

**HB 2501,
HD2**

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

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

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

**Monday, March 21, 2016
2:55 P.M.
State Capitol, Conference Room 224**

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

House Bill 2501, House Draft 2, proposes to amend the public lands statute, Hawaii Revised Statutes (HRS) Chapter 171, to allow revocable permits for use of water to be extended annually on a “holdover” status during the pendency of an application for a water lease. **The Department of Land and Natural Resources offers the following comments.**

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

Thank you for your consideration of this testimony.

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 WATER, LAND, AND AGRICULTURE

March 21, 2016
2:55 P.M.
CONFERENCE ROOM 224

HOUSE BILL NO. 2501 HD2
RELATING TO WATER RIGHTS

Chairperson Gabbard 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.



From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: susan.n.riehy@hawaii.gov
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Friday, March 18, 2016 3:36:41 PM
Attachments: [HB 2501 HD2 FINAL.pdf](#)

HB2501

Submitted on: 3/18/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Richey	Department of Hawaiian Home Lands	Comments Only	No

Comments: See attached

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



HB2501 HD2
RELATING TO WATER RIGHTS
Senate Committee on Water, Land, and Agriculture

March 21, 2016

2:55 p.m.

Room 224

The Office of Hawaiian Affairs (OHA) **OPPOSES** HB2501 HD2. **This measure would allow the state to continue abdicating its kuleana to East Maui kalo farmers – many of whom have deep ancestral ties to their lands, and who have long sought the modest return of water to just 27 of 100-plus East Maui streams – as well as the cultural practitioners, gatherers, fishers, and others who depend on the public trust in East Maui’s water resources. In doing so, this bill may also inadvertently tie the state’s hands in managing and upholding the public trust in our water resources generally, and potentially undermine the foundation of water management and policy in Hawai‘i.**

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

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

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

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

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

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

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

invalidated “holdover” permits, A&B can still divert substantial amounts of water from the 17,000 acres of East Maui watershed lands it owns in fee (up to 55 million gallons a day, or mgd) and sustainably pump over 83 mgd from its brackish water wells. 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.**

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



**Department of Land and Natural Resources
Aha Moku Advisory Committee
State of Hawaii
Post Office Box 621
Honolulu, Hawaii 96809**

**Testimony of
Leslie Kuloloio, Chair**

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

**Friday, March 21, 2016
2:55 PM
Conference Room 224**

**In consideration of
HOUSE BILL 2501 HD 2
RELATING TO WATER RIGHTS**

House Bill 2501 HD 2 proposes to allow for a holdover disposition of water rights previously authorized pursuant to a lease during the pendency of an application for a lease renewal. **Aha Moku acknowledges the intent of this bill, but we must strongly OPPOSE this measure.**

The Aha Moku System encompasses the eight main Hawaiian Islands and supports the traditional and generational knowledge of the people who are connected to each of the 46 moku and 606 ahupua'a. The system was brought forward by John Kaimikaua, a noted Moloka'i historian through translations of ancient oral chants from the 9th century, a time where sustainability and protection of resources ensured existence. It was a time where the focus of the people of the land was on survival. Those resource practices were handed down through the generations and many are still used today. The Aha Moku today is centered around sharing that knowledge with those who are now part of ahupua'a communities – the focus is on natural and cultural resource sustainability that is site-specific. Communities take care of the resources where they live.

The purpose of the Aha Moku is to bring forth the voices – concerns and recommendations for solutions – from the people of an ahupua'a on natural and cultural resources to the attention of the Department of Land and Natural Resources. The perspective is a Native Hawaiian traditional one that shares generational knowledge of methods handed down practitioner-to-practitioner of ways to protect, preserve and sustain the land, ocean, watershed and every natural resource within a site-specific ahupua'a.

Per Section 171-58, Hawaii Revised Statutes, the (c) disposition of water rights may be made by lease at public auction as provided in this chapter or by permit for **temporary use on a month-to-month basis under those conditions which will best serve the interests of the State and subject to a maximum term of one year and other restrictions under the law**". HB 2501 HD 1 has amended the measure by "clarifying that the holdover of previously authorized lease rights until the pending application can be resolved **does not require a permit**". We fear this will create havoc. This seems to be geared only towards Alexander & Baldwin and will give them the authority to prolong what was once a "temporary month-to-month" permit indefinitely. And, while this measure, on the surface will impact every island in the State, it actually seeks, for an indefinite period, to allow Alexander & Baldwin of Maui to continue to illegally divert 100-400 million gallons of water per day from 100+ East Maui streams.

HB 2501 HD 2 has added a sunset date that repeals the Act in five years. At least while this has a sunset date on it now, it still does not address the concerns of the Maui people such as why there is no concrete data given by Alexander and Baldwin on how the water they are currently receiving under their revocable permits are being used now; or, how they plan to use the water in the future.

For hundreds of years, Native Hawaiian *mahiai*, expert farmers and those versed in agriculture and sustainability of the land and ocean on the east coast of Maui fed a large portion of the island with bountiful harvests of the land. This harvest was made possible because of the accessibility of pure water that flowed from the eastern mountain ridges of Maui.

The five moku of East Maui with their traditional famers are:

1. Moku O Hamakuapoko with its 5 ahupua'a (Paihihi, Waiawa, Honohina, Waiopua, and Poniau;
2. Moku O Hamakualoa with its 18 ahupua'a (Papaaea, Hanawana, Hanehoi, Huelo, Waipio, Mokupapa, Honokaia, Hoolawa, Honopau, Kealiinui, Kealiiki, Peahi, Opana, Ulumalu, Kapuakulua, Kuiaha, Pauwela, and Haiku;
3. Moku O Koolau with its 18 ahupua'a (Ulaino, Keaa, Mokupipi, Honolulunui, Hopenui, Puuhaehae, Kapaula, Puakea, Kaliae, Wailua, Pauwalu, Keanae, Honomanu, Keopuka, Loiloa, Kolea, Mooloa, and Makaiwa;
4. Moku O Hana with its 15 ahupua'a (Kualuu, Koali, Muolea, Puuiki, Mokae, Hamoa, Haneoo, Oloewa, Wanalua, Paimo, Niumalu, Kawaiipapa, Wakiu, Kaeleku, and Honomaele; and,
5. Moku of Kipahulu with its 15 ahupua'a (Koalii, Wailua, Puuhaoa, Papauluana, Kaumakani, Alae, Wailamoa, Kikoo, Maulili, Poponui, Kapuakini, Kukuula, Kaapahu, Kukuiulaiki, and Popolua.

Together, the five Moku encompassed 71 ahupua'a and traditional *mahiai* that carried on the generational practices of providing sustenance to the population of east Maui, and often for most of the island.

Now, for the past 40 years, these traditional practitioners have suffered and their productivity reduced to almost nothing because of sugar plantations and big business companies diverting water from natural streams to service commercial operations in other parts of the island. While we acknowledge that others need water too, their commercial needs cannot supersede the rights of traditional practitioners who are protected by the Hawaii State Constitution, or overtake the rights of the public trust. **No one owns the water, and no one should be able to monopolize its use purely for monetary reasons.**

Thank you for the opportunity to testify on this bill. We urge this committee to hold this measure until more scrutiny and thought goes into what the true ramifications to the public would be if this bill moved forward.

COUNTY COUNCIL

Mel Rapozo, Chair
Ross Kagawa, Vice Chair
Mason K. Chock
Gary L. Hooser
Arryl Kaneshiro
KipuKai Kualii
JoAnn A. Yukimura



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Scott K. Sato, Deputy County Clerk

Telephone (808) 241-4188
Fax (808) 241-6349
Email cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawaii 96766

March 19, 2016

**TESTIMONY OF GARY L. HOOSER
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON
HB 2501, HD 2, RELATING TO WATER RIGHTS
Senate Committee on Water, Land, and Agriculture
Monday, March 21, 2016
2:55 p.m.
Conference Room 224**

Dear Chair Gabbard and Members of the Committee:

Aloha! Thank you for the opportunity to provide written testimony in opposition to HB 2501, HD 2, which allows for holdover disposition of water rights previously authorized pursuant to a lease during the pendency of an application for a lease renewal. My testimony is submitted as an individual Councilmember on the Kaua'i County Council.

HB 2501, HD 2 is not needed, favors a single large corporation, and violates the State's public trust obligations to protect natural resources.

The revocable permits at issue authorize the use of 33,000 acres of public-trust ceded lands and allow hundreds of millions of gallons of water in East Maui to be diverted from over a hundred streams every single day. What were supposed to be temporary permits have now been renewed annually for decades and continued extension is not in the public interest, nor is it consistent with resources conservation or self-sufficiency.

For the reasons stated above, I encourage the Senate Committee on Water, Land, and Agriculture to stand in opposition to HB 2501, HD 2. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188.

Mahalo nui loa for the opportunity to submit written testimony in opposition of this measure.

Sincerely,

GARY L. HOOSER
Councilmember, Kaua'i County Council

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

MARCH 20, 2016

SENATOR MIKE GABBARD, CHAIR

SENATOR CLARENCE NISHIHARA, VICE CHAIR

SENATE COMMITTEE ON WATER, LAND, & AGRICULTURE

SUBJECT: SUPPORT FOR HB 2501 HD 2

DEAR SENATOR GABBARD AND COMMITTEE MEMBERS,

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

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

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

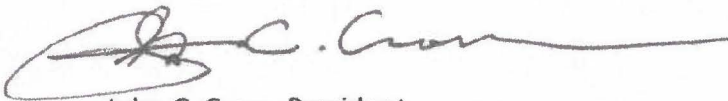
It should be known that one of our RP permit holders, Wood Valley Water and Farming Cooperative uses some of the water for Domestic farmstead use. Their system is registered and licensed by the State Dept. of Health for this use.

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

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

We ask that HB2501 HD-2 be passed and that the efforts of the KAWCD be taken into consideration. One of our guiding principles in our By Laws is the equitable distribution and sharing of water among land owners, farmers, and ranchers within the regional geographic water districts. We look forward to helping secure good water sources for a productive and successful agricultural community State Wide.

Respectfully Submitted,



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

The Board of the Ka'u Agricultural Water Cooperative District

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

Members of the KAWCD Steering Committee:

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

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



Senate Committee on Water, Land, and Agriculture

Hawai'i Center for Food Strongly Opposes HB2501 HD2

Dear Chair Gabbard, Vice Chair Nishihara, and Members of the Committee:

My name is Dr. Ashley Lukens and I am the Hawai'i Director for the Center for Food Safety (CFS). CFS is a nationwide public interest, sustainable agriculture nonprofit organization whose mission centers on furthering the public's right to know how their food is produced, through labeling and other means. We have over 750,000 farmer and consumer members across the country, including nearing 10,000 in Hawai'i. On behalf of CFS and our members, I thank you for the opportunity to speak to you today regarding this important bill.

CFS has been dedicated to addressing the human health and environmental impacts of our increased reliance on pesticide use in food production, both in the State of Hawai'i and nationally. We were instrumental in providing legal and communications support in the passage of numerous ordinances relating to pesticide use and disclosure, such as Kaua'i's Bill 2491. Since 2014, as the inaugural director here in Hawai'i, I have worked closely with community members across the state, in all counties, and have played an instrumental role in the passage of Maui's moratorium on GE production until companies submit environmental and public health impact assessments.

I am writing in opposition of HB2501 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. This bill would hurt our public and native water rights, as well as our local environment and agriculture industry.

Not only are Maui kalo farmers struggling to keep the water that is unjustly disappearing, Alexander and Baldwin (A&B) has successfully avoided performing an environmental assessment study since a circuit court mandated it in 2003. Since then A&B has continued to divert upwards of **400 million gallons of water per day** from East Maui streams.

This measure would allow A&B to continue this year-by-year planning and avoid any long-term implications of their water consumption. Instead of using this unfair measure, A&B could apply for a new revocable permit, they could ask the court for a stay of their decision or they could get moving on their long term lease application.

HCFS believes that traditional farmers and local residents should have fresh water priority over large development companies, especially when these companies have little respect for other water users. For example, A&B already has at least 80 million gallons of fresh water per day from private sources and knowingly wastes 35 million gallons per day from bad pipes.

NATIONAL HEADQUARTERS

660 Pennsylvania Avenue, SE, Suite 302
Washington, D.C. 20003
T: 202-547-9359 F: 202-547-9429

CALIFORNIA OFFICE

303 Sacramento Street, 2nd Floor
San Francisco, CA 94111
T: 415-826-2770 F: 415-826-0507

PACIFIC NORTHWEST OFFICE

917 SW Oak Street, Suite 300
Portland, OR 97205
T: 971-271-7372 F: 971-271-7374

HAWAII OFFICE

1132 Bishop Street, Suite 2107
Honolulu, Hawaii 96813
T: 808-681-7688

Contrary to some arguments, **this bill would hurt local agriculture** on Maui. Drastically changing the local water cycle, like A&B is currently doing and will continue to if this bill is passed, will lead to more dried up stream beds, increased loss of biodiversity, and decreased soil productivity.

Although this bill would benefit A&B primarily at first, the passing of HB2501 HD2 would open the door for more unregulated water diversion in unlimited quantities from East Maui streams.

Thank you for the opportunity to testify, and I am happy to answer any follow up questions or provide additional analysis.

Respectfully,

A handwritten signature in black ink, appearing to read 'Ashley Lukens', written in a cursive style.

Ashley Lukens
Director, Hawai'i Center for Food Safety

From: Mavisoliveira@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 7:46:56 AM

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

Submitted Information:

Name

Aina O Kumaka Loko I'a - Hana

Zip code

96713

Community Group

Email

Mavisoliveira@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: c/o_titavlm@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Resource Protecton Organizations Oppose HB2501
Date: Friday, March 18, 2016 8:48:40 AM

You've just received a new submission to your [Resource Protecton Organizations Oppose HB2501](#).

Submitted Information:

Name of Organization

Kona Ohana Poi Ohana

Authorized Representative

Clarence A Medeiros Sr. Ohana, Rep. Lolana Medeiros

Email

c/o_titavlm@yahoo.com

Zip code

96740

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

As a family member I VioletLeihulu, my family and I, object to HB2501 to be criminal, Injust, and discriminating to the farmers of and people of Hawaii. We as a whole object, reject, and in strong opposition to HB2501.
. ALOHA.



March 19, 2016

HFUU Haleakala
Board of
Directors

Opposition to HB 2501 HD 2

Aloha Aloha Chair Gabbard, Vice Chair Nishihara and members of the committee.

Simon Russell
President

On behalf of the 309 members of the Haleakala Chapter of HFUU, we strongly oppose this measure. It is a legislative way to work around the recent court case settled in January, which ruled that water holdover permits on Maui were illegal. The new rule to allow holdover permits of over a year is not something we can support.

Phyllis Robinson
Vice-President

We look to our State motto “Ua Mau ke Ea o ka ‘Āina i ka Pono”, for guidance here. The language in this bill is diametrically opposed to our State motto. The public trust (‘Āina) feeds not only humans but the fauna and flora in it. Our trust needs its water permits given with due process.

Jenny Pell
Secretary

Melissa Jenks-Olivit
Treasurer

Withdrawing water from the watershed in large amounts over time needs an environmental assessment (due process). This would be a comprehensive consideration of the impact of removing water from the watershed on the culture, natural environment and economics of the region affected. The holdover permit process this bill codifies into law circumvents an Environmental Assessment and grants a “Holdover Permit”.

Susan Campbell
Member

Tara Grace
Member

There are kalo farmers in our membership whose families have been waiting for over a century for their water to be restored by sugar plantation interests (EMI) as state law requires. These constitutionally mandated requirements have never been enforced. These Hawaiian Kalo farmers have appurtenant water rights, and as far as the Hawaii State Constitution is concerned, they must have the water returned and left in stream for their current and future use.

John Dobovan
Member

Robert Ward
Member

We respectfully ask you do farmers, fisherman the ‘Āina and state water law a favor and defer this bill for more in depth discussion in affected areas. We need some time on Maui to thoroughly assess the competing needs for water now that the largest user on island is changing their water use patterns by ceasing their 140 year old sugar operation.

Michael Howden
Member

You and the rest of the elected representatives in our Government are responsible to be good stewards of the public trust; we rely on your good judgment in this matter.

Sierra Knight
Member

Mahalo,

HAWAII FARMERS UNION UNITED-Haleakala Chapter

The Hawaii'i Farmers Union United and its Chapters is a nonprofit corporation formed under Hawaii'i law. It advocates for the sovereign right of farmers, ranchers and fishers to create and sustain vibrant and prosperous agricultural communities for the benefit of all Hawaii'i through cooperation, education and legislation.

From: mendezj@hawaii.edu
To: [WLA Testimony](#)
Subject: New Form Entry: Resource Protecton Organizations Oppose HB2501
Date: Saturday, March 19, 2016 1:29:39 PM

You've just received a new submission to your [Resource Protecton Organizations Oppose HB2501](#).

Submitted Information:

Name of Organization

Conservation Council for Hawaii

Authorized Representative

Javier Mendez

Email

mendezj@hawaii.edu

Zip code

96817-1200

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

Conservation Council for Hawai'i opposes HB2501 HD2 Relating to Water Rights. 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. Further more, A&B wastes approximately 40 million gallons per day in its water storage and delivery system, and it has access to additional water from wells in its land.

From: SCHHA.associations@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 7:47:24 PM

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

Submitted Information:

Name

Sovereign Councils of the Hawaiian Homeland Assembly

Zip code

96704

Community Group

SCHHA-oldest and largest coalition of Hawaiian homestead associations and beneficiaries of the Hawaiian Homes Commission Act.

Email

SCHHA.associations@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





HAWAII CROP IMPROVEMENT ASSOCIATION

HCIA 2014 - 2016 Board of Directors

President
Kirby Kester

Vice-President
Alan Takemoto

Secretary
Dawn Bicoy

Treasurer
Keith Horton

Directors-at-Large

Blaise Boyle
Adolf Helm
Angus Kelly
Steve Lupkes
Richard McCormack
Shay Sunderland
Joshua Uyehara
Laurie Yoshida

President Emeritus
Mark Phillipson

Executive Director
Bennette Misalucha

OUR MISSION

HCIA is a Hawaii-based non-profit organization that promotes modern agriculture to help farmers and communities succeed.

Through education, collaboration and advocacy, we work to ensure a safe and sustainable food supply, support responsible farming practices and build a healthy economy.

In Support of HB2501

SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

03-21-16 2:55PM in conference room 224

Aloha Chair Gabbard, Vice-Chair Nishihara, and Members of the Committee:

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

HCIA is in support of HB2501.

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

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

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

HB2501 provides the DLNR with a tool to issue permits in limited situations — when there was a previously authorized disposition of water rights, while an application for the re-disposition of those water rights is pending.

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

Bennette Misalucha
Executive Director, Hawaii Crop Improvement Association

Testimony of
Pacific Resource Partnership

State of Hawaii
Senate Committee on Water, Land, and Agriculture
Senator Mike Gabbard , Chair
Senator Clarence K. Nishihara, Vice Chair

HB 2501, HD2 – Water Rights
Monday, March 21, 2016
2:55 P.M.
State Capitol – Conference Room 224

Aloha Chair Gabbard, Vice Chair Nishihara and members of the Committee:

We support HB 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.

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

For the reasons mentioned above, we respectfully ask for your support on HB 2501, HD2.

Thank you for allowing us to share our views with you.

About PRP

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



From: [Eola Ikawai](mailto:Eola.Ikawai)
To: [WLA Testimony](mailto:WLA.Testimony)
Subject: Fwd: New Form Entry: Resource Protecton Organizations Oppose HB2501
Date: Thursday, March 17, 2016 11:08:24 PM

----- Forwarded message -----

From: sara@plantawish.org <no-reply@weebly.com>
Date: Thu, Mar 17, 2016 at 10:28 PM
Subject: New Form Entry: Resource Protecton Organizations Oppose HB2501
To: olaikawai@gmail.com

You've just received a new submission to your [Resource Protecton Organizations Oppose HB2501](#).

Submitted Information:

Name of Organization

Plant a Wisj

Authorized Representative

Sara Tekula

Email

sara@plantawish.org

Zip code

96768

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



SENATOR MIKE GABBARD, CHAIR
SENATOR CLARENCE K. NISHIHARA, VICE-CHAIR
SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

TESTIMONY IN STRONG OPPOSITION TO HOUSE BILL NO. 2501, H.D. 2
RELATING TO WATER RIGHTS

March 21, 2016, 2:55 p.m.
Conference Room 224

Aloha kākou e Chair Gabbard, Vice-Chair Nishihara, and Members of the Committee:

My name is Summer Kupau-Odo. I am Kanaka Maoli (Native Hawaiian), born and raised on Maui. I am also an attorney with Earthjustice, the non-profit environmental law firm whose office in Honolulu secured the Hawai‘i Supreme Court’s landmark *Waiāhole* decision. *Waiāhole* reaffirms that all waters in Hawai‘i are held in trust for our people, and for Native Hawaiians in particular. As an Earthjustice attorney, I represent Maui community groups Hui o Nā Wai ‘Ehā and Maui Tomorrow Foundation who have fought for over a decade to restore stream flows to Nā Wai ‘Ehā, Maui’s “Four Great Waters,” including Waihe‘e River, Waiehu Stream, Wailuku River, and Waikapū Stream, where Alexander & Baldwin is the principal diverter.

I do not write, however, to comment on the legal issues in these cases or the East Maui litigation. Rather, I provide this testimony to remind the Legislature of a crucial understanding the proponents of HB 2501 have tried to bury: the fundamental reason driving communities such as Waiāhole, Nā Wai ‘Ehā, and the East Maui ahupua‘a directly harmed by this bill to organize and ultimately seek redress in the courts is their na‘au pono (deep commitment to justice). And in Hawai‘i water cases, that means a kuleana to right the hewa (egregious wrongs) perpetrated on Kānaka Maoli.

This is not a “farmers versus farmers” debate. The opponents of HB 2501 do not want to take agricultural water from other farmers, or drinking water from Maui County. Those are the hollow cries A&B has manufactured with no basis in fact.

The bill before you is really about what Sugar did to the Hawaiian people and culture. It is about how Sugar eradicated Kalo, the staple of the Hawaiian diet, revered as an elder sibling, and once thriving in lo‘i blanketing valley after valley, across island after island. This bill is about how sugar plantations in Hawai‘i drained streams, severed mauka-to-makai flows, devastated ahupua‘a systems, eliminated lo‘i kalo and, ultimately, Maoli communities. All for the plantation owners’ private, commercial profit.

The opponents of HB 2501 want water justice, and first and foremost, water for Mahi‘ai Kalo (Kalo Farmers).

At the beginning of Sugar’s stranglehold on our islands, in 1876, and perhaps not coincidentally the year construction on the East Maui ditch system commenced, the author of an article in the newspaper *Ka Lahui Hawaii* lamented the foreseen loss of kalo in Nā Wai ‘Ehā. The author also expressed hope that at least some ‘āina would remain in kalo cultivation. Translated to English, the article recounts:

Wailuku is the river that is spread out for the farming of taro, because, the taro patches are many However in this time, sugar is becoming acquainted with instead of taro, and sugar is nagging to fill the taro patches. It is as if there are a few years left and all the taro patches will be done and there will only be sugar. There are two reasons that the land is not in sugar. 1. Love for taro poi, the mother food of this land. 2. The withholding of taro land, not to be sold or leased to the foreigner.

Over a century later, we know that the hope expressed in this article has gone unfulfilled. Sugar, indeed, has all but wiped out the “mother food of this land.” And by passing HB 2501, you will be cementing this 150-year injustice on Kānaka Maoli, perpetuating it indefinitely. A circuit court has begun the process of righting these wrongs, finally holding accountable A&B for its history of transgressions against Kānaka Maoli, as well as the Board of Land and Natural Resources for its abdication of its fiduciary duty to protect our public trust waters for all, and principally Kānaka Maoli. I urge this Legislature to join this path toward justice, rather than endorse institutional racism against Kānaka Maoli. As the great Martin Luther King reminded us: “the arc of the moral universe is long, but it bends toward justice.” And it must.

Let us not forget that the first farmers in Hawai‘i Nei were Mahi‘ai Kalo. So especially now, with the end of Sugar, let Mahi‘ai Kalo be the first to use our streams, as the law requires. Let this healing to rectify the historic injustices on Kānaka Maoli begin with our wai. Return it to our streams. Return it to our Kalo Farmers.

E ho‘i ka wai; e ola nō ke kalo!

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: ellierae808@gmail.com
Subject: *Submitted testimony for HB2501 on Mar 21, 2016 14:55PM*
Date: Saturday, March 19, 2016 8:37:07 PM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Ellie	Aha Moku o Wailuku Secretary	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: kapekaaweau@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Farmers Oppose HB2501
Date: Friday, March 18, 2016 10:39:13 PM

You've just received a new submission to your [Farmers Oppose HB2501](#).

Submitted Information:

Name of Farmer:

Jessie Kekiwi-Aweau

Farm Name

Kekiwi Ohana

Zip code

96768

Email

kapekaaweau@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

All my childhood years the many east maui streams flowed freely. As years

past the waterfalls slowly disappeared until there was none. These are royal waters that flowed from the heavens to flourish and help our small communities be able to be self sustainable. Little by little farms began to lose crops to disease, and stream life began to wither away. My question, for our little community that are still farming why can't we have our fair share of the royal waters. When one becomes greedy, Akua and 'Aina e nana ia 'oukou. Ka maka o ka 'Aina, a e malama ka 'Aina, a ka 'Aina malama ke kanaka. Nuff said, STOP STEALING OUR ROYAL WATERS.



300 Kuulei Rd. Unit A #281 * Kailua, HI 96734 * Phone/Fax (808) 262-0682 E-Mail: htff3000@gmail.com

COMMITTEE ON WATER, LAND, AND AGRICULTURE

Senator Mike Gabbard, Chair
Senator Clarence K. Nishihara, Vice Chair

HB 2501 HD2
RELATING TO WATER RIGHTS

Aloha Chair Gabbard, Vice Chair Nishihara and Committee Members:

Hawaii's Thousand Friends opposes HB 2501 HD2, which allows for holdover disposition of water rights previously authorized pursuant to a lease during the pendency of an application for a lease renewal.

The Public Trust Doctrine and the Hawai'i State Constitution clearly state that water is a public trust resource that is "... held in trust by the State for the benefit of the people" and not for a selected few as the "holdover" provision allows. (Article XI, Section I)

Hawai'i Revised Statutes, §171-58, clearly states that the use of public trust water will be granted either by *lease at public auction or permit on a month-to-month basis under those conditions which will best serve the interest of the State*. (Emphasis added)

For decades BLNR has defied Hawai'i's water laws by repeatedly granting revocable permits to the same entities without public auction or environmental or cultural review and without regard for the State's i.e. public interest.

Hawaii's Thousand Friends urges the committee to not reward nor forgive BLNR for decades of illegal and deceptive behavior and hold HB 2501 HD2.



**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 Water, Land, and Agriculture
Hearing: Monday, March 21, 2016 2:55 pm
Conference Room 224

In Opposition to HB 2501 HD 2 Relating to Water Rights

Chair Gabbard, Vice Chair Nishihara, and Members of the Committee.

Aloha. Conservation Council for Hawai'i opposes HB 2501 HD 2, 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.

HB 2501 HD 2 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, and it has access to additional water from wells on its land.

HB 2501 HD 2 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. Annual revocable permits to continue the theft do not constitute a "water right." The people from whom the water was stolen (and now their descendants) possess the water rights, not A&B.



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
Submitted to the Senate Committee on Water, Land, and Agriculture
March 21, 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.

Mahalo nui loa for the opportunity to testify.



Marjorie Ziegler



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

March 21, 2016

HEARING BEFORE THE
SENATE COMMITTEE ON WATER, LAND AGRICULTURE

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

Room 224
2:55 PM

Aloha Chair Gabbard, Vice Chair Nishihara, 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, 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.

HD2 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**, authorizing a holdover permit process by passing this measure as written.

Thank you for the opportunity to comment on this measure.

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: bexter@maui.net
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 10:27:28 AM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Rebecca Sydney	MFUU	Oppose	No

Comments: Aloha Chair Gabbard, Vice Chair Nishihara and members of the committee, I oppose HB 2501 HD2. This measure allows for the diversion of water from the watershed (our public trust) in large amounts over long periods of time. That activity needs an environmental assessment (due process). The EA would be a comprehensive consideration of the impact of removing water from the watershed on the culture, natural environment and economics of the region affected. The holdover permit process this bill codifies into law circumvents an Environmental Assessment and grants a "Holdover Permit". I cannot support that outcome, please defer decision making until a time as all the stakeholders are able to be heard and their concerns addressed. Sincerely, Becky Sydney

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: robin@mauirobin.com
To: [WLA Testimony](#)
Subject: New Form Entry: Resource Protecton Organizations Oppose HB2501
Date: Saturday, March 19, 2016 4:53:54 PM

You've just received a new submission to your [Resource Protecton Organizations Oppose HB2501](#).

Submitted Information:

Name of Organization

Maui Nui Marine Resource Council

Authorized Representative

Robin Newbold, Chair

Email

robin@mauirobin.com

Zip code

96753

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

I personally, and the Marine Resource Council, collectively, urge you to vote down HB2501. Water must flow in the streams if Maui is to be sustainable going forward. Streams play a vital role in healthy reefs and productive farming.

From: uilani.kapu@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Businesses Oppose HB2501
Date: Friday, March 18, 2016 11:39:45 AM

You've just received a new submission to your [Businesses Oppose HB2501](#).

Submitted Information:

Business Name

Na'aikane o Maui Inc.

Name of Owner

Rochelle Kapu

Zipcode

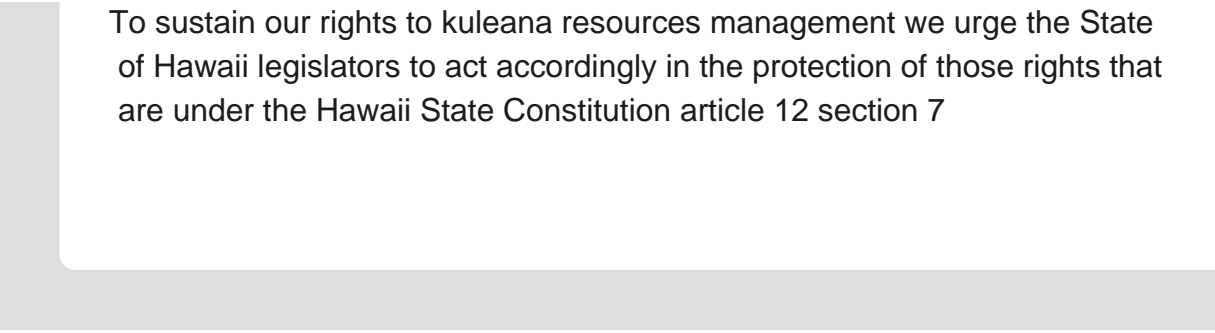
96761

Email

uilani.kapu@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



To sustain our rights to kuleana resources management we urge the State of Hawaii legislators to act accordingly in the protection of those rights that are under the Hawaii State Constitution article 12 section 7



Hawaii Cattlemen's Council, Inc.

**COMMITTEE ON WATER, LAND, AND AGRICULTURE
SENATOR MIKE GABBARD, CHAIR
SENATOR CLARENCE K. NISHIHARA, VICE CHAIR**

DATE: Monday, March 21, 2016
TIME: 2:55 p.m.
PLACE: Conference Room 224

HB 2501, HD2 – 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 Gabbard, Vice Chair Nishihara, 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 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 and we appreciate the opportunity to testify on this important matter.



**Testimony to the Senate Committee on Water, Land, & Agriculture
Monday, March 21, 2016 at 2:55 P.M.
Conference Room 224, State Capitol**

RE: HOUSE BILL 2501 HD 2 RELATING TO WATER RIGHTS

Chair Gabbard, Vice Chair Nishihara, and Members of the Committee:

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



*REALTORS[®]
Association of
Maui, Inc.*

441 Ala Makani Place
Kahului, Maui, HI 96732-3507
Phone: 808-243-8585 ~ Fax: 808-243-8585
Dave DeLeon, Government Affairs Director
Cell: 808-281-3269
E-mail: GAD@RAMaui.com
www.RAMaui.com

March 19, 2016

TESTIMONY

Honorable Mike Gabbard, Chair
Honorable Clarence K. Nishihara, Vice Chair
Senate Committee on Water, Land and Agriculture
Hawaii State Senate
Hawaii State Capitol

RE: SUPPORT for House Bill 2501, HD2 Relating to Water Rights

Thank you for this opportunity to testify in **support** House Bill 2501, HD2. I am David DeLeon, Government Affairs Director for the Realtors Association of Maui, testifying on behalf of the more than 1,400 members of our association.

As the Governor stated in his State of the State Address, it is critical that we preserve agriculture in Maui's Central Plain. The only way that is going to happen is with the continued supply of East Maui water. The existing Upcountry community thrives on the approximately 6 mgd it receives from the Wailoa Ditch. The Central sugar cane fields are green and can exist in the tough conditions of the Central Plain because of the water that flows through the ditch system. Without that flow, there will be no cover crop on the 36,000 acres HC&S is currently farming and the South Maui community will be subjected to unprecedented dust storms and potentially massive wildfires. We know that because that is what West Maui when through when Pioneer Mill closed down.

With water, there is reason for optimism and the potential for new types of agricultural ventures. Maui County has been perennially short on water source for domestic use. Access to the East Maui water for domestic use can answer that long-term dilemma. HC&S used 200 mgd to irrigate its sugar crop. Maui County's Maui domestic use is about 36 mgd. If the County could obtain an additional 30 mgd, it would be set for a generation, with enough water to supply the 30,000 additional homes the Maui Island Plan says we need to build by 2030.

All this can be done and water can be restored to the streams for agricultural, cultural and environmental purposes. There is enough for all. But for now our community needs a time out from the ramifications of legal decisions made before the seismic shift caused by the announced closure of HC&S' sugar operation. House Bill 2501, HD2 will allow our community, the State Water Commission, and the courts an opportunity to get our collective heads around the new facts on the ground and will protect us from legal decisions made in the context of the pre-2016 reality. We ask for your support of this measure. Mahalo.

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: mkhan@hawaiiantel.net
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 1:31:25 PM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Leimomi Khan	Kalihi Palama Hawaiian Civic Club	Oppose	Yes

Comments: There are no persuasive reasons for passing this bill that would, in essence, work around a recent 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. East Maui farmers have waited too long for justice. Laws are supposed to be written to benefit the public, not any single interest. There is no doubt that House Bill 2501 benefits only A&B, because it is the sole entity on a nearly 15 year “Holdover” status for land and water diversions. As far as we know, no other entity is in that situation. The County of Maui requested and received a stay of enforcement from Judge Nishimura’s decision, so there is no risk of county residents losing access to water for drinking or other agriculture from that decision. Plus A&B has plenty of water from its private sources to handle its needs. We are glad to see that the DLNR has formed a task fore to overhaul the permits program....long overdue since the current system isn’t working effectively. Please don’t perpetuate the injustice done for over 30 years. Don’t pass HB2501.

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

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

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: lfernand@kiuc.coop
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Friday, March 18, 2016 9:55:47 AM
Attachments: [HB 2501, HD2, Final 3 21 16.docx](#)

HB2501

Submitted on: 3/18/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
JIM KELLY	Kauai Island Utility Cooperative	Support	No

Comments:

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

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

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: hula5kolo@gmail.com
Subject: *Submitted testimony for HB2501 on Mar 21, 2016 14:55PM*
Date: Thursday, March 17, 2016 10:50:58 PM

HB2501

Submitted on: 3/17/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Eva Joy	Halau Palaihiwa O Kaipuwai	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: jeff@gp.org
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 9:06:18 AM

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

Submitted Information:

Name

GREEN PARTY OF HAWAII

Zip code

96745

Community Group

GREEN PARTY OF HAWAII
P.O. BOX 3220
KAILUA-KONA, HAWAII
96745

Email

jeff@gp.org

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: wild@aloha.net
To: [WLA Testimony](#)
Subject: New Form Entry: Resource Protecton Organizations Oppose HB2501
Date: Saturday, March 19, 2016 5:56:30 PM

You've just received a new submission to your [Resource Protecton Organizations Oppose HB2501](#).

Submitted Information:

Name of Organization

Hawai'i Wildlife Fund

Authorized Representative

Hannah Bernard

Email

wild@aloha.net

Zip code

96779

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

March 19, 2016

Senate Committee on Water, Land, and Agriculture
Hearing: Monday, March 21, 2016 2:55 pm
Conference Room 224

SUBJECT: In Opposition to HB 2501 HD 2 Relating to Water Rights

Aloha Chair Gabbard, Vice Chair Nishihara, and Members of the
Committee:

Mahalo for the opportunity to testify against this bill relating to water rights that actually deprives and betrays the rights of native Hawaiians, taro farmers and the general public.

I am writing on behalf of Hawai'i Wildlife Fund to voice opposition to HB 2501 HD 2, 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.

HB 2501 HD 2 is unnecessary. The County of Maui's use of East Maui stream flow continues and is protected by court order. After this last harvest, Alexander & Baldwin will no longer cultivate sugarcane – a very thirsty crop. This allows an immediate return of additional water to East Maui streams. Furthermore, A&B could recover nearly 40 mgd of water it wastes in its water storage and delivery system, and it has access to additional water from wells on its land.

In addition, HB 2501 HD 2 is unfair. It is a special-interest bill favoring a large, billion-dollar corporation, A&B, at the expense of protecting public trust resources for everyone and for 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 streams.

East Maui taro farmers, fishers, and gatherers and others have fought for their water rights for many years. They have been more than patient, followed the law and played by the rules. This bill would subvert justice.

Millions of gallons of water a day were initially diverted from East Maui

streams in direct violation of the agreement of 1876 that “this grant shall not interfere with the rights of tenants upon said lands or streams”; not to adversely impact the people who depended on the streams for their survival, culture, and livelihoods. One day there was water for drinking, cooking, bathing, irrigating taro lo’i, gathering, fishing, and supporting cultural practices, the next day there was none. The magnitude of the water diversion for sugar production is no different from theft. Annual revocable permits to continue this theft do not constitute a “water right.” The people from whom the water was stolen (and now their descendants) possess the water rights, not A&B.

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.

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. We urge you to oppose this bill.

Mahalo for your kind consideration,

Hannah Bernard
Executive Director, Hawai'i Wildlife Fund

From: [Donald L May](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 1:14:47 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

Don May, Chair

Earth Corps, HI



March 17, 2016

Senator Mike Gabbard, Chair
Senator Clarence K. Nishihara, Vice Chair
Senate Committee on Water, Land, and Agriculture

Testimony in Support of HB 2501, H.D.2 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; Act to be repealed five years after its effective date.)

Monday, March 21, 2016, 2:55 p.m., in Conference Room 224

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. LURF's mission is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources, and public health and safety.

LURF **strongly supports HB 2501, H.D.2**, which proposes to amend Hawaii Revised Statutes (HRS), Section 171-58 to allow a holdover disposition of water rights previously authorized pursuant to a lease during the pendency of an application for a lease renewal.

HB 2501, H.D.2. This purpose of this bill is to afford the State Board of Land & Natural Resources (BLNR) the authority to issue holdover permits to enable a previously authorized disposition of water rights to continue while a pending application for the re-disposition of said rights is being completed. The bill would address and resolve an inequitable situation affecting a number of permittees, which has been realized through a January 2016 Circuit Court decision stating that under HRS Section 171, the BLNR does not possess the authority to issue State water permits for a term greater than one year, thus invalidating State water permits on Maui which serve the water needs of the County of Maui and its 36,000 Upcountry Maui residents and farmers, and 36,000 acres farmed by Hawaiian Commercial & Sugar Company, which recently announced it will be ceasing sugar operations at the end of 2016 and transitioning to a diversified agricultural model for these lands.

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

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

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

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

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

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

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

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

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

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

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

This Committee should be aware that if this bill is not passed and water is not made available for use on lands designated as Important Agricultural Lands (IAL), there lies a definite risk that those lands which then can no longer sustain agriculture may be withdrawn from IAL and potentially designated for use for other purposes.

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

For the reasons set forth above, LURF is **in support of HB 2501, H.D.2**, and respectfully urges your favorable consideration of this bill.

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

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: aipohaku@hotmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 10:28:09 AM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Vince Kana`i Dodge	`Ai Pohaku	Oppose	Yes

Comments: Aloha Chair Gabbard, Vice Chair Nishihara and members of the committee, We oppose HB 2501 HD2. This measure allows for the diversion of water from the watershed (our public trust) in large amounts over long periods of time. That activity needs an environmental assessment (due process). The EA would be a comprehensive consideration of the impact of removing water from the watershed on the culture, natural environment and economics of the region affected. The holdover permit process this bill codifies into law circumvents an Environmental Assessment and grants a "Holdover Permit". We cannot support that outcome, please defer decision making until a time as all the stakeholders are able to be heard and their concerns addressed. mahalo nui! Vince Kanai Dodge 4 `Ai Pohaku- The Stone Eaters

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: tom@rainbowridgewest.com
To: [WLA Testimony](#)
Subject: New Form Entry: Farmers Oppose HB2501
Date: Saturday, March 19, 2016 9:11:09 AM

You've just received a new submission to your [Farmers Oppose HB2501](#).

Submitted Information:

Name of Farmer:

Tom Bacon

Farm Name

Rainbow Ridge West LLC

Zip code

96713

Email

tom@rainbowridgewest.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



MOLOAA IRRIGATION COOPERATIVE



**P.O. BOX 506
ANAHOLA, HAWAII 96703**

March 20, 2016

Committee on Water Land and Agriculture
Hawaii State Senate

Aloha kakou Chair Gabbard and Vice Chair Nishihara and Committee Members:

As President of the Moloaa Irrigation Cooperative, I would like to submit this letter of support for HB2501.

We are a 62 member irrigation cooperative located at Moloa'a, Kauai. Our cooperative delivers water to our members, and we serving multiple diversified family farms on 584 acres. Moloa'a Irrigation Cooperative purchases water from a lease-holder that supplies us bulk water from a well that has been on a revocable permit since the 1940's. We support the idea of granting holdover status for leaseholders that are in contested cases involving their lease, in order to maintain continuity in delivering water. Without the guaranteed delivery of water to our lands and others across the state, the future of diversified agriculture across the state may be compromised. We urge you to pass HB2501, and work to minimize the length of the holdover status by resolving contested cases in a proactive manner.

Sincerely,

A handwritten signature in black ink that reads "Paul Huber". The signature is written in a cursive, flowing style.

Paul Huber
President, Moloa'a Irrigation Cooperative



SENATOR MIKE GABBARD, CHAIR
SENATOR CLARENCE NISHIHARA, VICE-CHAIR
SENATE COMMITTEE ON WATER, LAND AND AGRICULTURE

TESTIMONY IN OPPOSITION TO HOUSE BILL NO. 2501, H.D. 2
RELATING TO WATER RIGHTS

March 21, 2016, 2:55 p.m.
Conference Room 224

Good afternoon Chair Gabbard, Vice-Chair Nishihara, and members of the committee:

My name is David Lane Henkin, and I am an attorney with Earthjustice. We appreciate the opportunity to offer this testimony in opposition to House Bill 2501, H.D. 2, which seeks to authorize the Department of Land and Natural Resources to shirk its constitutional duty to be a good steward of our state's limited freshwater resources, a critical component of the public trust. The bill would allow the Department to extend indefinitely an expired lease for use of state water resources, without ever considering or mitigating the harm such diversions can inflict on Hawai'i's unique and fragile stream environments and on the exercise of traditional and customary rights.

HB 2501, H.D. 2, is a transparent attempt to overturn a recent circuit court decision holding that the Department violated "the public interest" when it allowed, for more than thirteen years, a private corporation to divert up to 450 million gallons of water each day from over a hundred streams and tributaries on public lands in East Maui. Carmichael v. Board of Land and Natural Resources, Civ. No. 15-1-0650-04, slip op. at 4 (Haw. 1st Cir. Ct. Jan. 8, 2016). While HB 2501, H.D. 2, seeks most immediately to benefit this one, powerful private interest, if enacted, the bill would authorize similarly destructive diversions throughout the state, with no limit on how long the harm could continue.

As the Supreme Court recently reaffirmed, the "public trust encompass[es] all the water resources of the State." Kauai Springs, Inc. v. Planning Com'n of County of Kauai, 133 Hawai'i 141, 171 (2014). The public trust imposes on the Department "the duty and authority to maintain the purity and flow of our waters for future generations and to assure that the waters of our land are put to reasonable and beneficial uses." Id. at 172. The Department cannot fulfill this constitutionally imposed mandate if, as HB 2501, H.D. 2, proposes, it is allowed to circumvent existing procedures for issuing leases to use the state's freshwater resources.

We appreciate the opportunity to offer this testimony. This Committee previously, and wisely held Senate Bill 3001, the companion to HB 2501, H.D. 2. We respectfully ask you similarly to hold HB 2501, H.D. 2.



P.O. Box 99, Wailuku, HI 96793-0099

March 19, 2016

HFUU Board of Directors

Opposition to HB 2501 HD2

Aloha Aloha Chair Gabbard, Vice Chair Nishihara and members of the committee.

Vincent Mina
President
HFUU

On behalf of over 500 members in 3 local chapters on the island of Maui, HFUU strongly opposes this measure. It is a legislative way to work around the recent court case settled in January, which ruled that water holdover permits on Maui were illegal. The new rule to allow holdover permits of over a year is not something we can support.

Ray Maki
Vice-President
HFUU

We look to our State motto “Ua Mau ke Ea o ka ‘Āina i ka Pono”, for guidance here. The language in this bill is diametrically opposed to our State motto. The public trust (‘Āina) feeds not only humans but the fauna and flora in it. Our trust needs its water permits given with due process.

Anny Bruch
Secretary
HFUU

Withdrawing water from the watershed in large amounts over time needs an environmental assessment (due process). This would be a comprehensive consideration of the impact of removing water from the watershed on the culture, natural environment and economics of the region affected. The holdover permit process this bill codifies into law circumvents an Environmental Assessment and grants a “Holdover Permit”.

Karen Reid
Treasurer
HFUU

Kyle Studer
East Hawai‘i

There are kalo farmers in East Maui whose families have been waiting for over a century for their water to be restored by sugar plantation interests (EMI) as state law requires. These constitutionally mandated requirements have never been enforced. These Hawaiian Kalo farmers have appurtenant water rights, and as far as the Hawaii State Constitution is concerned, they must have the water returned and left in stream for their current and future use.

Nate Hayward
Kohala

Steve Sakala
Kona

Greg Smith
Ka‘u

We respectfully ask you do farmers, fisherman the ‘Āina and state water law a favor and defer this bill for more in depth discussion in affected areas. We need some time on Maui to thoroughly assess the competing needs for water now that the largest user on island is changing their water use patterns by ceasing their 140 year old sugar operation.

Simon Russell
Haleakala

You and the rest of the elected representatives in our Government are responsible to be good stewards of the public trust; we rely on your good judgment in this matter.

James Smpliciano
Mauna Kahalawai

Mahalo,
HAWAII FARMERS UNION UNITED

Mikala Minn
Hana

Vincent Mina, President

Pamela Boyar
Oahu

The Hawai‘i Farmers Union United and its Chapters is a nonprofit corporation formed under Hawai‘i law. It advocates for the sovereign right of farmers, ranchers and fishers to create and sustain vibrant and prosperous agricultural communities for the benefit of all Hawai‘i through cooperation, education and legislation.

March 21, 2016

The Honorable Mike Gabbard, Chair

Senate Committee on Water, Land, and Agriculture
State Capitol, Room 224
Honolulu, Hawaii 96813

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

HEARING: Monday, March 21, 2016 at 2:55 a.m.

Aloha Chair Gabbard, Vice-Chair Nishihara, 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 which allows for a holdover disposition of water rights previously authorized pursuant to a lease during the pendency of an application for a lease renewal.

This purpose of this bill is to afford the State Board of Land & Natural Resources (BLNR) the authority to issue holdover permits to enable a previously authorized disposition of water rights to continue while a pending application for the re-disposition of said rights is being completed.

H.B. 2501, H.D.2 would address and resolve an inequitable situation affecting a number of permittees, which has been realized through a January 2016 Circuit Court decision stating that under 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 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.

From: friendsoflanai@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 5:11:07 AM

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

Submitted Information:

Name

Friends of Lana'i

Zip code

96763

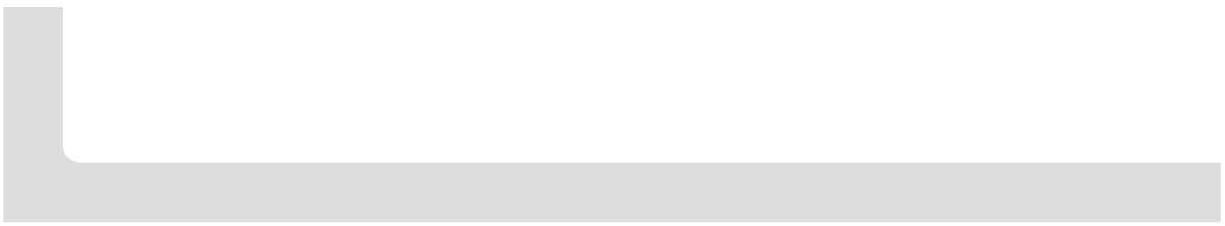
Community Group

Email

friendsoflanai@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: LIONSGATE1@YAHOO.COM
To: [WLA Testimony](#)
Subject: New Form Entry: Farmers Oppose HB2501
Date: Friday, March 18, 2016 12:18:07 PM

You've just received a new submission to your [Farmers Oppose HB2501](#).

Submitted Information:

Name of Farmer:

LEO GUZMAN

Farm Name

LIONSGATE

Zip code

96744

Email

LIONSGATE1@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

GOD CREATED THESE ISLANDS TO PROVIDE FOOD WATER AND

COMFORT FOR HIS CHILDREN. THE STATE AND GOVERNMENT HAS BEEN PUT IN PLACE BY GOD TO BE FIDUCIARY (DO WHAT IS BEST FOR HIS CHILDREN) WE THE CHILDREN ARE SUPPOSED TO DIRECT STATE AND GOVERNMENT IN DAILY ACTIONS FOR THE GOOD OF THE CHILDREN OF HAWAII. HE (GOD) IS NOT PLEASED WITH STATE AND GOVERNMENT ACTIONS. CHOOSE YOUR ACTIONS WISELY !! FOR THE PEOPLE BY THE PEOPLE. ALOHA KE AKUA. LION.

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

HB 2501hd2, Relating to Water Rights
Senate WLA Committee - Monday, March 21, 2016
2:55 pm - Conference Room 224
Written Testimony by: Larry Jeffs
Position: Support

Chair Gabbard and Members of the Senate WLA 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.

HB2501hd2 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.

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: alan.takemoto@monsanto.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Saturday, March 19, 2016 3:41:30 PM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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

Comments: Please support the passage of HB 2501. 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: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: linda@lindasola.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Saturday, March 19, 2016 2:47:59 PM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Linda Sola	Lanalani Farm	Oppose	No

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

for A&B. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid the Hawaii only \$160,000 for use of 33,000 acres of public land, and 164 million gallons per day on average of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust. Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits do not exist. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

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

**HB 2501 HD2
RELATING TO WATER RIGHTS**

**CHRISTOPHER BENJAMIN
PRESIDENT & CHIEF EXECUTIVE OFFICER
ALEXANDER & BALDWIN, INC.**

MARCH 21, 2016

Chair Gabbard and Members of the Senate Committee on Water, Land & Agriculture:

I am Christopher Benjamin, testifying on behalf of Alexander & Baldwin, Inc. (A&B) on HB 2501 HD2, "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 EIS would need to be prepared (with A&B proposing to prepare the EA); and that instream flow standards would need to be established and acknowledged by the lease. Since 2001, the lease process has been held up by a series of procedural and legal challenges initiated by other parties, and the request to issue a long term water lease remains pending before the BLNR today. In the interim, the BLNR issued permits to enable the waters to continue to flow while the legal challenges were being resolved, and the lease process enabled to proceed.

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

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

At risk is the water currently relied upon by 36,000 Upcountry Maui residents and farmers, and by HC&S to complete its last crop of sugar and transition to a diversified agriculture model so as to keep the central valley of Maui in cultivated open space. Our

vision is a comprehensive patchwork of compatible agricultural activities blanketing central Maui—some farmed by HC&S, some by others. We see biofuel crops that could provide electricity or transportation fuel to support the state’s renewable energy goals; irrigated pastures for local ranchers so their cattle don’t have to be sent to the Mainland for finishing; food crops; evaluation of crops new to Hawaii, such as industrial hemp; and an agricultural park open to community farmers.

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 (with A&B proposing to prepare the environmental assessment in 2001), petitions to set the interim instream flow standards (IIFS), and other legal challenges.

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, which is now imminent.

Even more water will be returned to the streams as HC&S winds down its sugar crop this year, and while water from East Maui streams 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, unless a biofuel cane or tropical grass crop is grown across the 36,000 acres. 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 HD2. 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. HB 2501 HD2, however, will provide continuity for all current water revocable permit holders—A&B and the nine others who are affected—as well as set the template and clarifying the legal basis 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 five-year sunset provision to provide sufficient time for BLNR to complete the lease processes for existing permit holders. This will ensure the continued delivery of much needed water to thousands of people who currently rely upon these water sources, until the BLNR can complete the process for issuing a water lease for sale at public auction.

Thank you for the opportunity to testify.



Ponoholo Ranch Limited

P O BOX 700489
KAPOLEI, HI 96709
(808) 306-7769

COMMITTEE ON WATER, LAND, AND AGRICULTURE SENATOR MIKE GABBARD, CHAIR SENATOR CLARENCE K. NISHIHARA, VICE CHAIR

DATE: Monday, March 21, 2016
TIME: 2:55 p.m.
PLACE: Conference Room 224

HB 2501, HD2 – 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 Gabbard, Vice Chair Nishihara, and Members of the Committee:

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

Ponoholo Ranch **strongly supports** HB 2501,HD2 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.

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 and we appreciate the opportunity to testify on this important matter.

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: mauijim@prodigy.net
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 8:34:30 AM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
James Jones	Pukalani Plant Co.	Support	No

Comments: Aloha Chair Gabbard and Committee Members, My names is James Jones and I'm the founder and owner of Pukalani Plant Co. PPC is a plant nursery company with operations at the Kula Agricultural Park in Kula Maui. We receive our water from the Wailoa Ditch through a partnership with the County of Maui and HC & S. PPC currently employs 10 full-time staff with union comparable wages and benefits. I strongly support HB2501 because my business will not survive without the consistent flow of water. HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found. Thank you for the opportunity to testify on this matter. Sincerely, James A. Jones, Pukalani Plant Co.

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: Kawaipapanursery@hushmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Farmers Oppose HB2501
Date: Friday, March 18, 2016 8:02:45 PM

You've just received a new submission to your [Farmers Oppose HB2501](#).

Submitted Information:

Name of Farmer:

Christine Davis

Farm Name

Kawaipapa nursery

Zip code

96713

Email

Kawaipapanursery@hushmail.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: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: wao-hsl@WeAreOne.cc
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Saturday, March 19, 2016 6:47:31 PM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph Kohn MD	We Are One, Inc. - www.WeAreOne.cc - WAO	Oppose	No

Comments: Strongly Oppose

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: [WLA Testimony](#)
Cc: alvin.kaimi.pelayo@monsanto.com
Subject: *Submitted testimony for HB2501 on Mar 21, 2016 14:55PM*
Date: Sunday, March 20, 2016 11:17:56 AM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kai Pelayo	Monsanto Hawaii	Support	No

Comments:

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

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

From: Tina@kiheiice.com
To: [WLA Testimony](#)
Subject: New Form Entry: Businesses Oppose HB2501
Date: Friday, March 18, 2016 4:25:34 AM

You've just received a new submission to your [Businesses Oppose HB2501](#).

Submitted Information:

Business Name

Kihei Ice Inc.

Name of Owner

Tina Wildberger

Zipcode

96753

Email

Tina@kiheiice.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

I pay municipal rates for my ice farm. A&B should not continue to poach water from east Maui with the blessings of our state government. It is time to correct this pilphorage and restore east Maui stream flows.
Mahalo.

Kuahiwi Contractors, Inc/Kuahiwi Ranch
PO Box 24
Naalehu HI 96772
(808) 430-4927
February 24, 201

Aloha Committee Chair Gabbard, Vice Chair Nishimura, and WLA Committee Members,

I am testifying in **support** of HB2501 Relating to Water Rights. Thank you for hearing this bill, which will provide time for revocable water permit holders to resolve the issues created by Judge Nakamura's decision without causing undue harm to the many individuals whose homes, businesses, farms, ranches could potentially be affected by the decision.

I sympathize with the East Maui farmers and their cause but fear that, in the process of addressing the East Maui situation, harm will be done to many other individuals statewide, from Kauai to Ka'u on Hawaii Island who depend upon the water provided under revocable permits.

My family operates a cattle ranch in Ka'u district on Hawaii Island. This is a remote area where there is very little public infrastructure. We have a revocable permit that allows our ranch and several other ranches in the area to use water that originates from a water tunnel dug by the sugar plantation early last century. We only use the excess water left over after the County Department of Water Supply takes water for residential use. The excess water is used on our ranch, and other neighboring ranches, to create food, income, and jobs for local people, in an area where jobs are scarce. We do not divert water from streams, as there are no permanent streams in the district of Ka'u.

We would have preferred to have been allowed a long term water lease, however we understand how complex permitting is, and have patiently worked with what tenure has been available to us. Now even the short-term tenure that these water permits offered are at risk. HB2501 will allow us all to work through the complex issues of water permits and leases without causing immediate harm to our agricultural businesses and homesteads here.

Thank you for the opportunity to testify

Michelle Galimba, VP

From: scorpio2k@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 3:20:43 PM

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

Submitted Information:

Name

Aaron Mitchell

Zip code

96778

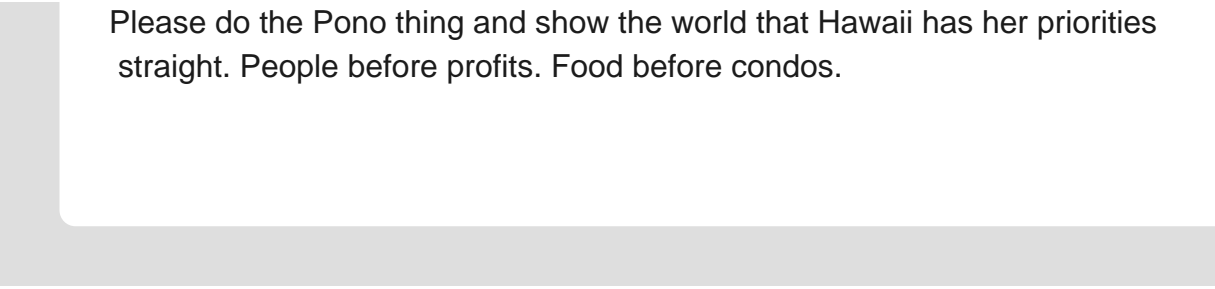
Community Group

Email

scorpio2k@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



Please do the Pono thing and show the world that Hawaii has her priorities straight. People before profits. Food before condos.

From: [Aeriewaters](#)
To: [WLA Testimony](#)
Subject: east Maui water rights
Date: Saturday, March 19, 2016 8:19:06 AM

- "I OPPOSE HB2501 A&B WATER THEFT BILL"
- "WE STAND WITH EAST MAUI- OPPOSE HB2501"
- "MAKE IT RIGHT-OPPOSE HB2501"

This is the lifeblood of the Hawaiian people. It is not our right to take that away. We are guests on this aina, all of us, and the water isnt anyones to buy.

Aerie Waters

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: froghill@olympus.net
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 11:27:43 AM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Brisley	Individual	Oppose	No

Comments: Aloha Chair Gabbard, Vice Chair Nishihara and members of the committee, I oppose HB 2501 HD2. It is my understanding that this measure allows for the continued diversion of public water, part of the public trust, without the rigorous public process that should be required for use of public resources by private entities. The diversion of water effects many stakeholders and has dramatic effects upon the health of our shared environment and due process should not be postponed for business as usual. I ask that this measure be struck down and replaced with a rigorous approval process for the diversion of water. Thank you, Alan Brisley

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: Burdick808@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 2:15:43 PM

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

Submitted Information:

Name

Alan B. Burdick

Zip code

96810

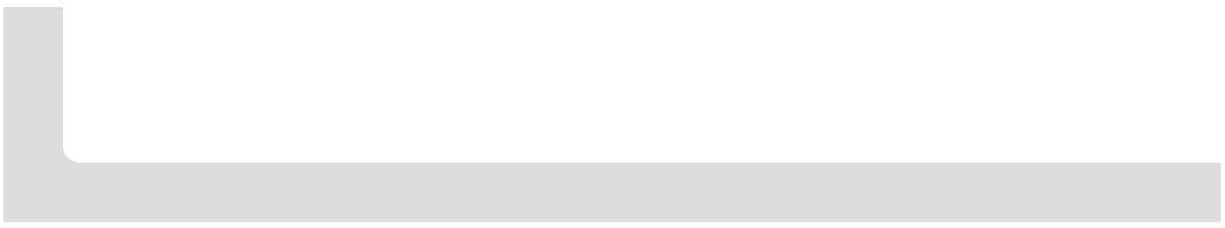
Community Group

Email

Burdick808@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: [Alex Franco](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 6:15:55 AM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Alex Franco

Kahului, HI

To The Committee On Water, Land and Agriculture

Oligarchy minded folks won't share what they have gained control over (by whatever means) unless they "profit by such "sharing". Until they demonstrate otherwise, A&B continues with their "plantation state" mentality. It doesn't matter that over the years, co-opted local folks have identified with the A&B way of doing business and continue with the raping of our indigenous people and our valuable natural resources. A&B's systemic reach into all of Hawaii's major institutions, including our Legislature is so far-reaching that it takes major efforts to achieve fairness and to return some form of dignity to our most often marginalized of cities. So let's see what our Legislators end up doing, and I hope they are collectively strong enough to oppose HB 2501.

Alexander D Nakatani
Maui Resident

From: aavery@hawaii.rr.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 2:42:54 PM

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

Submitted Information:

Name

Alexandra Avery

Zip code

96734

Community Group

Email

aavery@hawaii.rr.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

Private enterprise has no business controlling public property. This would surely set a destructive course for the future of public food supply in these islands. Who is A&B thinking of? The Hawaii State Environmental Court would have some swift answers to this illegal notion! Act now to hold this public trust in your hands; yours, the elected caretakers of the state, not in the hands of private interests.

Mahalo,

Alexandra Avery

From: ahonui@live.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 12:21:06 PM

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

Submitted Information:

Name

Alexandra Mims

Zip code

96760

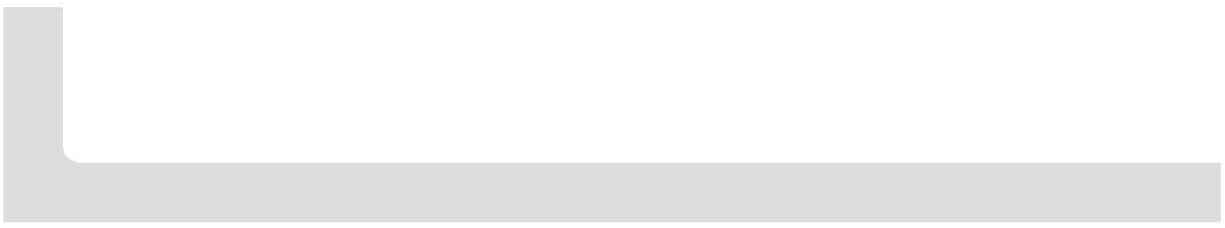
Community Group

Email

ahonui@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



From: [Alfred Arney](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, March 20, 2016 6:42:38 AM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Alfred Arney

anachronal@hotmail.com

From: [Ali Minney](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 8:47:46 AM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Ali Minney

Kula, HI

From: [Sen. Mike Gabbard](#)
To: [WLA Testimony](#)
Subject: Fw: HB2501 HD2
Date: Sunday, March 20, 2016 9:38:39 AM

From: alice lee <aliceleehawaii@gmail.com>
Sent: Saturday, March 19, 2016 8:11:25 PM
To: Sen. Mike Gabbard
Subject: Fwd: HB2501 HD2

Aloha Senator Gabbard, I am requesting your support of HB2501 HD2. It is essential that the waters from East Maui continue to meet the domestic water needs for approximately 36,000 Upcountry Maui residents and to supply the central plains with sufficient water so we can successfully replace sugar cane with diversified crops, from bio-energy crops to a wide range of food crops.

This bill contains a five year sunset provision which will provide needed time for the BLNR to complete the long term water lease processes. Your support of this bill would be greatly appreciated. Warmest mahalo! Alice

From: Stns4u@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 8:58:23 PM

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

Submitted Information:

Name

Alison Fahland

Zip code

96768

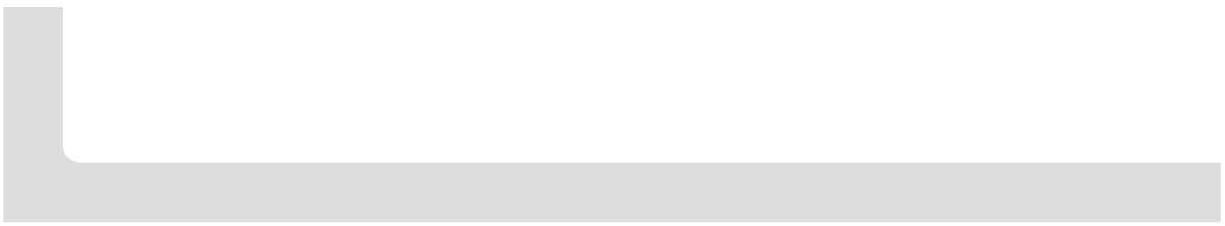
Community Group

Email

Stns4u@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: amcgoldrick@hawaii.rr.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 9:11:00 AM

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

Submitted Information:

Name

alma mcgoldrick

Zip code

96734

Community Group

Email

amcgoldrick@hawaii.rr.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: Amanda@malaai.org
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 12:30:51 AM

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

Submitted Information:

Name

Amanda Rieux

Zip code

96743

Community Group

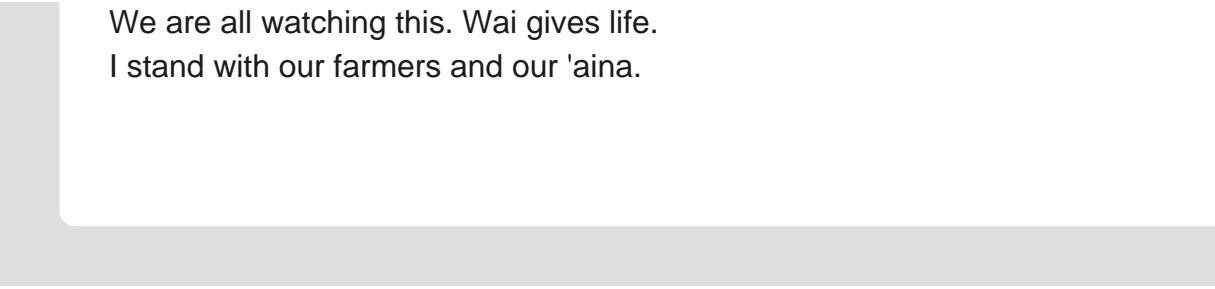
Mala`ai: The Culinary Garden of Waimea Middle School

Email

Amanda@malaai.org

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



We are all watching this. Wai gives life.
I stand with our farmers and our 'aina.

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: ulu80812@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Friday, March 18, 2016 8:41:07 AM
Attachments: [HB2501_water_rts_2016-3-18.pages](#)

HB2501

Submitted on: 3/18/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
amy y. kimura	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: Ana.grodan@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 12:01:51 PM

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

Submitted Information:

Name

Ana Grodan

Zip code

96753

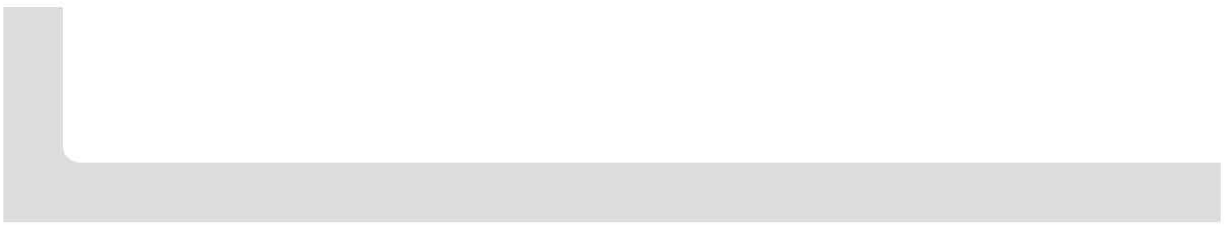
Community Group

Email

Ana.grodan@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: nokaoi1969@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 2:02:19 PM

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

Submitted Information:

Name

Andrew Isoda

Zip code

96761

Community Group

Email

nokaoi1969@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

Release the water!

From: [Andrew Yamada](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 2:22:51 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Andrew Yamada

Mililani, HI

From: [Angela Posatiere](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, March 20, 2016 7:44:36 AM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Angela Posatiere

angela@myartmail.com

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: anneu11@gmail.com
Subject: *Submitted testimony for HB2501 on Mar 21, 2016 14:55PM*
Date: Friday, March 18, 2016 5:24:30 PM

HB2501

Submitted on: 3/18/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Ann Eu	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: [WLA Testimony](#)
Cc: autofreeann@hotmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Friday, March 18, 2016 10:09:34 PM

HB2501

Submitted on: 3/18/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Ann Kobsa	Individual	Oppose	No

Comments: This bill is not in the interest of the people of Maui. It is not fair. It favors a corporation over Maui farmers and families.

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: [Ann Strong](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 1:16:38 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Ann Strong

kaloli.pt@gmail.com
Keaau, Hawaii

From: anne.c.frederick@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 10:56:07 AM

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

Submitted Information:

Name

Anne Frederick

Zip code

96803

Community Group

Email

anne.c.frederick@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: anneliselmt@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 9:27:35 PM

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

Submitted Information:

Name

Annelise Houston

Zip code

96771

Community Group

Email

anneliselmt@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: [Eola Ikawai](#)
To: [WLA Testimony](#)
Subject: Fwd: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Thursday, March 17, 2016 11:09:07 PM

----- Forwarded message -----

From: **Annettesadventures@ Juno.com** <no-reply@weebly.com>
Date: Thu, Mar 17, 2016 at 8:53 PM
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
To: eolaikawai@gmail.com

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

Submitted Information:

Name

Annette Kaohelaulii

Zip code

96734

Community Group

Email

Annettesadventures@ Juno.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

It is just incomprehensible that Alexander and Baldwin would do this in defiance of the court order. Power should belong to the people, not the big landowners.

We need to demand that companies be pono and legislators should also do the right thing as well.

From: [Anthony Leiggi](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 7:02:51 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Anthony Leiggi

parsplana@yahoo.com
Mililani, Hawaii

From: Tonyboyperry@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 7:47:06 AM

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

Submitted Information:

Name

Anthony Perry

Zip code

96713

Community Group

Strongly oppose HB2501!

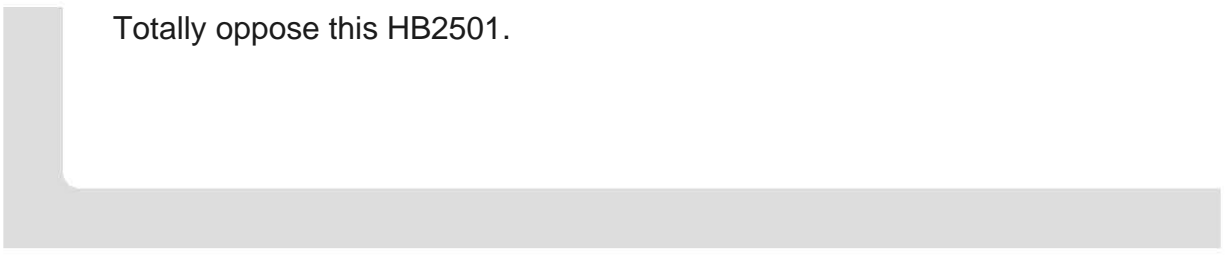
Email

Tonyboyperry.@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

Totally oppose this HB2501.



From: [Antya Miller](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 11:12:01 AM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Antya Miller

Haleiwa, HI

From: arajhnsn@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 6:34:16 PM

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

Submitted Information:

Name

Ara Johnson

Zip code

95019

Community Group

Email

arajhnsn@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: audreyaiu9@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 5:54:20 PM

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

Submitted Information:

Name

Audrey Y. Aiu

Zip code

96778

Community Group

Email

audreyaiu9@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: Snfire2001@hotmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 6:36:53 PM

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

Submitted Information:

Name

Autumn Miller

Zip code

96746

Community Group

Email

Snfire2001@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: [B.A. McClintock](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 2:28:57 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

B.A. McClintock

redahi@hawaii.rr.com
Honolulu, HI

From: [balihai7](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 1:40:21 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

This email has been checked for viruses by Avast antivirus software.
<https://www.avast.com/antivirus>

From: [Barb Childers](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, March 20, 2016 6:29:46 AM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Barb Childers

Kekahabar@gmail.com
Kekaha, Hi

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: begoniabarry@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Friday, March 18, 2016 5:40:11 AM

HB2501

Submitted on: 3/18/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Barry	Individual	Oppose	No

Comments: Aloha, I strongly oppose this Bill. This is all about A&B and their continued theft of water for crops they may or may not need in the future. There are Kalo farmers and Cultural Practitioners, Hawaiians and citizens of Hawaii, visitors and wildlife who are waiting for the waters to be restored. Let A&B submit their plan for the needs of their new crops and stop the thieving of this Natural Resource and uphold the Public Trust Doctrine. That is your true duty here. No more holdover leases! Mahalo, Ms. Barbara Barry

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: [barbara george](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Sunday, March 20, 2016 2:31:29 AM

AGAINST HB 2501 HD2.

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal. This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases. In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle. We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink. There is no reason to advance HB2501 and continue to divide our community.

Mahalo,

Barbara George
Haleiwa, HI.

From: [Barbara Nosaka](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 1:23:48 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Barbara Nosaka

barbrick@hawaiiantel.net

From: [Eola Ikawai](#)
To: [WLA Testimony](#)
Subject: Fwd: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Thursday, March 17, 2016 11:10:28 PM

----- Forwarded message -----

From: Wealth.proserity007@gmail.com <no-reply@weebly.com>
Date: Thu, Mar 17, 2016 at 9:59 PM
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
To: eolaikawai@gmail.com

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

Submitted Information:

Name

Barry Castillo

Zip code

96717

Community Group

Email

Wealth.proserity007@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

I OPPOSE HB2501!!! Restore Maui's streams

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: bennette.misalucha808@gmail.com
Subject: *Submitted testimony for HB2501 on Mar 21, 2016 14:55PM*
Date: Sunday, March 20, 2016 12:00:00 PM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
BENNETTE MISALUCHA	Individual	Support	No

Comments:

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

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

From: [Mr. Berrie Straatman](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, March 20, 2016 10:25:21 AM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Mr. Berrie Straatman

bernene@hotmail.com
Honolulu, Hi

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: bethann@hawaii.rr.com
Subject: *Submitted testimony for HB2501 on Mar 21, 2016 14:55PM*
Date: Saturday, March 19, 2016 6:02:36 PM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Beth Tokioka	Individual	Support	No

Comments:

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

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

From: bethemaillist@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 6:07:53 AM

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

Submitted Information:

Name

Beth Wood

Zip code

96753

Community Group

Email

bethemaillist@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: bianca@kahea.org
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 12:09:28 PM

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

Submitted Information:

Name

Bianca Isaki

Zip code

96817

Community Group

Email

bianca@kahea.org

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: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: nimboy44@aol.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Saturday, March 19, 2016 4:50:08 PM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Bill Quinlan	Individual	Oppose	No

Comments: This bill is just plain wrong. It is embarrassing that it has come so far. It failed in the Senate, as it should.

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: [WLA Testimony](#)
Cc: bill@puna.us
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Saturday, March 19, 2016 5:30:05 PM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Bill Smith	Individual	Oppose	No

Comments: 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.

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: [BILL TURNBOUGH](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 12:02:40 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

BILL TURNBOUGH

ELLISVILLE, MO

From: [Bonnie Self](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Saturday, March 19, 2016 10:06:10 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Bonnie Self

Hilo, HI

From: Corpuz2@aol.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 1:38:15 PM

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

Submitted Information:

Name

Brandi corpuz

Zip code

96753

Community Group

Email

Corpuz2@aol.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: [Brenda](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Sunday, March 20, 2016 10:32:52 AM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

B.

From: [Brendan Balthazar](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 9:57:04 AM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Brendan Balthazar

Makawao, HI

From: brimoohi@msn.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 10:32:39 AM

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

Submitted Information:

Name

Brian Emmons

Zip code

96826

Community Group

Email

brimoohi@msn.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: bkmakaiau@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 10:13:55 AM

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

Submitted Information:

Name

Brian Makaiau

Zip code

96789

Community Group

Email

bkmakaiau@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

Wrong is wrong and right is right. Stop being greedy, money hungry people.
Return the water to the streams the way nature intended so everything can
return to the way it was meant to be.

From: molokaimowat@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 1:34:59 PM

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

Submitted Information:

Name

Bridget Mowat

Zip code

96748

Community Group

Email

molokaimowat@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: miyashiro_b@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 7:07:49 AM

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

Submitted Information:

Name

Bruce Miyashiro

Zip code

96815

Community Group

Email

miyashiro_b@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: camkai76@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 8:36:06 AM

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

Submitted Information:

Name

Camille Keawekane-Stafford

Zip code

96743

Community Group

'Aha Aloha 'Aina - Moku o Keawe

Email

camkai76@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

As a Kanaka 'O'iwi it is my kuleana to kako'o all of our kalo farmers. It is my families kuleana to kako'o in the taking back of our wai no matter what moku we reside on. We are Ko Pae'aina Hawai'i Nei!! Ku Ha'aheo E Ku'u Hawai'i!!! 'Onipa'a!!

From: carlonmaui@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 3:16:19 PM

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

Submitted Information:

Name

Carl Martin

Zip code

96779

Community Group

Email

carlonmaui@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

As an individual I agree with the above coalition statement. It's not too late to start doing the right thing.

Carl Martin

From: [Carl Roth](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 12:37:34 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Carl Roth

Mililani, HI

From: [Carl Saalfeld](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 7:13:46 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Carl Saalfeld

cwsmoke@hawaii.rr.com
Koloa, Hawaii

From: Carleykimokeo@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 9:48:57 AM

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

Submitted Information:

Name

Carley Kimokeo

Zip code

96708

Community Group

Individual, descendent of a Ke'anae Kali farmers

Email

Carleykimokeo@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



Carley Kimokeo

From: [Carol Dumeyer](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 9:05:32 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Carol Dumeyer

carol13om@yahoo.com

From: [Carol Puette](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 1:57:48 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

Sent from my iPad

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: creimann4@gmail.com
Subject: *Submitted testimony for HB2501 on Mar 21, 2016 14:55PM*
Date: Sunday, March 20, 2016 11:50:55 AM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Carol Reimann	Individual	Support	No

Comments:

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

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

From: [Casey McCarty](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 3:20:50 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal. This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases. In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle. We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink. There is no reason to advance HB2501 and continue to divide our community. Mahalo.

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: celia@maui.net
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 7:59:29 AM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Celia Haines	Individual	Support	No

Comments: As an individual involved in farming in UpCounty Maui, I strongly urge the passage of HB 2501. Our farm has been in production for almost 20 years, providing a consistent supply of healthy greens to stores, wholesalers and restaurants throughout the state. We currently provide 20 people with well paying jobs and excellent benefits. We would like to continue to expand our operation, but cannot commit to that without the assurance that adequate water is available for the long term. If Hawaii is to become more food self sufficient, as most residents wish, then the passage of HB 2501 is necessary to allow the DLNR the time to revamp the RP program in a fair and equitable way. Without water, there would be no farms, and our employees, along with many others, would be out of a job and valuable health benefits. Please pass HB2501 to protect local agriculture.

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

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

From: [chare isagawa](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 7:55:37 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

chare isagawa

isagawa.c@gmail.com
waianae , Hawaii

From: [Charlotte Mukai](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 5:13:39 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Charlotte Mukai

charlotte@mukai.us
Honolulu, HI

From: clnaone@hawaii.edu
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 1:22:15 AM

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

Submitted Information:

Name

Charlotte Naone

Zip code

96793

Community Group

Email

clnaone@hawaii.edu

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: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: chris@hfbf.org
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 12:47:38 PM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Chris Manfredi	Individual	Support	No

Comments: Please pass this measure. HB2501 HD2 is a common sense measure that will afford the State the time necessary to address long-standing issues surrounding revocable permits. Farmers and ranchers across the State rely on revocable permits for water resources. Please lend your support to HB2501 HD2. Mahalo

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

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

From: tahtinala@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 6:56:17 PM

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

Submitted Information:

Name

Christina Minthorn

Zip code

96710

Community Group

Email

tahtinala@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: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: kawaipapanursery@hushmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Saturday, March 19, 2016 8:40:23 PM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Christine Davis	Individual	Oppose	No

Comments: If video testimony or if this hearing was held on Maui, I would testify in person. Please, don't fall for the false propaganda produced by A\$B that demonstrate false farmer support for this bill...most folks on the flier didn't even know they were being included in it. My friend and I went cruise Hanaside the other night and the farmers here overwhelming agree that yes, keep the diversions for Maui County water supply, keep the diversions for Central and Upcountry farmers, please allow the excess water that A\$B takes but won't need after sugarcane operations cease (I'll admit, I am saddened by this reality but it is what it is). East Maui needs more wai to our Kai on this side, our aquatic species and health of the ocean depends on mauka to makai flow...over 100 years of EMI diversion history show this, so please so what is pono. This will not impact the other islands water agreements as so claimed. And also consider the traditional kalo farmers who can finally practice their culture with the return of this water too. please do not allow this injustice to continue for another 5 years, mahalo!

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

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

From: [Christopher Harrison](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 7:01:58 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Christopher Harrison

Wow91263@hotmail.com
Waikoloa, Hawaii

From: [Eola Ikawai](mailto:Eola.Ikawai)
To: [WLA Testimony](mailto:WLA.Testimony)
Subject: Fwd: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Thursday, March 17, 2016 11:09:20 PM

----- Forwarded message -----

From: Chris.nakahashi@gmail.com <no-reply@weebly.com>
Date: Thu, Mar 17, 2016 at 9:21 PM
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
To: eolaikawai@gmail.com

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

Submitted Information:

Name

Christopher Nakahashi

Zip code

96708

Community Group

Email

Chris.nakahashi@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: haynihi@aol.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 6:44:10 AM

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

Submitted Information:

Name

Cindy Alapa'i Kauli'a

Zip code

96745

Community Group

Email

haynihi@aol.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: [claire.johnson](#)
To: [WLA Testimony](#)
Subject: HB2501
Date: Sunday, March 20, 2016 6:51:41 AM

When I lived on Maui, at a Water Board hearing in Pa'ia, I witnessed the state board tell Hawaiian Taro Farmers they would have water back in all Maui streams within 1 year. This was 2008, or 2009. What happened?

Get the water back in all streams on Maui. Support the Taro Farmers Now. This is the right thing to do.

Claire D'Gaia

From: [Clarence Ching](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 1:35:11 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Clarence Ching

kahiwal@cs.com
Kamuela, Hawaii

From: claudsutcliffe@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 8:16:55 AM

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

Submitted Information:

Name

Claud Sutcliffe

Zip code

96743

Community Group

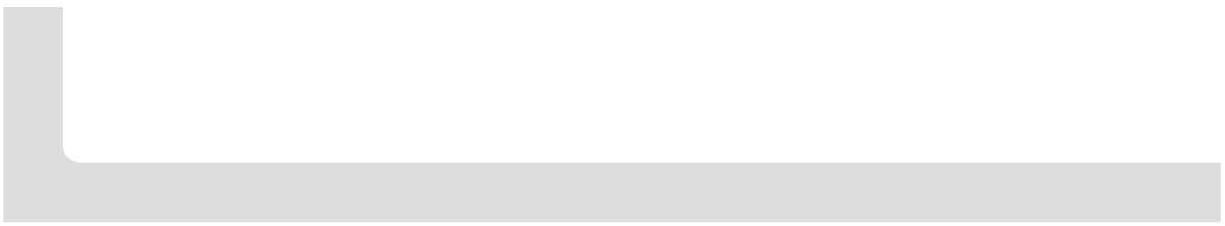
Aloha 'Aina

Email

claudsutcliffe@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: [Connie L. Dunn](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 2:32:54 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal. This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases. In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle. We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink. There is no reason to advance HB2501 and continue to divide our community. Mahalo.

Connie <http://rainbowartscenter.com> "I believe the universe is a holographic fractal and we are all made from the same building blocks of love/energy/light". Connie "When we see ourselves as artists, we no longer feel the need to impose our story on others or to defend what we believe. We know that every artist has the right to create their own art". Don Miguel Ruiz "Life is the dancer and you are the dance". Eckhart Tolle "You can tell what Seeds are being watered by noticing what's blooming in your garden". M. T. Head

From: grancon2@aol.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 3:58:30 AM

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

Submitted Information:

Name

constance stephens

Zip code

43081

Community Group

Email

grancon2@aol.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: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: 333cory@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Friday, March 18, 2016 6:11:02 PM

HB2501

Submitted on: 3/18/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Cory Harden	Individual	Oppose	No

Comments: Aloha legislators, Please oppose this bill, and consider giving taro farmers as many years of water, and as much water, as A&B had. mahalo, Cory Harden, Hilo

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: crystalinx@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 11:17:50 PM

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

Submitted Information:

Name

Crystal West

Zip code

96755

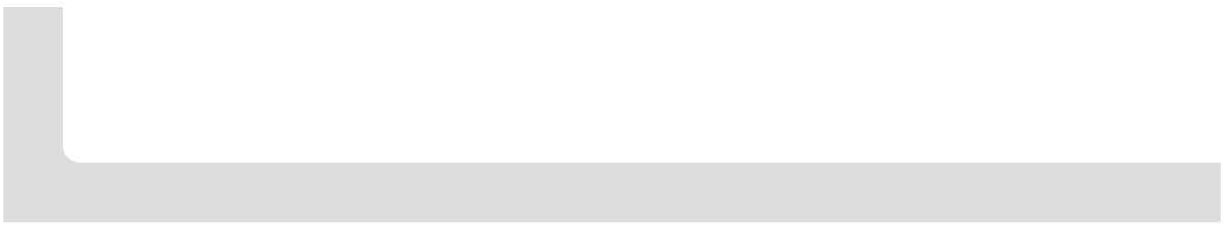
Community Group

Email

crystalinx@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: Crystal4maui@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 5:09:17 PM

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

Submitted Information:

Name

Crystal

Zip code

96708

Community Group

Email

Crystal4maui@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

There lease was up long time this is Long over due and is very important for the ecosystem of our aina

From: curenmohama@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 7:42:39 AM

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

Submitted Information:

Name

Curen Ohama

Zip code

96768

Community Group

1 of many individuals who want so badly for kalo to be more available.

Email

curenmohama@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

It's the law. That should be enough. This HB2501 should've not even have made it this far.

Malama...

'Aina

Ohana

Kuleana

Let's start doing what is right, and things can start falling into place.

We're just looking for a balance.

From: Maucin2001@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 6:53:03 PM

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

Submitted Information:

Name

Cynthia Cabero

Zip code

96732

Community Group

Email

Maucin2001@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: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: woolwahine@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 8:19:24 AM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Dana Jones	Individual	Oppose	No

Comments: In opposition to HB2501 HD2 Relating to Water Rights. This is an unnecessary bill Please return water to East Maui streams. Supporting the big corporations is not good for Maui's people. It's time the legislature thought about the people and not the greedy corporations.

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: Dreedyah@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 8:52:31 AM

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

Submitted Information:

Name

Dana Reed

Zip code

96761

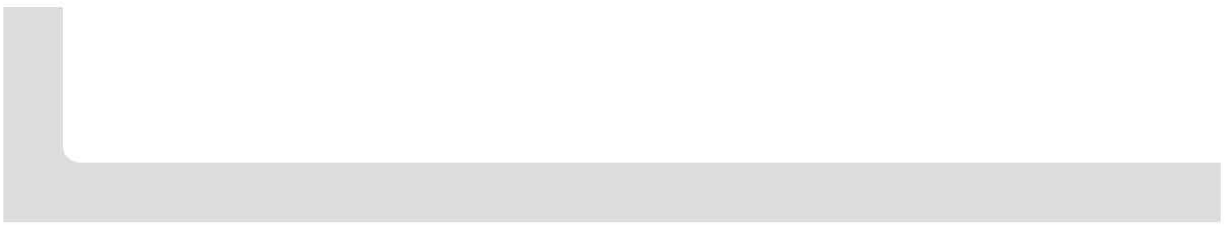
Community Group

Email

Dreedyah@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: [Daniel Blaine](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 3:42:43 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Daniel Blaine

daniel@hawaii.edu
Honolulu, Hawaii

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: daryl@mauimail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Saturday, March 19, 2016 10:14:20 AM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Daryl Hansen	Individual	Oppose	No

Comments: Do not legalize the theft of water! You will be held accountable... We are watching 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: dmcagulada@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 8:15:00 AM

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

Submitted Information:

Name

David Cagulada

Zip code

04240

Community Group

Email

dmcagulada@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

I urge you to vote down HB2501. My Ohana who are 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. One of the most important things for all people is FOOD SECURITY! 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.

From: [David Leake](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 4:18:53 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal. This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases. In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle. We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink. There is no reason to advance HB2501 and continue to divide our community. Mahalo.

David Leake, PhD, MPH
46-395A Kahuhipa St.
Kaneohe, HI 96744

From: [David Sutton](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 2:08:34 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

David Sutton

malamapeace@gmail.com
Kilauea,, HI

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: davidkp@hawaii.edu
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Saturday, March 19, 2016 11:11:54 AM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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

Comments: It is unfair and illegal to allow exclusive native water rights (or any citizens' water rights) to a single company or small group of entities. Restore the water to east Maui farmers! It is clear there is a conflict of interest here between the government and Alexander and Baldwin, as there has been for years. I feel it is near time for a federal investigation to take place regarding this matter?

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: Verndawn@msn.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 10:26:25 AM

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

Submitted Information:

Name

Dawn Malubay

Zip code

96753

Community Group

Email

Verndawn@msn.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: chemerika@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 8:48:06 AM

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

Submitted Information:

Name

dean chemerika

Zip code

l2m3g9

Community Group

Email

chemerika@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: [Deana Shelby](#)
To: [WLA Testimony](#)
Subject: Protect our streams: Defer HB2501
Date: Saturday, March 19, 2016 1:35:24 PM

We all want to see our water resources well-managed and fairly allocated. Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. But creating special circumstances for one company does not accomplish that goal.

The residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo, :D

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: orchid6128@aol.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Saturday, March 19, 2016 11:59:38 AM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Deborah Mader	Individual	Oppose	No

Comments: Aloha Sen Mike Gabbard and WLA committee, Please OPPOSE HB2501 HD2. This matter was decided in the courts and should be upheld. A&B has been very deceptive in it's lobbying for this bill, asking you to believe it will impact lots of people. In reality, I believe it only applies to A&B. The ones who this bill will impact, and NEGATIVELY so, are small family farmers, many natives, like those who depend on stream flow for kalo and other crops. How could the lege possibly allow for the water, against the court's ruling, to be taken for corporate greed? There is plenty for all. Sugar cane is a thirsty crop. A&B should give back even more now that they will not need as much for diversified ag. That point aside, we need to prioritize water for those who will grow food to feed their families and our communities, particularly where the water is otherwise being DIVERTED for corporate use/profits. The people of Maui County are sick and tired of corporate abuse, and this bill is yet another example of that. Please OPPOSE it. Water is Life. Let the streams flow! With Aloha Deborah Mader 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: [Dee Brock](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 2:31:54 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Dee Brock

Mililani, HI

From: [Delbert Contival](#)
To: [WLA Testimony](#)
Subject: Please defer HB2501, Save our Streams!
Date: Saturday, March 19, 2016 6:03:18 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

From: denisefadem@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 6:41:31 PM

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

Submitted Information:

Name

Denise Fadem

Zip code

96750

Community Group

Email

denisefadem@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: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: ihemphi@live.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 2:02:38 PM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Denise Key	Individual	Oppose	No

Comments: Aloha Chair Gabbard, Vice Chair Nishihara and members of the committee, I oppose HB 2501 HD2. This measure allows for the diversion of water from the watershed (our public trust) in large amounts over long periods of time. That activity needs an environmental assessment (due process). The EA would be a comprehensive consideration of the impact of removing water from the watershed on the culture, natural environment and economics of the region affected. The holdover permit process this bill codifies into law circumvents an Environmental Assessment and grants a "Holdover Permit". I cannot support that outcome, please defer decision making until a time as all the stakeholders are able to be heard and their concerns addressed. Sincerely,

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: [WLA Testimony](#)
Cc: dennisgonsal@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Saturday, March 19, 2016 6:48:53 PM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Dennis Gonsalves	Individual	Support	No

Comments: I fully support HB 2501. Farmers need help to produce food.

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: deskekiwi@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 7:55:32 AM

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

Submitted Information:

Name

Desiree-Ann Kekiwi-Higa

Zip code

96708

Community Group

Email

deskekiwi@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 water that is being diverted from East Maui that is feeding crops of sugar cane and watering golf courses is a waste! Are they using the water respectfully and resourcefully? On March 17, 2016 a woman was telling me how she took pictures while flying in the air, getting ready to land on Maui of water being let go from big round containers in the sugar cane area. Apparently it wasn't just a little bit of water either. Give back the water! This has not only hurt farmers but the Eco system also. How can we practice our gathering rights if there's nothing to gather? What will we teach our children?

From: [Diana McClure](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 12:47:26 AM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Diana McClure

Kahului, HI

From: [Diane Anderson](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 1:20:10 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Diane Anderson

hariom@hawaii.rr.com
Haleiwa, Hawaii

From: [Eola Ikawai](#)
To: [WLA Testimony](#)
Subject: Fwd: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Thursday, March 17, 2016 11:10:51 PM

----- Forwarded message -----

From: crazyravysmom@yahoo.com <no-reply@weebly.com>
Date: Thu, Mar 17, 2016 at 10:34 PM
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
To: eolaikawai@gmail.com

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

Submitted Information:

Name

Dianna Wilcox

Zip code

96778

Community Group

Email

crazyravysmom@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: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: d_acain@yahoo.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 2:53:53 PM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Dominic Acain	Individual	Oppose	No

Comments: I am sending in this testimony in opposition to HB 2501. Enough people have sent in their testimony regarding the downfall that will result if this passes and I stand among them. Corporate rights at no time should take preference over Hawaiian and public water interests.

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: [Don Erway](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 5:57:54 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

Don Erway
77-6455 Princess Keelikolani Dr.
Kailua Kona, HI 96740-2419

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

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

From: donaldblevins1@aol.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 9:42:03 PM

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

Submitted Information:

Name

Donald Blevins

Zip code

96761

Community Group

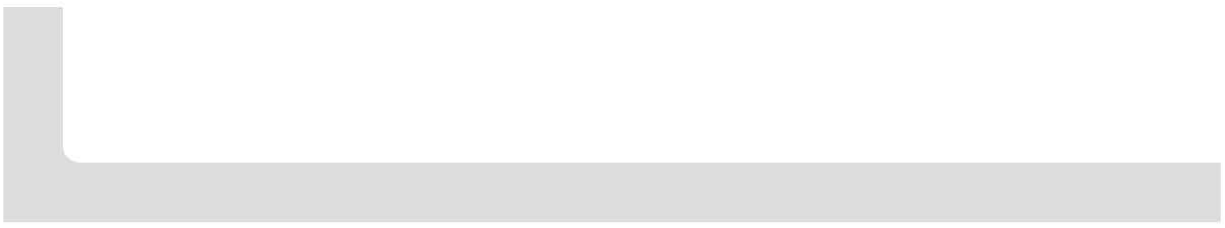
Salvation army

Email

donaldblevins1@aol.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: Dhelekunihi@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 3:47:06 PM

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

Submitted Information:

Name

Donna Sterling

Zip code

96768

Community Group

Aha Moku O Kahikinui
Kahikinui Resident

Email

Dhelekunihi@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: dbaisa@hawaii.edu
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 9:40:03 PM

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

Submitted Information:

Name

Doreen

Zip code

96793

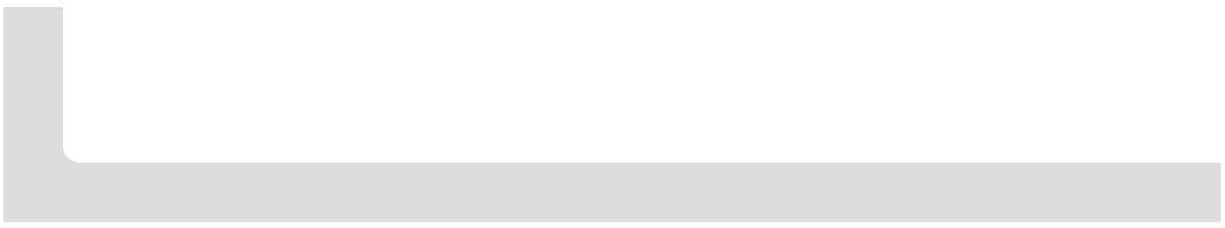
Community Group

Email

dbaisa@hawaii.edu

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



Aloha!

I OPPOSE HB 2501. I ask everyone to oppose HB 2501.

This measure would allow a “holdover period” that extends short-term water rights while a long term lease application is pending---however long that takes.

The holdover period would benefit large landowners, with no clear value to the public. The arrangement also hurts farms that depend on adequate stream flow.

This issue needs to be addressed in a court of law, and not in the legislature.

I know the difference of what is best, and what is not best. I also know the difference of what is right, and what is not right. Do what is best, and what is right.

Thank you,

Dori Carmichael

From: [Dorothy Binder](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 8:56:07 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Dorothy Binder

kuladot@hawaii.rr.com
Kula, HAWAII

From: nix@lifeislight.com
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 5:36:31 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal. This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases. In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle. We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink. There is no reason to advance HB2501 and continue to divide our community. Mahalo.

Dr. John and Debra

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

From: [dsloucks](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 1:19:53 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

Sent from ALCATEL ONE TOUCH POP7

From: [Duane Choy](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, March 20, 2016 3:07:52 AM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Duane Choy

duanechoy@yahoo.com

From: dukekamaka@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 2:25:52 PM

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

Submitted Information:

Name

Duke Kamaka

Zip code

96740

Community Group

Email

dukekamaka@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: dustinpoplardo@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 1:27:58 PM

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

Submitted Information:

Name

Dustin Poplardo

Zip code

96749

Community Group

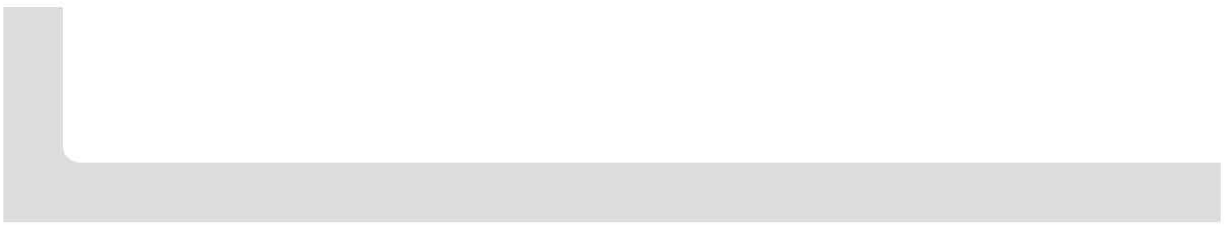
Born and raised in Maui. Let the water flow

Email

dustinpoplardo@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: Earledeleon@hawaii.rr.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 11:20:59 PM

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

Submitted Information:

Name

Earle Deleon

Zip code

96750

Community Group

Aha Aloha Aina MokunO Keawe

Email

Earledeleon@hawaii.rr.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

Water is Free To All !! A&b Has no right To divert water and deny east Maui farmers the water that has flowed free in our streams from the begging of time I totally Appose this bill

From: mavisoliveira@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 8:13:22 AM

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

Submitted Information:

Name

Earle & Mavis Medeiros

Zip code

96713

Community Group

Aina O Kumaka Loko l'a - Hana

Email

mavisoliveira@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

It's just downright wrong what A&B has been doing from since the Illegal overthrow of our Beloved Queen. They've been prancing around behaving like they're Superior to us (this includes you), for over 100 years, all the while, ruining our land, water system, livelihood, lifestyles, food system, gathering rights and for what? So that they can live like Royalty? Get rich off of our backs? It's past time that they are stopped. You have the power to stop the desecration of our lands. You represent us. Please do what is right & say no to HB 2501.

From: wailuanui@exede.net
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 8:27:57 PM

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

Submitted Information:

Name

Ed & Mahealani Wendt

Zip code

96708

Community Group

Na Moku Aupuni o Ko`olau Hui

Email

wailuanui@exede.net

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

- HB 2501 is an attempt to sidestep the court's ruling declaring A&B's water diversion permits illegal.
- HB 2501 would allow water diversions at the expense and health of East Maui taro farmers, Hawaiian cultural practitioners and entire communities who have no potable water.
- Since at least 1925, A&B diversions have caused significant, unjustified, and unnecessary injury to generations of farmers, fishermen, gatherers and the natural resources they depend on.
- For nearly a century, government has provided a significant subsidy to a private commercial entity worth \$2.3 billion by allowing it to take and use as much water from state land as one million Hawai'i residents use daily.
- Hawai'i's territorial and state governments have allowed A&B to divert water that originates on 33,000 acres of former crown lands to irrigate its 29,000 acres of sugar fields.
- In 2003, the state and A&B were ordered to complete an environmental assessment. The study should have been completed prior to any diversion. To date, none has ever been done.
- The state has allowed the diversions to continue inventing an authority for A&B's exclusive benefit -- 15 years of "holdover" permits that were supposed to be temporary.
- All these years, A&B has paid about a fifth-of-a-cent per thousand gallons while a typical Maui farmer pays 75 cents for the same amount.
- A&B's diversions and the state's practices amount to a theft of public trust resources. A&B's diversions are illegal and the state can no longer condone or facilitate A&B's theft of our state waters.
- Based on A&B's own calculations, there is more than enough water for thriving mauka-to-makai stream habitats and fisheries, healthy taro crops, existing Upcountry water users and future diversified agriculture on A&B's former sugarcane lands.

- HB 2501 is intended to cover up and validate decades of abuse and arrogance. If passed, HB 2501 would confirm that A&B is above the law, our courts have no power over its illegal actions, and that the health and welfare of our communities and natural resources are secondary.

From: paxo@hawaiiintel.net
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 6:39:17 PM

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

Submitted Information:

Name

Ed Pasqualin

Zip code

96753

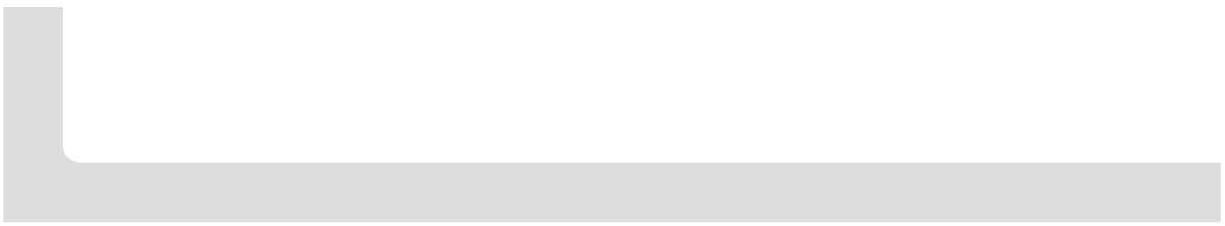
Community Group

Email

paxo@hawaiiintel.net

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: dawgsco80@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 1:17:52 PM

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

Submitted Information:

Name

Edine n. Clemente

Zip code

96706

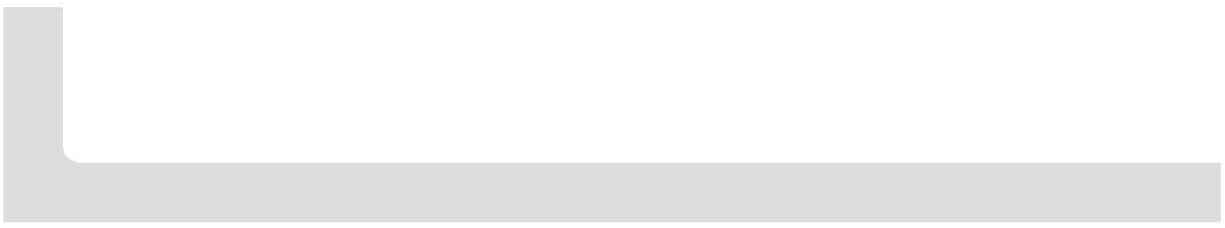
Community Group

Email

dawgsco80@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: [Edward Kawamura](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 1:45:32 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Edward Kawamura

Kapaa, HI

From: edwina.pu@travaasa.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 5:27:00 PM

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

Submitted Information:

Name

Edwina Pu

Zip code

96713

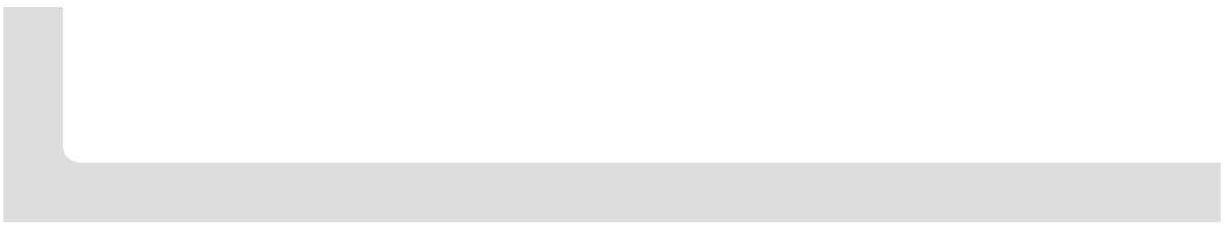
Community Group

Email

edwina.pu@travaasa.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: [Edwyna Spiegel](#)
To: [WLA Testimony](#)
Subject: Please defer HB2501, Save our Streams!
Date: Saturday, March 19, 2016 10:42:42 PM

Aloha,

PLEASE defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

Sent from my iPad

From: eileencaïn808@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 1:29:18 PM

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

Submitted Information:

Name

Eileen Cain

Zip code

96826

Community Group

Email

eileencaïn808@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

This water is not private property of big ag companies like A & B. To overcome our dependence on imported food and thus increase food security for the islands, we need to support our local farmers. Also, many of us eat poi for our health and well-being (even haoles like me).

I oppose HB2501 HD2.

The current law allows for month to month extensions of water leases. Since A&B has announced it will cease sugar growing operations on Maui, it will lose its sweet deal for water. The water will, by current law, be subject to public auction or month to month permit.

Water is a resource of the State and is to be used in the best interests of the State. Allowing an unlimited time for a holdover period would trump the key provision of the current law. It would mean that an evaluation of the best interest of the State would be delayed indefinitely. Clearly, the proposed amendment would subvert the provision 'best serve the interests of the State.'

If the lawmakers wish to pass this bill, perhaps they could make the following changes to more clearly reflect the desired outcome by inserting an additional wording after the 'best serve the interest of the State' and include the words 'unless the holdover is a special entity.'

From: [Elaine Olson](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 12:10:08 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Elaine Olson

Kula, HI

From: waiokila@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 2:05:37 PM

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

Submitted Information:

Name

Elaine Wender

Zip code

96793

Community Group

Email

waiokila@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

For over thirty years I have supported efforts to restore flow to East Maui streams. In that time I have seen two generations of Ke'anae-Wailuanui kupuna who fought for their water rights pass on without receiving justice. I urge you to defeat HB 2501 and finally return life to all of our streams.

From: [El-Rae C](#)
To: [WLA Testimony](#)
Subject: Please defer HB2501, Save our Streams!
Date: Saturday, March 19, 2016 2:58:49 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.
Ellen Rae Cachola

Sent from my iPhone

From: [Elliot Telles](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 2:34:43 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Elliot Telles

Pearl City, HI

From: elvina_brown@hotmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 5:43:46 AM

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

Submitted Information:

Name

Elvina Brown

Zip code

95423

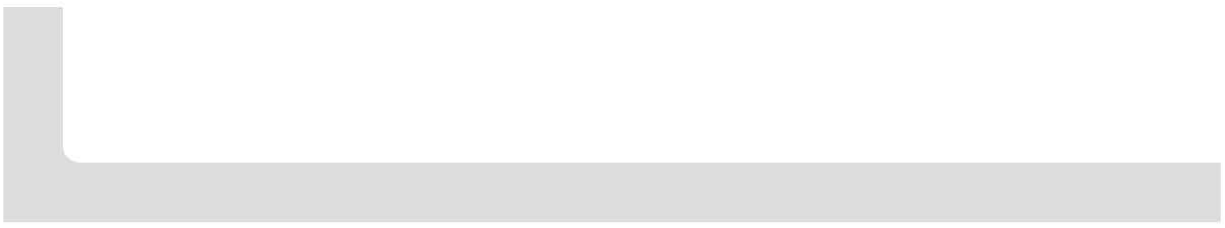
Community Group

Email

elvina_brown@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: freshe0183@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 6:35:19 AM

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

Submitted Information:

Name

Emilia

Zip code

96818

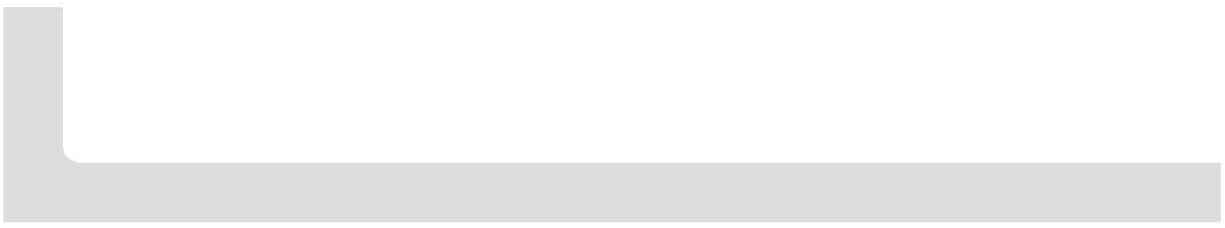
Community Group

Email

freshe0183@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: DeterminedEnigma@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 9:12:23 PM

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

Submitted Information:

Name

Emma Ball

Zip code

96708

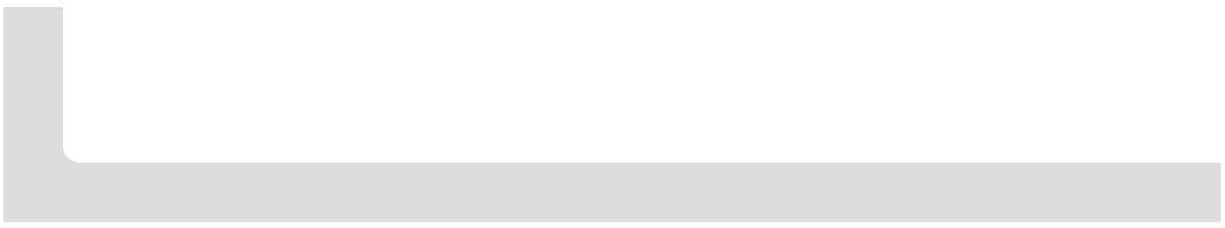
Community Group

Email

DeterminedEnigma@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: Erikjn2000@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 10:01:50 AM

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

Submitted Information:

Name

Eric Nikoloff

Zip code

96763

Community Group

Email

Erikjn2000@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 water that flows on Maui belongs to the people...not to the greedy corporate interests that have abused the permitting process all these years. The Court got this right. Don't do a shameful end run around the just result by passing a bill whose only beneficiary is Alexander and Baldwin...to the detriment of all the people of Maui.

From: [Erik Berall](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 3:22:05 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Erik Berall

edibl1@yahoo.com

Hilo, HI

From: [Esta Feedora](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Sunday, March 20, 2016 7:20:58 AM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

From: eugene.kawaguchi
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 5:53:27 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

eugene.kawaguchi

genek@lava.net
honolulu, hi

From: [Fay de Neeve](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 1:11:27 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Fay de Neeve

fdeneeve@gmail.com

Mililani, HI

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: francisspalluto@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 10:49:10 AM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
francis spalluto	Individual	Comments Only	No

Comments: To all concerned, I oppose this bill. As a long time resident, the water issue we have been faced with needs careful attention. Let's take the time to do the EA and make sure we are preserving the land in righteousness.

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: [WLA Testimony](#)
Cc: xenokane@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 10:09:52 AM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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

Comments: Hawaii can no longer sustain the destructive practices of mono-culture agribusiness. moreover we must devote every available resource to reforestation with deciduous forest and orchard to counteract the effects of Global Warming these practices have created; as well as the forests ability to restore microbial integrity the depleted soils and attract rain. "The rain follows the forest." For this reason Hawaii must restore stream flow and create a model for the world in diversified sustainable organic agriculture.

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

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

From: [frank kane](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 3:43:50 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--
frank kane

xenokane@gmail.com

From: fjoulaino@icloud.com fjulaino@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 3:59:46 AM

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

Submitted Information:

Name

Frank-James Oliveira

Zip code

96713

Community Group

Ulaino Ahupuaa Koolau Maui Nahiku Mokulehua West Wailualki

Na Mamo O Muolea

Email

fjoulaino@icloud.com fjulaino@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

The WAI belongs to the people of the land. The heirs of the land (Ahupuaa) the water issues forth from.

From: [Fred Bonnet](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 1:17:24 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

Sent from my iPad

From: [fred harris](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, March 20, 2016 11:20:34 AM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--
fred harris

fah@phys.hawaii.edu
kailua, HI

From: [Frederick Reppun](#)
To: [WLA Testimony](#)
Subject: In Defense of Maui's Public Water
Date: Sunday, March 20, 2016 3:39:52 AM

Aloha Chair Gabbard, Vice-Chair Nishihara and members of the Water, Land and Agriculture Committee,

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

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

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres (current production), or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that there are many millions of gallons of water available daily from A & B's private sources--making it very difficult to justify the continued diversion of 160 mgd of public water from East Maui, especially with the recent news of their last harvest. 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. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

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

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

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

Mahalo for your time and consideration,

Frederick Reppun

Honolulu, HI 96817

From: Phredwise@hotmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 3:37:02 AM

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

Submitted Information:

Name

Frederick Von Essen

Zip code

96779

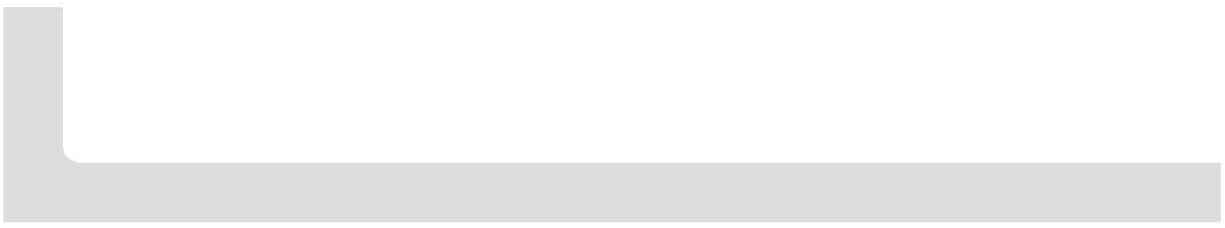
Community Group

Email

Phredwise@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: [Honig, Fredrick](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 3:40:27 PM

Aloha Law Makers

Forever is sustained the life of the land by righteousness. It is righteous to allow the 'aina for have its life streams flowing.

Let the life of the land flow.

Mahalo Nui Loa,

Respectfully submitted,

Fredrick Honig

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

From: Lanaimclovin@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 9:16:30 AM

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

Submitted Information:

Name

Gabriel Johnson

Zip code

96763

Community Group

Email

Lanaimclovin@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

Diverting water from East Maui Farmers is counter to what the Stated goal of the Mayors Office is. He has been talking about food independence and the importance of growing locally.

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: murphyegail@gmail.com
Subject: *Submitted testimony for HB2501 on Mar 21, 2016 14:55PM*
Date: Sunday, March 20, 2016 8:37:48 AM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Gail E. Murphy	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: [Gary Passon](#)
To: [WLA Testimony](#)
Cc: [Gary L. Passon - AlohaAKU Investments \(gary@alohaaku.com\)](#)
Subject: Please defer HB2501, Save our Streams!
Date: Saturday, March 19, 2016 3:32:53 PM

Aloha,

Please defer or reject HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

From: [Gary Radzat](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Sunday, March 20, 2016 6:16:18 AM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

Make This A Great Day
Gary

RE: SB2501 HD2

I oppose this bill as this bill allows for the diversion of water from the water shed in large amounts over long periods of time. An environmental impact assessment is needed to determine potential impacts to the sensitive ecosystems it affects, and the possible loss of life and economic problems, as a result. The hold over permit process this bill codifies into law, circumvents an Environmental Assessment, and grants a "holdover permit". I cannot support this bill, please defer decision making until a time as all stake holders are able to be heard with all those concerning these issues have an opportunity to be considered.

Sincerely,

Gaylene L Barron

From: Genevive.bjorn@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 11:36:24 AM

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

Submitted Information:

Name

Genevive Bjorn

Zip code

96788

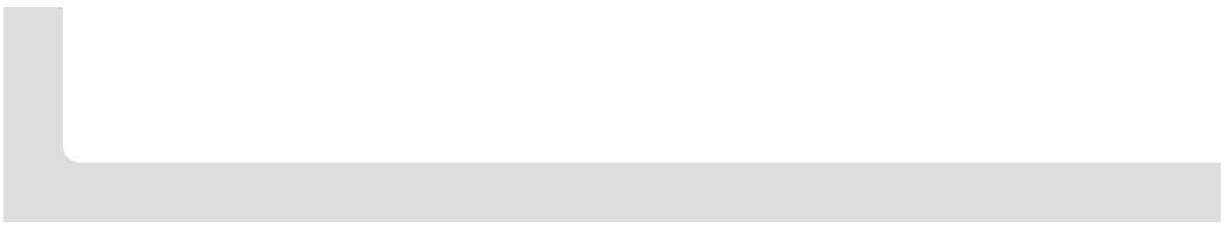
Community Group

Email

Genevive.bjorn@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: [George Cattermole](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 4:18:00 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

From: [George Gough](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 4:59:54 AM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

George Gough

Sacramento, CA

From: [George Hudes](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 6:54:22 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

George Hudes

whodisguy@gmail.com
Honolulu, Hawaii

From: gigimano@ymail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 11:46:35 PM

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

Submitted Information:

Name

Georgina Renee Mano

Zip code

96761

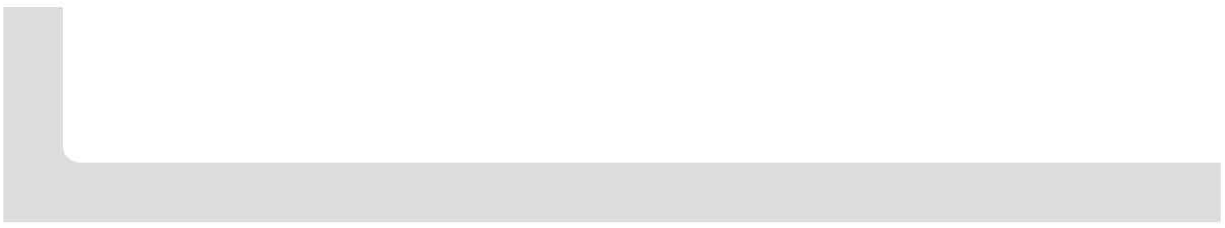
Community Group

Email

gigimano@ymail.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: [Ginger Westerman](#)
To: [WLA Testimony](#)
Subject: Please defer HB2501, Save our Streams!
Date: Saturday, March 19, 2016 1:44:17 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

Glenn I. Teves
P.O. Box 261
Kualapu'u, HI 96757
gtmolokai@gmail.com

March 19, 2016

REVISED
Testimony
OPPOSING
HB 2501 HD1

Aloha. My name is Glenn Ioane Teves. I have been involved in agriculture in Hawaii most of my life and come from a family who have been in Hawaii agriculture since the beginning of coffee, sugar, and livestock production. I am a Molokai Hawaiian Homes farmer, and my wife and I have been farming together for 30 years, and we're actively involved in our community. I'm speaking as an individual.

I have served as a County Extension Agent with the University of Hawaii College of Tropical Agriculture and Human Resources (CTAHR) Cooperative Extension Service now for 35 years on the island of Molokai. Through my tenure in this position, I have been intimately involved in the expansion of agriculture on Molokai and elsewhere in the state, and continue to support agricultural development through beginning farmer programs and homestead gardening programs. I have been an agriculture expert witness in three water cases including Waiahole on Oahu, and also Waiola and Kukui on Molokai, and also the Hokuli'a agricultural land use case on the island of Hawaii.

I'm not in support of HB 2501 HD1 or any version of this bill for that matter because there's no justification to take and utilize this volume of water. The State Water Code is clear that we need to share water with everyone and not just one entity utilizing this exorbitant amount of water.

The amount of water required to complete the production of sugar to the end of 2016, will decrease substantially by the middle of this year. As part of a critical production process, HC&S will withhold water to concentrate the sugars in the plant. As stated in the HC&S FAQs, ***“Pre-harvest burns follow roughly 18 months of growth and an additional 6 month period of ripening when the cane plant is denied water and depleted of nutrients that promote growth. This process stresses the plant and***

forces it to store sucrose rather than grows.” The amount of water required to complete the harvest would be a small fraction of their present request.

The closing of sugar in Maui’s central plains by the end of this year will create a void so large that in my estimation less than 25% of this land will be actually be used for agriculture in the next ten years. One of the main reasons is that no one crop or combination of crops can replace sugar in terms of water use and acreage due to the time it takes to create a new agricultural industry or crop.

The most important factors limiting successful Hawaii agriculture today are not land and water. They are agricultural talent, capital, transportation costs and systems, and markets. Additionally, opening 5,000 acres alone to diversified agriculture to supply the local market would create chaos in the statewide market place since Hawaii is a pocket market subject to global market forces.

Our food comes from around the globe originating from diverse places such as California, Texas, Florida, Canada, Mexico, Guatemala, Peru, Equador, Chile, Fiji, Japan, Korea, and China, and we have to compete with them with one hand tied behind our back. Most our production inputs are shipped in and this puts us at a distinct disadvantage. We have few competitive advantages to compete against a majority of the imported crops which make up over 85% of the food we consume. Our cost of living, our cost of utilities, and our cost of fuel, and our cost of production are major constraints in our ability to run a successful agri-business, and I’m sure HC&S knows this more than anyone especially since they own Matson Navigation and have an intimate understanding of the cost of importing and exporting goods.

HC&S has spent decades identifying and testing alternatives, and have found no viable alternatives. UH CTAHR has spent decades working with HC&S, testing crops such as grasses for bio-mass, taro, tropical woods, banana, papaya, ornamentals, and others. Just because you have an airport in Kahului doesn’t mean you can ship out papaya and compete with Brazil papaya in Los Angeles. Any new crop grown on a large scale on Maui will require years of due diligence, research and development in order to understand all aspects of the crop, including feasibility studies and competitive advantages. This will not happen overnight, so there will be a lag phase in utilizing even a fraction of the water they now use.

Due to the time it takes to secure a long-term lease and capital to invest, and build farm infrastructure, including buildings, irrigation, and water filtration, and seeds or plants, you could see less than 25% of these lands utilized for agriculture in the next 10 years. The present water infrastructure for sugar will have to be broken down into smaller units requiring substantial investment by HC&S and lessees, including staging, storage, and consolidation facilities, and key equipment and supplies such as tractors, implements,

harvesting aids. Required field infrastructure includes water pumps, filtration systems, and engineered field systems. Many crops will require windbreaks, and pre-plant and post-harvest facilities. Farmers will not be able to access capital if leases are short-term. Hawaii agriculture is misunderstood and complex, and is subject to the 'Law of the Minimum'. It can only grow to the first limiting factor, and some of them are identified above.

Many pie-in-the-sky crops have been discussed and will go up in smoke just like sugar and even industrial and medical marijuana. Like any other crop, they have their challenges including insects and arthropods, diseases and nematodes, and will require intensive research and development. If a crop was viable on a large scale, it would already be done. There are no quick fixes; just a lot of hard work, research and investment, especially a commitment from the legislature if they're serious about agriculture and not just focused on overturning court cases. Based on my first-hand experience at the legislature over the last 30 years, I'm not holding my breath.

Although beef production could fill a portion of these lands, they would require such a small amount of water and wouldn't justify HC&S holding the amount of water they're now advocating for, which is the main intent of this bill. Corn seed production could also utilize large tracts of land, but actual planting acreage would be a small fraction of the total land to maintain isolation between fields. There's just no justification that could warrant or justify holding this amount of water.

The total water consumption on the island of Maui is around 350 mgd. The amount of water used by HC&S daily is 132 mgd or about 38% of the total water use on the island. The amount of water lost each day by HC&S is about 42 mgd. This loss is equal to 12% of the daily water consumption on the entire island. This loss plays an interesting role in HC&S's ability to justify requesting more water than they can possibly use and also hide the true amount of water they're using each day, juggling numbers between surface and ground water pumping.

If they truly care about water conservation, HC&S needs to find ways to decrease water loss because this is unacceptable from the standpoint of conservation of a precious resource required for the entire island. Some of the water taken from valleys along both east and west Maui has a greater adverse impact on the island environment, especially the nearshore fisheries habitat that requires fresh water for the hatching of fish and survival of limu, while creating a productive, balanced nearshore habitat.

The framers of our state constitution in their wisdom saw a need to preserve water for future generations, and the State Constitutional Convention of 1978 saw a need to create the State Water Code to secure this water for generations to come, and implement a systematic process to determine needs and allocate water. When the state

constitution was created, many of the legislators had a sound understanding of agriculture since many came from plantation families and were themselves involved in agriculture. Today, the amount of legislators who have even a basic understanding of agriculture can be counted on one hand. Today, the legislature is attempting to make decisions on something they have no expertise or basic understanding on, and this is irresponsible.

The Water Code is sound and requires checks and balances to assure that the needs of all users of the water are protected, and that each entity or group has access to their fair share. Everyone who requests water has to justify their requests, and the hierarchy of water rights is supposed to assure that those with a higher right to this water get it first. The Water Code doesn't operate under the supposition that 'MIGHT IT RIGHT', but the legislature has come up with new conditions to allow a corporation to 'bank water' for future development, using agriculture as a smoke screen.

This is the same thing that happened in the Waiahole water case, and the outcome was Kapolei and Ho'opili, while pushing out farming from some of the most productive agricultural lands in the state. In the interim, land owners were able to pay the lowest land taxes under the shield of agriculture in the interim with no long-term commitment to agriculture. The same strategy appears to be emerging on Maui. We lack land owners who are committed to agriculture, and are willing to lease land with decent land tenure so farmers can invest in their farms and still recoup their investment before they're asked to leave.

What is the State Legislature's commitment to agriculture? A fraction of 1% of the state budget is committed to agriculture each biennium. This is the state's commitment to agriculture. If agriculture is failing in Hawaii, we have the legislature to blame for not embracing the State Constitution, not protecting agricultural land, and continually undermining it by weakening agriculture and water resource laws. We cannot continue to give lip serving to agriculture and wonder why it needs resuscitation.

If the legislature is committed to agriculture, they would be strengthening the laws on land use and forcing land owners to commit their lands to agriculture or pay higher taxes for a higher future use. There's enough water on Maui to share with all those who want to farm, including taro growers in east and west Maui valleys and other areas, as well as upcountry farmers. If the legislature is committed to supporting agriculture on Maui, they should help everyone who wants to farm have adequate access to water, especially those who have a long-term commitment to agriculture for generations to come. Mahalo for this opportunity to respond to this very important bill!

From: [GLENN TOYAMA](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 7:17:27 AM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

GLENN TOYAMA

MOUNTAIN VIEW, HI

From: [Gordon Inouye](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 11:57:14 AM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Gordon Inouye

PAPAIKOU, HI

From: [Grace Caligtan](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, March 20, 2016 10:22:33 AM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Grace Caligtan

graceintelligence@gmail.com
Honolulu, Hawaii

From: [Greg Puppione](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 2:56:14 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.
Greg Puppione

From: primo304@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 6:06:41 PM

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

Submitted Information:

Name

Greg Wilson

Zip code

96713

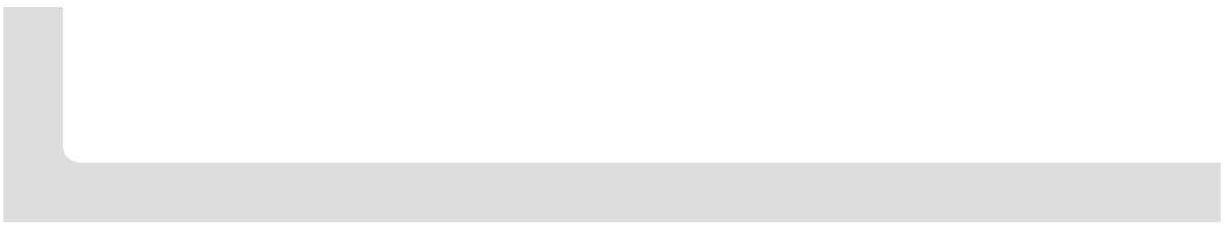
Community Group

Email

primo304@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: [GREGG BLUE](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 4:54:16 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

GREGG BLUE

GBLUE@ALOHA.NET
HAIKU, HI

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: gregf@haleakalaranch.com
Subject: *Submitted testimony for HB2501 on Mar 21, 2016 14:55PM*
Date: Sunday, March 20, 2016 7:45:03 AM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Gregory Friel	Individual	Support	No

Comments:

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

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

From: [Gregory Jones](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 8:43:25 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Gregory Jones

timbercanebamboo@gmail.com

Haiku, Hawaii

From: epunikim@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 3:12:48 PM

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

Submitted Information:

Name

Gwen E. Kim

Zip code

96730

Community Group

Email

epunikim@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

My name is Gwen Kim and I am a retired social worker and administrator of over 45 years and a member of 'Onipa'a Na Hui Kalo. Thousands participated in restoration of kalo, streams and estuaries for love of 'aina, people and the earth. We are awakened to our kuleana. We are watching. Do not be part of this history of theft. Stand with us as we return life to the land. The old ways of thievery and machinations can no longer hide in dark places. Stand for a bright future, or be remembered as one who fought to continue stealing our water. 'Onipa'a East Maui farmers! We are steadfast with you!

From: [Harlisa Asumen](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 1:01:43 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

From: [Harold Keyser](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 12:43:30 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Harold Keyser

Kula, HI

From: [Hayde Sim](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 8:55:40 AM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Hayde Sim

Kihei, HI

From: heidibornhorst@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 1:21:23 PM

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

Submitted Information:

Name

heidi bornhorst

Zip code

96816

Community Group

FARMER AND FOOD ADVOCATE

O`AHU Breadfruit Coordinator

Email

heidibornhorst@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

Water is precious and should be restored to Maui Streams and for Kalo farmers. NOT for A & B to DEVELOP the land. Yes, continue to supply water to existing customers, but restore most of it to the streams

Make Sure A & B keeps that land in Ag. too much traffic, too much development already and they want OUR water for that.

Demonstrate what farm crop needs the water, and share accordingly. we do need food security and crops like `Ulu, kalo, uala for Hawaii people to eat, have jobs and be healthy

Mahalo

March 20, 2016

Senator Mike Gabbard, Chair

Senator Clarence K. Nishihara, Vice Chair

Members of the House Committee on Water, Land and Agriculture

Hearing: March 21, 2016

Aloha Chair Gabbard, Vice Chair Nishihara and Members of the WLA Committee,

I respectfully ask you to please *defer HB2501* and restore the water to East Maui.

It is right, fair and legal to share the water with all of Maui. It is not fair for one corporation to daily divert more water from our East Maui streams than is used on Oahu in one day. Please give back East Maui's portion. May all people be allowed to grow sustainable food to teach their keiki to farm taro and other crops. Taro does not take water it enhances it. As part of an ages old permaculture and ecosystem, East Maui needs her water. People have passed this torch of getting their streams flowing again from generation to generation. We live in one of the most remote areas of the world. Being able to produce sustainable agriculture is our right and makes it safer for all kama'aina. Allow us to gaze once again on plentiful streams instead of dry discouraged river beds. Abundance will come back to the streams, the farms and the nearshore fisheries. Please Kokua the public's right to fresh water and agriculture!!

I am grateful to be able to express my thoughts to *please defer HB2501*.

With aloha and respect,

Helen Barrow, Island of Maui

From: [Helene Lileikis](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, March 20, 2016 12:10:27 AM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Helene Lileikis

Chuckhelene@hawaii.rr.com
Honolulu, Hawaii

From: hbpalmer@hotmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 2:27:00 PM

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

Submitted Information:

Name

Hillary Palmer

Zip code

96779

Community Group

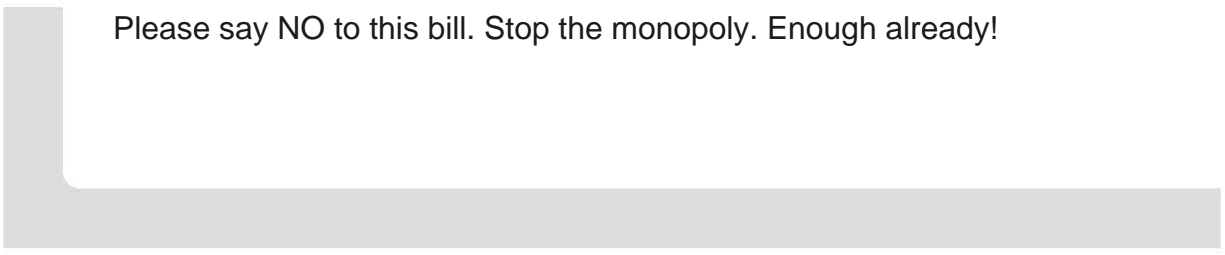
Email

hbpalmer@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

Please say NO to this bill. Stop the monopoly. Enough already!



From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: hokupaa76@yahoo.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Thursday, March 17, 2016 10:12:30 PM

HB2501

Submitted on: 3/17/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Hoku Vasconcellos	Individual	Oppose	No

Comments: Enough is enough. Return the water already! Aloha

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: Pkahea@aol.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 10:00:44 AM

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

Submitted Information:

Name

Ida Perez

Zip code

96720

Community Group

Email

Pkahea@aol.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: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: ashman.janet@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 2:52:30 PM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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 access to water? Many of Hawaii's farmers and ranchers (and also non-farming 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. Most, if not all, farmers and ranchers want the security of a long term lease instead of the potential to have all their work and investment taken away if their short-term permit is 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? Are the crops and animals supposed to 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: [Jack Kronen](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, March 20, 2016 6:15:29 AM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Jack Kronen

Jkronen.sstein@hawaiiantel.net
Honolulu , HI

From: jkai23@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 7:53:35 AM

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

Submitted Information:

Name

Jacqueline Kai-Lee

Zip code

96796

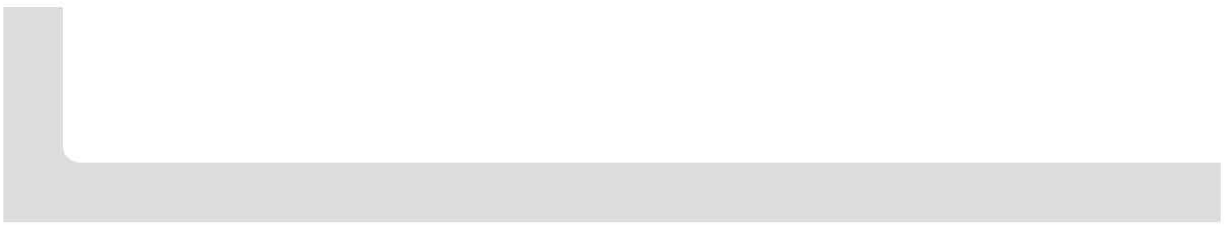
Community Group

Email

jkai23@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: [Jacquelyn Hernandez](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, March 20, 2016 7:42:28 AM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Jacquelyn Hernandez

ja53chi@yahoo.com
Honolulu, Hawaii

From: [Jacqui](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Sunday, March 20, 2016 6:45:36 AM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo. Jacqui Skill and John Conti

From: Jhinau@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 9:56:05 PM

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

Submitted Information:

Name

Jaimie Hinau

Zip code

96708

Community Group

Email

Jhinau@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

Return the water! Do what is Pono for the people and the aina. Corporate greed has gone on long enough. E Hoi I ka wai!! Taro farmers have suffered long enough. Do what is Pono!

From: daegnut@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 11:24:13 AM

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

Submitted Information:

Name

James Long

Zip code

96772

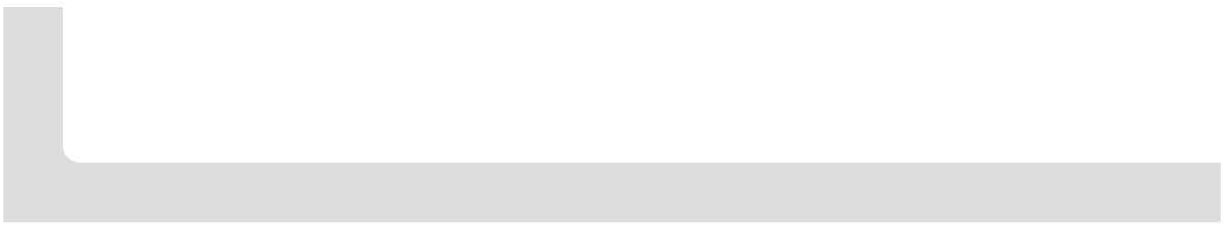
Community Group

Email

daegnut@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: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: touch2know@gmail.com
Subject: *Submitted testimony for HB2501 on Mar 21, 2016 14:55PM*
Date: Sunday, March 20, 2016 3:11:22 AM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
James Yunker	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: [jamie fonseca](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 1:59:58 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--
jamie fonseca

jamief50@yahoo.com
kula, Hawaii

From: jane.hwf@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 2:31:39 PM

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

Submitted Information:

Name

Jane A. Schumacher Ed.D.

Zip code

96708

Community Group

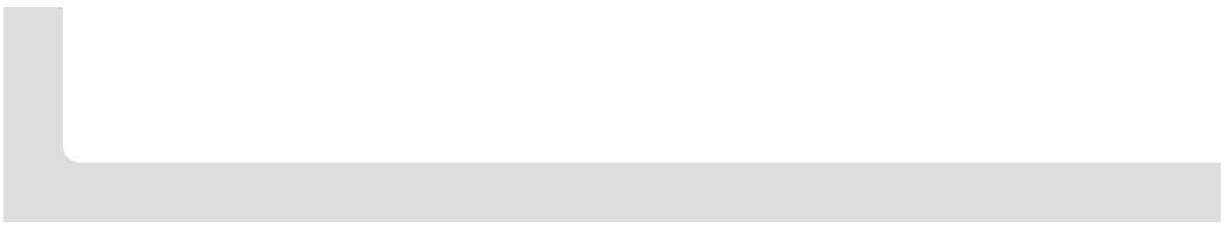
Hawai'i Wildlife Fund

Email

jane.hwf@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: [Janice Balauro](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 2:16:16 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Janice Balauro

Hanapepe, HI

From: [Jean Maier](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 6:35:39 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Jean Maier

jeanemaier@yahoo.com
Mililani, HI

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: jeannine@hawaii.rr.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Friday, March 18, 2016 10:21:17 PM

HB2501

Submitted on: 3/18/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jeannine Johnson	Individual	Oppose	No

Comments: I strongly oppose HB2501 HD2 which would reverse the hard-fought win by East Maui taro farmers and cultural practitioners and allow the State to continue the practice of using holdovers of temporary permits indefinitely. Article 11, Section 1 of the Hawai'i State Constitution states as follows: "For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawai'i's natural beauty and all natural resources, including land, water, air, minerals and energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State. All public natural resources are held in trust by the State for the benefit of the people." HB2501 HD2 will violate our laws intended to protect critical natural and cultural resources. Mohala i ka wai ka maka o ka pua. (Unfolded by the water are the faces of the flowers.) Flowers thrive where there is water, as does a thriving people. Please oppose HB 2501 HD2. Mahalo.

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

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

From: [Jemel Santiago](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Saturday, March 19, 2016 8:58:11 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Jemel Santiago

Kihei, HI

From: Jeawai8@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 2:26:16 AM

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

Submitted Information:

Name

Jennifer Awai

Zip code

96768

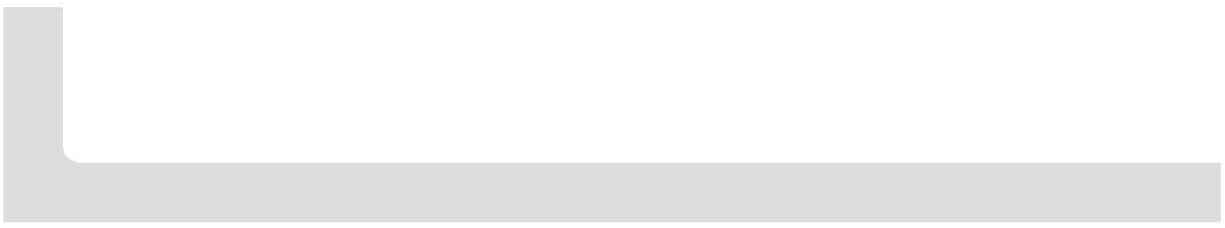
Community Group

Email

Jeawai8@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: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: jen7lynn@msn.com
Subject: *Submitted testimony for HB2501 on Mar 21, 2016 14:55PM*
Date: Thursday, March 17, 2016 9:54:05 PM

HB2501

Submitted on: 3/17/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Viets	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: [WLA Testimony](#)
Cc: jensky@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 8:21:22 AM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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

Comments: Aloha Chair Gabbard, Vice Chair Nishihara and members of the committee, I oppose HB 2501 HD2. This measure allows for the diversion of water from the watershed (our public trust) in large amounts over long periods of time. That activity needs an environmental assessment (due process). The EA would be a comprehensive consideration of the impact of removing water from the watershed on the culture, natural environment and economics of the region affected. The holdover permit process this bill codifies into law circumvents an Environmental Assessment and grants a "Holdover Permit". I cannot support that outcome, please defer decision making until a time as all the stakeholders are able to be heard and their concerns addressed. Sincerely, Jennifer

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: jeromekekiwi@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 9:59:20 AM

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

Submitted Information:

Name

Jerome Kekiwi Jr.

Zip code

96708

Community Group

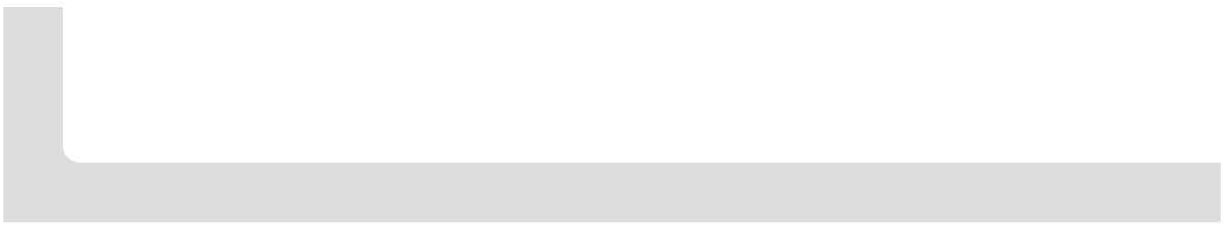
Na Moku Aupuni O Koolau Hui

Email

jeromekekiwi@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: isdale@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 1:20:23 PM

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

Submitted Information:

Name

jerry isdale

Zip code

96708

Community Group

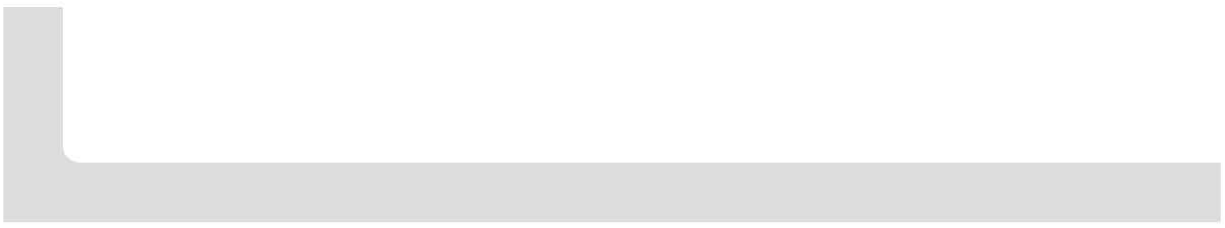
Haiku Community Association

Email

isdale@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: jkovarsky@aol.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 10:54:22 AM

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

Submitted Information:

Name

Jerry Kovarsky

Zip code

96753

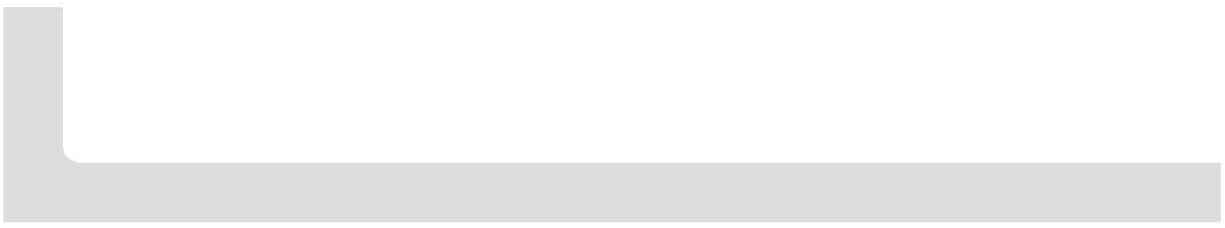
Community Group

Email

jkovarsky@aol.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: lleiahi@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 7:13:22 AM

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

Submitted Information:

Name

Jessica Kaleiiliahi Lindsey

Zip code

96743

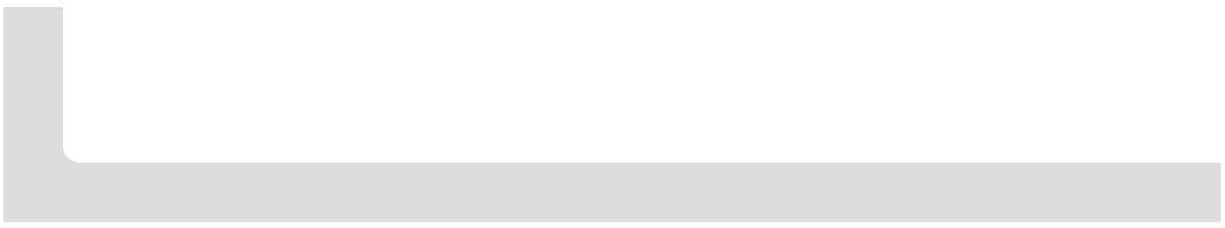
Community Group

Email

lleiahi@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: jessicahealingarts@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 11:28:35 AM

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

Submitted Information:

Name

Jessica Thompson

Zip code

96761

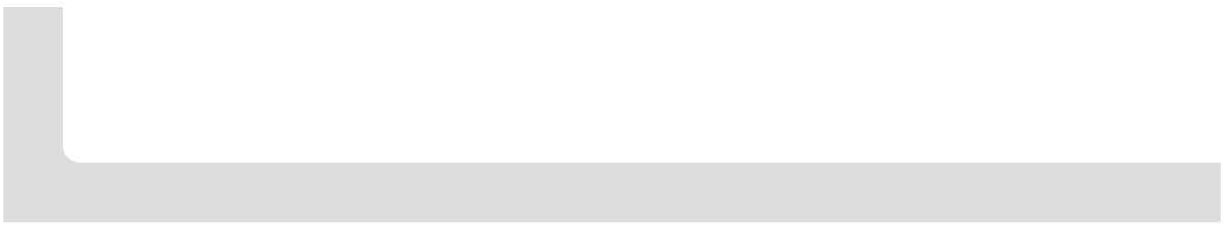
Community Group

Email

jessicahealingarts@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: [Eola Ikawai](#)
To: [WLA Testimony](#)
Subject: Fwd: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Thursday, March 17, 2016 11:09:32 PM

----- Forwarded message -----

From: Ohulei808@gmail.com <no-reply@weebly.com>
Date: Thu, Mar 17, 2016 at 9:47 PM
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
To: eolaikawai@gmail.com

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

Submitted Information:

Name

Jessica Waiau

Zip code

96720

Community Group

Email

Ohulei808@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

Water is life. Share water, share life.

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: jessicahealingarts@gmail.com
Subject: *Submitted testimony for HB2501 on Mar 21, 2016 14:55PM*
Date: Saturday, March 19, 2016 11:26:30 AM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
jessica	Individual	Oppose	Yes

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: jessiegr21@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 8:24:28 AM

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

Submitted Information:

Name

Jessie Riddle

Zip code

94544

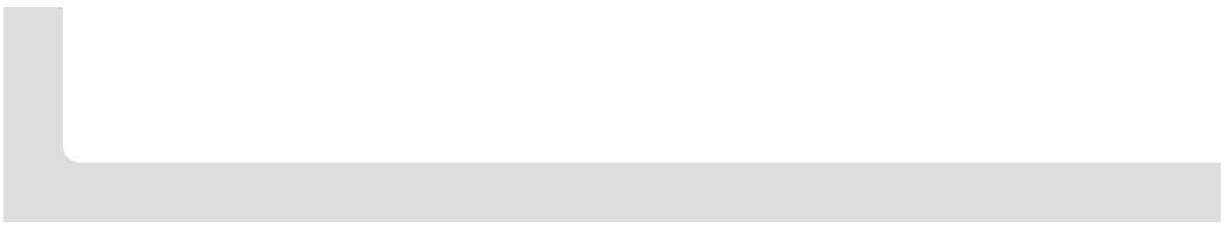
Community Group

Email

jessiegr21@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: ja@malu-aina.org
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 9:24:35 PM

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

Submitted Information:

Name

Jim Albertini

Zip code

96760

Community Group

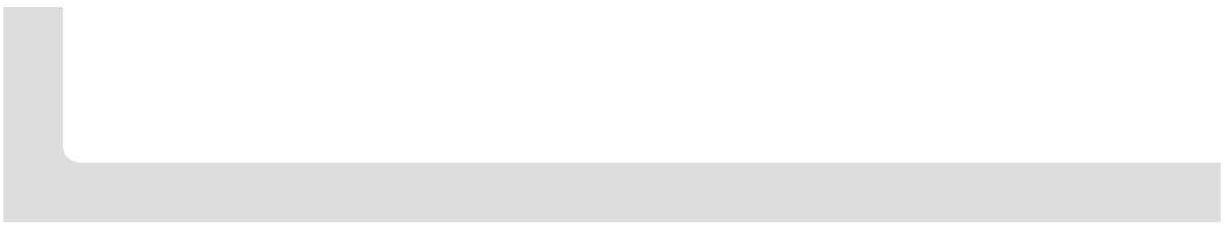
Malu Aina Farm

Email

ja@malu-aina.org

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: uibrown@maui.net
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 12:25:16 PM

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

Submitted Information:

Name

Jo-Addie Brown

Zip code

96790

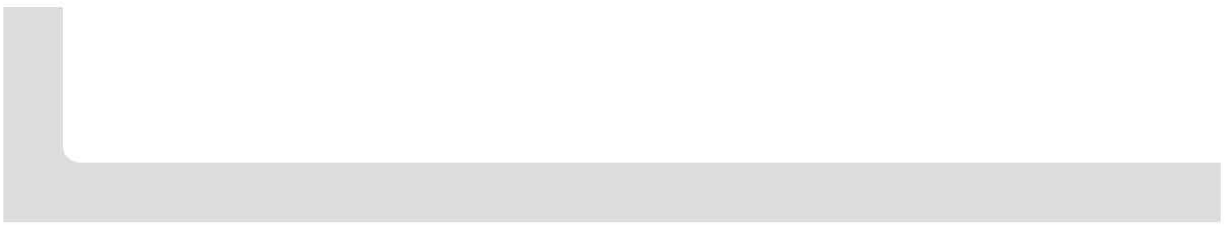
Community Group

Email

uibrown@maui.net

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: [Joan Heartfield](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Sunday, March 20, 2016 10:13:19 AM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

Joan Heartfield, PhD
PO Box 1044
Haiku, HI 96708
808 572-1250

From: [JoAnna Wyss](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, March 20, 2016 12:53:12 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

JoAnna Wyss

jwyss110@gmail.com

Kawaihae, HI

Aloha mai Senate Water, Land & Agriculture Committee,

I oppose HB2501 & the companion bill SB3001 and I strongly recommend all members to do the same. I am a mother, and seventh generation farmer from the Ahupua'a Ko'olau, Maui. Growing up in Ke'anae I was privileged to have an abundance of natural resources. As I look back at old pictures of my cousins and I swimming in Pi'ina'au pond and compare it to how that pond flows today, it's disgusting how much water is diverted from that one stream. Going up in to the mountains is like taking a step back in time. You can understand a sense of how our ancestors lived life back then. Opa'e and hihiwai is one of my papa's favorite Hawaiian delicacies. So I would go up mauka gather opa'e and hihiwai for him. The last time I went I noticed that those resources are getting more and more—scarce! When I was younger I considered working in the lo'i kalo as a chore, now that I am older I realize that you can't take anything for granted; the land, the mountains, and the ocean and especially the water.

I remember tutu man speaking of the lost waters since I was a child. The Stolen Waters case involving A&B and East Maui Farmers, is a disrespect to all farmers that range from haiku to Nahiku. Living in Ke'anae, makes it hard to make a living and feed my family when the streams are empty. I do not support A&B or the actions our stolen waters has only benefitted the private parties involved. Interrupting the natural flow of these streams has diminished all life from the mountain to the sea. This is a bill of water rights. It is my right, as a seventh generation Kalo farmer to have complete access to all stream flow.

Mahalo for your time,

Jocelyn Hueu
Ke'anae, Maui
Farmer/Resident/Kua'aina

From: [Joe McClure](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Saturday, March 19, 2016 10:14:40 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Joe McClure

Kahului, HI

From: [John Cross](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 12:12:11 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

John Cross

Hakalau, HI

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: fitzformai@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Friday, March 18, 2016 8:30:11 AM
Attachments: [Fitzpatrick HB 2501 Oppose.pages](#)

HB2501

Submitted on: 3/18/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
John Fitzpatrick	Individual	Oppose	No

Comments: Dear State Senators, House of Representatives, and Servants of the People; I, John Fitzpatrick, adamantly oppose HB 2501 which will allow A&B to continue stealing the peoples water out of the streams, deplete East Maui's aquifers, kill stream flow from Mauka to Makai, and negatively affect East Maui Kalo farmers. A&B have illegally been using holdover permits for over 13 years without having to do an EIS in order to properly determine how much water they can divert and purchase for just pennies a day. They currently divert 130-450 million gallons a day to water their 36,000 acre sugar farm, this is more than water than the entire island of Oahu consumes. Here is a time line of historic events leading up to your vote on Monday: <http://eolaikawai.weebly.com/timeline.html> Most importantly, I encourage you to vote no on HB 2501 because it shows the grotesque nature of how A&B controls our public officials who are suppose to be making the best decisions for the people of Hawai'i and not just the corporations. Mahalo, Fitz

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: [WLA Testimony](#)
Cc: gordines@kauaiflowers.com
Subject: *Submitted testimony for HB2501 on Mar 21, 2016 14:55PM*
Date: Saturday, March 19, 2016 9:22:15 PM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
John R. Gordines	Individual	Support	No

Comments:

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

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

From: [John Naylor](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 2:43:28 PM

Aloha,

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo,

John Naylor
PO Box 1749
Makawao, HI. 96768

From: Jreppun@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 6:31:15 PM

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

Submitted Information:

Name

John L Reppun

Zip code

96744

Community Group

Member: Makawai Stream Restoration Alliance

Email

Jreppun@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

A&B's 148 year history of diversion pales against the history of watersheds from which water has been diverted; The latter do not have reasonable or practicable alternatives unlike HC&S/A&B. It is time for change, time for rights and responsibilities to come into balance. A&B has had more than enough time to make changes to its operations (& ample "insider" influence on the State Commission on Water Resource Management) ...and awareness of Public Trust responsibilities, thereby. A&B: do the right thing and truly support the environment and culture that has supported you for well over a century

From: mvangeison@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 4:56:27 AM

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

Submitted Information:

Name

John Sakurai

Zip code

96817

Community Group

Kahoomau Ioina Hawaii.

Email

mvangeison@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

The water should go back to it's rightful flow path. Money and power should not be the issue here. If they will not be growing sugar cane any more they will not be needing the water. Give it back!

From: [John Stephens](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 4:30:12 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

John Stephens

instantkarma90@gmail.com
Honolulu, 96814

From: [Jolene Fecker](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 5:04:07 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Jolene Fecker

jfecker2001@yahoo.com
Monroe, NC

From: davisohana@hotmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 9:04:52 AM

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

Submitted Information:

Name

Jonathan Arthur Kanoa Davis

Zip code

96708

Community Group

Ha'iku Community Association

Email

davisohana@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

To whom it may concern,

I oppose HB2501. There should not be a law circumventing other laws for the benefit for a company/corporation to by pass other laws put in place for the people to protect their public trust.

In this case the people's public trust is the water natural resource itself. If no one owns the water, because the water is our natural resources and this water issue is a public trust. Then why are we passing laws making the corporations that control the access to the water and misuse the water and the public trust for their profit?

Show me the water! If the Senate and House are our public stewards of our land and our resources. Than it is your duties to protect and uphold the public's trust. It is also your duty to understand the history and the current laws that are already in place for the farmers and the people to ensure that Kalo farmers and other farmers get their water.

Not to mention, water being restored properly to the streams and rivers will help the aquifers and will help the eco-system with the ocean at the river mouths and fresh water fish living in these streams.

It is the right thing to do. Please kill this bill.

Mahalo

Jonathan

From: kaina.aloha@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 11:42:23 AM

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

Submitted Information:

Name

Jonnetta Lei Peters

Zip code

96744

Community Group

Email

kaina.aloha@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

My fathers family lived and farmed in the Ke'anae region for many generations and I am appalled that the water for these communities have been diverted to the point of jeopardizing not only the ecosystems of the region, but taking away the water from the people. The people have a RIGHT to the water! Very disturbing to see DRY STREAM BEDS that once had life and fed the ecosystem from mauka to makai and beyond. AUWE A & B.

From: RedHousePhotog@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 12:28:56 PM

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

Submitted Information:

Name

Joseph Cook

Zip code

96749

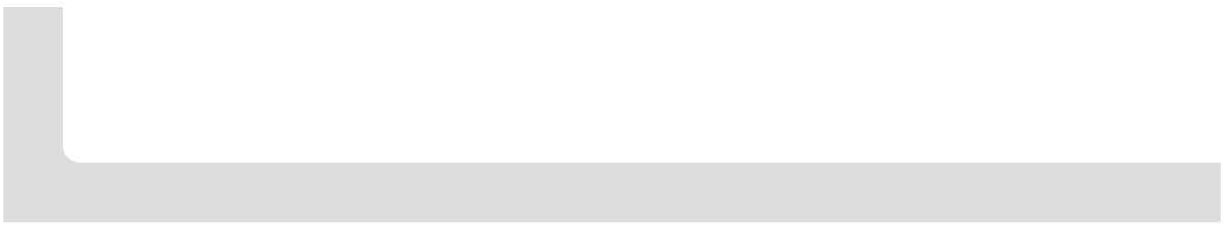
Community Group

Email

RedHousePhotog@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: Joseph@WeAreOne.cc
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 9:42:01 PM

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

Submitted Information:

Name

Joseph Kohn MD

Zip code

96793-9762

Community Group

We Are One, Inc. - www.WeAreOne.cc - WAO

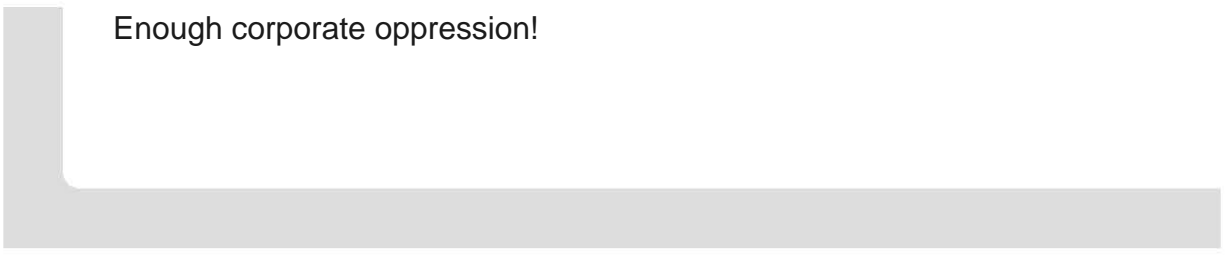
Email

Joseph@WeAreOne.cc

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

Enough corporate oppression!

A thick, solid grey L-shaped graphic element. It consists of a vertical bar on the left side and a horizontal bar extending to the right from the bottom of the vertical bar. The text "Enough corporate oppression!" is positioned in the white space above the horizontal bar.

From: Joepalumbo1123@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 8:32:01 PM

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

Submitted Information:

Name

Joseph Palumbo

Zip code

96732

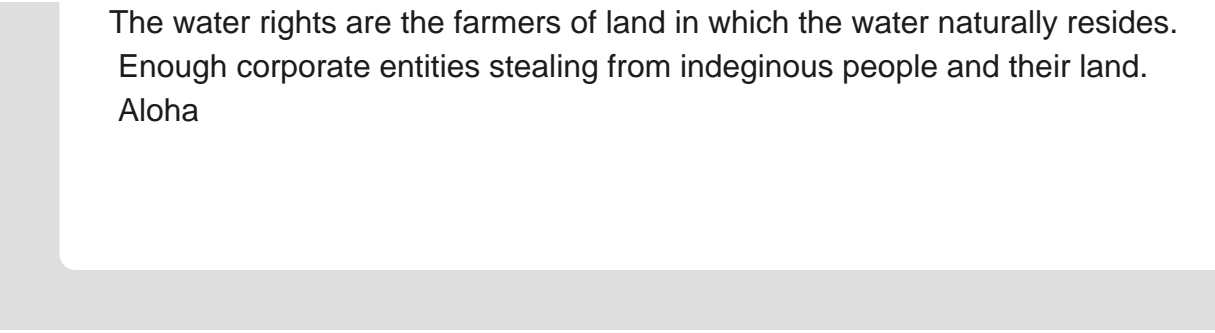
Community Group

Email

Joepalumbo1123@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



The water rights are the farmers of land in which the water naturally resides.
Enough corporate entities stealing from indigenous people and their land.
Aloha

From: [Eola Ikawai](#)
To: [WLA Testimony](#)
Subject: Fwd: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Thursday, March 17, 2016 11:10:34 PM

----- Forwarded message -----

From: joshua.noga@gmail.com <no-reply@weebly.com>
Date: Thu, Mar 17, 2016 at 10:31 PM
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
To: eolaikawai@gmail.com

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

Submitted Information:

Name

Joshua Noga

Zip code

96717

Community Group

Aloha Aina No Ko'olau Loa

Email

joshua.noga@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: [Judie Braaten](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 8:24:44 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

From: [Judith Rivera](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 10:45:05 AM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Judith Rivera

Kalaheo, HI

From: [Judy Flores](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Sunday, March 20, 2016 11:59:41 AM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

Sent from my iPad

From: [Judy](#)
To: [WLA Testimony](#)
Subject: HB2501
Date: Saturday, March 19, 2016 8:24:19 AM

Please do what's PONO and reject HB2501. Taro is a staple of the islands and Hawaiian culture and food supply. East Maui taro farmers need stream water. It should not be diverted by A&B. Please oppose this bill. Aloha, Judy Waters, Maui

From: [Julia McGovern](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Sunday, March 20, 2016 11:01:02 AM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: jupitt@yahoo.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Friday, March 18, 2016 12:08:27 PM

HB2501

Submitted on: 3/18/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Julie Pittman	Individual	Oppose	No

Comments: Aloha, Legislators YAMANE, SOUKI, TSUJI, WOODSON, YAMASHITA I am asking you stop supporting this bill. It is high time that the waters of East Maui streams be returned to its natural state and that the Kalo farmers be finally allowed their traditional livelihoods. The streams need their waters returned to create a healthy viable bio-diverse resource from the mountain to the ocean for all to gather from and sustain a traditional lifestyle of living from the land. Please put the waters back into the streams for the good of all peoples living in Hawaii, Mahalo Julie Pittman

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: trakcel@hawaii.rr.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 9:54:43 PM

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

Submitted Information:

Name

June L. Eckart

Zip code

96795

Community Group

Email

trakcel@hawaii.rr.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

I oppose HB2501, please oppose it also and help East Maui kalo farmers.
They need your help.

From: [Justin Mattli](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 2:05:04 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

From: [Kae Toguchi](#)
To: [WLA Testimony](#)
Subject: Please defer HB2501, Save our Streams!
Date: Saturday, March 19, 2016 5:49:51 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

From: [Kaitlyn McKee](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, March 20, 2016 9:59:39 AM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Kaitlyn McKee

silversurferkauai@hotmail.com
vilas, North Carolina

From: kalanipruet@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 6:54:20 PM

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

Submitted Information:

Name

Kalani Pruet

Zip code

96847

Community Group

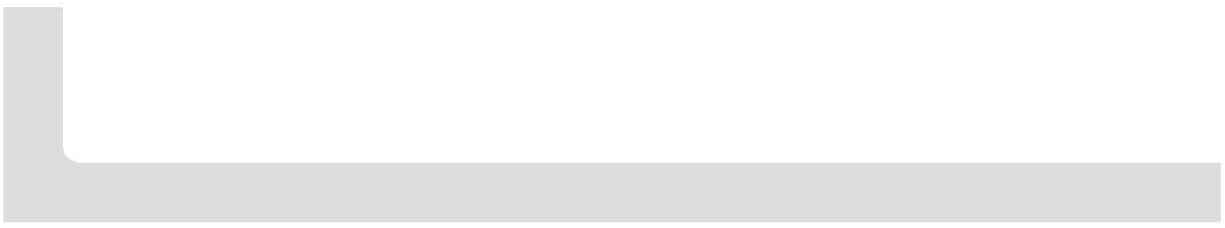
Ease Molokai small farmer.

Email

kalanipruet@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: [Kamala Nayeli](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 1:04:37 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo,

Kamala Nayeli
Caring about the planet

CONFIDENTIALITY: The information contained in this email message is confidential and is intended only for the intended recipient(s). If the reader of this email message is not the intended recipient (or the person responsible for the delivery of this email message to an intended recipient), you are hereby notified that you have received this message in error and you may not use, review, print, disseminate, distribute or copy this message. If you have received this email message in error, please reply to the sender that you have received this message in error and delete this message. Thank you.

From: Kanielatuipulotu@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 2:18:08 PM

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

Submitted Information:

Name

Kaniela Tuipulotu

Zip code

96761

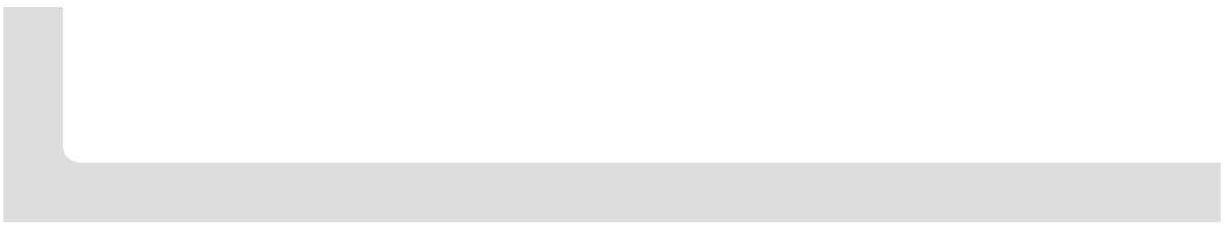
Community Group

Email

Kanielatuipulotu@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: keeaumoku_kapu@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Farmers Oppose HB2501
Date: Friday, March 18, 2016 11:48:13 AM

You've just received a new submission to your [Farmers Oppose HB2501](#).

Submitted Information:

Name of Farmer:

Kapu Ohana

Farm Name

Kaua'ula

Zip code

96761

Email

keeaumoku_kapu@yahoo.com

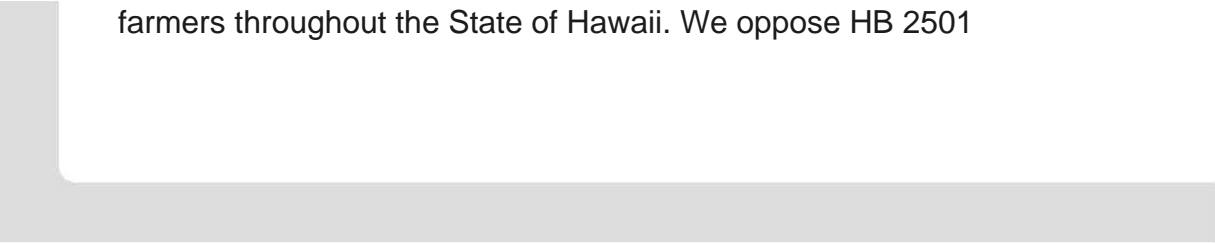
I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water.

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

A rule such as this will eventually trickle down and impact all traditional

farmers throughout the State of Hawaii. We oppose HB 2501



From: kapuuwaikahiau@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 3:25:08 PM

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

Submitted Information:

Name

Kapu'uwai Schildmeyer

Zip code

96793

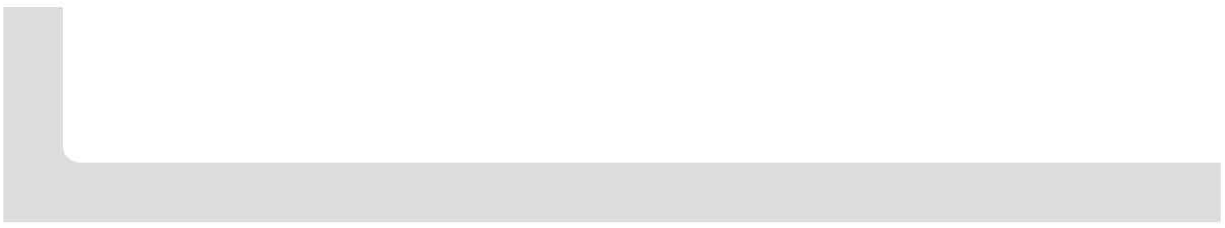
Community Group

Email

kapuuwaikahiau@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: [Karen Holderman](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Sunday, March 20, 2016 8:06:41 AM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: karenwinslow51@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 6:04:28 AM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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

Comments: Aloha Chair Gabbard, Vice Chair Nishihara and members of the committee, I oppose HB 2501 HD2. This measure allows for the diversion of water from the watershed (our public trust) in large amounts over long periods of time. That activity needs an environmental assessment (due process). The EA would be a comprehensive consideration of the impact of removing water from the watershed on the culture, natural environment and economics of the region affected. The holdover permit process this bill codifies into law circumvents an Environmental Assessment and grants a "Holdover Permit". I cannot support that outcome, please defer decision making until a time as all the stakeholders are able to be heard and their concerns addressed. Sincerely, Karen Winslow

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: Sandradiane55@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 7:37:11 AM

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

Submitted Information:

Name

Kassandra Olson

Zip code

96722

Community Group

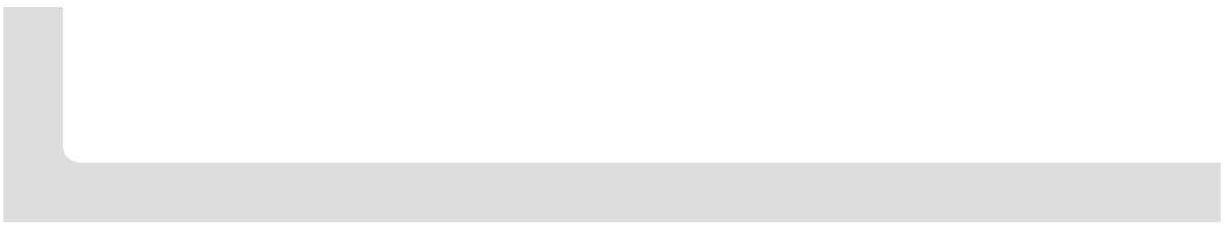
Family Farms Kilauea Olowalu

Email

Sandradiane55@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: [Kasha Ho](#)
To: [WLA Testimony](#)
Subject: In Defense of Maui's Public Water
Date: Sunday, March 20, 2016 1:07:50 PM

Aloha Chair Gabbard, Vice-Chair Nishihara and members of the Water, Land and Agriculture Committee,

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

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

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres (current production), or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that there are many millions of gallons of water available daily from A & B's private sources--making it very difficult to justify the continued diversion of 160 mgd of public water from East Maui, especially with the recent news of their last harvest. 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. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

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

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

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

Mahalo for your time and consideration,

Kasha Ho
62 Laimi Rd
Apt. A
Honolulu, HI 96817

From: [Katharine Owen](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 6:24:11 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Katharine Owen

RMKOWEN@hawaiiantel.net
Honolulu, HI

From: K_day_2002@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 6:21:51 PM

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

Submitted Information:

Name

Katherine

Zip code

96753

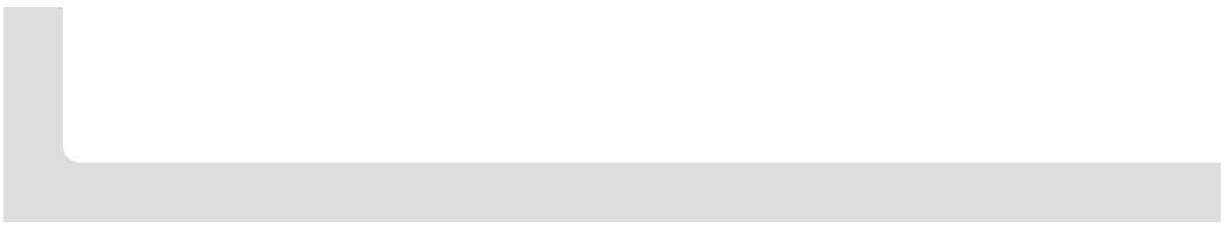
Community Group

Email

K_day_2002@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: [Kathy F. Parrish](#)
To: [WLA Testimony](#)
Subject: Opposel of HB2501 Theft
Date: Saturday, March 19, 2016 2:01:38 PM

- "I OPPOSE HB2501 A&B WATER THEFT BILL"
- "WE STAND WITH EAST MAUI- OPPOSE HB2501"
- "MAKE IT RIGHT-OPPOSE HB2501"

Kathy F. Parrish
25 Apalapani Ln
Haiku 96708
808-224-9696

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: kshimata@hawaiiantel.net
Subject: *Submitted testimony for HB2501 on Mar 21, 2016 14:55PM*
Date: Saturday, March 19, 2016 1:08:05 PM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kathy Shimata	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: kauwilamahina@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Thursday, March 17, 2016 11:12:45 PM

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

Submitted Information:

Name

Kauwila Sheldon

Zip code

96739

Community Group

The John Munn Kahikina Kelekona Foundation is an organization that protects sacred sites and Natural Resources. We are the descendants of John Kelekona and oppose HB2501!

Email

kauwilamahina@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

The Board of Water Supply should start giving coloring books to these large corporations because they waste so much water and aren't giving life to Haloa.

From: [Kawika Liu](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, March 20, 2016 2:03:35 AM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Kawika Liu

kaolelo@gmail.com
South Lake Tahoe, CA

From: Keomaivg@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 10:03:32 AM

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

Submitted Information:

Name

Kealoha Pisciotta

Zip code

96720

Community Group

I am the President/Co-Founder of the following organizations Mauna Kea Anaina Hou and I am authorized to sign on their behalf.

Ms. Kealoha Pisciotta

President, Mauna Kea Anaina Hou and,
Co-Founder of Kai Palaloa

Email

Keomaivg@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: Kapukapuakea@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 11:03:15 AM

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

Submitted Information:

Name

Ke'eaumoku Kapu

Zip code

96761

Community Group

Aha moku o Maui Inc.

Email

Kapukapuakea@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

Free the water and stop playing with the lives of people who are dependent on those resources for traditional and cultural uses.

From: [Keith Krueger](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 6:03:54 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Keith Krueger

dcavebear@gmail.com
Honolulu, Hawaii

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: keith@keithranney.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 10:57:17 AM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Keith Ranney	Individual	Oppose	No

Comments: Aloha Chair Gabbard, Vice Chair Nishihara and members of the committee, I oppose HB 2501 HD2. This measure allows for the diversion of water from the watershed (our public trust) in large amounts over long periods of time. That activity needs an environmental assessment (due process). The environmental assessment would reveal the how removing water from the watershed would impact the culture, natural environment and the economics of the region affected. The holdover permit process this bill codifies into law circumvents an Environmental Assessment and grants a "Holdover Permit." I cannot support that outcome. Please defer decision making until all the stakeholders are able to be heard and their concerns addressed. Sincerely, Keith Ranney Keokea, Kula, Maui, HI

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: [Eola Ikawai](mailto:Eola_Ikawai)
To: [WLA Testimony](mailto:WLA_Testimony)
Subject: Fwd: New Form Entry: Resource Protecton Organizations Oppose HB2501
Date: Thursday, March 17, 2016 11:08:11 PM

----- Forwarded message -----

From: Kekaukike@msn.com <no-reply@weebly.com>
Date: Thu, Mar 17, 2016 at 9:47 PM
Subject: New Form Entry: Resource Protecton Organizations Oppose HB2501
To: eolaikawai@gmail.com

You've just received a new submission to your [Resource Protecton Organizations Oppose HB2501](#).

Submitted Information:

Name of Organization

All of them!

Authorized Representative

Richard Maele DeLeon

Email

Kekaukike@msn.com

Zip code

96753

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

Our water belongs to Papahanaumoku Mother Earth it was mentioned to flow by nature's way Stop the theft of our water

From: Kekaipua@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 11:41:00 PM

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

Submitted Information:

Name

Kelley "Kekai" Farquhar

Zip code

96792

Community Group

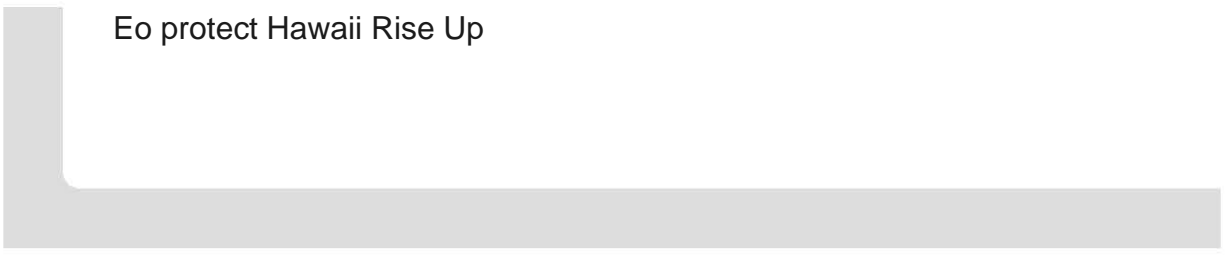
Email

Kekaipua@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

Eo protect Hawaii Rise Up



From: [keri zacher](#)
To: [WLA Testimony](#)
Subject: Please defer HB2501, Save our Streams!
Date: Saturday, March 19, 2016 8:51:14 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

From: kekoaseed@hawaii.rr.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 9:47:08 AM

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

Submitted Information:

Name

Kersten Johnson

Zip code

96785

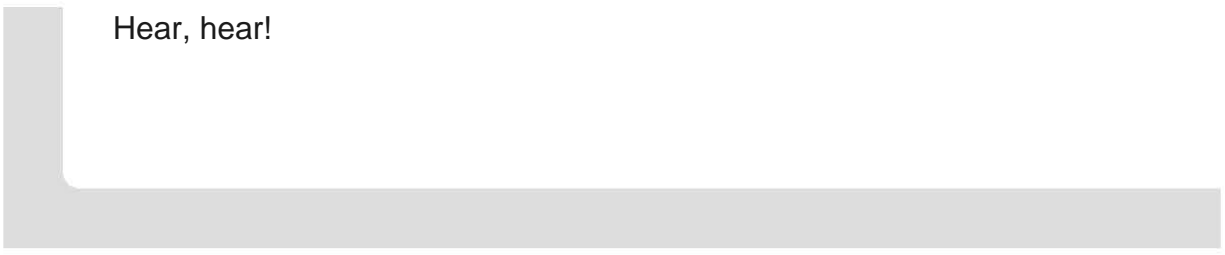
Community Group

Email

kekoaseed@hawaii.rr.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



Hear, hear!

From: [Kevin Burgett](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 9:26:21 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Kevin Burgett

Jarhead_works@yahoo.com
Waianae, HI

From: kevin-lindsey@comcast.net
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 10:39:57 PM

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

Submitted Information:

Name

Kevin Lindsey

Zip code

94709

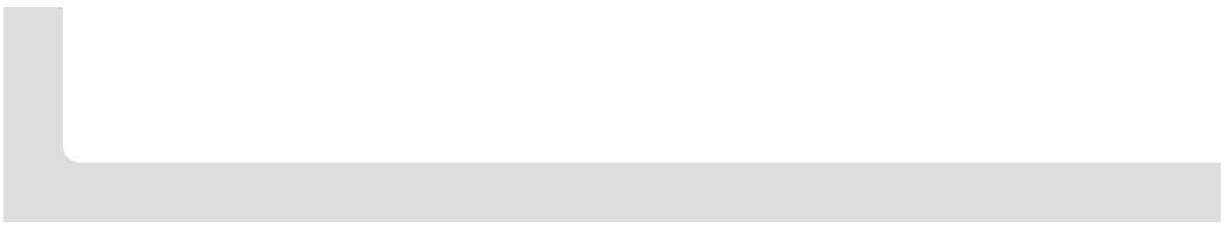
Community Group

Email

kevin-lindsey@comcast.net

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: [kevin.smith](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 1:20:12 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

kevin.smith

kskiwi@gmail.com
Honolulu, Hawaii

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: kpurdyavelino@yahoo.com
Subject: *Submitted testimony for HB2501 on Mar 21, 2016 14:55PM*
Date: Saturday, March 19, 2016 9:37:09 AM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kilia Purdy-Avelino	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: [Kim Kaanana](#)
To: [WLA Testimony](#)
Subject: In Defense of Maui's Public Water
Date: Sunday, March 20, 2016 7:53:37 AM

Aloha Chair Gabbard, Vice-Chair Nishihara and members of the Water, Land and Agriculture Committee,

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

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

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres (current production), or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that there are many millions of gallons of water available daily from A & B's private sources--making it very difficult to justify the continued diversion of 160 mgd of public water from East Maui, especially with the recent news of their last harvest. 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. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

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

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

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

Mahalo for your time and consideration,

Kim Kaanana

Kula, HI 96790

From: imafirehorse@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 11:40:53 AM

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

Submitted Information:

Name

Kuincey Banac-Aricayos

Zip code

96744

Community Group

Email

imafirehorse@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

As a resident who also live among ag land and farmers who's way of life depends on water, I urge you to stop this unnecessary evil.
Waiahole/Waikane on Oahu also fight for the right to water and farming! Do not OPPRESS these wonderful people of their means of living and culture!!!!!! EO!!!!!!

From: kurising@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 8:12:48 AM

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

Submitted Information:

Name

Kukona Lopes

Zip code

96734

Community Group

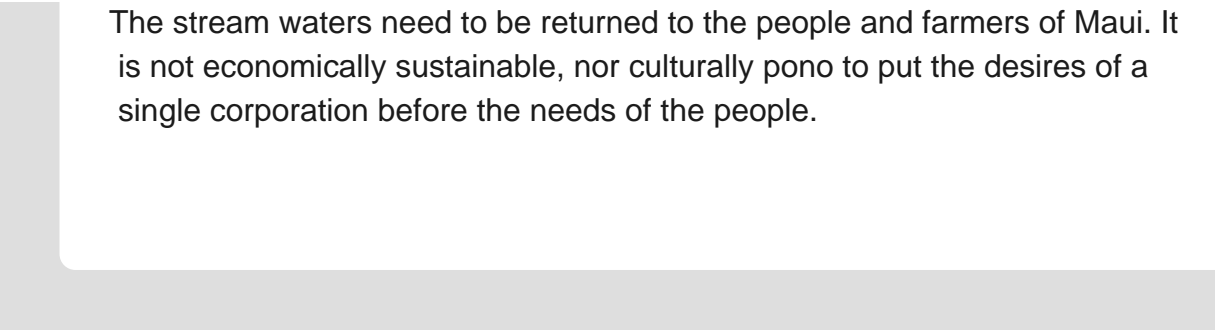
Hale Mua o Kualii

Email

kurising@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



The stream waters need to be returned to the people and farmers of Maui. It is not economically sustainable, nor culturally pono to put the desires of a single corporation before the needs of the people.

To the Senate Water, Land & Agriculture Committee,

I oppose HB2501 & the companion bill SB3001.

I have stood in the taro patch with my father, grandfather, and great-grandfather, I understand the balance of nature, and the required flow it needs for all ecosystems from the streams to oceans to thrive. Growing up in Ke'anae I was privileged to have an abundance of natural resources. Our muliwai plays a key role in fish reproduction. As a diver, and fishermen, I rely on the ocean as a main food source. The ocean is my livelihood, and it is a complete burn to understand that my livelihood is being sold for profits 50 miles away. Without constant stream flow, our fishes cannot spawn, therefore the bigger fishes have a decrease in food source, and the chain effect goes on and on. These diversions are an interruption to the balance of nature. The impact may not look so significant, however, it disrupts our watersheds ranging from our native forests to our sea floor. I hope this committee will enforce the law and conservation codes, and release water so that our streams will once again gain life.

Me Ke Aloha,

Kupono Hueu
Ke'anae, Maui
Farmer / Resident



From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: kgunderson91@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 1:35:01 PM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
kuulei gunderson	Individual	Oppose	No

Comments: To whom it may concern, As a Native Hawaiian, and citizen of Maui, I strongly oppose bill HB2501. I hereby request that all water diverted by A&B and HC&S be released back to the people of East Maui and the East Maui Farmers. The illegal monopolization and privatization of a people's commodity has gone on far too long. The restoration of complete water flow from mauka to makai, between Ke'anae, and Hanawi, will restore the indigenous 'opae and hihiwai to what now remain dry stream beds, while also returning a source of life to local farmers. Aloha, Ku'ulei Gunderson

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: [Kuulei Y. Park](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 2:27:29 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo for your kind attention to this very important matter.

Sincerely,
Ku'uilei Y. Park

From: Keahiahau@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 8:34:16 PM

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

Submitted Information:

Name

L.Kawailani Ono

Zip code

96816

Community Group

Email

Keahiahau@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

Please kokua our East Maui farmers. Return the water. For us, our keiki, our moopuna, and the future..

From: Lanaperry@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 8:23:37 AM

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

Submitted Information:

Name

Lana Perry

Zip code

96761

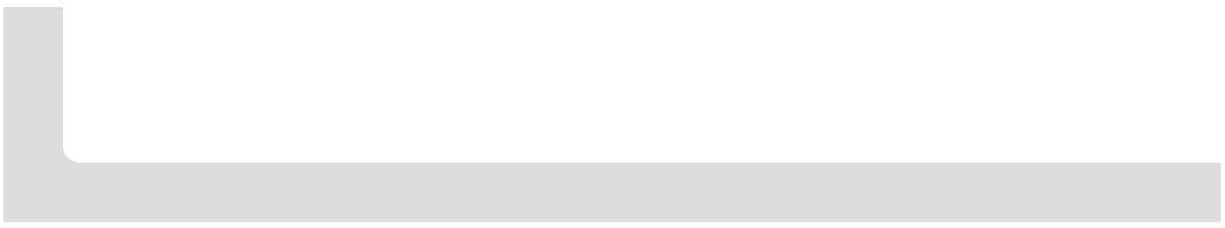
Community Group

Email

Lanaperry@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: lauracivitulo@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 8:48:04 AM

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

Submitted Information:

Name

Laura Civitello

Zip code

96708

Community Group

I am a 30 year resident of East Maui and write as an individual.

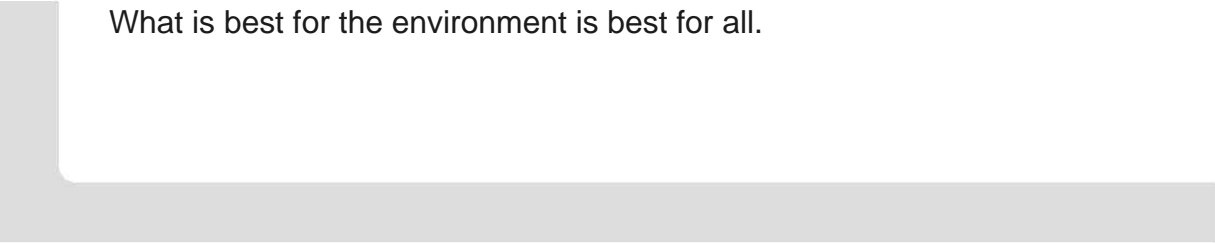
Email

lauracivitulo@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

What is best for the environment is best for all.



From: [Laura Hagan](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 3:29:14 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

Sent from my iPad

From: [Laurie Yoshida](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Saturday, March 19, 2016 10:00:51 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Laurie Yoshida

Lihue, HI

From: halaupalaihiwa@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 2:28:45 AM

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

Submitted Information:

Name

Lavena Kekua

Zip code

96746

Community Group

Halau Palaihiwa O Kaipuwai
HA`A Foundation

Email

halaupalaihiwa@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: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: lpc@lahainamaui.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 9:17:50 AM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Lawrence P. Carnicelli	Individual	Support	No

Comments: Honorable Chair Mike Gabbard, Thank you for the opportunity to testify in SUPPORT of this bill. This bill is important as it will affect all of Hawaii not just Maui. For the past 150 years East Maui Irrigation (EMI) has been operating to bring water to the residents and farmers of Up Country and Central Maui. Allowing EMI to continue to operate is essential to health and sustainability of Up Country and Central Maui. EMI currently flows about 200mgd which is more daily water use than all of Honolulu. Maui County operates on 36mgd. If just 30mgd can continue to be diverted to Central and Up Country Maui we will have enough water for generations to come. There is more than enough water to allow the flow of water to be returned to stream AND continue to supply water to the citizens of Maui. Should the EMI water system stop being used and allowed to fall into disrepair it will never be replaced by todays modern building operations, thus threatening any sustainable future for Mauians. Thank you for your kokua. Lawrence

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: [WLA Testimony](#)
Cc: EarthAsOne@hawaii.rr.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 7:34:33 AM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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

Comments: Aloha Chair Gabbard, Vice Chair Nishihara and members of the committee, I oppose HB 2501 HD2. This measure allows for the diversion of water from the watershed (our public trust) in large amounts over long periods of time. That activity needs an environmental assessment (due process). The EA would be a comprehensive consideration of the impact of removing water from the watershed on the culture, natural environment and economics of the region affected. The holdover permit process this bill codifies into law circumvents an Environmental Assessment and grants a "Holdover Permit". I cannot support that outcome, please defer decision making until a time as all the stakeholders are able to be heard and their concerns addressed. Sincerely, Lawrence Koss EarthAsOne@hawaii.rr.com

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

HB2501 HD2

RELATING TO WATER RIGHTS

COMMITTEE ON WATER, LAND, AND AGRICULTURE

Senator Mike Gabbard, Chair

Senator Clarence K. Nishihara, Vice Chair

March 21, 2016

2:55 p.m.

Room 224

Aloha Kākou, my name is Lehua Itokazu and I OPPOSE HB2501 HD2.

Alexander and Baldwin (A & B) continues to divert millions of gallons of water and have failed to start, much less issue, an environmental assessment despite a court ruling. 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 bill is not helping anyone except A & B. Please consider all the Kalo farmers who are asking for a modest return of water to 27 of the 100 plus East Maui streams. This should not continue.

Mahalo for you time,

Lehua Itokazu
1821 Ke‘eaumoku St. Apt 104
Honolulu, HI 96822

From: mauigirlnani@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 6:50:51 PM

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

Submitted Information:

Name

Leinani Cornelio

Zip code

96708

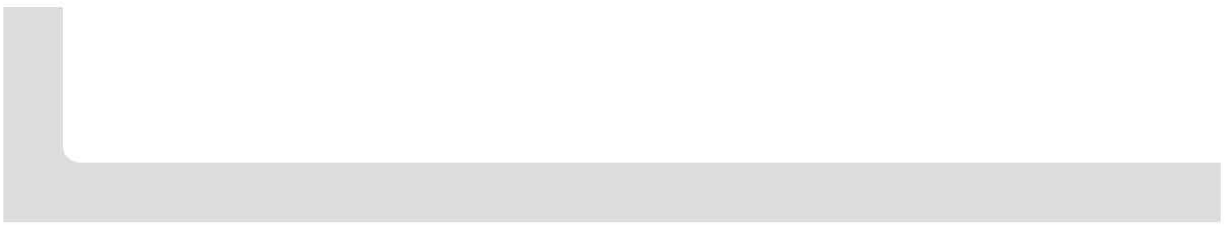
Community Group

Email

mauigirlnani@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: junyanakoa@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 2:39:43 PM

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

Submitted Information:

Name

Leonard K Nakoa III

Zip code

96761

Community Group

hawaiian

Email

junyanakoa@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

BE FOR DA PEOPLE AND NOT CORPORETE GUYS PLEASE



From: Welshl@nwf.org
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 5:43:34 AM

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

Submitted Information:

Name

Les Welsh

Zip code

98110

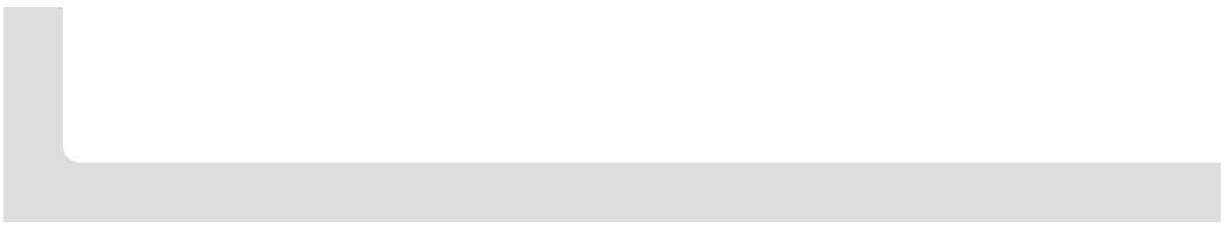
Community Group

Email

Welshl@nwf.org

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: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: leslieaashburn@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 9:27:27 AM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Leslie Ashburn	Individual	Oppose	No

Comments: Aloha Chair Gabbard, Vice Chair Nishihara and members of the committee, I oppose HB 2501 HD2. This measure allows for the diversion of water from the watershed (our public trust) in large amounts over long periods of time. That activity needs an environmental assessment (due process). The EA would be a comprehensive consideration of the impact of removing water from the watershed on the culture, natural environment and economics of the region affected. The holdover permit process this bill codifies into law circumvents an Environmental Assessment and grants a "Holdover Permit". I cannot support that outcome, please defer decision making until a time as all the stakeholders are able to be heard and their concerns addressed. Sincerely, Leslie Ashburn

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: [Leslie Cummings](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 5:17:30 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal. This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases. In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle. We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink. There is no reason to advance HB2501 and continue to divide our community. Mahalo.

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: lezleyjacintho@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 7:29:50 AM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Lezley jacintho	Individual	Oppose	No

Comments: I oppose HB2501 Return the water! It's time! Enough is enough

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: [Lilinoe Smith](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 1:41:10 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Lilinoe Smith

balihai7@hawaii.rr.com
Kalaheo, HI

From: lindakuoha@msn.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 11:23:24 AM

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

Submitted Information:

Name

Linda James

Zip code

96706

Community Group

Big business should not have the right to monopolize all the Maui water. So shame so much has been taken away from the Hawaiian people in the name of progress and big money!!! Give the water back to the Kalo farmers to malama the Aina!!

Email

lindakuoha@msn.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: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: llyerly7@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Saturday, March 19, 2016 9:13:06 AM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Linda Lyerly	Individual	Oppose	No

Comments: Please do not pass this bill and slide back into the past! Water is a right to all people not to be controlled by a few. I understand there is plenty of water for all. let us be Correct and share equally. Small farmers are so important and so is the natural environment. Please malama and be pono. The great state of Hawaii belongs also to the people who especially work the land, not just the great powers who have controlled water in the past. We must continue to keep our ag lands fertile but not at the expense of the smaller farmers and the wildlife. Let us share! Mahalo for this opportunity and for your consideration on not passing this bill. Sincerely with aloha, Linda Lyerly. 25 Puakukui Pl.#4, Lahaina. 96761

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: ipsatchell@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 7:05:06 AM

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

Submitted Information:

Name

linda satchell

Zip code

96726

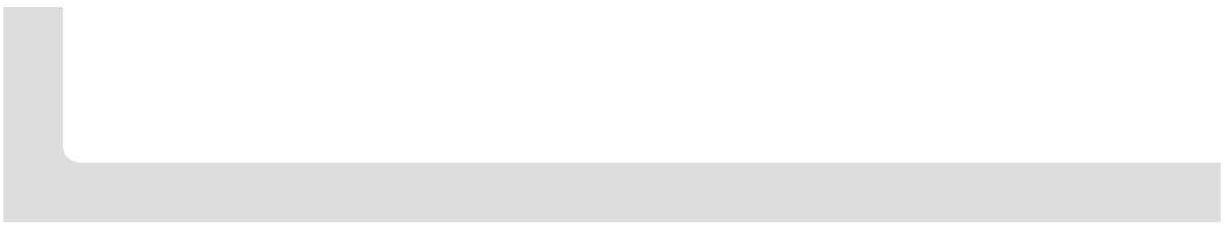
Community Group

Email

ipsatchell@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: [Linda Sola](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 2:41:51 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Linda Sola

linda@lindasola.com
Makawao, HI

From: [Lisa Asagi](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 8:13:51 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Lisa Asagi

lisa.asagi@gmail.com
Honolulu, HI

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: lisa.m.galloway@gmail.com
Subject: *Submitted testimony for HB2501 on Mar 21, 2016 14:55PM*
Date: Saturday, March 19, 2016 6:41:47 AM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Galloway, PhD	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

Lisa Hinano Rey
Hawaii Resident & Constituent
Alumni of UH Manoa CTAHR, Natural Resource & Environmental Management

March 19, 2016

Hearing: Monday, March 21, 2016, 2:55 pm, Conference Room 224

Re: In opposition to HB 2501, Relating to Water Rights

Please defer HB2501 HD2. As a resident of Hawaii and an individual who has dedicated myself to conservation and Malama 'aina work, I am appalled that this company has been allowed to extract water from the streams of Maui thus having detrimental effect on the native flora and fauna as well as the ecosystem as a whole. Furthermore, this is undermining the farmers of Maui who have the right to those waters for cultural purposes including growing Kalo.

I demand that the DLNR, Water Commission make this right and stop allowing one big company to do so much damage to the ecosystems in Maui.

Please restore water to the land, fauna and human residents of Maui.

It is time that we consider more than just the benefits that our resources can do for the economy. We must put this short sighted goal to the side and take care of our islands for the benefit of the native flora and fauna and for the preservation of the resources for generations to come.

Again, please defer HB 2501 HD2.

Mahalo,

Lisa Hinano Rey
hinanorey@gmail.com

From: mamakigirl@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 4:18:32 PM

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

Submitted Information:

Name

Liza Franzoni

Zip code

96776

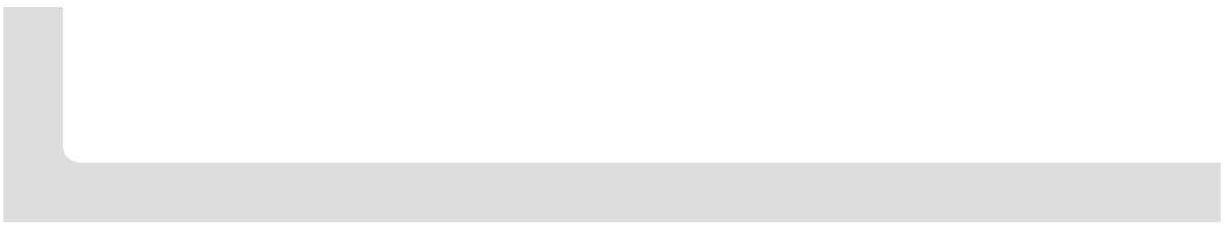
Community Group

Email

mamakigirl@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: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: lbc@hawaiiantel.net
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 12:13:27 PM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Lois Crozer	Individual	Oppose	No

Comments: There should be an environmental assessment before more water is diverted. The water belongs to the people and not big ag companies.

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: [Loreto Obra](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 5:22:47 AM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Loreto Obra

Pahala, HI

From: lori.adolewski
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 10:13:09 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

lori.adolewski

loria@hawaii.edu
Kaneohe, HI

From: [Lorie Farrell](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Saturday, March 19, 2016 8:59:19 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Lorie Farrell

Honokaa, HI

From: [Louis Lopes](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 6:53:25 AM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Louis Lopes

Haiku, HI

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: louiserockett@aol.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Friday, March 18, 2016 12:27:26 PM

HB2501

Submitted on: 3/18/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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

Comments: The water belongs to the people not to corporations. Please oppose HB2501. It is amazing that the legislature continues to promote this action. Please do what is right by the people of our state and the natives of our great land.

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

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

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: lsierraknight@yahoo.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Friday, March 18, 2016 12:18:09 PM

HB2501

Submitted on: 3/18/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
LS Knight	Individual	Oppose	No

Comments: I am strongly oppose this bill even the editorial staff at Honolulu Star Advertiser agrees to can this corporate sponsored bill. Can't you even pretend that you represent the people and Oppose this!!!

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: [Luly Unemori](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 2:18:01 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Luly Unemori

Wailuku, HI

From: alohahonopou@hawaiiantel.net
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 7:34:55 PM

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

Submitted Information:

Name

Lurlyn Scott

Zip code

96708

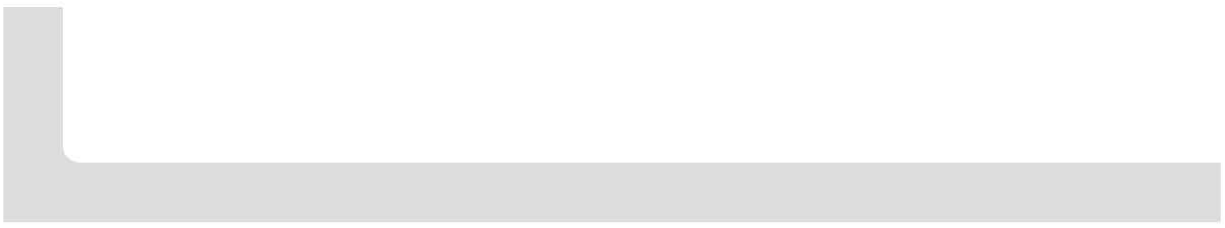
Community Group

Email

alohahonopou@hawaiiantel.net

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: VeniceLydia@gmail.co
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 2:36:27 PM

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

Submitted Information:

Name

Lydia Ponce

Zip code

90291

Community Group

Idle No More Venice

Idle No More Los Angeles

Email

VeniceLydia@gmail.co

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: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: lynhowe1946@yahoo.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Friday, March 18, 2016 9:28:57 AM

HB2501

Submitted on: 3/18/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Lyn Howe	Individual	Oppose	No

Comments: The farmers need the water to grow our food. Water belongs to the commons, it is theft to take the water from our farmers. I strongly oppose this bill.

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

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

From: [LYNETTE CRUZ](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 5:50:07 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

LYNETTE CRUZ

PALOLO@HAWAII.RR.COM
Waianae, Hawaii

From: lynettewilliams@hawaii.rr.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 11:58:25 AM

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

Submitted Information:

Name

Lynette Williams

Zip code

96744

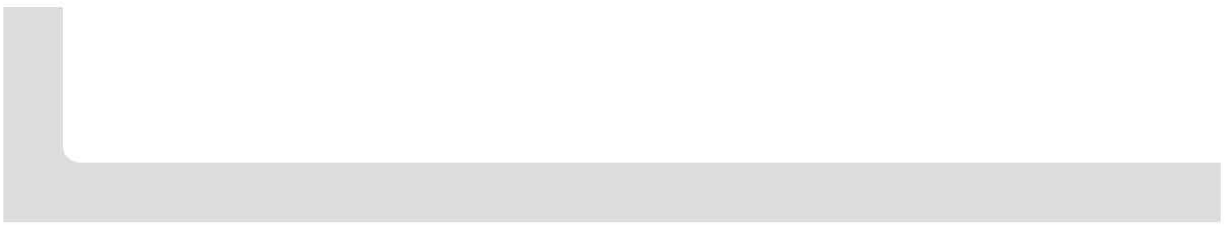
Community Group

Email

lynettewilliams@hawaii.rr.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: lbwilson@webfishpacific.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 2:15:11 PM

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

Submitted Information:

Name

Lynn Wilson

Zip code

96813

Community Group

Same Small Boat Productions, LLC

Email

lbwilson@webfishpacific.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

Mahalo for protecting the right of local, small farmers to have access to water to grow more food in Hawaii that we in Hawaii will feed our families, our communities. Time to turn to long term solutions that support sustainable small farms. With respect and Aloha, thank you for your leadership!

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: lynnehi@aol.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Friday, March 18, 2016 8:56:30 AM

HB2501

Submitted on: 3/18/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Oppose	No

Comments: This egregious bill is a travesty. This is an end run around a well thought out court decision which must be allowed to stand, unhindered by the rapacious legislators who are beholden to Alexander and Baldwin. It is disgraceful that water rights are treated so cavalierly instead of being allowed to flow to the people. Sugar is almost gone. Alexander and Baldwin does not need to further abuse its taking of water from the people of Maui, from the farmers that need it, from the growing of kalo. Please kill this bill now. Listen to the people instead of A&B. Lynne Matusow Honolulu

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: mlanzas@punahou.edu
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 10:58:40 AM

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

Submitted Information:

Name

m lanzas

Zip code

96822

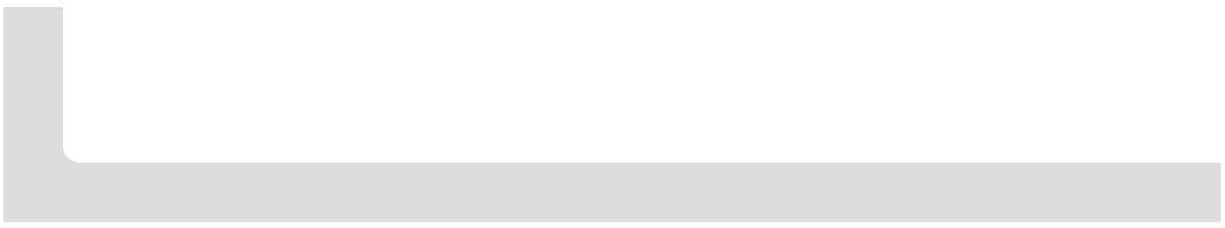
Community Group

Email

mlanzas@punahou.edu

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: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: mnakahata@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 8:17:14 AM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Mae Nakahata	Individual	Support	No

Comments: Measure merely provides a means for dlhr to legally address state leases until they develop a procedure or legal proceedings are completed. There is no circumventing of law. Please support this measure. Than 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

MAHESH CLEVELAND
1503 Liholiho St., Apt. 504
Honolulu, Hawaii 96822
(808) 226-7657

March 21, 2016

Senate Committee on Water, Land, and Agriculture
Senator Mike Gabbard, Chair
Senator Clarence K. Nishihara, Vice Chair

RE: OPPOSE HB 2501 HD2

Aloha, Chair Gabbard, Vice Chair Nishihara, and Esteemed Committee Members:

Thank you for holding this hearing on a matter of critical importance. I urge you to **OPPOSE** and **DEFER HB 2501 HD2**, just as you have deferred the senate version of the bill, SB 3001.

HB 2501 HD2 is UNNECESSARY LEGISLATION. Nowhere in the Hawai'i State Water Code is any provision that denies the power of the Commission on Water Resource Management to permit the taking of water for uses that are beneficial to the State and in compliance with the State's responsibilities as trustee for the people of Hawai'i. Hawai'i Revised Statutes § 174C-50, a portion of the State Water Code, already provides for the continuation of existing uses of water, subject to the issuance of a permit by the Commission. The issuance of permits certainly has conditions which must be met, but those conditions are tied to the Water Commission's constitutional and statutory duties, and do not conflict with the responsible use of water or the development of land resources. If there is a legally supportable need for the water, the Commission is well within their discretion to issue a permit to an applicant, once the requirements for the permit (as defined in H.R.S. § 174C-49) are met. Thus, there is no need to create special exemptions from the permitting process. All that is required is that a permit be issued in compliance with State law.

If the requirements for a permit are not met, it is the Commission's legal duty to deny such a permit, and the Water Commission should not be faulted for following the law. Neither should the law be circumvented for the benefit of a select few, as appearances would suggest in the case of this legislation. If there is a legitimate need for the extension of these temporary permits, let the parties requesting them simply follow the established permitting process. If there is no legitimate need for the extension of the permit, then common sense—not to mention State law—dictates that the water in question should be returned to its natural courses and waterways. In the event that a legitimate public use for the water arises, let the parties who are requesting the use of the water then engage the statutorily-defined process for the acquisition of the necessary permits.

Our State Constitution and Water Code exist for a reason. Hawai'i's unique public trust doctrine with respect to fresh water and other natural resources exists for a reason. The law's purpose—and by extension, yours and the Water Commission's—is to ensure that fresh water, as one of our most precious resources, be used wisely and for the benefit of all. It would be not

only irresponsible to allow the law to be sidestepped, it would also create a dangerous precedent for the future management of water and other resources. Some may argue that the exception to the established rules created by this legislation is narrow and clearly-defined. However, if allowed, others may then argue the same for other similar exceptions in the future. Today, it may seem that upholding and promoting a *status quo* taking of water by private entities creates no more harm than has been done for the past several decades. Some may even argue that no harm has in fact been done, although our fellow citizens from East Maui, for example, would probably say otherwise. In reality, those takings have been in violation of the Water Code ever since the Code was established. The Water Commission is far from achieving its statutorily-mandated duty to establish In-Stream Flow Standards for our State's surface waters. By allowing for open-ended "temporary" permits, this legislation will usurp the legitimate powers of the Water Commission and obstruct their ability to fulfill their duties to the people of Hawai'i.

Therefore, Mr. Chair Gabbard and members of this committee, I ask that you uphold and respect the resource management laws that were carefully crafted for the benefit of all our State's citizens, and vote down this bill. If a water use permit is to be issued, let it be done according to the due process established and defined by State law.

Sincerely,

A handwritten signature in black ink, appearing to read "Mahesh Cleveland". The signature is fluid and cursive, with the first name "Mahesh" being more prominent than the last name "Cleveland".

Mahesh Cleveland

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: dakine808gg@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 2:15:34 PM
Attachments: [oppose_pages](#)

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Maile Teter	Individual	Oppose	No

Comments: We will all pay the price if shortsighted actions are taken which affect our water and food supply.

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: bkaauamo@aol.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 9:11:47 AM

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

Submitted Information:

Name

Makanani Kaneshiro

Zip code

96734

Community Group

Email

bkaauamo@aol.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

My 'ohana has lived and worked in Ke'anae and Wailuanui, Maui for generations. We know how to live pono...how to only take what is needed and take when it is right to do so. The water is necessary to sustain the lives of those that live in these areas. Release what is needed...what belongs to those that live there...that rely on what is there...that are responsible for the 'aina-from mauka to makai! These are the people that we need in Hawai'i...they help to perpetuate our culture...our heritage. Look at what is being asked for! Do what is right to help protect a beautiful place and people...THIS IS HAWAI'I and once it is lost, it will not be found again.

From: sandybeachgirl808@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 3:41:03 PM

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

Submitted Information:

Name

Malia Akiona

Zip code

96821

Community Group

Ohana of the East Maui Farmers

Email

sandybeachgirl808@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

Please scrap HBR 2501....our Maui Ohana and East Maui Kalo Farmers
deserve, finally, the return of this precious resource....my family in Keanae
dates back 6 generations...
I humbly pray.....

From: Howzit@maui.net
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 9:23:03 AM

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

Submitted Information:

Name

Marcia Kalama

Zip code

96713

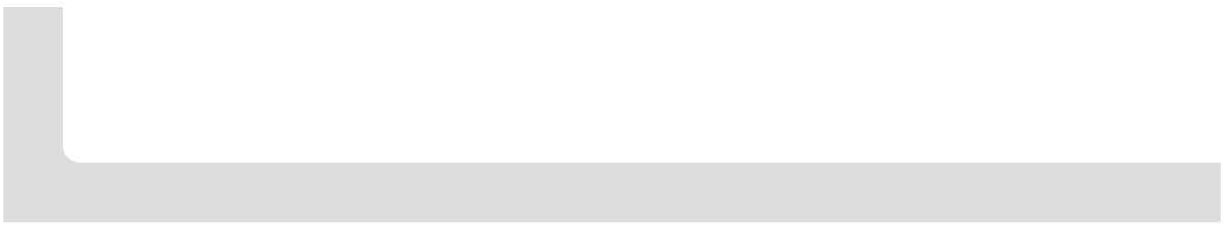
Community Group

Email

Howzit@maui.net

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: [Margaret Novack](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 3:18:03 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Margaret Novack

Margaret.novack@gmail.com
Kailua, HI

From: [Margi Coulson](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 2:23:31 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Margi Coulson

margicoulson@gmail.com
Kapolei, HI

From: kaimi@lava.net
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 12:57:07 AM

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

Submitted Information:

Name

Maria Orr

Zip code

96789

Community Group

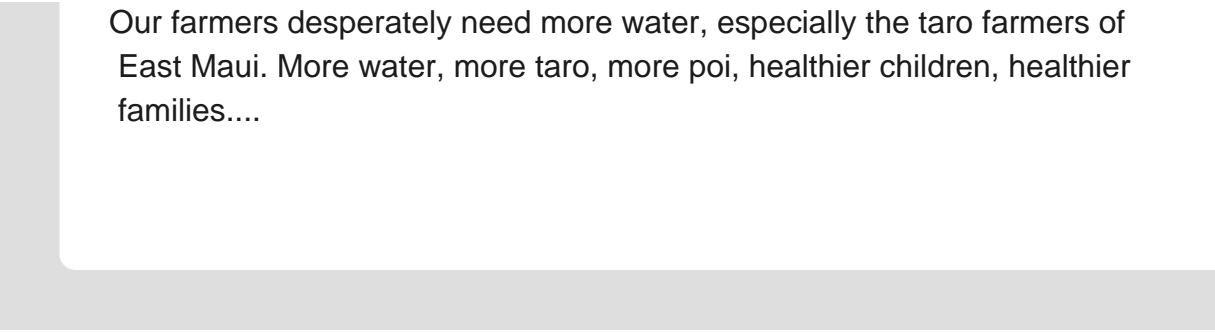
East Maui Taro Festival

Email

kaimi@lava.net

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



Our farmers desperately need more water, especially the taro farmers of East Maui. More water, more taro, more poi, healthier children, healthier families....

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: marie.janiszewski@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 1:21:07 PM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
marie janiszewski	Individual	Oppose	No

Comments: Aloha Chair Gabbard, Vice Chair Nishihara and members of the committee, I oppose HB 2501 HD2. This measure allows for the diversion of water from the watershed (our public trust) in large amounts over long periods of time. That activity needs an environmental assessment (due process). The EA would be a comprehensive consideration of the impact of removing water from the watershed on the culture, natural environment and economics of the region affected. The holdover permit process this bill codifies into law circumvents an Environmental Assessment and grants a "Holdover Permit". I cannot support that outcome, please defer decision making until a time as all the stakeholders are able to be heard and their concerns addressed. Sincerely, Marie Janiszewski

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: [Marilyn Mick](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, March 20, 2016 10:38:07 AM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Marilyn Mick

marilynmick@pobox.com
Honolulu, HI

From: [Marilyn Napier](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 2:14:53 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Marilyn Napier

Waipahu, HI

From: [Mario Gaggero](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 7:35:57 AM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Mario Gaggero

Kihei, HI

From: [Mark Bartel](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 6:58:17 AM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Mark Bartel

Wailuku, HI

From: murfguy808@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 10:25:44 AM

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

Submitted Information:

Name

mark carvalho

Zip code

96768

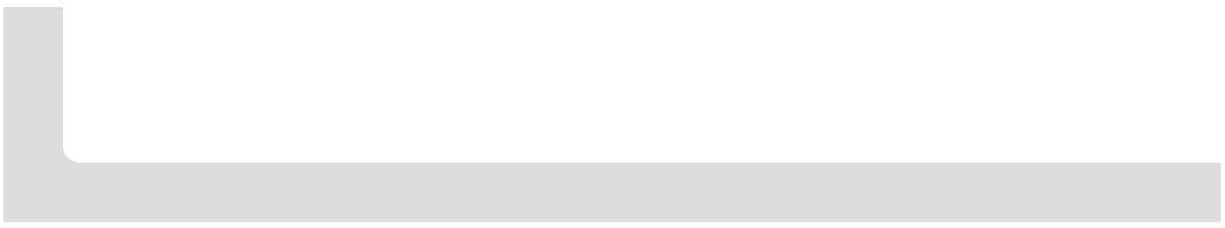
Community Group

Email

murfguy808@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: [Mark Enomoto](#)
To: [WLA Testimony](#)
Subject: Please defer HB2501, Save our Streams!
Date: Saturday, March 19, 2016 1:41:14 PM

Water is a fundamental human right and should not be "owned" or "controlled" by a private entity like A&B. Please defer this bill and return streams and its water to the "people" and not as a promise for campaign contributions and selected interests that only have their own profit and benefit in mind.

Water belongs to no one but it is everyone's kuleana to care for, conserve and use wisely.

Aloha,
Mark Enomoto
1717 Uhi PL
Honolulu, HI 96821
808 366-3976

From: [Mark Kijima](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 8:08:18 AM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Mark Kijima

Kula, HI

From: [Mark Stoutemyer](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 11:32:42 AM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Mark Stoutemyer

Kaneohe, HI

From: [Mark Tracy](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Sunday, March 20, 2016 2:04:59 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: ekenuifarm@aol.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 9:08:48 AM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Marla Hunter	Individual	Oppose	No

Comments: Aloha Members of the committee, I oppose HB 2501 HD2. This measure allows for the diversion of water from the watershed (our public trust) in large amounts over long periods of time. That activity needs an environmental assessment (due process). The EA would be a comprehensive consideration of the impact of removing water from the watershed on the culture, natural environment and economics of the region affected. The holdover permit process this bill codifies into law circumvents an Environmental Assessment and grants a "Holdover Permit". I cannot support that outcome, please defer decision making until a time as all the stakeholders are able to be heard and their concerns addressed. Sincerely,

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: [Martha Martin](#)
To: [WLA Testimony](#)
Subject: Please defer HB2501, Save our Streams!
Date: Saturday, March 19, 2016 1:22:12 PM

Please defer HB2501 HD2. This bill divides Hawaii's communities, creating confusion and conflict. I want our water resources to be well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams and dries some up.

Native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community. Please don't allow the continued temporary water leases to A&B continue. The water belongs to the people.

Submitted by Martha Martin
PO Box790300
Paia, Maui, HI 96779

Mahalo.

Sent from my iPad

From: [Woodbury](#)
To: [WLA Testimony](#)
Subject: Water theft bill
Date: Saturday, March 19, 2016 9:23:26 AM

To Whom it may concern,
Please do the right thing, and oppose the HB2501 A & B water theft bill! This is part of Maui's heritage. The water is the life blood.
Thank you.

Martha Woodbury
Kula, Maui, HI

From: [Mary Barter](#)
To: [WLA Testimony](#)
Subject: Defer HB2501
Date: Sunday, March 20, 2016 9:55:38 AM

Please defer HB2501 HD2.

When the people see hat in the 21st century our”democracy is still allowing such unfairs and unwise resource grabs it further undermines the already low opinion or our government and its officials.
There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

Mary and David Barter

Aloha mai Senate Committee on Water, Land, and Agriculture,

I oppose HB2501 & the companion bill SB3001 as the Stolen Waters case involving A&B and East Maui Farmers, is by far the most absurd case I have ever witnessed. My family has been farmers of East Maui for several generations, living in Ke'anae, the heart of the road to Hana, and the center of these stolen waters. Ke'anae is home to about twenty families, all farmers, of Hawaiian ancestry, and the rights to 100% stream flow that lies within their district, or ahupua'a. Seeing first hand the dry, and empty streams is like seeing a ghost in the beds of these gulches and river beds. All stream life have disappeared and vanished, the hihiwai, the 'o'opu, are gone, our food source, has disappeared, because of the actions of A&B for the operations of HC&S. This is largest privately owned water diversion in the WORLD, also ILLEGAL in the United States as well as the present, Kingdom of Hawai'i. Stealing water from a farmer is by far, the worst action one can do to a farmer. Interrupting a natural flow, and resource, has diminished, all life from the mountain to the sea. The moi are not plentiful in the sea, as they were in schools of many before the diversions.

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

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

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

Me Ke Aloha,

M. Kamalani Pahukoa

East Maui Resident / Farmer

From: mdrayerhome@msn.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 9:09:57 PM

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

Submitted Information:

Name

Mary Drayer

Zip code

96793

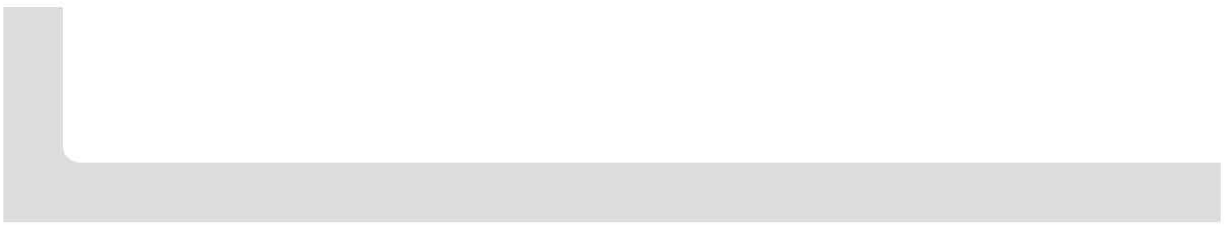
Community Group

Email

mdrayerhome@msn.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: memanuel.coats@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 8:30:04 PM

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

Submitted Information:

Name

Mary Ewalani Manuel-Coats

Zip code

96792

Community Group

AHA ALOHA AINA

Email

memanuel.coats@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

My family has been in this dispute since 1873! I stand yet, today, to support my ancestors, Lonoaea Mahi, against this bill and the A&B corporation for illegally diverting too much water needed to water kalo farms.

I would strongly suggest that you read the supreme and federal court ruling on this case Mahi, Lonoaea vs Wailuku Sugar Co 1895 Supreme Court decision.

A federal court decision supersedes a supreme court ruling. My families Hawaiian lawful rights have been violated for many years through this corporation's water wasting!

This bill needs to be stopped and A&B has lost it's rights to the lease.

Return the water back to its original state!

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: hokuokekai50@msn.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Thursday, March 17, 2016 8:53:09 PM

HB2501

Submitted on: 3/17/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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

Comments: I strongly oppose HB2501. Please make the right decision and restore water to our streams to halt any further damage to Maui's fragile ecosystem. Please keep the streams flowing for our taro farmers.

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: [Mary Louise O'Brien](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 4:52:40 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Mary Louise O'Brien

mobrien7@hawaii.rr.com
Kaneohe, HI

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: mauimarysue@hawaii.rr.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Saturday, March 19, 2016 8:33:08 AM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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

Comments: Please kill this bill. The water should go to the people of Maui, including taro farmers, not to A&B. HC&S continues to pollute Maui and uses a lot of water to grow sugar cane. This is not good for Maui or fair.

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: [WLA Testimony](#)
Cc: observingmaui@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Saturday, March 19, 2016 8:02:00 AM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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

Comments: In 2003, the state and A&B were ordered to complete an environmental assessment. The study should have been completed prior to any addition diversion. To date, showing total disregard for what is right, none has ever been done. The state has allowed the diversions to continue inventing an authority for A&B's exclusive benefit. Most of the other temporary leaseholders are on the small side and would not have much environmental impact. A&B on the other hand, know as well as we all do, an EIS would confirm that diverting 400 million gallons of water a DAY has a slew of negative environmental impacts. Since at least 1925, A&B diversions have caused significant, unjustified, and unnecessary injury to generations of farmers, fishermen, gatherers and the natural resources they depend on. Based on A&B's own calculations, there is more than enough water for thriving mauka-to-makai stream habitats and fisheries, healthy taro crops, existing Upcountry water users and future diversified agriculture on A&B's former sugarcane lands. HB 2501 is intended to cover up and validate decades of abuse and arrogance. If passed, HB 2501 would confirm that A&B is above the law, our courts have no power over its illegal actions, and that the health and welfare of our communities and natural resources are secondary. Do not reward their bad behavior, recklessness with our resources and East Maui lives. Please vote no on HB2501, 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: Naniomerod1@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 11:45:13 PM

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

Submitted Information:

Name

MARYANN Omerod

Zip code

96813

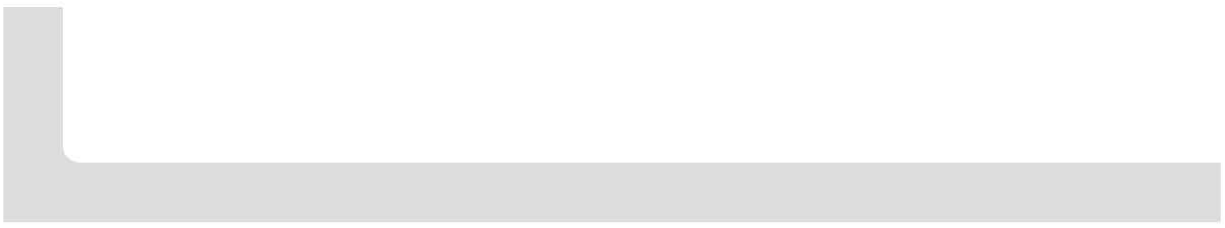
Community Group

Email

Naniomerod1@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: [Matthew Graham](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 7:48:37 AM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Matthew Graham

Kihei, HI

From: [Matthew Paschoal](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Saturday, March 19, 2016 10:55:45 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Matthew Paschoal

Kihei, HI

From: nana.mm51@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 12:56:56 PM

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

Submitted Information:

Name

Maureen

Zip code

96727

Community Group

Email

nana.mm51@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

i find this to be cruel in all aspects. the rich feel they can do and take anything they want no matter who or what it hurts or distroys. greedy greedy greedy its never enough. how do they sleep at night? while those whos lives they effect can not. not all the rich. but if their not doing the harm their selves, they support big corperation that do. < br />

From: [Diana L. Dahl](#)
To: [WLA Testimony](#)
Cc: [Sen. J. Kalani English](#); [Sen. Glenn Wakai](#); [Sen. Will Espero](#); [Sen. Josh Green](#); [Sen. Kaiali'i Kahele](#); [Sen. Clarence Nishihara](#)
Subject: Re: HB2501 Pro flyer from Farm bureau - used my name without permission
Date: Saturday, March 19, 2016 3:20:37 PM
Attachments: [Pro-HB 2501 flyer-2.pdf](#)
[ATT00001.txt](#)

To whom it may concern,

The Farm Bureau used our name without permission on their "Pro HB2501 Flyer."

We are NOT in support of HB2501.

I wonder how many other Revocable Permit holders are listed, without their knowledge, on the flyer that are also NOT in support of HB2501?

We are a Revocable Permit holder from DLNR on the Island of Maui and my father's name: James C. Loomis is listed on the Farm Bureau flyer along with our 14,360 acres. I help to manage the property with my father. We have never had water rights with our Ag lease, however A & B, via EMI, has taken every last drop from the stream that is supposed to run through the ag lease property.

The Farm Bureau flyer (attached) is very scary, trying to convince us RP holders to vote in favor of the bill, however, the main impact of the bill will be to extend to A & B their water diversions indefinitely, with no proof of the amount of water the new "diversified ag" will actually need. This is a last ditch effort (pun intended) by A & B to secure control over the majority of the water rights of Maui County - the East Maui Watershed, thereby securing the value of their land and water holdings. As the HC & S plantation transitions to diversified ag and development, you can imagine how valuable an endless and unlimited supply of water is to their shareholders. However, I put the health of the watershed, the health of the island, and a fair distribution of water to diversified sustainable farmers above the health of the portfolio of the A & B shareholders.

As a 46 year resident living in the East Maui Watershed, downstream from all the EMI (A & B) steam diversions, I have watched the health of the watershed steadily decline. I know first hand that EMI (A & B) has NOT demonstrated good and proper stewardship for one on Maui's most important and valuable resources. Therefore, they do not deserve to get indefinite rights to the water, in fact, they should lose their privilege due to their reckless abuse of the East Maui Watershed.

My father Jim Loomis and I are not in favor of HB2501.

And please have someone look into the validity of the support from the other RP holders listed on the flyer from the Farm Bureau.

Thank you very much,

Megan Powers and James C. Loomis



NO LAND + NO WATER = NO FOOD

A message from your local Farmers and Ranchers:

- We are among hundreds of 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.
- Recent public statements by well-known activist groups claim that we would not be affected by the court’s decision and that a legislative fix (HB 2501) would not help us. This is simply **NOT TRUE**.
- We have sought legal advice on the status of our land and water leases. Attorneys have advised us that all farmers and ranchers throughout the islands who hold State revocable permits are currently in a dangerous limbo.
- The lawsuit and court decision directly impacted A&B, but the judge’s order based upon her interpretation of the legislative intent of the law (HRS 171-55) is that Revocable Permits as a whole, cannot be renewed year after year.
- 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.
- We rely on these permits for our land and our water so we can provide food from our farms and ranches. While HB 2501 may not directly impact RP *land holders*, it may help DLNR in its review of those leases.
- Bona-fide farmers and ranchers have always preferred stable and secure long term lease arrangements so they can make necessary investments; confident that they will not lose their permit with only a 30-day notice. Unfortunately, in many cases, DLNR has not been able to offer long term leases.
- We are encouraged that DLNR has recently appointed a team to review RPs and to make recommendations to revamp the program. Obviously, this review will not happen overnight and because it may take years to implement any recommendations, we need the temporary relief provided by HB 2501.
- Hawaii’s food producers cannot afford to engage in protracted court battles while the State lease programs are being revised.
- Based upon recent events, Farmers and Ranchers have renewed their efforts with DLNR to convert their RPs to long term leases.

From: [Mel Cup Choy](#)
To: [WLA Testimony](#)
Subject: Please defer HB2501, Save our Streams!
Date: Saturday, March 19, 2016 1:15:07 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

From: [Melinda Ahn](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 2:24:27 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

Sent from my iPhone

From: alohamele71@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 3:44:21 PM

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

Submitted Information:

Name

Melissa Nelson

Zip code

96788

Community Group

Maui Rise Up

Email

alohamele71@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

Please do right by us your constituents



From: Slomeli@aol.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 4:24:28 PM

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

Submitted Information:

Name

Melissa Widing

Zip code

96753

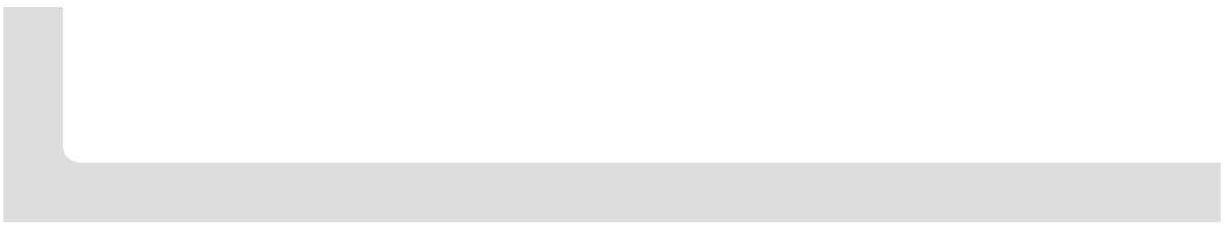
Community Group

Email

Slomeli@aol.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: [Melynda Dant](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, March 20, 2016 7:57:36 AM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Melynda Dant

mendy@fair-wind.com
Kailua Kona, Hawaii

From: msojr25@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 9:15:26 AM

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

Submitted Information:

Name

Merv Oana

Zip code

96753

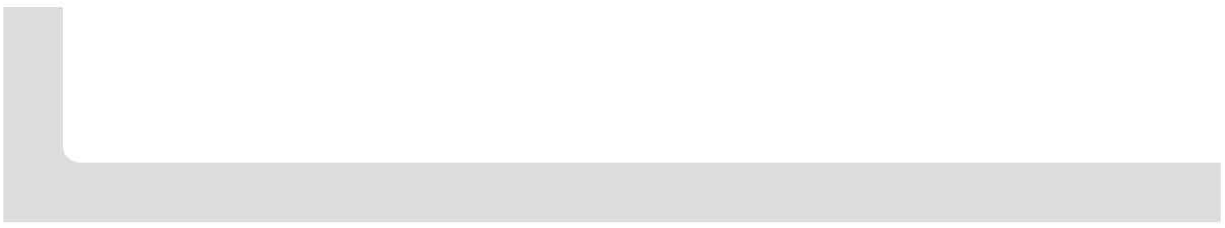
Community Group

Email

msojr25@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: miasarsfield@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 11:03:27 AM

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

Submitted Information:

Name

mia sarsfield

Zip code

96732

Community Group

I urge you to vote down HB2501. 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

Email

miasarsfield@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: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: bondma@cs.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Saturday, March 19, 2016 12:24:31 PM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Bond	Individual	Oppose	No

Comments: This is a dreadful bill whose only purpose is to allow for stolen water to be used to create more housing developments on Maui. Soon Maui will look like Honolulu and the reason for living on Maui will be gone. Please kill this bill and fulfill your responsibility to the people who elected you, not rich developers.

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: michaeltfogarty@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 3:55:20 PM

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

Submitted Information:

Name

Michael Fogarty

Zip code

96753

Community Group

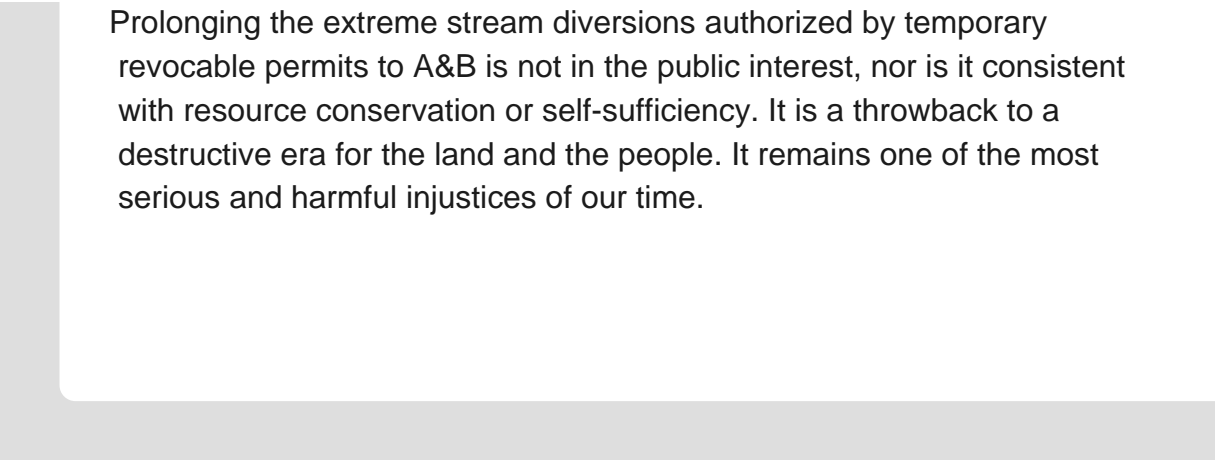
Individual

Email

michaeltfogarty@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



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 destructive era for the land and the people. It remains one of the most serious and harmful injustices of our time.

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: mharrison541@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 7:33:55 AM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
michael harrison	Individual	Oppose	No

Comments: Aloha Chair Gabbard, Vice Chair Nishihara and members of the committee, I oppose HB 2501 HD2. This measure allows for the diversion of water from the watershed (our public trust) in large amounts over long periods of time. That activity needs an environmental assessment (due process). The EA would be a comprehensive consideration of the impact of removing water from the watershed on the culture, natural environment and economics of the region affected. The holdover permit process this bill codifies into law circumvents an Environmental Assessment and grants a "Holdover Permit". I cannot support that outcome, please defer decision making until a time as all the stakeholders are able to be heard and their concerns addressed. Sincerely, Michael Harrison

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: [Michael LaGassey](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, March 20, 2016 6:11:19 AM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Michael LaGassey

mickeynow@gmail.com
Tampa, FL

From: minns.hana@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 2:07:47 PM

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

Submitted Information:

Name

Michael Minn

Zip code

96713

Community Group

Member of Board of Directors: Kipahulu Ohana and East Maui Taro Festival

Email

minns.hana@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: schamike@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 9:56:40 AM

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

Submitted Information:

Name

Michael Schaefer

Zip code

96753

Community Group

Email

schamike@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

In striking down the abuse of the permitting process, the court got it right. This bill is a shameful rebuke of the long suffering people of Maui who have been forced to sit by idly as their precious water resources were diverted to the use of Alexander and Baldwin...at prices that are a fraction of the charges the rest of us must pay. Don't give in the pressure from this large corporate abuser of your constituents.

From: [Michael Stauber](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 3:03:21 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Michael Stauber

M_Stauber@msn.com

From: [Michele Nihipali](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 2:11:39 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Michele Nihipali

nhipalim001@hawaii.rr.com
Hauula, Hawaii

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: bellarina4@outlook.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Thursday, March 17, 2016 8:46:43 PM

HB2501

Submitted on: 3/17/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
michelle kitashima	Individual	Oppose	No

Comments: Please stop this bill! Do it for our Keiki! Do it for YOUR Keiki!

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: [WLA Testimony](#)
Cc: mmmmahalo2000@aol.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Saturday, March 19, 2016 12:04:11 PM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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

Comments: Aloha WLA Chair and Committee. I strongly oppose this renamed A&B Water Theft Bill. How long must the Kanaka wait to get their water back?. Please oppose this Mahalo, Mike Moran 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: [Mike Szymanski](#)
To: [WLA Testimony](#)
Subject: *****SPAM***** Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 2:23:14 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

This and all related communications are strictly confidential.

From: [Milena Kari](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 1:28:23 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Milena Kari

milnakari@yahoo.com
Kahului, Hawaii

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: mauimiranda@hotmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Saturday, March 19, 2016 10:47:20 AM
Attachments: • [HB 2501 .pdf](#)

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Miranda Camp	Individual	Oppose	No

Comments: Aloha, All these talking points are true and correct and it's a travesty that our politicians have allowed for this to go on so long. We are coming together as a people and closely watching to see if you represent us or not, so do what is right! Mahalo, Miranda Camp

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: [Miranda Watson](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, March 20, 2016 8:39:01 AM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Miranda Watson

celtichipi@hotmail.com

Keahou, Hi

From: foymis3@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 12:48:16 AM

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

Submitted Information:

Name

Misty Perry

Zip code

89119

Community Group

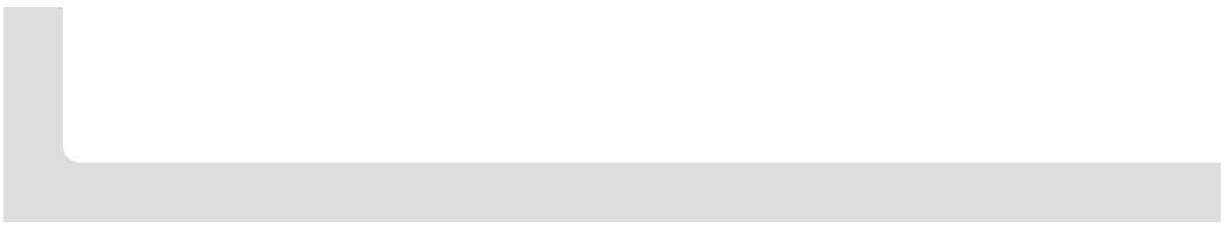
East Maui

Email

foymis3@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: iliwai34@hawaii.rr.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 9:39:49 PM

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

Submitted Information:

Name

MJ Duberstein

Zip code

96753

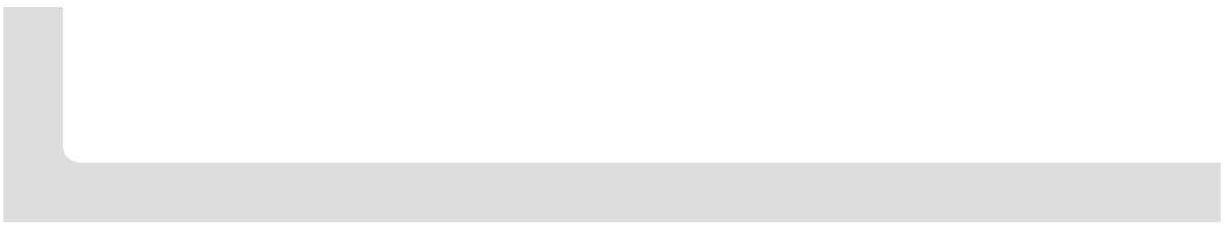
Community Group

Email

iliwai34@hawaii.rr.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: [Moani Lehua Lincoln](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 7:21:08 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Moani Lehua Lincoln

momo.sugah@gmail.com
Las Vegas, NV

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: ndavlantes@aol.com
Subject: *Submitted testimony for HB2501 on Mar 21, 2016 14:55PM*
Date: Thursday, March 17, 2016 11:05:41 PM

HB2501

Submitted on: 3/17/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Davlantes	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: [Nanette LN Grambusch](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, March 20, 2016 10:38:45 AM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!
Nanette LN Grambusch

--
Nanette LN Grambusch

nanette.grambusch@gmail.com
Kaunakakai, Hawaii

From: nnt1381@mac.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 6:54:17 AM

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

Submitted Information:

Name

Nara Takakawa

Zip code

96701

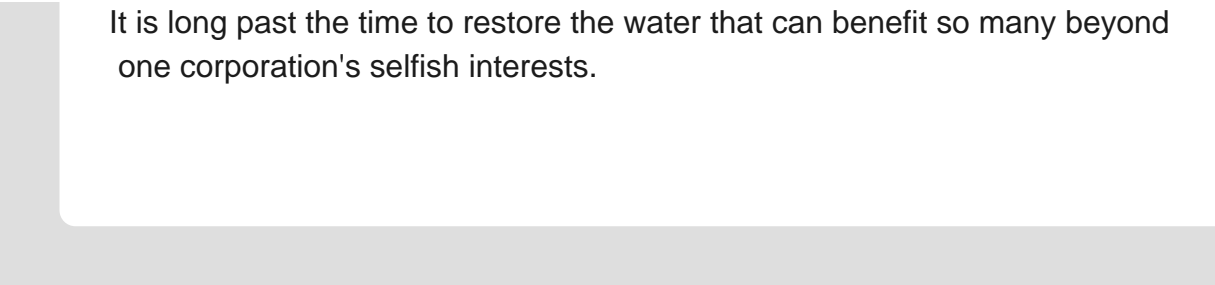
Community Group

Email

nnt1381@mac.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



It is long past the time to restore the water that can benefit so many beyond one corporation's selfish interests.

From: [Natasha Marciel](#)
To: [WLA Testimony](#)
Subject: In Defense of Maui's Public Water
Date: Saturday, March 19, 2016 11:10:58 PM

Aloha Chair Gabbard, Vice-Chair Nishihara and members of the Water, Land and Agriculture Committee,

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

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

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres (current production), or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that there are many millions of gallons of water available daily from A & B's private sources--making it very difficult to justify the continued diversion of 160 mgd of public water from East Maui, especially with the recent news of their last harvest. 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. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

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

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

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

Mahalo for your time and consideration,

Natasha Marciel
2254 Wren Way
Campbell, CA 95008

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: 808nateyuen@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Friday, March 18, 2016 7:02:33 AM

HB2501

Submitted on: 3/18/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Nathan Yuen	Individual	Oppose	No

Comments: I oppose HB 2501. The courts have spoken – the water cannot be taken from the streams in this illegal manner. • HB 2501 is an attempt to sidestep the court's ruling declaring A&B's water diversion permits illegal. • HB 2501 would allow water diversions at the expense and health of East Maui taro farmers, Hawaiian cultural practitioners and entire communities who have no potable water. • Since at least 1925, A&B diversions have caused significant, unjustified, and unnecessary injury to generations of farmers, fishermen, gatherers and the natural resources they depend on. • For nearly a century, government has provided a significant subsidy to a private commercial entity worth \$2.3 billion by allowing it to take and use as much water from state land as one million Hawai'i residents do daily. • Hawai'i's territorial and state governments have allowed A&B to divert water that originates on 33,000 acres of former crown lands to irrigate its 29,000 acres of sugar fields. • In 2003, the state and A&B were ordered to complete an environmental assessment. The study should have been completed prior to any diversion. To date, none has ever been done. • The state has allowed the diversions to continue inventing an authority for A&B's exclusive benefit -- 15 years of "holdover" permits that were supposed to be temporary. • All these years, A&B has paid about a fifth-of-a-cent per thousand gallons while a typical Maui farmer pays 75 cents for the same amount. • A&B's diversions and the state's practices amount to a theft of public trust resources. A&B's diversions are illegal and the state can no longer condone or facilitate A&B's theft of our state waters. • Based on A&B's own calculations, there is more than enough water for thriving mauka-to-makai stream habitats and fisheries, healthy taro crops, existing Upcountry water users and future diversified agriculture on A&B's former sugarcane lands. • HB 2501 is intended to cover up and validate decades of abuse and arrogance. If passed, HB 2501 would confirm that A&B is above the law, our courts have no power over its illegal actions, and that the health and welfare of our communities and natural resources are secondary. If the courts are disrespected, what will stop others from gaming the system to their advantage? I urge you to reject HB 2501.

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: iliahi@earthlink.net
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 12:59:36 PM

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

Submitted Information:

Name

Ned Nicholas Iliahi Goodness

Zip code

96790

Community Group

I speak for myself, as a member of the Maui Coffee Association.

Email

iliahi@earthlink.net

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

Without the required minimum stream flow, the native ecosystems of the river valleys have declined and in some cases become extinguished. These ecosystems support native species and activities that are elements of our traditional and customary gathering practices; rights extended to we, the maka aina na tenants of the river valley ahupua`a in the original Land Court documents of the Kingdom of Hawaii. Without the proper water flow, these rights are damaged.

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: neilfrazer@icloud.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Saturday, March 19, 2016 1:16:18 PM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Neil Frazer	Individual	Oppose	No

Comments: Aloha Representatives, I am strongly opposed to HB2501 HD1, first because it deprives the farmers of East Maui of water they need to improve our food security, and second because A&B's attempt to renew their use of this water (when sugar-cane is gone) is an egregious example of rent-seeking from a public-trust resource, which should be strongly discouraged. When the water was originally diverted, Maui's population was much lower, and food security was not an issue, but it's an important issue now. Mahalo for your service to the people of Hawaii. -Neil Frazer, PhD

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: [Neola Caveny](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, March 20, 2016 11:45:14 AM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Neola Caveny

neolacaveny@gmail.com

Haiku HI 96708

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: coleygirl1@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Saturday, March 19, 2016 11:31:38 PM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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

Comments: I adamantly oppose bill 2501. No individual corporation should be allowed authority over water rights. This goes against Hawaii Law and against what is pono.

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: nikhilananda@hawaiiantel.net
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 9:10:55 AM

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

Submitted Information:

Name

NIKHILANANDA

Zip code

96708-5760

Community Group

FRIENDS OF NIKHILANANDA
P.O. BOX 1704
MAKAWAO MAUI, HAWAI'I
96768-1704

Email

nikhilananda@hawaiiantel.net

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

I urge you to vote down HB2501. I live on Mokuapapa stream in Huelo. EMI TOTALLY diverts ALL of the water east of their dam!... I now have a destroyed dry creek traversing my property. ENOUGH is ENOUGH! The ecology of my land has been negatively impacted as a result. 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.

From: [niki miller](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 6:26:00 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--
niki miller

nikikaneohe@gmail.com
kaneohe, HI

From: paresagirl@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 7:48:56 AM

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

Submitted Information:

Name

Noelani Paresa

Zip code

96732

Community Group

Email

paresagirl@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

I am the great granddaughter of Rebecca Pomaikai of waihe'e, direct descendant of King Kamehameha. On behalf of our ohana here and scattered throughout our honua.. release the water! Our kuleana farmers have all rights to it, A&B has NONE!

From: nuuanupalihwy@live.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 11:38:57 AM

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

Submitted Information:

Name

Nuuanu Lenchanko

Zip code

96792

Community Group

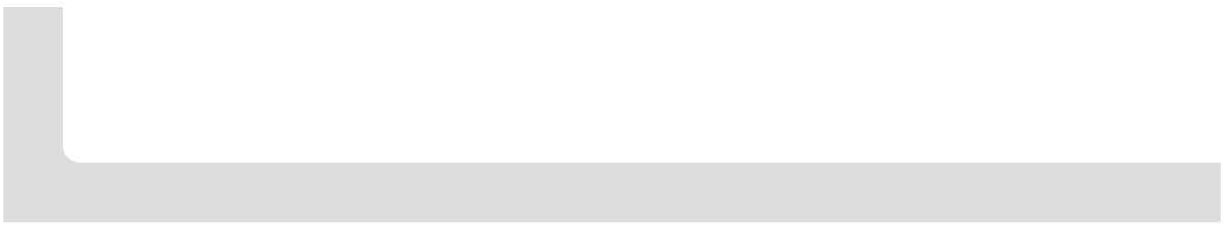
Hale Mua o Maui a Akalana

Email

nuuanupalihwy@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



From: [Olaf Gitter](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Sunday, March 20, 2016 8:15:12 AM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

Sent from my iPad

From: owateka@gmail.co
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 12:14:33 PM

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

Submitted Information:

Name

owateka

Zip code

96753

Community Group

Email

owateka@gmail.co

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: [Pam Evans](#)
To: [WLA Testimony](#)
Subject: Please defer HB2501, Save our Streams!
Date: Saturday, March 19, 2016 1:14:12 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

From: patriciablair@msn.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 11:49:45 AM

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

Submitted Information:

Name

Patricia Blair

Zip code

96734

Community Group

Email

patriciablair@msn.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: peheakeanila@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 9:54:01 PM

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

Submitted Information:

Name

Patricia P Ikeda

Zip code

96704

Community Group

Email

peheakeanila@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

Return mauka to Makai flow to East Maui!



From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: pattio57@mac.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Friday, March 18, 2016 2:26:49 PM

HB2501

Submitted on: 3/18/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Osborne	Individual	Oppose	No

Comments: Please return the water to the people. Oppose HB2501. 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: philandtrish@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 9:59:42 AM

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

Submitted Information:

Name

Patricia Teeters

Zip code

96793

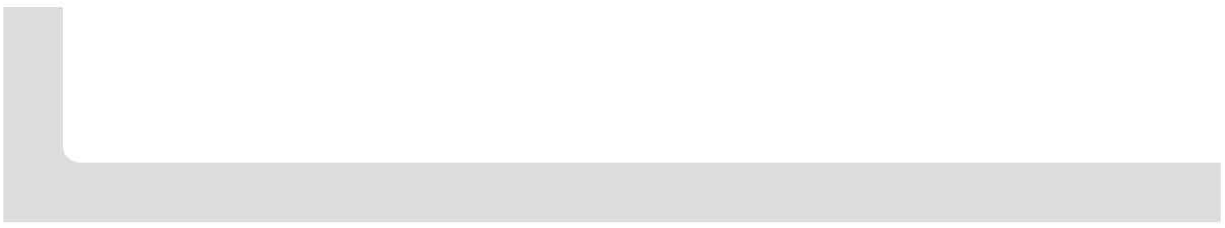
Community Group

Email

philandtrish@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: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: jahniappleseed@gmail.com
Subject: *Submitted testimony for HB2501 on Mar 21, 2016 14:55PM*
Date: Sunday, March 20, 2016 8:12:59 AM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Patrick Harley Simmons	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: [Patti Johnson](#)
To: [WLA Testimony](#)
Subject: Please defer HB2501, Save our Streams!
Date: Saturday, March 19, 2016 1:56:38 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

Patti Johnson

From: patty_simon@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 12:58:27 PM

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

Submitted Information:

Name

Patty Simon

Zip code

96761

Community Group

Email

patty_simon@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

Do what's right for the ecology of the island and what is morally correct.

From: [Paul Carter](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 1:41:24 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Paul Carter

paulcarter@tranceandhealing.com
Paia, HI

From: [Paul Lazor](#)
To: [WLA Testimony](#)
Subject: Please defer HB2501, Save our Streams!
Date: Saturday, March 19, 2016 2:05:23 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

From: [paul meyer](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 7:10:09 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal. This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases. In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle. We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink. There is no reason to advance HB2501 and continue to divide our community. Mahalo.

From: Paulburns808@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 5:03:46 PM

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

Submitted Information:

Name

Paulo Burns

Zip code

96713

Community Group

Email

Paulburns808@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

Irnis criminal and will bring down human rights violations including genocide and ethnocide!

Aloha Senate Committee of Land, Water & Agriculture,

I am a kūpuna of Ke‘anae, born & raised in these streams, and valleys. My family & I have been impacted in a negative way because of the diversions of EMI. Renewing their water permits, is disrespectful to the people of this area. This water case has been a burden to my family, and the traditional hawaiian lifestyle we once lived. Because of the diversions I was forced to rely on stores 50 miles away for food, and protein. The moi, and mullet are not plentiful anymore, because the stream water doesn't not reach the sea. Our streams are dry of life, and when your food sources runs dry, so does your people. I oppose HB2501 as it goes against the natural flow of nature, Mālama ‘aina, mālama the people, and we will again live in harmony.

I ask that you make a righteous decision for the benefit of East Maui people, its farmers, fisherman, and gatherers.

Mahalo Nui Loa,

Pearl O. Pahukoa

Ke‘anae, Maui

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: mmcardle19@aol.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Friday, March 18, 2016 12:35:41 AM

HB2501

Submitted on: 3/18/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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

Comments: I strongly oppose HB2501. Stop the A&B water diversion of the East Maui streams. Hawaii Legislators have forgotten their duty to serve the PEOPLE of HAWAII, not Corporate interests. The electorate is watching and we vote.

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: [peter houle](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 1:38:50 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

peter houle

keaaui, HI

From: phoebeeng2009@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 10:53:50 AM

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

Submitted Information:

Name

Phoebe Liu-Eng

Zip code

96752

Community Group

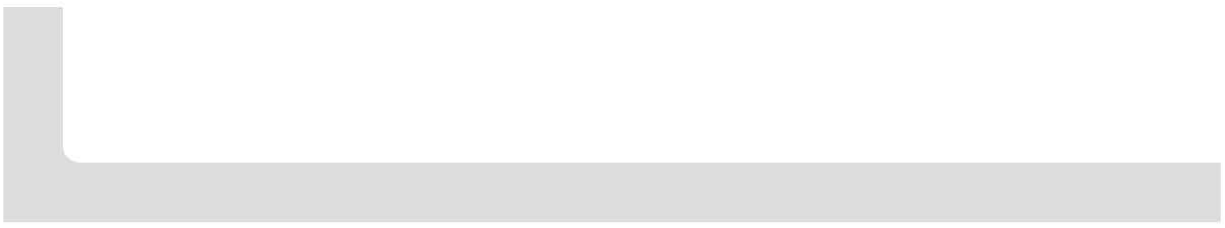
Individual

Email

phoebeeng2009@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: piilanip5@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 8:23:00 AM

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

Submitted Information:

Name

Piilani Mallory

Zip code

96720

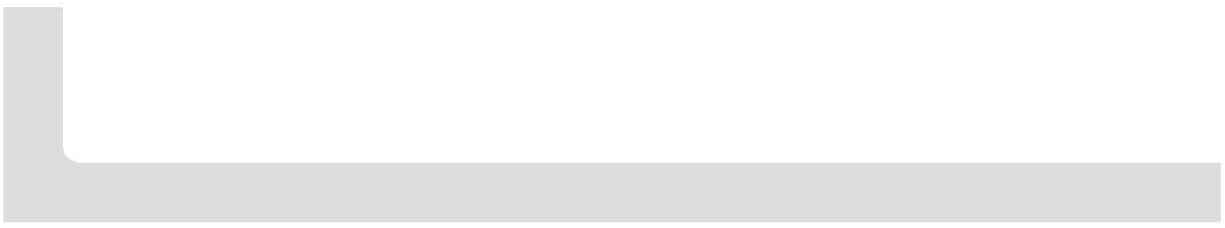
Community Group

Email

piilanip5@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: prestondgrove@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 8:32:53 PM

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

Submitted Information:

Name

Preston Grove

Zip code

96753

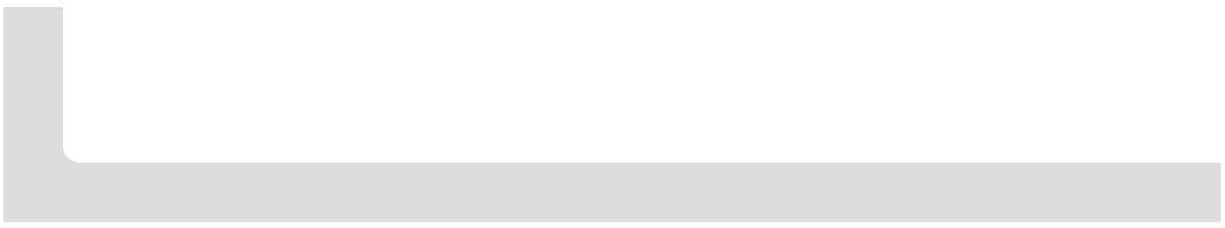
Community Group

Email

prestondgrove@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: kanaia25@msn.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 7:29:12 AM

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

Submitted Information:

Name

Priscilla Smith

Zip code

96734

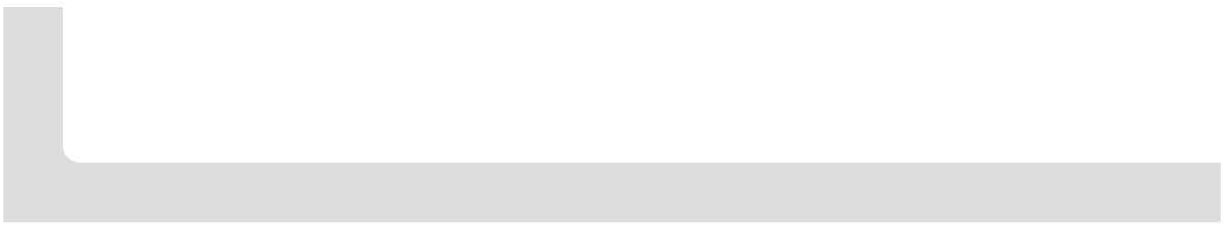
Community Group

Email

kanaia25@msn.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: Puamnaz1@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Halau Hula Oppose HB2501
Date: Friday, March 18, 2016 11:01:10 AM

You've just received a new submission to your [Halau Hula Oppose HB2501](#).

Submitted Information:

Kumu Hula

PuamanaCrabbe (haumana)

Halau Hula Name

Halau hula Ka lehua tuahine

Zip code

96826

Email

Puamnaz1@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

E ho'opono no ka Maui.



From: rafaelkescobar@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 7:54:10 AM

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

Submitted Information:

Name

Rafael Keola Escobar

Zip code

96768

Community Group

Individual

Email

rafaelkescobar@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

I have lived on Maui my whole life and have seen the streams that I used to swim in as a child turn from fresh clean running water to stagnate puddles that only get filled by big flood events I've watched the life in these streams and the food it provides disappear not only in the streams but the reefs that they feed. all living things on Maui require water it is time that we return the life to our land that we rely on .

From: [ralf_rumpler](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 2:34:48 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--
ralf rumpler

sindhu@upcountrywaterfeatures.com
kula, HI

From: [Ramona Hussey](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 5:45:49 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Ramona Hussey

ramona.hussey@gmail.com
Honolulu, Hawaii

From: ramico001@icloud.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 12:22:55 PM

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

Submitted Information:

Name

Ramsay Taum

Zip code

96825

Community Group

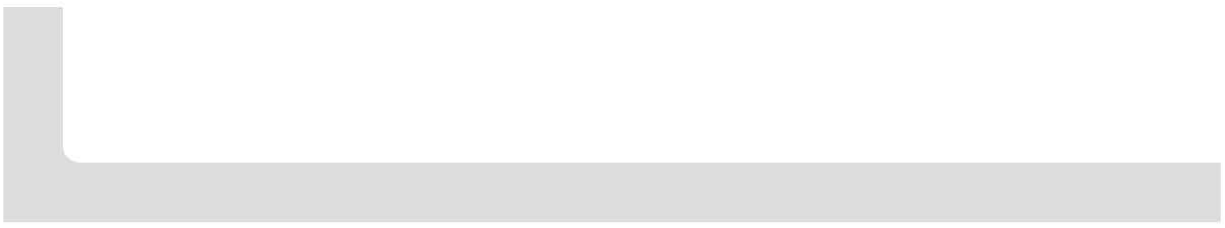
Pasifika Foundation Hawaii

Email

ramico001@icloud.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: [Randy C. Horne](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 3:22:24 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

Randy C. Horne
(808) 936-3686
randy@picturethisgraphics.com



From: [Randy Yokoyama](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 2:01:57 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Randy Yokoyama

Kalaheo, HI

From: baygood@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 1:07:16 PM

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

Submitted Information:

Name

Randy

Zip code

96768

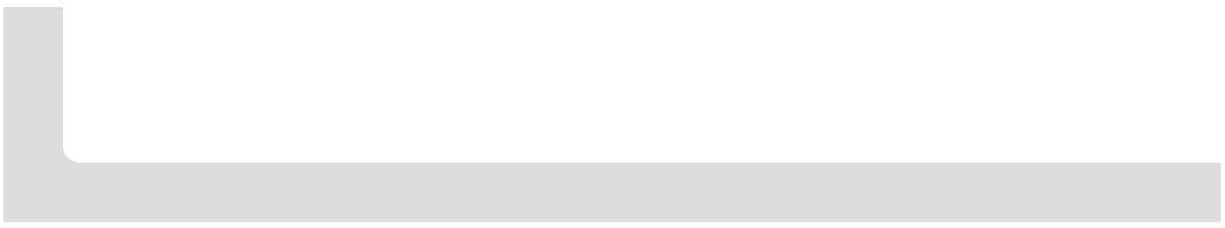
Community Group

Email

baygood@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: [Rebecca Lea](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 4:58:55 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Rebecca Lea

Mauibecca@aol.com
Wsiluku, HI

From: Mauibecca@aol.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 4:43:29 PM

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

Submitted Information:

Name

Rebecca Les

Zip code

96793

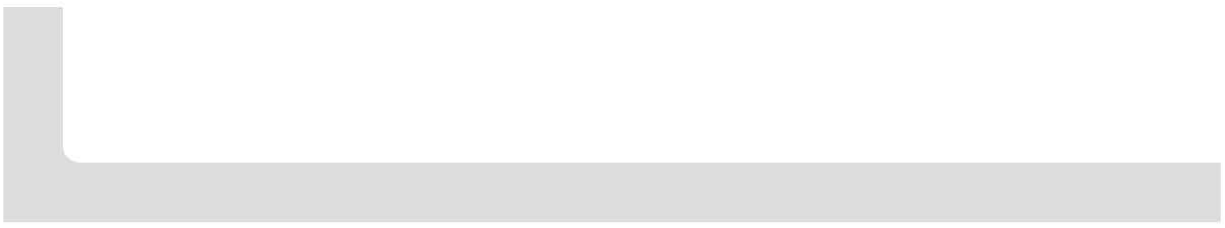
Community Group

Email

Mauibecca@aol.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: [Renee Kester](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 2:49:45 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Renee Kester

Kaunakakai, HI

From: [Rhonda Stoltzfus](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Saturday, March 19, 2016 9:35:28 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Rhonda Stoltzfus

Kihei, HI

From: mirsyl@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 9:38:58 PM

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

Submitted Information:

Name

Richard Coleman

Zip code

96749

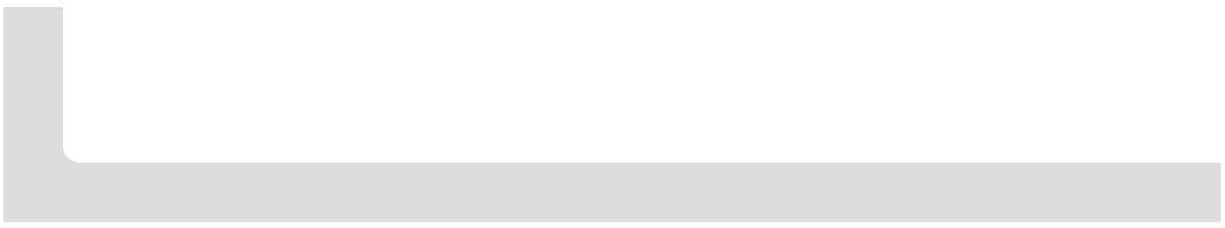
Community Group

Email

mirsyl@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: kekaukike@msn.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 8:09:22 PM

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

Submitted Information:

Name

Richard Ma'ele DeLeon

Zip code

96753

Community Group

Email

kekaukike@msn.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

Return the water to its Natural streams to the Eastside and all who farms!!

From: [Richard Takase](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 12:15:48 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Richard Takase

Wailuku, HI

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: frwvolcano@hotmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Saturday, March 19, 2016 4:56:11 PM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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

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

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: [WLA Testimony](#)
Cc: ritahands@yahoo.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 1:28:55 PM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Rita Massey	Individual	Oppose	No

Comments: Please vote no on this bill and keep water in the public trust. 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: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: rw@worldspot.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Saturday, March 19, 2016 12:52:07 PM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Rob Weltman	Individual	Oppose	No

Comments: Automatically granting holdover water permits year after year is an end run around the legal process of permit evaluation. It means that a permit holder who at one point had just cause for the water rights keeps the water even after conditions have changed and there are other more pressing needs to address. Such a change could be, for example, that a large plantation owner decides to stop growing sugar cane, while taro and other local farmers (as well as native plants and fish) are starved for water. Please respect the state constitution and the recent judgement on this issue - no automatic water permit holdovers. Reject this bill.

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

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

From: [Robert Osgood](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 2:17:47 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Robert Osgood

Kaneohe, HI

From: [Robert Van Wagoner](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Sunday, March 20, 2016 8:49:48 AM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

Robert Van Wagoner
Beija Flor Wholesale
PO Box 837
Haiku, HI 96708
(808) 573 4845
bob@mauigems.com

From: [ROBERT WOLAVER](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Sunday, March 20, 2016 6:27:33 AM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

Robert Wolaver
530-263-3016 C
240-248-0566 F

From: Mauisurf@hotmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 7:37:00 PM

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

Submitted Information:

Name

Robert

Zip code

96761

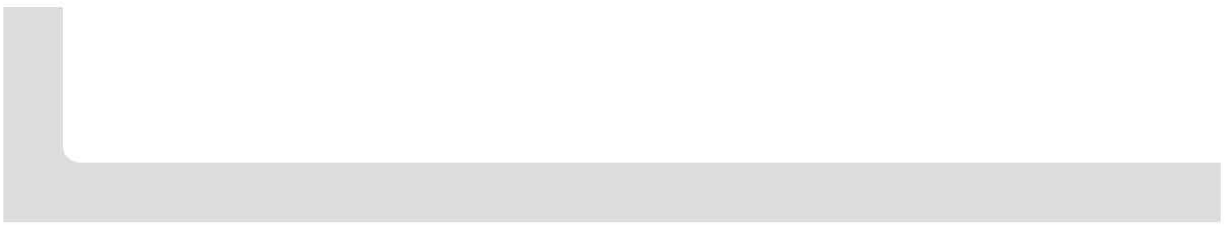
Community Group

Email

Mauisurf@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: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: rkayelny@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Saturday, March 19, 2016 5:15:23 AM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Robin Kaye	Individual	Oppose	No

Comments: We all recognize that water is perhaps Hawaii's most precious resource. For too long, private landowners have monopolized that resource. With the recent court decision in hand, the legislature should simply allow the law to run- Please Do Not Pass This Bill.

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

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

From: robin.s.knox@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 11:02:45 AM

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

Submitted Information:

Name

Robin S. Knox

Zip code

96753

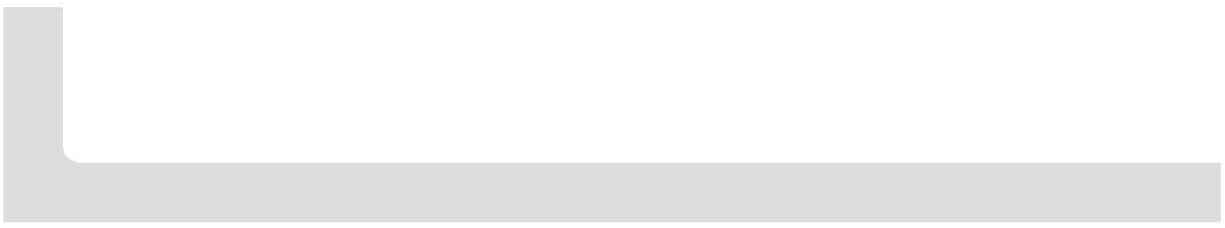
Community Group

Email

robin.s.knox@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: fbesley@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 6:02:32 AM

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

Submitted Information:

Name

roby besley

Zip code

96813

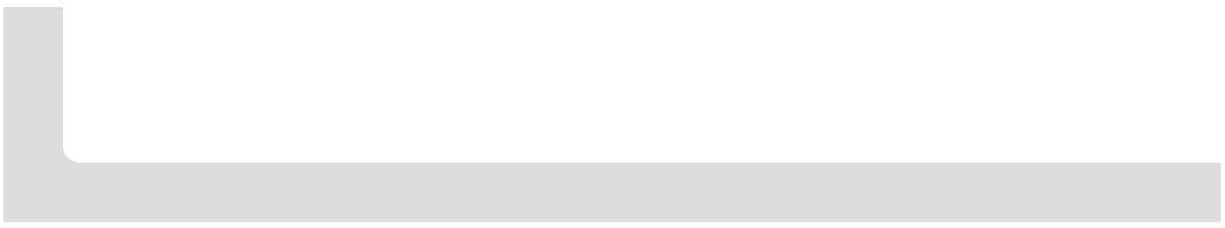
Community Group

Email

fbesley@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: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: robynpoppe@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 10:03:21 AM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
robyn poppe	Individual	Comments Only	No

Comments: Aloha Chair Gabbard, Vice Chair Nishihara and members of the committee, I oppose HB 2501 HD2. That activity needs an environmental assessment (due process). The EA would be a comprehensive consideration of the impact of removing water from the watershed on the culture, natural environment and economics of the region affected. The holdover permit process this bill codifies into law circumvents an Environmental Assessment and grants a "Holdover Permit". I cannot support that outcome. Please defer decision making until all who may be affected are able to be heard and their concerns addressed. Sincerely, Robyn Poppe

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: [Rodney Chin](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Saturday, March 19, 2016 10:42:59 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Rodney Chin

Wailuku, HI

From: Rogerstrong1@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 12:03:32 AM

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

Submitted Information:

Name

Roger strong

Zip code

96708

Community Group

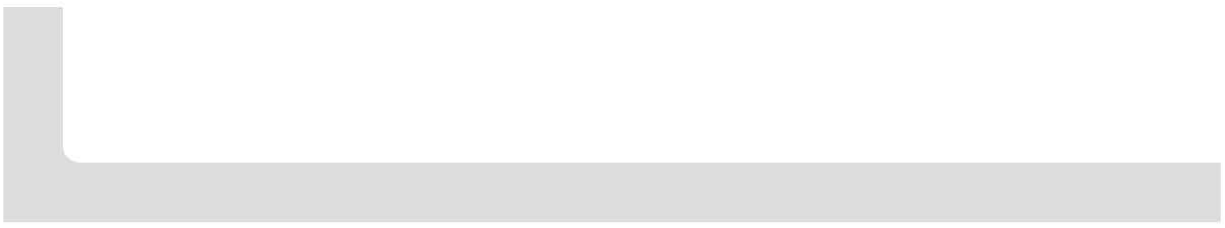
Back on track radio

Email

Rogerstrong1@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: [Roland Chang](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, March 20, 2016 10:54:24 AM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Roland Chang
rolandch72@yahoo.com

Kailua, Hawai'i

From: Boygiew@aol.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 8:43:33 PM

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

Submitted Information:

Name

Romaine Kauai Oliveira

Zip code

96713

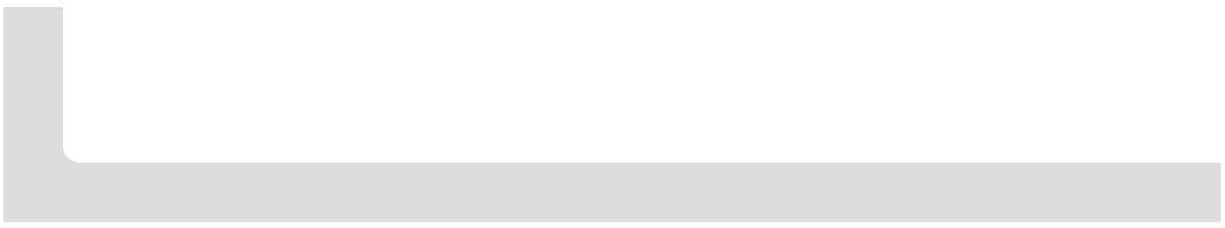
Community Group

Email

Boygiew@aol.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: mauimusicmission@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 1:04:34 PM

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

Submitted Information:

Name

ronda pali

Zip code

96761

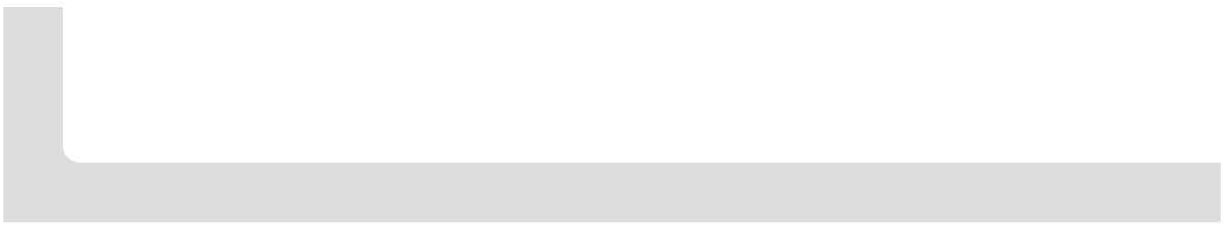
Community Group

Email

mauimusicmission@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: [Rose Santiago](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Saturday, March 19, 2016 8:56:32 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Rose Santiago

Kihei, HI

From: alles@ipac.caltech.edu
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 1:18:48 AM

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

Submitted Information:

Name

Rosemary Alles

Zip code

94040

Community Group

Am an individual resident on the Big Island

Email

alles@ipac.caltech.edu

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

Please VOTE DOWN HB2501. Do the right thing by the 'Aina.

From: ryangonzalez@hawaii.rr.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 4:33:10 PM

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

Submitted Information:

Name

Ryan Gonzalez

Zip code

96826

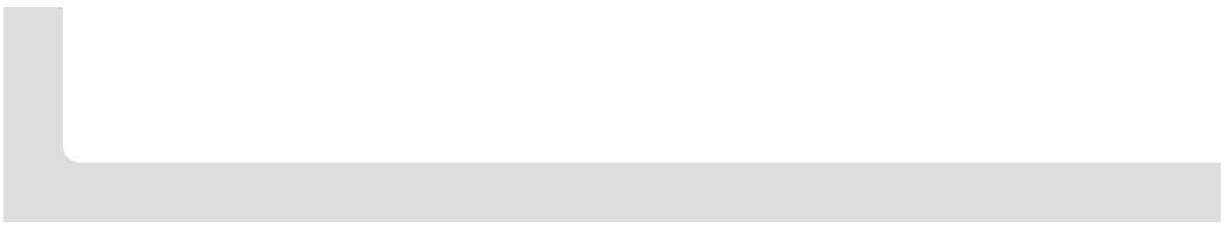
Community Group

Email

ryangonzalez@hawaii.rr.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: sleinaninavasloa@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 11:02:30 AM

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

Submitted Information:

Name

S Leinani Loa

Zip code

96704

Community Group

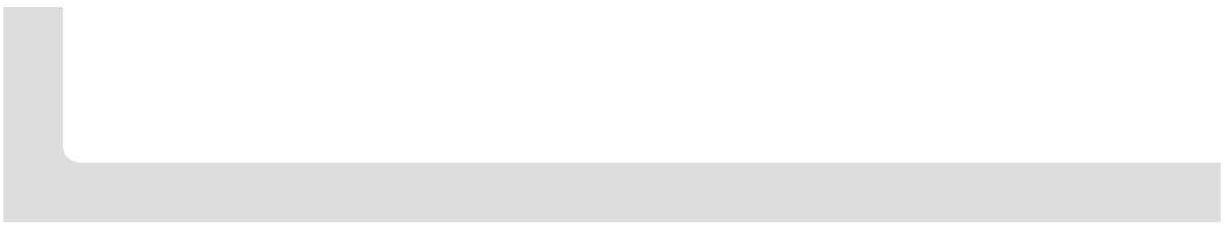
Ka Ohana O Honaunau

Email

sleinaninavasloa@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: Sabrakauka@aol.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 4:03:07 PM

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

Submitted Information:

Name

Sabra Kauka

Zip code

96766

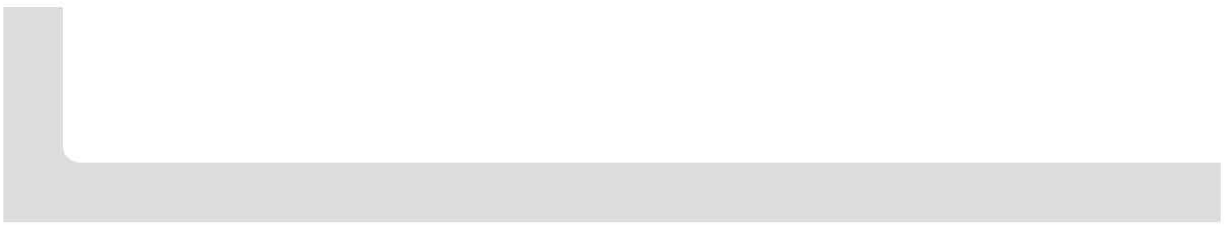
Community Group

Email

Sabrakauka@aol.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: [Sally Berman](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 1:27:01 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Sally Berman

ronsalber@cebridge.net
Grass Valley, California

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: skaye@runbox.com
Subject: *Submitted testimony for HB2501 on Mar 21, 2016 14:55PM*
Date: Saturday, March 19, 2016 5:29:52 AM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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: [WLA Testimony](#)
Cc: saljobst@hotmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 2:31:27 PM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
sallyjane Bodnar	Individual	Oppose	No

Comments: It is time to do an environmental assessment of water usage and requirements. An indefinite holdover is another way to indefinitely postpone the responsibility for a public trust issue. Water usage will only become more contentious the longer the issue is delayed. The small farmers need the water to flow; the reefs need the water to be un polluted. Agribusiness wastes and pollutes water; please give nature a chance to recover what has been lost.

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: [WLA Testimony](#)
Cc: kalaole808@mail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Thursday, March 17, 2016 8:17:29 PM

HB2501

Submitted on: 3/17/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Sam Kilina	Individual	Oppose	No

Comments: Ridiculous bill that gives away the farm(s) based on unsubstantiated fear -- fueled by a corporation that has held the state hostage for far too long. We elect legislators to have a backbone and make the RIGHT call, not the politically spineless one. Anything less is a descent into anarchy. With Aloha, Samuel

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: [Sandi Ioakimi](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 9:12:05 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Sandi Ioakimi

Sioakimi@gmail.cim

From: [Sandi Kato-Klutke](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 8:58:02 AM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Sandi Kato-Klutke

Kapaa, HI

From: Sooakimi@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 8:39:57 AM

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

Submitted Information:

Name

Sandi loakimi

Zip code

96753

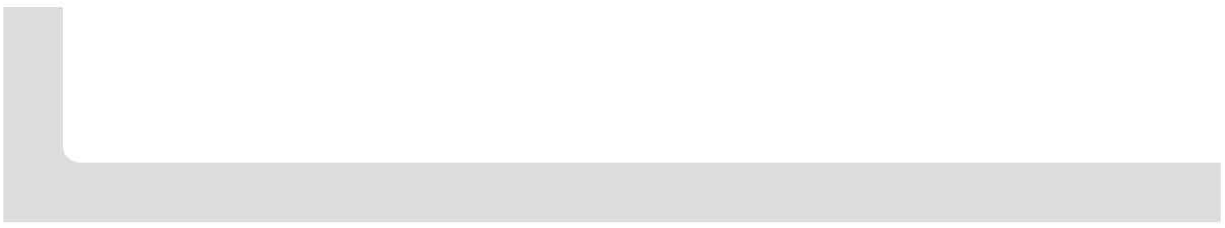
Community Group

Email

Sooakimi@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: [Sarah Faust](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, March 20, 2016 3:04:37 AM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Sarah Faust

sfaucm@gmail.com
Kihei, HI

From: [Sarah Thompson](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Saturday, March 19, 2016 11:32:30 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Sarah Thompson

Lawai, HI

From: [Scott Hanief](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 2:29:58 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Scott Hanief

Lihue, HI

From: okokscash@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 9:38:23 AM

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

Submitted Information:

Name

sean cash

Zip code

96778

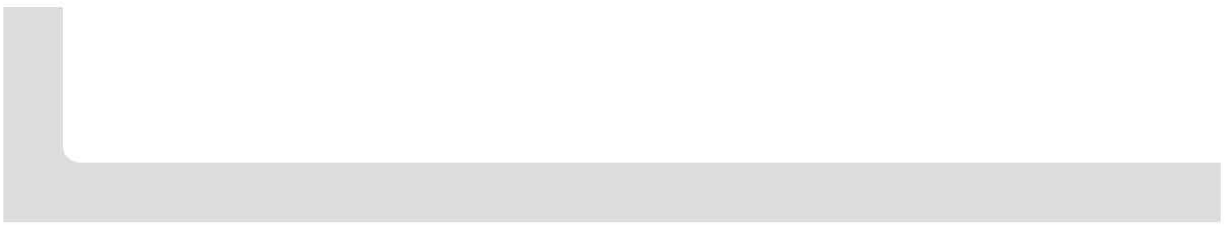
Community Group

Email

okokscash@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: rinomaui@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 7:01:07 AM

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

Submitted Information:

Name

Severino Presbitero

Zip code

96768

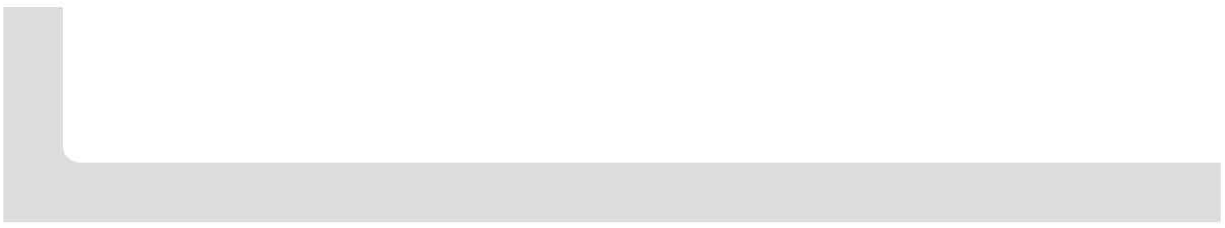
Community Group

Email

rinomaui@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: [Sevyn Galambos](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 1:09:55 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Sevyn Galambos

sevgalam@yahoo.com
Kailua Kona, HI

From: ssinenci@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 7:06:49 AM

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

Submitted Information:

Name

Shane Sinenci

Zip code

96713

Community Group

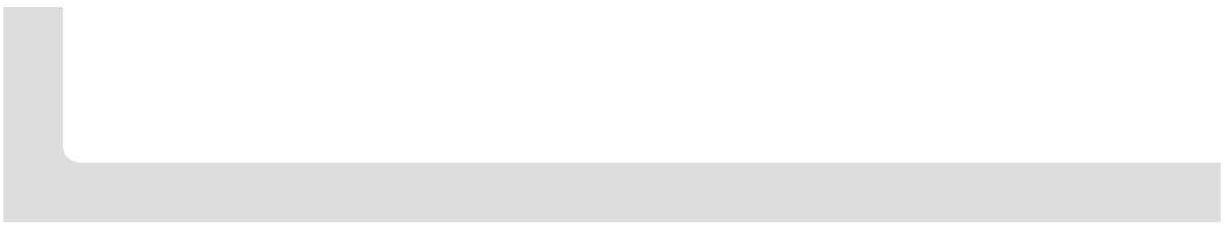
DOE Teacher

Email

ssinenci@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: [Shanti Devi](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Sunday, March 20, 2016 9:32:51 AM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Shanti Devi

sdevi@hawaii.edu
Captain Cook, HI

From: thecarbas@msn.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 4:53:30 PM

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

Submitted Information:

Name

sharade carba

Zip code

96792

Community Group

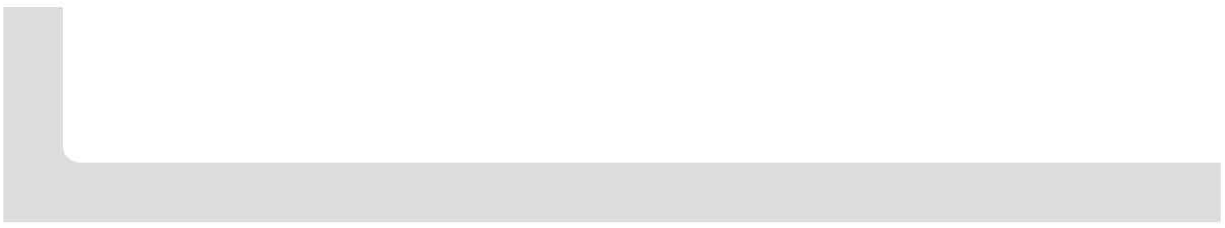
return water to the proper owners, "the people"

Email

thecarbas@msn.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: [Sharon Dowdell](#)
To: [WLA Testimony](#)
Subject: Please defer HB2501, Save our Streams!
Date: Saturday, March 19, 2016 2:11:16 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

From: [sharon.leton](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 2:41:59 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal. This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases. In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle. We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink. There is no reason to advance HB2501 and continue to divide our community. Mahalo.

From: [sharon.leton](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 8:59:22 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal. This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases. In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle. We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink. There is no reason to advance HB2501 and continue to divide our community. Mahalo.

From: sacoult@hotmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 10:34:42 AM

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

Submitted Information:

Name

Sharon Mau

Zip code

96767

Community Group

Email

sacoult@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

<http://eolaikawai.weebly.com/community-groups--individuals.html> Mahealani
Wendt posted yesterday 18 March 2016

THIS IS IT! SENATE HEARING ANNOUNCEMENT

HOUSE BILL 2501, MONDAY, 3/21 2:55 pm Room 224

FOLLOW LINK BELOW TO SUBMIT YOUR TESTIMONY. MAHALO NUI!

<http://eolaikawai.weebly.com/community-groups--individuals.html>

TODAY'S HONOLULU STAR ADVERTISER EDITORIAL:
SWEET DEAL FOR A&B AND NOT FOR THE PEOPLE WHO OWN THE
RESOURCE -- SCRAP HB 2501

[SEND TESTIMONY NOW FOR MONDAY 3/21 HEARING!]

DON'T ABUSE SHORT-TERM WATER RIGHTS
March 18, 2016

Water is a precious resource, one that's owned by the public but that
government has struggled to manage correctly.

The battle over House Bill 2501, which concerns the use of water under
temporary permits, demonstrates how the state has failed in its
management duty.

The measure would allow a "holdover period" that extends short-term water
rights while a long-term lease application is pending — however long that
takes.

The holdover period would benefit large landowners, with no clear value to
the public. The arrangement also hurts farms that depend on adequate
stream flow.

The language is generic, but is immediately relevant to Alexander & Baldwin,
the landholder winding down its sugar operations on Maui. A&B's short-
term rights were put on a similar "holdover" status because they were the
subject of a contested-case proceeding.

A&B has been embroiled in a confrontation for more than a dozen years

with environmental groups and East Maui farmers over A&B's diversions of water that, the farmers say, depleted stream flow and crippled the cultivation of taro and other crops.

Those battles took place before the Board of Land and Natural Resources and then in Circuit Court where, two months ago, Judge Rhonda Nishimura invalidated A&B's four revocable permits, which the land board had been continuing on a holdover basis every year from 2001 to 2014.

"A&B's continuously uninterrupted use of these public lands on a holdover basis for the last 13 years is not temporary," Nishimura said in her ruling.

HB 2501 should be shelved because it perpetuates the overuse of these month-to-month water-use arrangements.

There is a place for revocable permits in resource management, and Nishimura's ruling doesn't affect the practice broadly.

But the Department of Land and Natural Resources, the agency in charge of water management, needs to be more selective about the use of revocable permits. Already, following an investigation by the Honolulu Star-Advertiser into the problems with revocable permits, DLNR Director Suzanne Case has formed a task force to overhaul the program.

This should involve increases in staffing to manage a robust leasing program, which, unlike revocable permits, is designed to protect the public interest.

Revocable permits lack the thorough review required for issuance of a long-term lease, which include completion of an environmental impact statement and consulting with the Department of Hawaiian Home Lands over possible conflicts with water reservations for DHHL beneficiaries.

Properly negotiated leases also raise more money for DLNR. Marti Townsend, director of Sierra Club of Hawai'i, noted in her testimony that A&B pays the state \$160,000 annually to use 33,000 acres of public land and tap 164 million gallons daily. By way of context, Townsend said, A&B charges Maui County \$2 million annually for 9 million gallons per day for residential-use water from its privately owned supply.

These are important considerations where large-scale water use are

concerned, such as in the case of A&B. However, the department — distressingly — is raising no objections to the bill.

“The requirements for obtaining a water lease are much more stringent,” Kekoa Kaluhiwa, first deputy director of DLNR said in prepared testimony. “Satisfying the requirements of an application for a water lease could take several years. Accordingly, it is understandable that an applicant for a water lease would want to continue water use under a revocable permit in the interim.”

But this practice has been allowed to persist for too long in the case of A&B, and the time has come to rein it in, allocating Maui’s water with an eye to preserving the resource.

In other testimony, advocates for the bill asserted that the bill is needed to avoid interrupting service to some 36,000 Maui residents receiving water from the county through an agreement with A&B. In fact, there is no emergency that demands such a mechanism. Nishimura already has put a stay on voiding the permits pending A&B’s appeal of her decision.

The annual revocable permits have been a sweet deal for A&B, and not for the people who own the resource. The balance needs serious correction in the public’s favor, which means HB 2501 should be scrapped.

THIS IS IT! SENATE HEARING ANNOUNCEMENT

HOUSE BILL 2501, MONDAY, 3/21 2:55 pm Room 224

FOLLOW LINK BELOW TO SUBMIT YOUR TESTIMONY. MAHALO NUI!

<http://eolaikawai.weebly.com/community-groups--individuals.html>

Watch this video with accurate number on the streams with diversions east maui it's 27

I believe 8 have been restored to keanae and wailua waoikane and they are still trying to have them all restored if you have questions you should speak with Ed Wendt and his wife Mahealani

<https://m.youtube.com/watch?sns=fb&v=TjYoY7cwKbU>

From: rowes001@hawaii.rr.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 5:23:44 PM

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

Submitted Information:

Name

Sharon Rowe

Zip code

96822

Community Group

Email

rowes001@hawaii.rr.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

It must be clear to all who take time to look up and see the sky and clouds, who smell the rain in the mountains or the salt from the sea, who hear the breezes turn to more turbulent winds that howl, who taste the taint of polluted city air that we need to reset a balance that was been disturbed too long ago. How many more opportunities are our lawmakers, and all those in power to reset the balance, going to need before they hit the reset button?

From: sascott52@comcast.net
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 8:35:51 AM

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

Submitted Information:

Name

Sharon Scott

Zip code

96753

Community Group

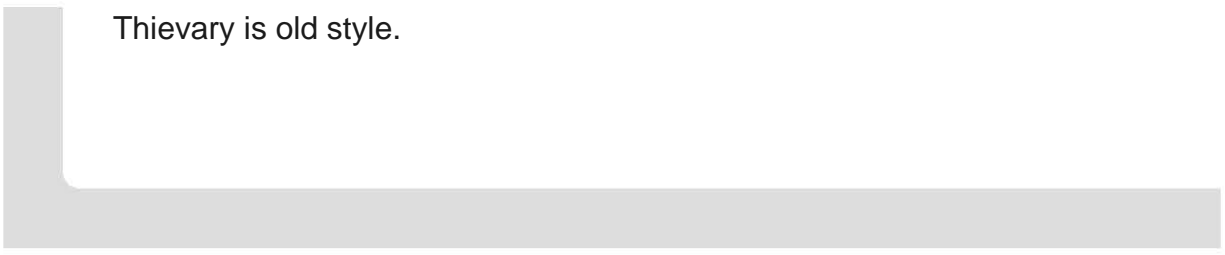
Email

sascott52@comcast.net

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

Thievary is old style.

A thick, solid grey L-shaped graphic element. It consists of a vertical bar on the left side and a horizontal bar extending to the right from the bottom of the vertical bar. The text "Thievary is old style." is positioned in the white space above the vertical bar.

From: bigislandhonuchick@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 9:41:43 AM

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

Submitted Information:

Name

Sharon Torbert

Zip code

96738

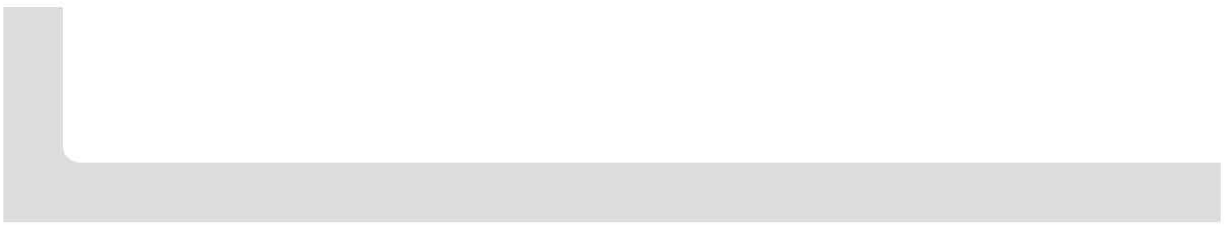
Community Group

Email

bigislandhonuchick@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: Zongco@hotmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 11:33:45 AM

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

Submitted Information:

Name

Sharon Ziegler-Chong

Zip code

96781

Community Group

Email

Zongco@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

As a professional who works across the region with communities, resource managers and researchers, I see this bill as detrimental to the surge and strength of community-grown efforts to steward our island resources and economies. Support diversification and communities, not big businesses that have their profit at the heart of their motives.

From: [Shawn Jezerinac](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 8:32:37 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

From: sheila.okin902@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 9:11:54 AM

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

Submitted Information:

Name

Sheila Okin

Zip code

96743

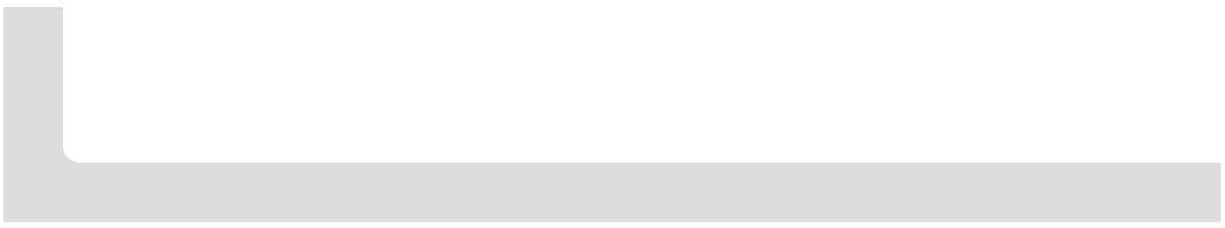
Community Group

Email

sheila.okin902@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: [Shelley St John](#)
To: [WLA Testimony](#)
Subject: Please defer HB2501, Save our Streams!
Date: Sunday, March 20, 2016 1:33:47 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.
Shelley St John

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: davidsher@juno.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Saturday, March 19, 2016 3:28:50 PM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Sherry Pollack	Individual	Oppose	No

Comments: This bill will be detrimental to our East Maui kalo farmers who have waited over a 160 years for the return of mauka to makai flow. Please support our real farmers and vote NO on HB2501. Mahalo.

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

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

From: [Sherry Weiland](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 3:51:58 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

Sent from my iPad

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: shyla.moon@ymail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 1:38:20 PM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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

Comments: It is a fact that many areas on Kauai have very little water flow and it is because of water diversions by land owners and leasees. A healthy watershed needs flowing fresh water from Mauka to Makai. The people have a right to farm to feed people, but the lawaia need the oceans to be healthy too. We do have water issues in areas of Kauai where not enough is flowing through. A good example of the concern is the Water Commission did a physical on site inspection on the westside of Kauai with many from the community. The water commission visited Kauai after 20 years of not visiting Kauai. This needs to change. Passing this bill may stall efforts from our community to restore the watersheds. Please keep these thoughts in mind when adding amendments, if any, to the current HB2501 HD2 bill being proposed. Thank you for your time.

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: [sid.swerman](#)
To: [WLA Testimony](#)
Subject: Do the right thing please
Date: Sunday, March 20, 2016 5:15:07 AM

I stand by the ancients.
Sid / Karen Swerman

Sent from my iPhone

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: legechair@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Saturday, March 19, 2016 11:12:11 PM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Simon Russell	Individual	Oppose	No

Comments: Aloha Chair Gabbard, Vice Chair Nishihara and members of the committee. I strongly oppose this measure. It is a legislative way to work around the recent court case settled in January, which ruled the holdover permit process illegal. The new rule to allow holdover permits of over a year seems like too much. Almost certainly passing this legislation in front of you will result in litigation against the state. We, as a state can hardly afford what we have to pay for now, and do not need to attract new onerous legal obligations onto ourselves in the form of water lawsuits for the benefit of the few. Withdrawing water from the watershed in large amounts over time needs an environmental assessment, and the holdover process this bill codifies into law circumvents that. I know kalo farmers in E. Maui whose families have been waiting for over a century for their water to be restored. These Hawaiian Kalo farmers have appurtenant water rights, and as far as the Hawaii State Constitution is concerned, they must have their water returned and left in stream for their current and future use. Please do farmers in the East Maui Island area and state water law a favor and defer this bill for more discussion. We need some time on Maui to assess the need for water now that the largest user on island is changing their water use patterns by ceasing the sugar operation. I would appreciate your kind consideration to allow some of the stream flow in East Maui island to flow freely once more, and supply the people who live there with water for agriculture use. Thank you, Simon Russell Farmer East 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: [Stella Rivers](#)
To: [WLA Testimony](#)
Cc: [Tide Rivers](#); [Kiva Rivers](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 4:52:39 PM
Attachments: [PastedGraphic-1.tiff](#)

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

Stella Rivers

Stella Rivers
Co-Director
Maui Film Festival, Inc.
P.O. Box 790669
Pa'ia, HI 96779
(c) 808-283-9913
(t) 808-579-8440
stellarivers@me.com
www.mauifilmfestival.com



From: [Stephanie Iona](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 10:34:59 AM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Stephanie Iona

Waimea, HI

From: [Roadrunner](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 3:14:02 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Thank you for considering this opinion.

Stephen Canham PhD
46-156 Nahiku Place
Kaneohe, HI 96744

From: [Steve Slater](#)
To: [WLA Testimony](#)
Subject: Please defer HB2501, Save our Streams!
Date: Saturday, March 19, 2016 11:07:46 PM

My family owns almost 4 acres in Huelo, we have only catchment water for our domestic and agricultural use. We have the rights to a 1 inch pipe to the Laurie Ditch, Haiku Ditch, Waipio Stream on our deed, but have been warned about the bullying we could expect if we tried to exercise our rights.

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.
Steven Slater
55 E. Waipio
Haiku, HI. 96708

Sent from my iPad

From: [Steven Slater](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 11:00:05 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Steven Slater

sp@vcasa.net
Haiku, HI

From: [Sue Andarmani](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Sunday, March 20, 2016 8:01:08 AM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal. This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases. In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle. We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink. There is no reason to advance HB2501 and continue to divide our community. Mahalo.

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: sunnysavage@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Friday, March 18, 2016 4:55:36 PM

HB2501

Submitted on: 3/18/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Sunny Savage-Luskin	Individual	Oppose	No

Comments: Aloha, My name is Sunny Savage-Luskin, from Haiku in Hamakualoa. Restore stream flow from mauka to makai! Future generations depend on it, we depend on it now, and we have depended on it in the past and it was taken. Return the balance, please oppose this bill and facilitate the growing of food and the cultural restoration needed for Hawai'i's thriving future. We have old lo'i in our streambed, which has been dry for many years due to diverted waters. We can feed ourselves with many things on our small property, but it is those lo'i beds waiting to be awoken that would provide real food security to this island. We farm taro, but would like to deepen our relationship with kalo that moves in unison with the water. Return the water. Now. Mahalo!

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

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

From: 808sue808@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 9:09:28 AM

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

Submitted Information:

Name

Susan Rosier

Zip code

96778

Community Group

Maka'ala Farms

Email

808sue808@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

Streams need to flow naturally! Shame Shame Shame on A&B for not even sharing with the residents water - the essence of life!

A&B has a LOT of Wells and they tap into Waikapu in central valley which is also linked to Iao Stream (Wailuku), Waiehu and Waihe'e thus receiving water from ALL resources which formerly supplied their other sugar interests in Maui's central valley.

There is no need to hog it all ., wailuku sugar is gone for decades and Paia Mill is Pau almost 20 years! Why do they still need ALL the water? They don't! It is just greed causing them to reserve future rights!

Are you as legislators condoning this greed? Please stop this insanity!

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: svickery@hawaii.rr.com
Subject: *Submitted testimony for HB2501 on Mar 21, 2016 14:55PM*
Date: Saturday, March 19, 2016 1:21:48 PM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Vickery	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: [Eola Ikawai](mailto:Eola_Ikawai)
To: [WLA Testimony](mailto:WLA_Testimony)
Subject: Fwd: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Thursday, March 17, 2016 11:11:08 PM

----- Forwarded message -----

From: Susieqmaui@gmail.com <no-reply@weebly.com>
Date: Thu, Mar 17, 2016 at 10:37 PM
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
To: eolaikawai@gmail.com

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

Submitted Information:

Name

Susann Quipotla

Zip code

96784

Community Group

We Need Water to FLOW IN OUR RIVERS AND OUR STREAMS . I'd like your VOTE to SPEAK for ME. I am OPPOSED TO THIS BILL HB 2501. I will be Watchin how these Votes are Counted . Mahalo Susie Q

Email

Susieqmaui@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: [Suzanne Yokoyama](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 2:03:27 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Suzanne Yokoyama

Lawai, HI

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: alohalways@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 10:01:45 AM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Tanja Miller	Individual	Oppose	No

Comments: Aloha Chair Gabbard, Vice Chair Nishihara and members of the committee, I oppose HB 2501 HD2. This measure allows for the diversion of water from the watershed (our public trust) in large amounts over long periods of time. That activity needs an environmental assessment (due process). The EA would be a comprehensive consideration of the impact of removing water from the watershed on the culture, natural environment and economics of the region affected. The holdover permit process this bill codifies into law circumvents an Environmental Assessment and grants a "Holdover Permit". I cannot support that outcome, please defer decision making until a time as all the stakeholders are able to be heard and their concerns addressed. Sincerely, Tanja Miller

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: [WLA Testimony](#)
Cc: taragrace808@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 8:43:23 AM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Tara Grace	Individual	Comments Only	No

Comments: I Opose this measure. This new law will have long term effects on our watersheds statewide, and Hawaii needs more time to make decisions about it's implications.

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: TerrelMaui@aol.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 5:26:11 PM

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

Submitted Information:

Name

Terrel Williams

Zip code

96753

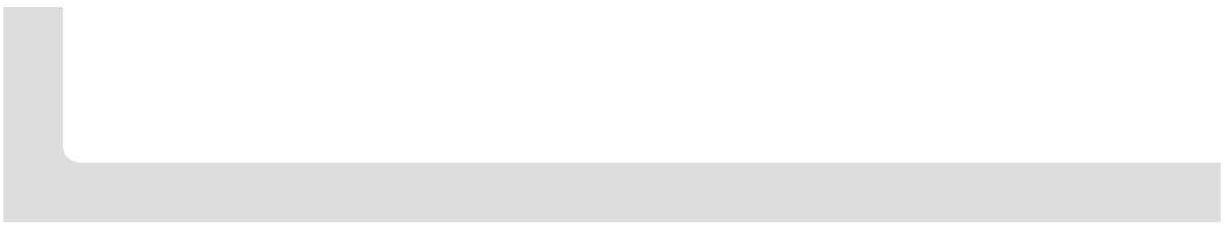
Community Group

Email

TerrelMaui@aol.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



Aloha Chair Gabbard, Vice Chair Nishihara and members of the committee,

I oppose HB 2501 HD2. This measure allows for the diversion of water from the watershed (our public trust) in large amounts over long periods of time. That activity needs an environmental assessment (due process). The EA would be a comprehensive consideration of the impact of removing water from the watershed on the culture, natural environment and economics of the region affected.

The holdover permit process this bill codifies into law circumvents an Environmental Assessment and grants a "Holdover Permit". I cannot support that outcome, and ask that you please defer decision making until a time as all stakeholders are able to be heard and their concerns addressed.

Sincerely,

Terry Huth
Kihei, Maui, HI

From: hapagurl7669@yahoo.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 9:26:11 PM

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

Submitted Information:

Name

Theodora Akau Gaspar

Zip code

96727

Community Group

Moku O Keawe
Ku'e Petition Kuleana
Mauna Kea Kia'i
Protectors of all Hawaiian Archipelago

Email

hapagurl7669@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: [Thomas Milcarek](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 3:56:27 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Thomas Milcarek

seesaints@msn.com
Santa Cruz, Ca.

From: [Thomas Tizard](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 9:57:33 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Thomas Tizard

tizard8@hawaii.rr.com
Kailua, HI

From: tia.pearson@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 10:20:57 PM

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

Submitted Information:

Name

tia pearson

Zip code

96786

Community Group

Email

tia.pearson@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

I am all for water being a public utility rather than privatized

From: Tiareroberson@yahoo.ca
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 1:41:30 PM

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

Submitted Information:

Name

Tiare roberson

Zip code

96779

Community Group

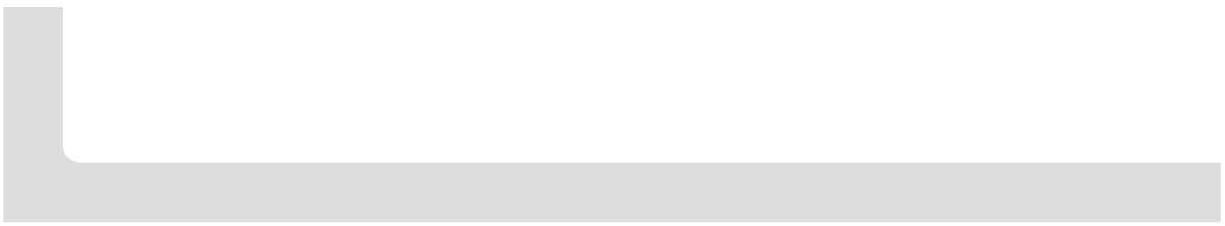
Mom

Email

Tiareroberson@yahoo.ca

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: [Tim Hering](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 12:43:55 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Tim Hering

Honolulu, HI

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: telemark.bliss@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 2:14:33 PM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Timothy Hogan	Individual	Oppose	No

Comments: Aloha Chair Gabbard, Vice Chair Nishihara and members of the committee, I oppose HB 2501 HD2. This measure allows for the diversion of water from the watershed (our public trust) in large amounts over long periods of time. That activity needs an environmental assessment (due process). The EA would be a comprehensive consideration of the impact of removing water from the watershed on the culture, natural environment and economics of the region affected. The holdover permit process this bill codifies into law circumvents an Environmental Assessment and grants a "Holdover Permit". I cannot support that outcome, please defer decision making until a time as all the stakeholders are able to be heard and their concerns addressed. Sincerely, Tim Hogan

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: [Eola Ikawai](#)
To: [WLA Testimony](#)
Subject: Fwd: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Thursday, March 17, 2016 11:10:11 PM

----- Forwarded message -----

From: Truthgame007@gmail.com <no-reply@weebly.com>
Date: Thu, Mar 17, 2016 at 9:54 PM
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
To: eolaikawai@gmail.com

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

Submitted Information:

Name

Tina Marie Freitas

Zip code

96717

Community Group

Email

Truthgame007@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

Restore Mauis streams! I oppose HB2501

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: tlalocct@hotmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Saturday, March 19, 2016 4:17:30 PM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
tlaloc tokuda	Individual	Oppose	No

Comments: As A&B President & CEO Chris Benjamin publicly admitted, whatever its future crop, it will be “less than [HC&S] consume[s] today.” So why not begin to share the water now? Current laws protect our watersheds, native ecosystems, and local farming communities, while providing opportunities for water to be diverted for reasonable uses, including diversified agriculture. I support diversified agriculture. It requires much less water than sugarcane. I support the conversion of a monocrop agribusiness plantation to a mix of diversified food crops to enhance local food security. A&B officials have no specific plans for their conversion to diversified agriculture at this time. Once they have a specific proposal, A&B should be required – like every other farmer, rancher, and revocable permit holder in this state – to follow the DLNR’s existing process for requesting the water they need. Now is the time to allow others a fair opportunity to seek use of reasonable amounts of public water for genuinely productive and fruitful agricultural initiatives. Passing HB 2501/SB 3001 undermines the existing process for requesting access to public water by giving one, billion-dollar corporation unlimited authority to use an unlimited supply of public water without good reason and for an unspecified period of time. That’s not right or just. For these reasons, we respectfully request that Hawai’i’s elected officials reject HB 2501. I agree to this statement and strongly oppose HB2501.

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

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

From: [Tom Gillen](#)
To: [WLA Testimony](#)
Subject: Please defer HB2501, Save our Streams!
Date: Saturday, March 19, 2016 1:33:30 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

Tom Gillen, Kaneohe.
Sent from my iPhone

From: [Tom Shigemoto](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 8:39:02 AM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Tom Shigemoto

Lihue, HI

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: maoliinstitute@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Friday, March 18, 2016 12:36:46 PM

HB2501

Submitted on: 3/18/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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

Comments: LET IT BE KNOWN - In line with the key role ALEXANDER AND BALDWIN has and continues to play since pre-annexation, it is a PERPETUATION OF THE CONSPIRACY, which was apologized for in the "NATIVE HAWAIIAN APOLOGY" - Public Law 103-150 - BY ALLOWING A&B TO "CONTROL THE WATER" and our precious few "PRIME AGRICULTURAL LANDS". This is a DIRECT ROLE OF THE STATE - IN THE CONSPIRACY, WHICH YET HAS TO BE RESOLVED; and WITH OTHER LAND DISPUTES INVOLVING ALEXANDER AND BALDWIN REMAINING TO BE ADDRESSED. In the meanwhile, RELEASE THE WATERS TO FLOW TO THE TARO FARMERS OF EAST MAUI - who are keeping OUR ANCIENT LO`I CULTURE ALIVE - AND KNOW - DESTROYING CULTURAL IDENTITY - IS UNACCEPTABLE - AND IS NOT - TO BE PERPETUATED. POLITICALLY - it is time FOR THE STATE TO BE FURTHER INCLUSIVE OF THE HAWAIIAN NATION, by stipulating the HAWAIIAN NATIONAL SHARED INTEREST in all land and water legislation like this and similar to come; in alignment with the island of Kaho`olawe; and the ceded and crown lands; as part of the dissolving of the state agency of the Office of Hawaiian Affairs OHA. BE ANSWERABLE TO THE MOTTO: UA MAU - KE EA O KA AINA - I KA PONO. AND TO THE ANTHEM: HAWAI`I PONO`I AND TO "THE GREAT SEAL OF THE STATE OF HAWAI`I": ENCIRCLED AROUND KING KAMEHAMEHA AND - HIS LIVING DESCENDANTS - WHO ARE - ALL KANAKA MAOLI LIVING - TODAY AND TO COME - WHICH MAKES THE STATE "MANDATED" - TO IRRADIATE US - NOT DIMINISH US. AND REMEMBER: TARO IS ON THE SEAL - AS A SYMBOL - OF OUR - STAFF OF LIFE. AND KNOW AND HONOR: WE - ARE THE LIVING SYMBOL OF - "THE PHOENIX BIRD RISING FROM THE ASHES". UA MAU: CULTURAL AND ECONOMIC VALUE - WITH POLITICAL VALUE - EA!! TARO: THE STAFF OF LIFE. <https://youtu.be/t6rYGEmdCFM>

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: tonyhunstiger@hotmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 9:06:18 AM

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

Submitted Information:

Name

Tony Hunstiger

Zip code

96821

Community Group

Email

tonyhunstiger@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: tonyagreenlover@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 2:55:43 AM

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

Submitted Information:

Name

Tonya Emerald

Zip code

96708-5814

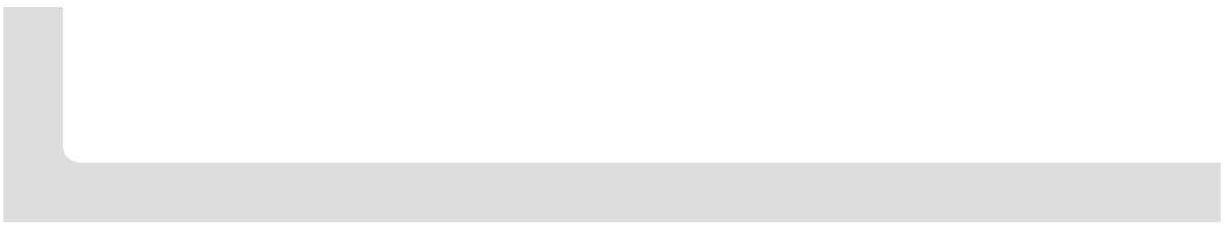
Community Group

Email

tonyagreenlover@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: smithtorilyn@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 8:59:09 PM

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

Submitted Information:

Name

Tori-Lyn Pi'ilani Smith

Zip code

96792

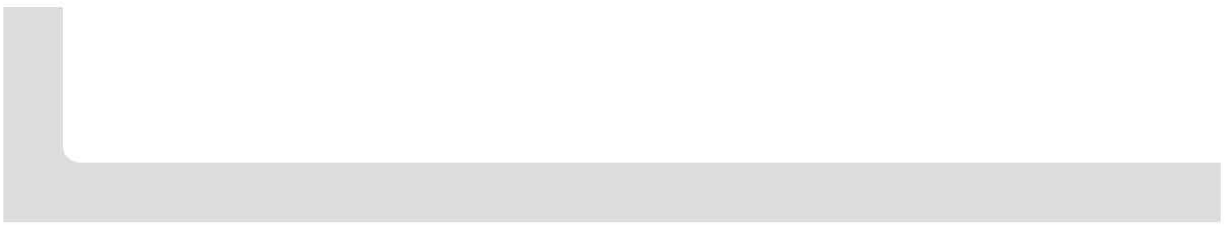
Community Group

Email

smithtorilyn@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



Aloha mai,

I oppose SB3001 & HB2501 as the Stolen Waters case involving A&B and East Maui Farmers, is by far the most absurd case I have ever witnessed. My daughters last name represents the farmers of East Maui and the several generations of farmers living in Ke'anae, the heart of the road to Hana, and the center of these stolen waters. Ke'anae is home to about twenty families, all farmers, of Hawaiian ancestry, and the rights to 100% stream flow that lies within their district, or ahupua'a. Seeing first hand the dry, and empty streams is like seeing a ghost in the beds of these gulches and river beds. All stream life have disappeared and vanished, the hihiwai, the 'o'opu, are gone, our food source, has disappeared, because of the actions of A&B for the operations of HC&S. This is largest privately owned water diversion in the WORLD, also ILLEGAL in the United States as well as the present, Kingdom of Hawai'i. Stealing water from a farmer is by far, the worst action one can do to a farmer. Interrupting a natural flow, and resource, has diminished, all life from the mountain to the sea. The moi are not plentiful in the sea, as they were in schools of many before the diversions.

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

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

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

Me Ke Aloha,

Tracen Oania

Maui Farmer

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: tracy.emills@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 12:32:52 PM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Tracy E Mills	Individual	Oppose	No

Comments: Aloha Chair Gabbard, Vice Chair Nishihara and members of the committee, I oppose HB 2501 HD2. This measure allows for the diversion of water from the watershed (our public trust) in large amounts over long periods of time. That activity needs an environmental assessment (due process). The EA would be a comprehensive consideration of the impact of removing water from the watershed on the culture, natural environment and economics of the region affected. The holdover permit process this bill codifies into law circumvents an Environmental Assessment and grants a "Holdover Permit". I cannot support that outcome, please defer decision making until a time as all the stakeholders are able to be heard and their concerns addressed. Sincerely, Tracy Mills in Haiku

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: Kaiulanee@aol.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 5:08:55 AM

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

Submitted Information:

Name

Tricia Ka'iulani Grove

Zip code

91780

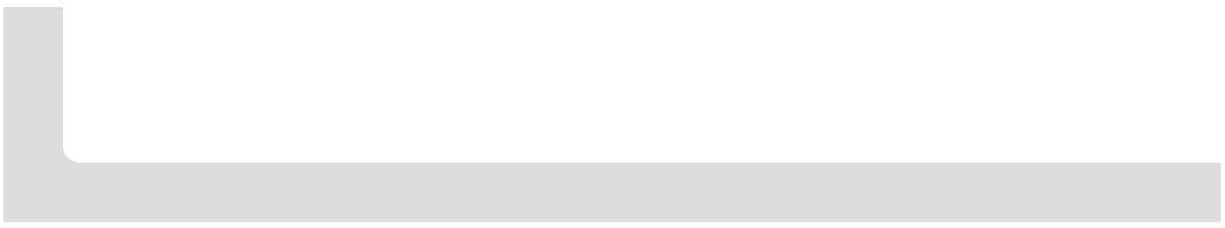
Community Group

Email

Kaiulanee@aol.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: Peles808Grrl@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 8:29:37 AM

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

Submitted Information:

Name

Trinette Furtado

Zip code

96708

Community Group

Email

Peles808Grrl@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

Many of the streams in East Maui and the ahupua'a up to Hamakualoa are dry or run at a trickle, if that, infrequently. Our other resources (nearshore ocean foodstuffs, coral reefs, animals within the stream system and those who feed upon them) continue to be drastically affected because there is no mauka to makai flow.

Do what is Pono and do NOT allow this bill to become reality.

From: [Troy Abraham](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 3:14:09 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

TROY ABRAHAM
HILO, HI

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: ttengan@hawaii.edu
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 2:43:28 PM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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

Comments: Aloha Chair Senator Gabbard, Vice Chair Senator Nishihara, and committee members. 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 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

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: sharedpleasures@hawaii.rr.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 9:21:24 AM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
vicki levin	Individual	Oppose	No

Comments: I strongly oppose the ongoing holdover of water rights for any landowner. This is a public trust issue with WATER. Return the water to our streams and ecosystems now.

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: vcatella7@hotmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 6:03:12 AM

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

Submitted Information:

Name

Vikki Catellacci

Zip code

96776

Community Group

Email

vcatella7@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: vikipeters11@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 7:13:48 AM

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

Submitted Information:

Name

Vikki Peters

Zip code

V2V 1C5

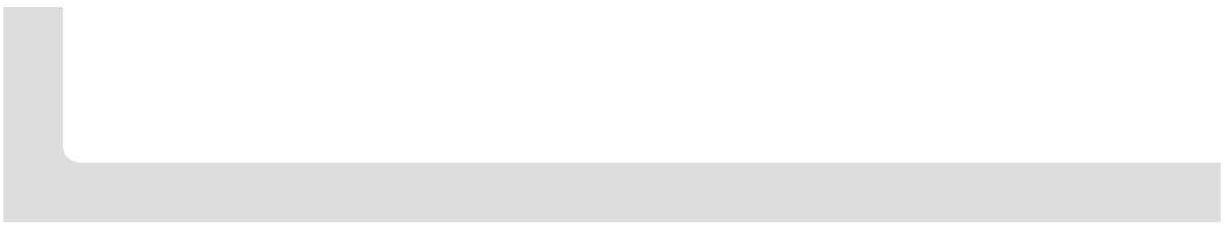
Community Group

Email

vikipeters11@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: [Virginia Bennett](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 1:47:58 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

From: [Vivian Miguel](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Saturday, March 19, 2016 9:05:38 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Vivian Miguel

Pukalani, HI

From: [Wajira Wansa](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 1:42:49 AM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Wajira Wansa

Pahoa, HI

From: [Wallace Johnson](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 12:15:40 PM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Wallace Johnson

Kekaha, HI

From: [Wally Inglis](#)
To: [WLA Testimony](#)
Subject: Stop HB2501, Save East Maui's Streams
Date: Saturday, March 19, 2016 8:47:22 PM

Aloha Senator Gabbard and members of the WLA Committee,

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

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

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

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

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

Mahalo!

--

Wally Inglis

wallyinglis@yahoo.com
Honolulu, Hawaii

From: rittew@hotmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 10:38:30 AM

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

Submitted Information:

Name

WALTER RITTE

Zip code

96748

Community Group

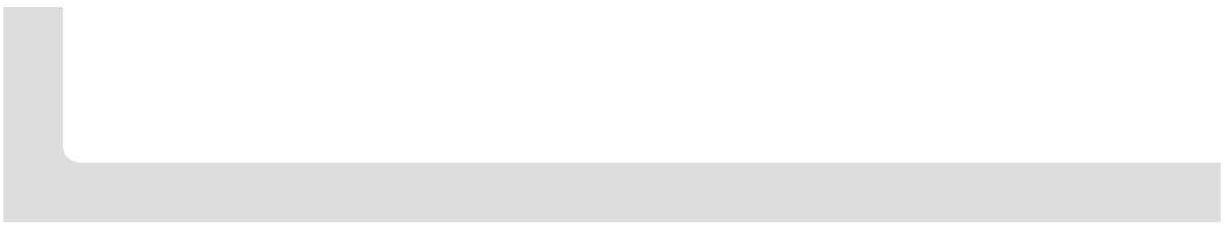
HUI HO'OPAKELE AINA

Email

rittew@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: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: waynetakamine@hawaii.rr.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Saturday, March 19, 2016 7:47:54 PM

HB2501

Submitted on: 3/19/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Wayne Takamine	Individual	Oppose	No

Comments: Aloha Chair Gabbard, Vice Chair Nishihara, and Members of the Committee. Please accept my testimony in opposition to HB2501. I would like to refer to the testimony below by the Conservation Council for Hawai'i and Marjorie Ziegler. Mahalo, Wayne Takamine Honolulu Aloha. Conservation Council for Hawai'i opposes HB 2501 HD 2, 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. HB 2501 HD 2 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, and it has access to additional water from wells on its land. HB 2501 HD 2 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 thinking about it. Annual revocable permits to continue the theft do not constitute a "water right." The people from whom the water was stolen (and now their descendants) possess the water rights, not A&B. 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 destructive era 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. Mahalo nui loa for the opportunity to testify. Marjorie Ziegler

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: billygup@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Saturday, March 19, 2016 10:22:53 PM

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

Submitted Information:

Name

William Kinney

Zip code

96714

Community Group

Email

billygup@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

Water is a public trust - our county and state agencies should be the ones controlling in what way this precious resource is shared and used - but ultimately abused. For years A&B has had these agencies in a vice grip and a choke hold over where their loyalties lay and their 'gifts' go. This constant and continued abuse of public domain has and will prolong the degradation of the customary and traditional practice, nay, right to farming kalo by the kupaaina (of east maui) . The presence of cool, fresh water is needed for many aspects of Hawaiian life: from feeding lo'i, providing necessary flow of water that supports all native stream life, and aesthetic and cultural enjoyment of the ones who have a right to Maui's water. PLEASE scrap HB2501.

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: wwmsteiner@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 9:31:22 AM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
William W. Steiner	Individual	Oppose	No

Comments: I oppose HB 2501 on the grounds that it continues favoring a particular corporation even with the addition of a sunset amendment and improvement from other committee input. There is a need to amend the bill to allow water right priority to farmers with 20 acres or less ground to ensure a base for building food security in Hawaii. Furthermore, sites which have indigenous agriculture being farmed either historically or at present should have first priority. These form the original base for sustainable agriculture in Hawaii prior to discovery of the islands by the West, is a model we understand, and pays homage to native culture.

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: [Woody Adamz](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 1:26:24 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

From: [Wyatt Bartlett](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Sunday, March 20, 2016 11:34:52 AM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

From: yappygr1@aol.com
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 3:31:41 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal. This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases. In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle. We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink. There is no reason to advance HB2501 and continue to divide our community. Mahalo.

From: [Yarrow Flower](#)
To: [WLA Testimony](#)
Subject: I STRONGLY SUPPORT HB 2501 - Relating to Water Permits
Date: Sunday, March 20, 2016 7:47:36 AM

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

Monday, March 21, 2016 - Conference Room 22

TESTIMONY ON HB 2501 – RELATING TO Water Permits

STRONGLY SUPPORT

Aloha Chair Gabbard and Committee Members,

HB2501 provides an interim measure to continue leases until DLNR resolves the issues and can proceed with long-term leases. Farmers and agriculture need your support as this is bigger than Maui and A&B. This Bill impacts 96,415 Acres of Land and 175 Water Users. Support local farmers and ranchers and pass HB 2501. Which provides relief to maintain agriculture water permits until a long-term solution is found.

Thank you for the opportunity to testify on this matter.

Yarrow Flower

Makawao, HI

From: zstreet47@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Friday, March 18, 2016 8:09:11 AM

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

Submitted Information:

Name

Zach Street

Zip code

96720

Community Group

Email

zstreet47@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

It essential, now more than ever, to take actions that restore our ecosystems, not pillage them. Diverting resources from our already weakened environment imperils our future, as it erodes the foundation on which we feed, further anchoring us to a sinking ship of unsustainable commercial and agricultural practices.

HB 2501 trades one more chance of a healthy future for corporate profits, and the people of Hawai'i now see these actions for what they are: corruption in action. Passing HB2501 will not only damage our ecosystems, it will inspire the citizenry to select new government officials who not only understand the urgent needs of today and but actually use their positions of power to advance the needs and will of the people.

I urge you to do the right thing for Hawai'i, and vote down HB2501. Mahalo.

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: nahikuboy@comcast.net
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Date: Sunday, March 20, 2016 10:15:45 AM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Zachary Williams	Individual	Comments Only	No

Comments: It's imperative the house stops HB2501 and helps cease the diversion of our precious water for the profit of a private corporation (HC&S and EMI). In Nahiku our aquifer is much lower than it was twenty years ago when my cousin and I were kids. The stream doesn't have mauka to makai flow anymore and bc of this there aren't o'opu and opae and hihiwai, three of the main endemic freshwater animals we have in Hawai'i. We aren't asking for all the water, just our fair share so we can utilize cultural gathering and farming practices that have been at the epicenter of Hawaiian culture for millennia! Please vote to stop HB 2501 do what is right for the land and the people who live there. Mahalo for your time please help us with our century long battle for the return of the water!

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

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

From: Mice.kahula@gmail.com
To: [WLA Testimony](#)
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501
Date: Sunday, March 20, 2016 5:42:27 AM

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

Submitted Information:

Name

Zelda kahula

Zip code

96713

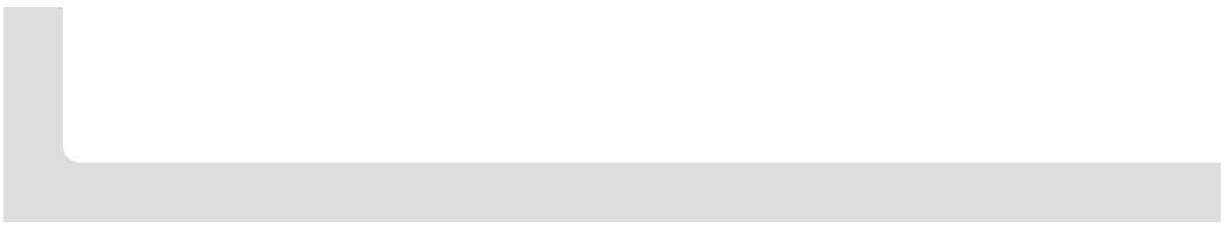
Community Group

Email

Mice.kahula@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: [Zoe](#)
To: [WLA Testimony](#)
Subject: Protect our streams, reunite the community: Defer HB2501
Date: Saturday, March 19, 2016 6:15:18 PM

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

Zoe Alexander
Haiku 96708