuda, Chair; Senator Donovan M. Dela Cruz, 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, HD2.

HB 2501, HD2 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, HD2 would benefit all of the cooperative’s members and for this reason we offer our support. Thank you for the opportunity to inform you of KIUC's position on this matter.

The power of human connections®
4463 Pahe`e Street, Suite 1 • Lihue, Kaua`i, HI 96766-2000 • (808)246-4300 • www.kiuc.coop

**LARRY JEFTS FARMS, LLC
PO BOX 27
KUNIA, HAWAII 96759
(808) 688-2892**

HB 2501sd1, Relating to Water Rights
Senate WAM Decision Making Hearing
Monday, April 4, 2016
9:00 am - Conference Room 211
Written Testimony by: Larry Jeffs
Position: Support

Chair Tokuda and Members of the Senate WAM Committee:

I am Larry Jeffs, owner and operator of Larry Jeffs Farms, LLC, which is part of our family-run business of farms on Oahu and Molokai, under the administrative umbrella of Sugarland Growers, Inc. We have more than 35 years of Hawaii farm experience on Molokai and Oahu.

HB2501sd1 is about revocable permits of water rights and seeks to provide temporary relief for holders who may be in jeopardy until DLNR can put in place a system that will benefit the public and farmers/ranchers.

It is my understanding that there are farmers and ranchers on Kauai and the Big Island that have revocable permits for water use. Revocable permits are a poor substitution for long-term lease arrangements. Currently, farmers and ranchers cannot make infrastructure investments without fear of losing their permits with only a 30 day notice.

Policy makers must provide those who grow food for Hawaii the tools to do so. That means long-term access to affordable water and land. Please support this bill to allow farmers and ranchers to ride out the time that DLNR needs to revamp the revocable permit program.

Thank you for the opportunity to submit testimony.



Maui County

April 4, 2016

HEARING BEFORE THE
SENATE COMMITTEE ON WAYS AND MEANS COMMITTEE

TESTIMONY ON
HB 2501 SD1: RELATING TO WATER PERMITS

Room 211
9:00 AM

Aloha Chair Tokuda, Vice Delacruz, 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 with amendments** authorizing holdover permits to be issued to an applicant seeking to renew their water rights lease. We have over 500 of Maui's farmers and residents are joining me today via signatures as attached. (double click on page to open entire document)

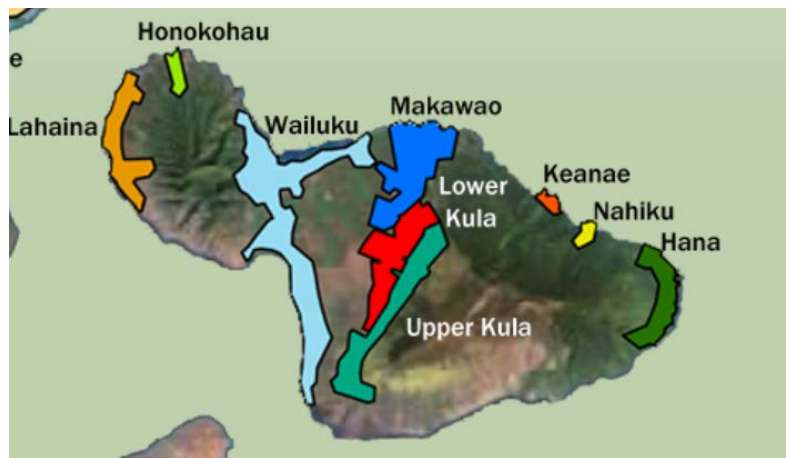
We respectfully request that there be a **clarification of the Legislature's intent that the three year holdover period authorized by this bill applies prospectively, as of the effective date of this Act.** That clarification is important in ensuring that our Upcountry residents, farmers and businesses will not be impacted while the lease process for the state's East Maui waters is being completed."

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

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

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 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. **A stay will not address this need. The stay addresses a specific case that can be revoked or challenged at any time. The uncertainty remains.** BLNR 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 IFS 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

As HC&S's closure was announced, we are already seeing the impacts on the community, and it is just starting. Vendors that our farms and ranchers rely on are downsizing, and we know the overhead costs will increase for goods purchased by our farmers and ranchers. Workers beyond HC&S are LOSING THEIR JOBS. Even service industries such as hairdressers are finding less customers. The impact on the community is REAL.

On a bigger picture, 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 loses 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.

The measure is also needed to provide a precedence for our farmers and ranchers with land leases for farms and pasture. They want long term leases. Their current annual revocable leases prevent them from getting loans to invest in their operations. This does not encourage sustained agricultural operations. HC&S has a plan to continue agriculture on those lands and the commitment was articulated by their CEO, Chris Benjamin. Investments covering thousands of acres will be required. How will such investments be done if there is no assurance of the availability of water? No water, no farming.

This measure merely seeks to address a gap in law. For this reason, we respectfully request your **support by passing this measure today, with amendments, clarifying the effective date of the three year holdover period.** Thank you for this opportunity to address this important measure.



**Conservation Council
for Hawai'i**

Hawai'i's voice for wildlife

Kō Hawai'i leo no nā holoholona lōhiu



Testimony Submitted to the Senate Committee on Ways and Means
Hearing: Monday, April 4, 2016 9 am
Conference Room 211

In Opposition to HB 2501 HD 2 SD 1 Relating to Water Rights

Chair Tokuda, Vice Chair Dela Cruz, and Members of the Committee.

Aloha. Conservation Council for Hawai'i opposes HB 2501 HD 2 SD 1, which requires that where an application has been made for a lease to continue a previously authorized disposition of water rights, a holdover may be authorized annually until the pending application for the disposition of water rights is finally resolved or for three years, whichever is sooner. Requires that the holdover is consistent with the public trust doctrine and any applicable law. Makes an appropriation. Repeals on June 30, 2019. (SD1)

HB 2501 is unnecessary. There is enough water for all farmers on Maui. The County of Maui's use of East Maui stream flow continues and is protected by court order. A&B is no longer cultivating sugarcane – a very thirsty crop. This allows an immediate return of water to East Maui streams. Furthermore, A&B wastes approximately 40 million gallons per day in its water storage and delivery system, It also has access to water from wells and streams on its land.

HB 2501 is unfair. It is a special-interest bill favoring a large, billion-dollar corporation, A&B, contrary to the State's obligation to protect public trust resources for the people and future generations. This bill would allow A&B to do an end run around the State Constitution, the State Water Code, the public trust doctrine, and a recent court ruling. Meanwhile, there is still not enough water in East Maui.

We are disappointed HB 2501 was introduced in light of recent developments in the long-standing legal effort by kalo farmers and others to restore stream flows in East Maui. East Maui kalo farmers, fishers, and gatherers have fought for their water rights for many years. They have followed the law and played by all the rules. They are not asking for all of the water to be returned, but they are legally entitled to sufficient flows to support farming, fishing, gathering, and other traditional practices and to support healthy stream and nearshore ecosystems.

Millions of gallons of water a day were initially stolen from East Maui streams with no regard for the people who depended on the streams for their survival, culture, and livelihoods. One day there was water for drinking, cooking, bathing, irrigating lo'i kalo, gathering, fishing, and supporting cultural practices, the next day there was none. The theft was so complete and so cruel, I can barely contain myself writing about it.



Telephone/Fax: 808.593.0255 | email: info@conservehi.org | web: www.conservehi.org
P.O. Box 2923 | Honolulu, HI 96802 | Office: 250 Ward Ave., Suite 220 | Honolulu, HI 96814

President: Julie Leialoha | Vice President: Koalani Kaulukukui | Secretary: Wayne Tanaka
Treasurer: Ryan Belcher | Directors: Rick Barboza | Anne Huggins Walton
Executive Director: Marjorie Ziegler | Administrator: Jonnetta Peters

Conservation Council for Hawai'i
Testimony in Opposition to HB 2501 HD 2 SD 1
Submitted to the Senate Committee on Ways and Means
April 4, 2016
Page 2

The revocable permits at issue authorize the use of 33,000 acres of public-trust ceded land and allow hundreds of millions of gallons of water in East Maui to be diverted from over a hundred streams every single day. Each year – for several decades – the Board of Land and Natural Resources has renewed these revocable permits at the expense of native stream and nearshore ecosystems, and on the backs of people who depend on this life-giving water – ka wai ola – and who have the right to use it. What were supposed to be temporary permits have been renewed annually for decades at the unbelievable price of \$5-\$10 a year. We find this fee staggering. We are relieved that a task force is finally reviewing this dysfunctional program at DLNR.

Prolonging the extreme stream diversions authorized by temporary revocable permits to A&B is not in the public interest, nor is it consistent with resource conservation or self-sufficiency. It is a throwback to a cruel and destructive time for the land and the people. It remains one of the most serious and harmful injustices of our time.

E ho'i i ka wai. Return the water. It's time. Please oppose HB 2501 HD 2 SD 1.

Mahalo nui loa for the opportunity to testify.



Marjorie Ziegler

FARMERS VOICE HAWAII

info@FarmersVoiceHawaii.com • 11A Keola Place, Makawao, Hi 96768

April 3, 2016

Ways & Means Committee
Hawai'i State Senate

ATTN: WAM Committee Chair Jill Tokuda

Aloha WAM Committee,

I strongly request that you defer indefinitely House Bill 2501. This bill, if passed, has severe consequences to all involved. The facts of intent have arduously been extracted from Alexander & Baldwin and the Finance Committee hearing video exhibits substantial proof.

As an editor on farming matters, I have followed this bill from its inception and quite honestly, I have never seen such audacity in the use of our law making mechanisms. This will undoubtedly be a wretched knot to untie if not opposed.

I ask you to save our taxpayers time and money and assist the legislature in redeeming respect by doing only what is right and OPPOSE HB2501.

Sincerely,

Faith Chase

Faith Chase
Editor / Publisher
Farmers Voice Hawai'i



13705 Hana Highway, Ke'anae, HI 96708

April 3, 2016

Aloha Ways & Means Committee Members,

For as long as I have been old enough to understand, my community of Ke'anae and Wailua Nui has been waiting for water. Years ago when it was ruled that water must return, over 400 members of our residents and extended families cleared the auwai and waited for the return of the water. When just a trickle came down the stream beds, everyone looked to one another and again, began praying.

Please do not allow A&B to continue their disruptive and unequipped diversion permit use. Please Oppose HB2501.

Sincerely, Napua Hueu

From: [alice lee](#)
To: [WAM Testimony](#)
Subject: HB201
Date: Friday, April 01, 2016 6:46:07 PM

Hearing date , 4/4/16, time 9am

Aloha members, I am writing in strong support of HB2501. We need more time to fix the state's permit system without disrupting those currently relying on state water by abruptly invalidating their permits. I speak for the vast majority of local residents who are not activists but care as much as I do about this important issue. Please help us. Mahalo. Alice L. Lee

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: ashman.janet@gmail.com
Subject: Submitted testimony for HB2501 on Apr 4, 2016 09:00AM
Date: Sunday, April 03, 2016 8:30:21 AM

HB2501

Submitted on: 4/3/2016

Testimony for WAM on Apr 4, 2016 09:00AM in Conference Room 211

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

Comments: Please support farmers and ranchers by voting yes on this measure. It's an unbelievable shame that this issue and this bill has become such a political hot potato when ALL of us want Hawaii to be more food sustainable. How can we do that without reliable and adequate access to water? Many of Hawaii's farmers and ranchers (and communities) rely on DLNR "temporary" revocable water and land permits which are renewed, year after year. Regardless of DLNR's many reasons for not issuing them long term leases, it is the reality. Farmers and ranchers want the security of long term leases instead of the potential to have all their work and investment taken away if their short-term permits are revoked. Leadership and DLNR seem to realize that this is far bigger than just an A&B issue, although, for Maui, an A&B issue itself is giant enough. Unfortunately, outcry from some who do not have all the facts, is preventing a fair review of the issue. The January court decision invalidating A&B's revocable permits causes problems for all DLNR revocable permit holders and also everyone who relies on water from those permits. While the case is appealed, there are real questions about whether everyone's RPs can continue. DLNR's newly-formed task force to review the program and recommend revisions will need time to ensure a new process serves the public trust and is transparent and consistent. But even DLNR acknowledges that it will probably take years for them to convert RP holders to long term lease holders. What should be done in the meantime? Does the water going to the the farmers and ranchers and community just get cut off? Can the crops and animals stand by for years without water? Can farmers and ranchers afford to just wait until this is straightened out? There are 9 water RPs besides A&B's, supplying many farms and ranches STATEWIDE. Can we assure them that a lawsuit will not be filed to enforce the judge's invalidation of long-renewed RPs? They are in limbo. HB 2501 is not a bill to get around the law or the court decision. It is a TEMPORARY measure to give time to DLNR to make a better system and implement it. Better for everyone----people and the environment. Please vote to pass this bill. 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: [lonarw1937](#)
To: [WAM Testimony](#)
Subject: I support a & b
Date: Saturday, April 02, 2016 9:01:51 PM

Please issue a permit for long term water use to HC&S (A & B). STOP THESE new comers with NO history here in hawaii from destroying our kamaaina way of life .
Leona wilson ...wailuku maui.

Sent from my Verizon Wireless 4G LTE smartphone

From: [Tom Blackburn-Rodriguez](#)
To: [WAM Testimony](#)
Subject: RE: HB201--Hearing date , 4/4/16, time 9am
Date: Saturday, April 02, 2016 6:21:15 PM

Hearing date , 4/4/16, time 9am

Aloha members of WAM Committee

I am writing in strong support of HB2501. We need more time to fix the state's permit system without disrupting those currently relying on state water by abruptly invalidating their permits. The vast majority of of Maui County residents agree with this position in spite of the loud objections raised by a small group of well-meaning but mistaken activists.

Mahalo,

Tom Blackburn-Rodriguez
808-283-4570
tominmaui@icloud.com
85 Manino Circle #202
Kihei, HI 96753

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: kahiwal@cs.com
Subject: Submitted testimony for HB2501 on Apr 4, 2016 09:00AM
Date: Saturday, April 02, 2016 6:02:56 PM

HB2501

Submitted on: 4/2/2016

Testimony for WAM on Apr 4, 2016 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Clarence Ching	Individual	Oppose	No

Comments: It's about time that the legislature does the peoples' business instead of privatizing public resources for inordinate and greedy corporate gain. And what of the environment? Minimum stream flows is not only important to those creatures who live "in" the streams - it is important to those that live in the surrounding marine environments. To subsidize corporate bottom lines with resources that belong to the people is the pinnacle of governmental misbehavior! Graft and corruption in the so-called "state of hawaii" has got to stop!

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
To: [WAM Testimony](#)
Cc: cfrith@fbsmgt.com
Subject: Submitted testimony for HB2501 on Apr 4, 2016 09:00AM
Date: Saturday, April 02, 2016 3:38:21 PM

HB2501

Submitted on: 4/2/2016

Testimony for WAM on Apr 4, 2016 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Cynthia Frith	Individual	Oppose	No

Comments: Please follow and enforce the current law by voting NO. Mahalo for your time and interest in preserving water rights for the public good.

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
To: [WAM Testimony](#)
Cc: sairam2@hawaiiantel.net
Subject: Submitted testimony for HB2501 on Apr 4, 2016 09:00AM
Date: Sunday, April 03, 2016 6:20:32 AM

HB2501

Submitted on: 4/3/2016

Testimony for WAM on Apr 4, 2016 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Geoffrey Lasr	Individual	Oppose	No

Comments: Enough We have seen in this state and in this country Corporate abuse through government sanction The Judge has ruled the water belongs to everyone

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
To: [WAM Testimony](#)
Cc: Karen@RedwoodGames.com
Subject: Submitted testimony for HB2501 on Apr 4, 2016 09:00AM
Date: Saturday, April 02, 2016 10:00:30 AM

HB2501

Submitted on: 4/2/2016

Testimony for WAM on Apr 4, 2016 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Karen Chun	Individual	Oppose	No

Comments: 1. The AG has twice said that this is a special interest bill that ONLY affects A&B and does not affect any other revocable permit holders. 2. The revocable permit holders I spoke with that were listed on the PR piece the Farm Bureau sent out were UPSET their names were used and want you to vote NO. 3. The Native Hawaiian Legal Corp spent years getting this court decision protecting the East Maui Taro Farmers - don't undo all their work. 4. The bill will be overturned by the courts because like the Superferry law, no matter how you disguise it, it is a bill aimed at one corporation and one corporation only. Thank you Karen Chun District 13 Precinct 1

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
To: [WAM Testimony](#)
Cc: kate31999@gmail.com
Subject: *Submitted testimony for HB2501 on Apr 4, 2016 09:00AM*
Date: Sunday, April 03, 2016 8:40:06 AM

HB2501

Submitted on: 4/3/2016

Testimony for WAM on Apr 4, 2016 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Katarina Culina	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

TESTIMONY IN OPPOSITION OF HB 2501

Aloha Senate Committee on Ways and Means,

Thank you for the opportunity to submit written testimony. My name is Kaui Pratt-Aquino and I am a constituent of Chair Jill Tokuda. I respectfully urge you to vote down HB 2501 as amended.

This issue is important and connected to my own community. My family has been in the Kailua/Waimanalo/Kane'ohe/Ka'alahea/Kahalu'u/Waiahole/Hau'ula areas for eight generations. On behalf of my family, we are in strong opposition to HB 2501.

Not long ago, our family and community members from Waiahole fought to enforce their constitutional right to water. After the Waiahole case, I would have hoped that history would not repeat itself and that the State would do a better job in protecting this precious resource. Unfortunately, this horrible bill is still alive making its way through the legislative process. I can not understand why.

HB 2501 is based on lies. It allows Alexander and Baldwin, a private corporation, the right to continue to de-water East Maui streams at the detriment of families who have priority rights in this resource and following a court decision that invalidated A&B's temporary permits. These families need that water to farm their lands and feed their 'ohana. To support such a bill is to endorse cultural genocide for our precious Native Hawaiian communities. Access to water for East Maui families will determine whether their customary rights secured by Article 12, Section 7 of the Hawaii State Constitution will live or die.

Proper research would show that A&B is the ONLY entity with a revocable permit in holdover status. This was confirmed by Attorney Generals Linda Chow and Doug Chin. A&B is the ONLY entity that will benefit from this law and no other individual or organization. A&B severely misrepresented the facts to scare you to believe that hundreds of individuals will be adversely impacted if the law does not pass. This is simply untrue. A&B has now changed that story to say that only a handful of individuals/entities will be impacted. Our laws cannot be changed based on misrepresentations or half-truths.

This bill is not their only option for relief. A&B has the opportunity to apply for a stay through the courts like Maui County. They haven't. Instead, they went directly to you to ask that you legitimize the unlawful taking of water to circumvent the judicial process.

I ask you to uphold the Constitution. The Public Trust Doctrine is a fundamental principle of constitutional law in Hawai'i. It prioritizes customary and traditional rights, stream restoration and the preservation of our native eco system over commercial uses. These are default conditions that must be considered FIRST before water is allocated for any commercial use. Although our laws provide sufficient protection for the public, this has not been the practice.

Corporations such as A&B want every single drop of water for their own benefit. This is dangerous when there is legislative endorsement.

Please do not reward a corporation who has not been a good steward of our water. A&B wastes over 40 million gallons of water per day from unlined reservoirs. Meanwhile, our kalo farmers, cultural practitioners, Kupuna and families suffer from the consequences. Streams and taro farms are bone dry.

With A&B's plantation operations winding down, they no longer need all the water they have been diverting for over a hundred years.

IT'S NOT FAIR. Let the court decision take its natural course to return water to East Maui streams. Stand with us, uphold the law and be our champion of justice to stop corporate subsidies. Below are photos of East Maui so you can see for yourself the consequences of the water diversions. Mahalo, Kau'i Pratt-Aquino

See website for personal stories: <http://eolaikawai.weebly.com/personal-stories.html>

See website for facts on HB 2501: <http://eolaikawai.weebly.com/facts-about-hb2501.html>

See website for the over 100 organizations and thousands of individuals who oppose this bill: <http://eolaikawai.weebly.com/about-us.html>

Healoha Carmichael (below) is a ninth generation Native Hawaiian gatherer. She stands in the Honomanu Stream near her home. There is no water in this stream. She has to travel up to 10 miles to gather food for her 'ohana. Because of the diversions, families from this area have to travel up to fifty miles to a store when really they should have the right to subsistent living.



This is a picture of a dried kalo patch in East Maui. There is no water to support kalo cultivation, a protected constitutional right under Article 12 Section 7 of the Hawaii State constitution. With no water, these families have no food.



From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: michelle@hawaiiantel.net
Subject: Submitted testimony for HB2501 on Apr 4, 2016 09:00AM
Date: Saturday, April 02, 2016 7:04:16 PM

HB2501

Submitted on: 4/2/2016

Testimony for WAM on Apr 4, 2016 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Pillen	Individual	Oppose	No

Comments: To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

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
To: [WAM Testimony](#)
Cc: mmmmahalo2000@aol.com
Subject: Submitted testimony for HB2501 on Apr 4, 2016 09:00AM
Date: Saturday, April 02, 2016 12:06:02 PM

HB2501

Submitted on: 4/2/2016

Testimony for WAM on Apr 4, 2016 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Moran	Individual	Oppose	No

Comments: Aloha Chair and committee members. PLEASE SAY NO TO THIS BILL. There is too much special Corporate interest and not enough concern about the Kanaka in East Maui. Mahalo, Mike Moran Kihei, 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

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: ndavlantes@aol.com
Subject: Submitted testimony for HB2501 on Apr 4, 2016 09:00AM
Date: Friday, April 01, 2016 4:34:53 PM

HB2501

Submitted on: 4/1/2016

Testimony for WAM on Apr 4, 2016 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Davlantes	Individual	Oppose	No

Comments: As I understand it, this wouldn't have come up without a single landowner, A&B, and its Maui holding. However the hysteria has spread that all temporary water rights are threatened. A&B has had these rights long enough to the detriment of Native Hawaiian farmers, and it's time to stop.

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
To: [WAM Testimony](#)
Cc: hoonanea@aol.com
Subject: *Submitted testimony for HB2501 on Apr 4, 2016 09:00AM*
Date: Saturday, April 02, 2016 9:32:16 AM

HB2501

Submitted on: 4/2/2016

Testimony for WAM on Apr 4, 2016 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Regina Gregory	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

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: skaye@runbox.com
Subject: *Submitted testimony for HB2501 on Apr 4, 2016 09:00AM*
Date: Saturday, April 02, 2016 5:38:10 AM

HB2501

Submitted on: 4/2/2016

Testimony for WAM on Apr 4, 2016 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
sally kaye	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

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: stephandjim@aol.com
Subject: Submitted testimony for HB2501 on Apr 4, 2016 09:00AM
Date: Saturday, April 02, 2016 2:31:59 PM

HB2501

Submitted on: 4/2/2016

Testimony for WAM on Apr 4, 2016 09:00AM in Conference Room 211

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

Comments: This is a special interest bill, not in the interest of East Maui taro farmers, the citizens of Maui (water is a public trust!) and not en the interest of restoring stream environments. Please listen to the citizens not the Corporation.

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
To: [WAM Testimony](#)
Cc: arvidtadaokitty@gmail.com
Subject: Submitted testimony for HB2501 on Apr 4, 2016 09:00AM
Date: Saturday, April 02, 2016 12:12:45 PM

HB2501

Submitted on: 4/2/2016

Testimony for WAM on Apr 4, 2016 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Arvid Tadao Youngquist	Individual	Comments Only	No

Comments: Chair, WAM Committee The Right Honorable Senators, WAM Committee
My name is Arvid Tadao Youngquist I would like to provide the following commend on HB 2501 HD2, SD1 "A Bill for an Act Relating to Water Rights" During the WLA hearing, I was the lone individual to provide comment. According to Standing Committee Report No. 3058, some amendments were made to HD2: 1) Holdover Permits be issued on an annual basis. 2) Requiring that a holdover permit expire when the Board's disposition of water rights is finally resolved or in three years, whichever is sooner. 3) Requiring that the holdover be consistent with the public trust doctrine and any applicable law; 4) Inserting a blank appropriation to the Department of Land and Natural Resources to expedite pending applications for the disposition of water rights, to take effect on July 2016; 5) Inserting a repeal date of July 1, 2019; and 6) Making technical, non-substantive amendments for the purpose of clarity and consistency. Provided WAM is unwilling to provide a more than a nominal appropriation into HB 2501 "SD 2", recommend measure be discussed in conference. Godspeed and mahalo. Sincerely, Arvid T. Youngquist

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: [Brendan Balthazar](#)
To: [WAM Testimony](#)
Subject: I Strongly Support HB 2501, HD2, SD1 - Relating to Water Rights
Date: Sunday, April 03, 2016 1:59:59 PM

TESTIMONY BEFORE THE SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

Monday, April 4, 2016 - Conference Room 211
TESTIMONY ON HB 2501 – RELATING TO Water Rights
STRONGLY SUPPORT

Aloha Chair Tokuda and Committee Members,

HB2501, HD2, SD1, is an attempt to legislatively provide temporary relief for Revocable Permit holders who may be in jeopardy, only until such time as DLNR can put into place a system that will benefit both the public and farmers and ranchers. It is NOT just about A&B. There are other State Revocable Permit (RP) holders who may be in jeopardy due to a recent court ruling that invalidated certain DLNR permits that the court felt were renewed too many times to be considered “temporary” under the program in which they were issued. All RP holders are therefore vulnerable, not only because DLNR must enforce the court decision equitably against all those with “temporary” permits, but also because of the threat of lawsuits against them.

Thank you for the opportunity to testify on this matter.

Brendan Balthazar

Makawao, HI

From: [Brian Miyamoto](#)
To: [WAM Testimony](#)
Subject: I Strongly Support HB 2501, HD2, SD1 - Relating to Water Rights
Date: Sunday, April 03, 2016 1:53:59 PM

TESTIMONY BEFORE THE SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

Monday, April 4, 2016 - Conference Room 211
TESTIMONY ON HB 2501 – RELATING TO Water Rights
STRONGLY SUPPORT

Aloha Chair Tokuda and Committee Members,

HB2501, HD2, SD1, is an attempt to legislatively provide temporary relief for Revocable Permit holders who may be in jeopardy, only until such time as DLNR can put into place a system that will benefit both the public and farmers and ranchers. It is NOT just about A&B. There are other State Revocable Permit (RP) holders who may be in jeopardy due to a recent court ruling that invalidated certain DLNR permits that the court felt were renewed too many times to be considered “temporary” under the program in which they were issued. All RP holders are therefore vulnerable, not only because DLNR must enforce the court decision equitably against all those with “temporary” permits, but also because of the threat of lawsuits against them.

Thank you for the opportunity to testify on this matter.

Brian Miyamoto

Honolulu, HI

From: [Darryl Okuda](#)
To: [WAM Testimony](#)
Subject: I Strongly Support HB 2501, HD2, SD1 - Relating to Water Rights
Date: Sunday, April 03, 2016 1:14:52 PM

TESTIMONY BEFORE THE SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

Monday, April 4, 2016 - Conference Room 211
TESTIMONY ON HB 2501 – RELATING TO Water Rights
STRONGLY SUPPORT

Aloha Chair Tokuda and Committee Members,

HB2501, HD2, SD1, is an attempt to legislatively provide temporary relief for Revocable Permit holders who may be in jeopardy, only until such time as DLNR can put into place a system that will benefit both the public and farmers and ranchers. It is NOT just about A&B. There are other State Revocable Permit (RP) holders who may be in jeopardy due to a recent court ruling that invalidated certain DLNR permits that the court felt were renewed too many times to be considered “temporary” under the program in which they were issued. All RP holders are therefore vulnerable, not only because DLNR must enforce the court decision equitably against all those with “temporary” permits, but also because of the threat of lawsuits against them.

Thank you for the opportunity to testify on this matter.

Darryl Okuda

Kula, HI

From: [Elliot Telles](#)
To: [WAM Testimony](#)
Subject: I Strongly Support HB 2501, HD2, SD1 - Relating to Water Rights
Date: Sunday, April 03, 2016 8:16:40 AM

TESTIMONY BEFORE THE SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

Monday, April 4, 2016 - Conference Room 211
TESTIMONY ON HB 2501 – RELATING TO Water Rights
STRONGLY SUPPORT

Aloha Chair Tokuda and Committee Members,

HB2501, HD2, SD1, is an attempt to legislatively provide temporary relief for Revocable Permit holders who may be in jeopardy, only until such time as DLNR can put into place a system that will benefit both the public and farmers and ranchers. It is NOT just about A&B. There are other State Revocable Permit (RP) holders who may be in jeopardy due to a recent court ruling that invalidated certain DLNR permits that the court felt were renewed too many times to be considered “temporary” under the program in which they were issued. All RP holders are therefore vulnerable, not only because DLNR must enforce the court decision equitably against all those with “temporary” permits, but also because of the threat of lawsuits against them.

Thank you for the opportunity to testify on this matter.

Elliot Telles

Pearl City, HI

From: [Gerrit Takasaki](#)
To: [WAM Testimony](#)
Subject: I Strongly Support HB 2501, HD2, SD1 - Relating to Water Rights
Date: Sunday, April 03, 2016 4:00:23 PM

TESTIMONY BEFORE THE SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

Monday, April 4, 2016 - Conference Room 211
TESTIMONY ON HB 2501 – RELATING TO Water Rights
STRONGLY SUPPORT

Aloha Chair Tokuda and Committee Members,

HB2501, HD2, SD1, is an attempt to legislatively provide temporary relief for Revocable Permit holders who may be in jeopardy, only until such time as DLNR can put into place a system that will benefit both the public and farmers and ranchers. It is NOT just about A&B. There are other State Revocable Permit (RP) holders who may be in jeopardy due to a recent court ruling that invalidated certain DLNR permits that the court felt were renewed too many times to be considered “temporary” under the program in which they were issued. All RP holders are therefore vulnerable, not only because DLNR must enforce the court decision equitably against all those with “temporary” permits, but also because of the threat of lawsuits against them.

Thank you for the opportunity to testify on this matter.

Gerrit Takasaki

Hilo, HI

From: [Greg Friel](#)
To: [WAM Testimony](#)
Subject: I Strongly Support HB 2501, HD2, SD1 - Relating to Water Rights
Date: Sunday, April 03, 2016 8:03:39 AM

TESTIMONY BEFORE THE SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

Monday, April 4, 2016 - Conference Room 211
TESTIMONY ON HB 2501 – RELATING TO Water Rights
STRONGLY SUPPORT

Aloha Chair Tokuda and Committee Members,

HB2501, HD2, SD1, is an attempt to legislatively provide temporary relief for Revocable Permit holders who may be in jeopardy, only until such time as DLNR can put into place a system that will benefit both the public and farmers and ranchers. It is NOT just about A&B. There are other State Revocable Permit (RP) holders who may be in jeopardy due to a recent court ruling that invalidated certain DLNR permits that the court felt were renewed too many times to be considered “temporary” under the program in which they were issued. All RP holders are therefore vulnerable, not only because DLNR must enforce the court decision equitably against all those with “temporary” permits, but also because of the threat of lawsuits against them.

Thank you for the opportunity to testify on this matter.

Greg Friel

Makawao, HI

From: [Harold Keyser](#)
To: [WAM Testimony](#)
Subject: I Strongly Support HB 2501, HD2, SD1 - Relating to Water Rights
Date: Sunday, April 03, 2016 4:14:03 PM

TESTIMONY BEFORE THE SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

Monday, April 4, 2016 - Conference Room 211
TESTIMONY ON HB 2501 – RELATING TO Water Rights
STRONGLY SUPPORT

Aloha Chair Tokuda and Committee Members,

HB2501, HD2, SD1, is an attempt to legislatively provide temporary relief for Revocable Permit holders who may be in jeopardy, only until such time as DLNR can put into place a system that will benefit both the public and farmers and ranchers. It is NOT just about A&B. There are other State Revocable Permit (RP) holders who may be in jeopardy due to a recent court ruling that invalidated certain DLNR permits that the court felt were renewed too many times to be considered “temporary” under the program in which they were issued. All RP holders are therefore vulnerable, not only because DLNR must enforce the court decision equitably against all those with “temporary” permits, but also because of the threat of lawsuits against them.

Thank you for the opportunity to testify on this matter.

Harold Keyser

Kula, HI

From: [Ian Baldrige](#)
To: [WAM Testimony](#)
Subject: I Strongly Support HB 2501, HD2, SD1 - Relating to Water Rights
Date: Sunday, April 03, 2016 9:40:06 AM

TESTIMONY BEFORE THE SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

Monday, April 4, 2016 - Conference Room 211
TESTIMONY ON HB 2501 – RELATING TO Water Rights
STRONGLY SUPPORT

Aloha Chair Tokuda and Committee Members,

HB2501, HD2, SD1, is an attempt to legislatively provide temporary relief for Revocable Permit holders who may be in jeopardy, only until such time as DLNR can put into place a system that will benefit both the public and farmers and ranchers. It is NOT just about A&B. There are other State Revocable Permit (RP) holders who may be in jeopardy due to a recent court ruling that invalidated certain DLNR permits that the court felt were renewed too many times to be considered “temporary” under the program in which they were issued. All RP holders are therefore vulnerable, not only because DLNR must enforce the court decision equitably against all those with “temporary” permits, but also because of the threat of lawsuits against them.

Thank you for the opportunity to testify on this matter.

Ian Baldrige

Kula, HI

From: [Joanna DeRego](#)
To: [WAM Testimony](#)
Subject: I Strongly Support HB 2501, HD2, SD1 - Relating to Water Rights
Date: Sunday, April 03, 2016 7:45:57 AM

TESTIMONY BEFORE THE SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

Monday, April 4, 2016 - Conference Room 211
TESTIMONY ON HB 2501 – RELATING TO Water Rights
STRONGLY SUPPORT

Aloha Chair Tokuda and Committee Members,

HB2501, HD2, SD1, is an attempt to legislatively provide temporary relief for Revocable Permit holders who may be in jeopardy, only until such time as DLNR can put into place a system that will benefit both the public and farmers and ranchers. It is NOT just about A&B. There are other State Revocable Permit (RP) holders who may be in jeopardy due to a recent court ruling that invalidated certain DLNR permits that the court felt were renewed too many times to be considered “temporary” under the program in which they were issued. All RP holders are therefore vulnerable, not only because DLNR must enforce the court decision equitably against all those with “temporary” permits, but also because of the threat of lawsuits against them.

Thank you for the opportunity to testify on this matter.

Joanna DeRego

Laupahoehoe, HI

From: [Joe McClure](#)
To: [WAM Testimony](#)
Subject: I Strongly Support HB 2501, HD2, SD1 - Relating to Water Rights
Date: Sunday, April 03, 2016 9:50:53 AM

TESTIMONY BEFORE THE SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

Monday, April 4, 2016 - Conference Room 211
TESTIMONY ON HB 2501 – RELATING TO Water Rights
STRONGLY SUPPORT

Aloha Chair Tokuda and Committee Members,

HB2501, HD2, SD1, is an attempt to legislatively provide temporary relief for Revocable Permit holders who may be in jeopardy, only until such time as DLNR can put into place a system that will benefit both the public and farmers and ranchers. It is NOT just about A&B. There are other State Revocable Permit (RP) holders who may be in jeopardy due to a recent court ruling that invalidated certain DLNR permits that the court felt were renewed too many times to be considered “temporary” under the program in which they were issued. All RP holders are therefore vulnerable, not only because DLNR must enforce the court decision equitably against all those with “temporary” permits, but also because of the threat of lawsuits against them.

Thank you for the opportunity to testify on this matter.

Joe McClure

Kahului, HI

From: [John Frostad](#)
To: [WAM Testimony](#)
Subject: I Strongly Support HB 2501, HD2, SD1 - Relating to Water Rights
Date: Sunday, April 03, 2016 8:14:38 AM

TESTIMONY BEFORE THE SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

Monday, April 4, 2016 - Conference Room 211
TESTIMONY ON HB 2501 – RELATING TO Water Rights
STRONGLY SUPPORT

Aloha Chair Tokuda and Committee Members,

HB2501, HD2, SD1, is an attempt to legislatively provide temporary relief for Revocable Permit holders who may be in jeopardy, only until such time as DLNR can put into place a system that will benefit both the public and farmers and ranchers. It is NOT just about A&B. There are other State Revocable Permit (RP) holders who may be in jeopardy due to a recent court ruling that invalidated certain DLNR permits that the court felt were renewed too many times to be considered “temporary” under the program in which they were issued. All RP holders are therefore vulnerable, not only because DLNR must enforce the court decision equitably against all those with “temporary” permits, but also because of the threat of lawsuits against them.

Thank you for the opportunity to testify on this matter.

John Frostad

Makawao, HI

From: [Jolene Lau](#)
To: [WAM Testimony](#)
Subject: I Strongly Support HB 2501, HD2, SD1 - Relating to Water Rights
Date: Sunday, April 03, 2016 10:32:45 AM

TESTIMONY BEFORE THE SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

Monday, April 4, 2016 - Conference Room 211
TESTIMONY ON HB 2501 – RELATING TO Water Rights
STRONGLY SUPPORT

Aloha Chair Tokuda and Committee Members,

HB2501, HD2, SD1, is an attempt to legislatively provide temporary relief for Revocable Permit holders who may be in jeopardy, only until such time as DLNR can put into place a system that will benefit both the public and farmers and ranchers. It is NOT just about A&B. There are other State Revocable Permit (RP) holders who may be in jeopardy due to a recent court ruling that invalidated certain DLNR permits that the court felt were renewed too many times to be considered “temporary” under the program in which they were issued. All RP holders are therefore vulnerable, not only because DLNR must enforce the court decision equitably against all those with “temporary” permits, but also because of the threat of lawsuits against them.

Thank you for the opportunity to testify on this matter.

Jolene Lau

Honolulu, HI

From: [Linda Silva](#)
To: [WAM Testimony](#)
Subject: I Strongly Support HB 2501, HD2, SD1 - Relating to Water Rights
Date: Sunday, April 03, 2016 6:31:59 AM

TESTIMONY BEFORE THE SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

Monday, April 4, 2016 - Conference Room 211
TESTIMONY ON HB 2501 – RELATING TO Water Rights
STRONGLY SUPPORT

Aloha Chair Tokuda and Committee Members,

HB2501, HD2, SD1, is an attempt to legislatively provide temporary relief for Revocable Permit holders who may be in jeopardy, only until such time as DLNR can put into place a system that will benefit both the public and farmers and ranchers. It is NOT just about A&B. There are other State Revocable Permit (RP) holders who may be in jeopardy due to a recent court ruling that invalidated certain DLNR permits that the court felt were renewed too many times to be considered “temporary” under the program in which they were issued. All RP holders are therefore vulnerable, not only because DLNR must enforce the court decision equitably against all those with “temporary” permits, but also because of the threat of lawsuits against them.

Thank you for the opportunity to testify on this matter.

Linda Silva

Kalaheo, HI

From: [Lisa Parker](#)
To: [WAM Testimony](#)
Subject: I Strongly Support HB 2501, HD2, SD1 - Relating to Water Rights
Date: Sunday, April 03, 2016 7:30:26 AM

TESTIMONY BEFORE THE SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

Monday, April 4, 2016 - Conference Room 211
TESTIMONY ON HB 2501 – RELATING TO Water Rights
STRONGLY SUPPORT

Aloha Chair Tokuda and Committee Members,

HB2501, HD2, SD1, is an attempt to legislatively provide temporary relief for Revocable Permit holders who may be in jeopardy, only until such time as DLNR can put into place a system that will benefit both the public and farmers and ranchers. It is NOT just about A&B. There are other State Revocable Permit (RP) holders who may be in jeopardy due to a recent court ruling that invalidated certain DLNR permits that the court felt were renewed too many times to be considered “temporary” under the program in which they were issued. All RP holders are therefore vulnerable, not only because DLNR must enforce the court decision equitably against all those with “temporary” permits, but also because of the threat of lawsuits against them.

Thank you for the opportunity to testify on this matter.

Lisa Parker

Kapaa, HI

From: [Patricia Dukes](#)
To: [WAM Testimony](#)
Subject: I Strongly Support HB 2501, HD2, SD1 - Relating to Water Rights
Date: Sunday, April 03, 2016 9:33:22 AM

TESTIMONY BEFORE THE SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

Monday, April 4, 2016 - Conference Room 211
TESTIMONY ON HB 2501 – RELATING TO Water Rights
STRONGLY SUPPORT

Aloha Chair Tokuda and Committee Members,

HB2501, HD2, SD1, is an attempt to legislatively provide temporary relief for Revocable Permit holders who may be in jeopardy, only until such time as DLNR can put into place a system that will benefit both the public and farmers and ranchers. It is NOT just about A&B. There are other State Revocable Permit (RP) holders who may be in jeopardy due to a recent court ruling that invalidated certain DLNR permits that the court felt were renewed too many times to be considered “temporary” under the program in which they were issued. All RP holders are therefore vulnerable, not only because DLNR must enforce the court decision equitably against all those with “temporary” permits, but also because of the threat of lawsuits against them.

Thank you for the opportunity to testify on this matter.

Patricia Dukes

Kailua, HI

From: [ROBERT MORRIS](#)
To: [WAM Testimony](#)
Subject: I Strongly Support HB 2501, HD2, SD1 - Relating to Water Rights
Date: Sunday, April 03, 2016 8:38:03 AM

TESTIMONY BEFORE THE SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

Monday, April 4, 2016 - Conference Room 211
TESTIMONY ON HB 2501 – RELATING TO Water Rights
STRONGLY SUPPORT

Aloha Chair Tokuda and Committee Members,

HB2501, HD2, SD1, is an attempt to legislatively provide temporary relief for Revocable Permit holders who may be in jeopardy, only until such time as DLNR can put into place a system that will benefit both the public and farmers and ranchers. It is NOT just about A&B. There are other State Revocable Permit (RP) holders who may be in jeopardy due to a recent court ruling that invalidated certain DLNR permits that the court felt were renewed too many times to be considered “temporary” under the program in which they were issued. All RP holders are therefore vulnerable, not only because DLNR must enforce the court decision equitably against all those with “temporary” permits, but also because of the threat of lawsuits against them.

Thank you for the opportunity to testify on this matter.

ROBERT MORRIS

KAILUA, HI

From: [Robert Paull](#)
To: [WAM Testimony](#)
Subject: I Strongly Support HB 2501, HD2, SD1 - Relating to Water Rights
Date: Sunday, April 03, 2016 10:25:48 AM

TESTIMONY BEFORE THE SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

Monday, April 4, 2016 - Conference Room 211
TESTIMONY ON HB 2501 – RELATING TO Water Rights
STRONGLY SUPPORT

Aloha Chair Tokuda and Committee Members,

HB2501, HD2, SD1, is an attempt to legislatively provide temporary relief for Revocable Permit holders who may be in jeopardy, only until such time as DLNR can put into place a system that will benefit both the public and farmers and ranchers. It is NOT just about A&B. There are other State Revocable Permit (RP) holders who may be in jeopardy due to a recent court ruling that invalidated certain DLNR permits that the court felt were renewed too many times to be considered “temporary” under the program in which they were issued. All RP holders are therefore vulnerable, not only because DLNR must enforce the court decision equitably against all those with “temporary” permits, but also because of the threat of lawsuits against them.

Thank you for the opportunity to testify on this matter.

Robert Paull

Honolulu, HI

From: [Stan Cypriano](#)
To: [WAM Testimony](#)
Subject: I Strongly Support HB 2501, HD2, SD1 - Relating to Water Rights
Date: Sunday, April 03, 2016 7:37:21 AM

TESTIMONY BEFORE THE SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

Monday, April 4, 2016 - Conference Room 211
TESTIMONY ON HB 2501 – RELATING TO Water Rights
STRONGLY SUPPORT

Aloha Chair Tokuda and Committee Members,

HB2501, HD2, SD1, is an attempt to legislatively provide temporary relief for Revocable Permit holders who may be in jeopardy, only until such time as DLNR can put into place a system that will benefit both the public and farmers and ranchers. It is NOT just about A&B. There are other State Revocable Permit (RP) holders who may be in jeopardy due to a recent court ruling that invalidated certain DLNR permits that the court felt were renewed too many times to be considered “temporary” under the program in which they were issued. All RP holders are therefore vulnerable, not only because DLNR must enforce the court decision equitably against all those with “temporary” permits, but also because of the threat of lawsuits against them.

Thank you for the opportunity to testify on this matter.

Stan Cypriano

Honokaa, HI

From: [Stuart Nicholls](#)
To: [WAM Testimony](#)
Subject: I Strongly Support HB 2501, HD2, SD1 - Relating to Water Rights
Date: Sunday, April 03, 2016 12:50:49 PM

TESTIMONY BEFORE THE SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

Monday, April 4, 2016 - Conference Room 211
TESTIMONY ON HB 2501 – RELATING TO Water Rights
STRONGLY SUPPORT

Aloha Chair Tokuda and Committee Members,

HB2501, HD2, SD1, is an attempt to legislatively provide temporary relief for Revocable Permit holders who may be in jeopardy, only until such time as DLNR can put into place a system that will benefit both the public and farmers and ranchers. It is NOT just about A&B. There are other State Revocable Permit (RP) holders who may be in jeopardy due to a recent court ruling that invalidated certain DLNR permits that the court felt were renewed too many times to be considered “temporary” under the program in which they were issued. All RP holders are therefore vulnerable, not only because DLNR must enforce the court decision equitably against all those with “temporary” permits, but also because of the threat of lawsuits against them.

Thank you for the opportunity to testify on this matter.

Stuart Nicholls

Kula, HI

From: [Ted Yamamura](#)
To: [WAM Testimony](#)
Subject: I Strongly Support HB 2501, HD2, SD1 - Relating to Water Rights
Date: Sunday, April 03, 2016 12:53:41 PM

TESTIMONY BEFORE THE SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

Monday, April 4, 2016 - Conference Room 211
TESTIMONY ON HB 2501 – RELATING TO Water Rights
STRONGLY SUPPORT

Aloha Chair Tokuda and Committee Members,

HB2501, HD2, SD1, is an attempt to legislatively provide temporary relief for Revocable Permit holders who may be in jeopardy, only until such time as DLNR can put into place a system that will benefit both the public and farmers and ranchers. It is NOT just about A&B. There are other State Revocable Permit (RP) holders who may be in jeopardy due to a recent court ruling that invalidated certain DLNR permits that the court felt were renewed too many times to be considered “temporary” under the program in which they were issued. All RP holders are therefore vulnerable, not only because DLNR must enforce the court decision equitably against all those with “temporary” permits, but also because of the threat of lawsuits against them.

Thank you for the opportunity to testify on this matter.

Ted Yamamura

Wailuku, HI

From: [Wesley Nohara](#)
To: [WAM Testimony](#)
Subject: I Strongly Support HB 2501, HD2, SD1 - Relating to Water Rights
Date: Sunday, April 03, 2016 8:37:33 AM

TESTIMONY BEFORE THE SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

Monday, April 4, 2016 - Conference Room 211
TESTIMONY ON HB 2501 – RELATING TO Water Rights
STRONGLY SUPPORT

Aloha Chair Tokuda and Committee Members,

HB2501, HD2, SD1, is an attempt to legislatively provide temporary relief for Revocable Permit holders who may be in jeopardy, only until such time as DLNR can put into place a system that will benefit both the public and farmers and ranchers. It is NOT just about A&B. There are other State Revocable Permit (RP) holders who may be in jeopardy due to a recent court ruling that invalidated certain DLNR permits that the court felt were renewed too many times to be considered “temporary” under the program in which they were issued. All RP holders are therefore vulnerable, not only because DLNR must enforce the court decision equitably against all those with “temporary” permits, but also because of the threat of lawsuits against them.

Thank you for the opportunity to testify on this matter.

Wesley Nohara

Wailuku, HI

From: [Alex Oshiro](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 9:47:03 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Alex Oshiro
djrx.cares@hawaii.rr.com
Honolulu, HI

From: [Barbara Stahly](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, April 03, 2016 5:22:19 AM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Barbara Stahly
barbstahly@hotmail.com
Kailua Kona, HI

From: [Berlin James](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 5:56:03 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Berlin James
jimiberlin@aol.com
Waialua, HI

From: [Bo Breda](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 8:01:59 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Bo Breda
bobreda@gmail.com
Pahoa, Hawaii

From: [Bob Babson](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 2:03:09 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Bob Babson
babsonb001@hawaii.rr.com
Kihei, Hawaii

From: [Brenda McDonough](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 1:21:31 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Brenda McDonough
Buffettbunny@yahoo.com
Kailua , Hi

From: [Carol Cam](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, April 03, 2016 10:17:34 AM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Carol Cam
free111@hawaii.rr.com
Lahaina, HI

From: [Casey Basett](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 1:43:59 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Casey Bassett
info@caseybassettcinematography.com
Waialua, Hawaii

From: [Cheryl Loucks](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, April 03, 2016 11:24:17 AM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Cheryl Loucks
cloucks2011@gmail.com
Vancouver, WA

From: [CHRISTIE WAGNER-STARLEY](#)
To: [All Senators: WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 6:58:38 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

CHRISTIE WAGNER-STARLEY
ChristieWagner@gmail.com
Kensington, Maryland

From: [Cindy Lance](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 7:42:41 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Cindy Lance
cindylouwho@hawaiiantel.net
Honolulu, HI

From: [David Dinner](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 1:12:43 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

David Dinner
Gentlewave@hawaii.rr.com
Kilauea, HI

From: [Dennis Carhart](#)
To: [All Senators: WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 2:17:00 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Dennis Carhart
Denny.carhart@gmail.com
Kihei, Hi

From: [Donald Erway](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, April 03, 2016 2:24:33 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Donald Erway
der1way@earthlink.net
Kailua Kona, HI

From: [Douglas Stainbrook](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 2:17:45 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Douglas Stainbrook
marinfinish@msn.com
Kailua Kona, HI

From: [Gary Harrold](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 4:55:41 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Gary Harrold
ghsoquel@yahoo.com
hilo, HI

From: [Gary Samura](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 12:54:51 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Gary Samura
gsamura@yahoo.com
Kaneohe, Hawaii

From: [Harlisa Asumen](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 1:03:58 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Harlisa Asumen
hasumen@hawaii.edu
Kapolei, HI

From: [Hartson Doak](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 5:29:07 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Hartson Doak
hartson.doak@gmail.com
Pearl City, HI

From: [J. David Scott](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 8:09:50 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

J. David Scott
scott0547@rogers.com
London, Ontario

From: [James Hedgecock](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 2:03:59 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

James Hedgecock
flowergitha@yahoo.com
Pahoa, Hawaii

From: james.smallwood jr
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 5:49:23 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

james smallwood jr
buildithi@hawaii.rr.com
haiku, hi.

From: [JeanLuc Bozzoli](#)
To: [All Senators: WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 1:57:34 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

JeanLuc Bozzoli
jeanluc@eyewithin.com
kealakekua, HI

From: [Jeffrey Bronfman](#)
To: [All Senators: WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 4:55:43 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Jeffrey Bronfman
JeffreyUDV@aol.com
Haiku, Hawaii

From: [Joan Lander](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, April 03, 2016 6:04:46 AM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Joan Lander
namaka@interpac.net

From: [JoAnn Connolly](#)
To: [All Senators: WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 2:14:18 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

JoAnn Connolly
jconnolly3@hawaii.rr.com
Mililani, Hawaii

From: [Judie Hoepfner](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 11:11:24 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Judie Hoepfner
judie@aloha.net
Lihue, Hawaii

From: [Julia McGovern](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 1:15:19 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Julia McGovern
mcgovern.je@gmail.com

From: [Keiko Gonzalez](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, April 03, 2016 5:11:13 AM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Keiko Gonzalez
Kiele.aloha@gmail.com
Hawaii

From: [Kendra Ozaki](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, April 03, 2016 1:50:12 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Kendra Ozaki
Kendraroz@gmail.com
Kailua, HI

From: [Laurie Steelsmith](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, April 03, 2016 3:54:46 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Laurie Steelsmith
lauriesteelsmith@gmail.com
Honolulu, HI

From: [Linda Staton](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 12:55:09 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Linda Staton
Writtenword2@mac.com
Kapolei, HI

From: [Marianne Thompson](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 3:39:23 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Marianne Thompson
amartyahari108@gmail.com
Lawrence, Kansas

From: [Marty Kuala](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 5:53:50 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Marty Kuala
kuala@aloha.net
Koloa, Hawaii

From: [Mel Cup Choy](#)
To: [All Senators: WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 3:27:12 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Mel Cup Choy
melcupchoy@gmail.com
Kaneohe, Hawai'i

From: [Michelle Pillen](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 7:00:45 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Michelle Pillen
michelle@hawaiiantel.net

From: [nancy haag](#)
To: [All Senators: WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 8:12:37 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

nancy haag
nancyhaag@gmail.com
kihei, Hawaii

From: [Pamela Evans](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 2:38:27 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Pamela Evans
gardenqueen@gmail.com
Kemp, TX

From: [Pete Wilson](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 8:02:11 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Pete Wilson
perhansahi@gmail.com
Pahoa, HI

From: [S.Mccoy](#)
To: [All Senators: WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 2:03:41 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

S Mccoy
sjwyrdd@gmail.com
Kealakekua, Hawaii

From: [Sandra Wilson](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, April 03, 2016 6:39:39 AM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Sandra Wilson
breyberrye@yahoo.com
Las Vegas, NV

From: [Sandras Fujita](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 1:44:03 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Sandras Fujita
yappygrl1@aol.com
Kaneohe, Hawaii

From: [sasha hedona](#)
To: [All Senators: WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 1:11:43 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

sasha hedona
sasha.hedona@hnhco.com
honolulu, Hawaii

From: [shirley_mendoza](#)
To: [All Senators: WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, April 03, 2016 7:59:45 AM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

shirley mendoza
bahaiialoha@hawaiiantel.net
Keaau, Hawaii

From: [SUE FELT](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, April 03, 2016 2:14:15 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

SUE FELT
suefelt@earthlink.net
Kailua Kona, Hawaii

From: [Suzanne B Scollon](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, April 03, 2016 3:59:51 AM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Suzanne B Scollon
suzie@geosemiotics.net
Honolulu, HI

From: [Terence Travis](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, April 03, 2016 1:31:18 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Terence Travis
ttravis@hawaiiantel.net
Ewa Beach, Hawaii

From: [Thomas Davey](#)
To: [All Senators: WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 1:34:08 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Thomas Davey
doubleohdreadlocks@yahoo.com
Kapaa, HI

From: [TROY ABRAHAM](#)
To: [All Senators: WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 2:00:51 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. 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
tabraham08@gmail.com
Hilo, Hawaii

From: [Valerie Wong](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 3:40:47 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Valerie Wong
valerieslwong@hotmail.com
Hon. , HI

From: [Virginia Bennett](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 1:12:45 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Virginia Bennett
vbennett@hawaii.edu
Honolulu, HI 96822

From: [William Navran](#)
To: [All Senators: WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 6:37:42 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

William Navran
willsilver@hawaii.rr.com
Makawao, HI

From: [Wyatt Bartlett](#)
To: [All Senators](#); [WAM Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, April 02, 2016 2:18:20 PM

Aloha Senators,

Please do not pass HB2501. Too much of East Maui's water has been diverted away from its streams for far too long. Residents and farmers along the streams have suffered for decades without enough water, even though our laws guarantee them access to running streams water. As a result, taro farms have dried up, families moved away, and native ecosystems have collapsed. This is a modern day example of ecological devastation and cultural genocide. No stream should run dry for one company to make a profit.

Today we have an opportunity to chart a new course. The last sugar plantation is closing. The justification for taking the water is gone. A&B concedes that their future plans -- whatever they are -- will not need all of the water they have taken in the past.

A&B knows the laws. They know they can always request use of public water from the Water Commission when A&B has a genuine use for it, just like everyone else that diverts public water from the streams. But A&B appears to want special treatment. It does not want to follow the laws established to ensure water for everyone in Hawai'i. A&B would rather you change the law to give them special access to water.

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 this 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 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. And we have seen the native ecosystem and more sustainable ways of living quickly recover when water is restored to the streams -- look at the streams of Na Wai Eha and Waiahole.

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.

Passing 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.

To protect the public trust, HB2501 must be vigorously opposed. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Wyatt Bartlett
wybart4@gmail.com
Honolulu, HI

From: aoloapatao@gmail.com
To: [WAM Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, April 03, 2016 4:25:20 PM

You've just received a new submission to your [Community Groups and Individuals Oppose HB2501](#).

Submitted Information:

Name

Aoloa Patao

Zip code

96755

Community Group

Email

aoloapatao@gmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve.

Comment

From: Cmokuahi@gmail.com
To: [WAM Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, April 03, 2016 10:02:11 AM

You've just received a new submission to your [Community Groups and Individuals Oppose HB2501](#).

Submitted Information:

Name

Chydelle Chang

Zip code

96782

Community Group

Email

Cmokuahi@gmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve.

Comment

From: bimoakiona@yahoo.com
To: [WAM Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, April 03, 2016 4:19:53 PM

You've just received a new submission to your [Community Groups and Individuals Oppose HB2501](#).

Submitted Information:

Name

Edward Akiona

Zip code

96740

Community Group

Please give our young people the hope of a future with possibilities. This Bill is saying to a young person you can only go as far as established Big Corporations have room for you. Its a bad bill

Email

bimoakiona@yahoo.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled

ecosystems need, and our beloved farming families deserve.
Comment

From: ekamolokai@yahoo.com
To: [WAM Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, April 03, 2016 4:28:33 PM

You've just received a new submission to your [Community Groups and Individuals Oppose HB2501](#).

Submitted Information:

Name

Emerson Akiona

Zip code

96748

Community Group

Email

ekamolokai@yahoo.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve.

Comment

From: eunice2135@hotmail.com
To: [WAM Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, April 03, 2016 4:25:37 PM

You've just received a new submission to your [Community Groups and Individuals Oppose HB2501](#).

Submitted Information:

Name

Eunice Seward

Zip code

89032

Community Group

Email

eunice2135@hotmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve.

Comment

From: sulobaidlived@yahoo.com
To: [WAM Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, April 03, 2016 4:14:25 PM

You've just received a new submission to your [Community Groups and Individuals Oppose HB2501](#).

Submitted Information:

Name

Jack Plauche

Zip code

96790

Community Group

Email

sulobaidlived@yahoo.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve.

Comment

The capture of fresh water streams greatly impacts the native ecosystems in a negative way, from the amount of fish thriving in the coastal waters to completely altering many ecosystems on land. The waters of East Maui (and beyond Maui) need to be released, at least partially to ensure Hawaii's unique and very special ecosystems is allowed to continue to thrive. This is vital in a cultural sense, an ecological sense and also a business one. After all, the unique ecosystems that evolved around the fresh flowing streams over thousands of years and continue to require them are the special ecosystems that people come so far to experience. Let the water flow mauka to makai

From: bigjoe215@hotmail.com
To: [WAM Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, April 03, 2016 4:31:40 PM

You've just received a new submission to your [Community Groups and Individuals Oppose HB2501](#).

Submitted Information:

Name

Joseph Firsich

Zip code

96793

Community Group

Email

bigjoe215@hotmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve.

Comment

From: lschattenburg@gmail.com
To: [WAM Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, April 03, 2016 4:29:35 PM

You've just received a new submission to your [Community Groups and Individuals Oppose HB2501](#).

Submitted Information:

Name

Lisa Schattenburg-Raymond

Zip code

96790

Community Group

Email

lschattenburg@gmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve.

Comment

From: MaijaAthena@gmail.com
To: [WAM Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, April 03, 2016 1:28:22 PM

You've just received a new submission to your [Community Groups and Individuals Oppose HB2501](#).

Submitted Information:

Name

Maija A. Ka'upenamana Calcagno

Zip code

94590

Community Group

Email

MaijaAthena@gmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve.

Comment

From: Mkaneakua@live.com
To: [WAM Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, April 03, 2016 2:12:25 PM

You've just received a new submission to your [Community Groups and Individuals Oppose HB2501](#).

Submitted Information:

Name

Mark Kaneakua

Zip code

96789

Community Group

Email

Mkaneakua@live.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve.

Comment

