

SB 3001

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: bryan.y.choe@hawaii.gov
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Friday, February 05, 2016 3:21:22 PM

SB3001

Submitted on: 2/5/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Suzanne D. Case	DLNR	Comments Only	Yes

Comments: The Department of Land and Natural Resources ("Department") has no objection to this measure.

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

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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**

**Wednesday, February 10, 2016
3:30 P.M.
State Capitol, Conference Room 224**

**In consideration of
SENTATE BILL 3001
RELATING TO WATER RIGHTS**

Senate Bill 3001 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 (“Department”) has no objection to this measure.**

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

Thank you for the opportunity to testify.



SB3001
RELATING TO WATER RIGHTS
Senate Committee on Water, Land, and Agriculture

February 10, 2016

3:30 p.m.

Room 224

The Office of Hawaiian Affairs (OHA) Committee on Beneficiary Advocacy and Empowerment will recommend that the Board of Trustees **OPPOSE** SB3001. **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 could continue to do the same. In 2003, a circuit court found that an environmental assessment was required prior to the issuance of 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.

SB3001 would effectively overrule this most recent circuit court decision regarding East Maui "holdover" permits, and legitimize the state's highly inappropriate practice of allowing water to be continuously diverted in contravention of our state constitution, water code, case law, and public trust principles. **This could prolong indefinitely the amount of time East Maui kalo farmers and cultural practitioners must wait for the modest stream flow they need, and allow A&B to continue its commercial use of public trust water at the clear expense of otherwise protected public trust purposes.** Such an outcome would fly in the face of justice and fairness to those who have waited over 30 years for the state to uphold the public trust in East Maui waters.

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

OHA understands that this bill may be intended to allow A&B to continue diverting water for the purposes of supplying Upcountry Maui, as well as supporting its last year of

sugar cultivation and its subsequent exploration of diversified agriculture. However, this measure is not necessary to fulfill any of these purported needs. Even without its invalidated “holdover” permits, A&B can still divert substantial amounts of water from the 17,000 acres of East Maui watershed lands it owns in fee (up to 55 million gallons a day, or mgd) and sustainably pump over 83 mgd from its brackish water wells. **Based on these figures and water consumption estimates, OHA believes that A&B has more than enough water to cultivate the 17,000 acres of sugar it will grow through 2016, deliver to Maui County the nearly 8 mgd it has promised for Upcountry residents, and support its future exploration of diversified agriculture, without the additional water it diverts through “holdover permits.”**

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

Therefore, OHA respectfully urges the Committee to **HOLD** SB3001. 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**

**Monday, February 10, 2016
3:30 PM
Conference Room 224**

**In consideration of
SENATE BILL 3001
RELATING TO WATER RIGHTS**

Senate Bill 3001 proposes to allow a holdover permit to be issued to an applicant seeking to renew their water rights lease. **Aha Moku acknowledges the intent of this bill, we 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 their 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**". This bill seeks to prolong a "temporary month-to-month" permit indefinitely. And, while this measure, on the surface will impact every island in the State, it actually seeks to indefinitely allow Alexander & Baldwin of Maui to continue to illegally divert 100-400 million gallons of water per day from 100+ East Maui streams, pursuant to "revocable" one-year water leases.

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

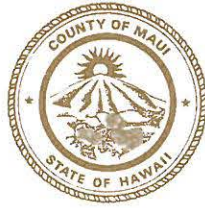


**Department of Land and Natural Resources
Aha Moku Advisory Committee
State of Hawaii
Post Office Box 621
Honolulu, Hawaii 96809**

the eastern mountain ridges of Maui. The five moku of East Maui with their traditional famers are: the Moku of Hamakuapoko with its 5 ahupua'a (Paihihi, Waiawa, Honohina, Waiopua, and Poniau); the Moku of 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); the Moku of Koolau with its 18 ahupua'a (Ulaino, Keaa, Mokupipi, Honolulunui, Hopenui, Puuhaehae, Kapaula, Puakea, Kaliae, Wailua, Pauwalu, Kanae, Honomanu, Keopuka, Loiloa, Kolea, Mooloa, and Makaiwa); the Moku of Hana with its 15 ahupua'a (Kualuu, Koali, Muolea, Puuiki, Mokae, Hamoa, Haneo, Oloewa, Wanalua, Paimo, Niumalu, Kawaipapa, Wakiu, Kaeleku, and Honomaele); and the Moku of Kipahulu with its 15 ahupua'a (Koalii, Wailua, Puuhaoa, Papauluana, Kaumakani, Alae, Wailamo, Kikoo, Maulili, Poponui, Kapuakini, Kukuula, Kaapahu, Kukuiulaiki, and Popolua). Together, the five Moku encompassed 71 ahupua'a and traditional *mahiai* that carried on the generational practices of providing sustenance to the population of east Maui, and often for most of the island.

Now, for the past 40 years, these traditional practitioners have suffered and their productivity reduces 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.



OFFICE OF THE MAYOR

Ke'ena O Ka Meia

COUNTY OF MAUI – Kalana O Maui

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

BEFORE THE SENATE COMMITTEE ON WATER, LAND & AGRICULTURE

Wednesday, February 10, 2016

3:30 p.m.

Conference Room 224

SB 3001 RELATING TO WATER RIGHTS

Honorable Mike Gabbard, Chair

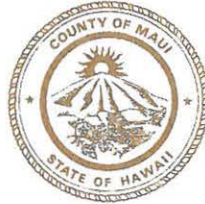
Honorable Clarence K. Nishihara, Vice Chair

Honorable Members of the Senate Committee on Water, Land & Agriculture

Thank you for this opportunity to testify in **SUPPORT of SB 3001** which would amend Section 171-58, Hawaii Revised Statutes, subsection (c). I support this bill for the following reasons:

1. Hawaiian Commercial & Sugar Co. recently announced that it will be shuttering our state's last sugar plantation and transitioning to diversified agriculture. If, as I hope, agriculture is to continue on Maui, it is vital that adequate water be available.
2. If water were to become unavailable, we risk thousands of acres of prime agricultural land being converted to commercial and urban use.
3. A Circuit Court recently invalidated a permit held by HC&S to collect water from state lands in East Maui. If, while this matter is being resolved, water were to become unavailable, thousands of Maui's Upcountry residents and farmers who rely upon this water would be severely impacted. In other words, this goes well beyond just Alexander & Baldwin.
4. This provision, if passed, would apply in limited situations and on a temporary basis:
 - Where applications for a lease *to continue previously authorized* disposition of water rights are challenged; and,
 - *Then only for a period of time* so that pending applications for the disposition of water rights can be resolved.

For these reasons I **support SB 3001.**



DEPARTMENT OF MANAGEMENT

COUNTY OF MAUI

**TESTIMONY OF KEITH REGAN, MANAGING DIRECTOR
COUNTY OF MAUI**

BEFORE THE SENATE COMMITTEE ON WATER, LAND & AGRICULTURE

Wednesday, February 10, 2016

3:30 p.m.

Conference Room 224

SB 3001 RELATING TO WATER RIGHTS

Honorable Mike Gabbard, Chair

Honorable Clarence K. Nishihara, Vice Chair

Honorable Members of the Senate Committee on Water, Land & Agriculture

Thank you for this opportunity to testify in **SUPPORT of SB 3001** which would amend Section 171-58, HRS. I support this bill for the following reasons:

1. Hawaiian Commercial & Sugar Co. recently announced that it will be closing our state's last sugar plantation and transitioning to diversified agriculture. It is my hope that agriculture is allowed to continue on Maui.
2. Without the continued collection, storage and distribution of water, we risk thousands of acres of agricultural land becoming fallow, unfarmable or possibly converted to other uses. Water is a critical component to the success of any community and Maui County is no exception. We especially do not want to be in a situation where the future of agriculture and the associated jobs are placed in jeopardy.
3. A Circuit Court recently invalidated a permit held by HC&S to collect water from state lands in East Maui. It is important to know that this matter goes well beyond just Alexander & Baldwin and HC&S. If, while this matter is being resolved, water were to become unavailable, thousands of residents would be severely impacted. Without the continued use of water, there can be no agriculture; there can be no cattle or other live-stock; and, thousands of Maui's Upcountry residents would be severely impacted.
4. The provision being considered would only apply in limited situations and on a temporary basis:
 - Where applications for a lease *to continue previously authorized* disposition of water rights are challenged or delayed; and,
 - *Then only for a period of time* so that pending applications for the disposition of water rights can be resolved.

For these reasons I **support SB 3001**.

ALAN M. ARAKAWA
Mayor



DAVID TAYLOR, P.E.
Director

PAUL J. MEYER
Deputy Director

DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2155
www.mauewater.org

February 9, 2016

Testimony of the County of Maui Department of Water Supply
Supporting S.B. 3001 Relating to Water Rights
Senate Water, Land & Agriculture Committee on
Wednesday, February 10, 2016, 3:30 p.m., Conference Room 224

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

The County of Maui Department of Water Supply ("Department") supports S.B. 3001. The Department relies on Water from East Maui Irrigation Company ("EMI") to service over 35,000 residents residing in Upcountry Maui. Use of water from EMI allows the Department to provide water to homes, schools, businesses and health facilities while keeping the costs for this service affordable.

Recently, EMI's ability to deliver water to the County has come under legal challenge. EMI's diversions of water from streams Upcountry have been invalidated by the Hawaii Circuit Court on the grounds that the holdover status of EMI's permits exceed the applicable time limit. This issue is currently on appeal. S.B. 3001 would resolve the current uncertainty, and assure that the Department can continue to provide valuable services to the people of Upcountry Maui.

Your favorable consideration and support of S.B. 3001 would be appreciated. Thank you for the opportunity to testify.

Respectfully Submitted,

David Taylor, P.E.
Director of Water Supply

"By Water All Things Find Life"

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: mark@marksheehan.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Saturday, February 06, 2016 7:23:22 PM

SB3001

Submitted on: 2/6/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Sheehan	Coalition to Protect East Maui Water Resources	Oppose	No

Comments: This is a terrible bill and I'm astounded that our Maui senators have introduced this corporate crap that Permit the Board of Land and Natural Resources (BLNR) to issue a holdover permit for rights to water for a holdover period "until such time as the pending application for the disposition of such water rights is finally resolved." A holdover permit period "may exceed one year" The present law, HRS 1712-58 (Water Code), calls for "disposition of water rights" by lease at public auction or by "permit for temporary use on a month-to-month basis under those conditions which will best serve the interests of the State...." As special legislation, allow A&B to hold onto the water it has diverted from East Maui streams for decades to irrigate its 29,000 acres of sugar fields even if the land is no longer used to grow sugar cane Allow BLNR, which authorizes the water use permits, to continue to neglect its duty to "protect and manage the public trust in water" Allow A&B to continue the massive water diversions that have caused unnecessary damage to generations of farmers, fishermen, gatherers and natural resources Allow A&B to continue diverting water without doing the required environmental assessment (EA), which would have revealed all cultural and environmental impacts of the water diversions. Allow A&B to pay about a fifth of a cent per thousand gallons for water it diverts, while a typical Maui farmer pays 75 cents for the same amount

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: ahupuaaopolipoli@yahoo.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Sunday, February 07, 2016 8:33:09 AM

SB3001

Submitted on: 2/7/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Michele	Ahupua'a O Polipoli-Ahikuli Council	Oppose	No

Comments:

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KO`OLAUPOKO HAWAIIAN CIVIC CLUB

February 8, 2016

To: Senator Mike Gabbard, Chair
& Members
Committee on Water, Land, and Agriculture

From: Alice P. Hewett, President
Ko'olaupoko Hawaiian Civic Club

Re: S.B. 3001, Relating to Water Rights – OPPOSE

Aloha Chair Gabbard and Members of the Committee:

The Ko'olaupoko Hawaiian Civic Club opposes Senate Bill 3001 which would permit “holdover permits” for applicants seeking to renew their water rights lease.

The kuleana of the State Water Commission is to ensure fair and equitable treatment of all water users and permittees. More importantly is their higher kuleana, to comply with the state water code, which holds certain types of water uses more “kapu” or protected than others.

We are concerned about having sufficient water supplies for the small farmers of East Maui and other places where their competition with large commercial water distributors puts them at a keen disadvantage.

We realize there are mitigation circumstances or unintended consequences if this bill does not pass. However, because our greater concern is the protection of water resources for small farmers competing with large water purveyors, we urge that you file this bill.

Mahalo for the opportunity to share our mana`o.

The Ko'olaupoko Hawaiian Civic Club was established in 1937 and is one of the largest in the Association of Hawaiian Civic Clubs nationwide. Ko'olaupoko HCC is a not-for-profit community organization dedicated to preserving and perpetuating the history, heritage and culture of Native Hawaiians. Its membership is open to people of Hawaiian ancestry and those who are “Hawaiian at heart”.

P. O. Box 664 * Kaneohe, HI 96744 * Ph. (808) 235-8111 * www.koolaupokohcc.org



HAWAII CROP IMPROVEMENT ASSOCIATION

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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 Strong Support of SB3001 Relating to Water Rights

SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE
Wednesday 02-10-16 3:30PM 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 **strong support** of SB3001.

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.

SB 3001 provides the BLNR with another tool to issue permits with a term longer than one year, in very 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, SB3001 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 SB3001.

Bennette Misalucha
Executive Director, Hawaii Crop Improvement Association

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

TESTIMONY IN OPPOSITION TO SENATE BILL NO. 3001
RELATING TO WATER RIGHTS

February 10, 2016, 3:30 p.m.
Conference Room 224

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

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

A&B's lease application to divert water from 33,000 acres of public lands in East Maui to its central plantation has been pending for 15 years. Nevertheless, A&B has received all the benefits of a lease award without satisfying any of its requirements, including environmental review. This flawed practice has wreaked havoc on the environment and our client's rights, culture and lives. Fifteen years ago, our clients challenged these unlawful actions before courts and agencies asking simply that the state uphold existing laws and fulfill its trust obligations. SB 3001 is a legislative response that undermines the progress made in finally holding the DLNR and A&B accountable for their above-the-law practices. And by extension, SB 3001 removes any incentive for the DLNR to act swiftly on a pending application, or for the applicant to even begin satisfying its legal obligations.

To be clear, the Court's ruling does not immediately stop A&B from delivering water to its central Maui plantation. First, A&B has ground water wells in Central Maui that can supply upwards of 80 million gallons per day. In fact, A&B continues to pump between 69 to 72 million gallons per day for its sugar crop. Second, one-third of the East Maui lands from which A&B diverts an average of 160 million gallons of water per day are their own private lands. Neither the leases nor the Court's January 8, 2016 ruling applies

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

SB 3001 is A&B's latest attempt to reverse and undercut a circuit court order invalidating its continued diversion of billions of gallons of water every year from East Maui from over 33,000 acres of public lands without completing the necessary and legally mandated environmental review. *Carmichael v. Board of Land and Natural Resources*, Civ. No. 15-1-0650-04, slip op. at 4 (Haw. 1st Cir. Ct. Jan. 8, 2016). Ten years ago in 2006, the legislature attempted to pass a bill amending the very same statute, HRS § 171-58(c), to overturn a circuit court order impacting A&B's East Maui water diversions. See attached testimony of Moses K.N. Haia for the Native Hawaiian Legal Corporation dated February 8, 2006. Just as the 2006 Legislature rejected A&B's thinly veiled attempt to evade the law and judicial review, the Native Hawaiian Legal Corporation and our clients ask that you do the same and vote against SB 3001. Mahalo for the opportunity to testify. Should you need any further information, please contact us at (808) 521-2302.

ATTACHMENT

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

Testimony Opposing House Bill 2800: Relating to Water Rights

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Testimony of Brooke Wilson
Pacific Resource Partnership

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

SB 3001 – Water Rights
Wednesday, February 10, 2016
3:30 P.M.
State Capitol – Conference Room 224

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

We support SB 3001 which allows a holdover permit to be issued to an applicant seeking to renew their water rights lease.

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

For the reasons mentioned above, we respectfully ask for your support on SB 3001.

Thank you for allowing us to share our views.

About PRP

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





LAND USE RESEARCH
FOUNDATION OF HAWAII

1100 Alakea Street, Suite 408
Honolulu, Hawaii 96813
(808) 521-4717
www.lurf.org

February 5, 2016

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

Testimony in Support of SB 3001 Relating to Water Rights.

Wednesday, February 10, 2016, 3:30 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 SB 3001**, which proposes to amend Hawaii Revised Statutes (HRS), Section 171-58 to allow a holdover permit to be issued to an applicant seeking to renew its water rights lease.

SB 3001. This purpose of this bill is to address and resolve what may be described as an inequitable anomaly in a State law (HRS 171-58), which has been uncovered as a result of a recent Hawaii Circuit Court ruling which invalidated a State permit that authorized East Maui Irrigation Company (EMI), a subsidiary of Alexander & Baldwin, Inc. (A&B), to collect water off of state lands in East Maui.

EMI has been collecting water from EMI- and State-owned lands continuously for well over a century – since 1878, pursuant to various leases, licenses and permits, initially from the Hawaiian government, and later from the Territory/State of Hawaii. The water collected by EMI is transported to the County's Upcountry Maui water treatment plant and used to serve the needs of 36,000 Upcountry residents and farmers; as well as for irrigation by Hawaiian Commercial & Sugar Company (HC&S), for its final sugar crop, and to support HC&S' transition to diversified agriculture.

In 2001, A&B applied to the State Board of Land and Natural Resources (BLNR) for another long-term lease to continue to collect water as described, however opponents to stream diversions requested a contested case hearing challenging A&B's lease application. BLNR then put existing revocable permits on a holdover status pending the results of the contested case hearing to enable the continued use of water. In the meantime, the same opponents continued to file numerous other legal and regulatory challenges to EMI's collection of water, resulting in years of delay. The contested case hearing on A&B's lease application is presently still pending before the BLNR.

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 EMI permits. In its ruling, the judge stated that the intended purpose of permits issued pursuant to HRS 171 is to provide for the temporary occupation of public lands, and that the continued use of public lands on a holdover basis for over 13 years could not be considered a temporary use according to the legislative intent underlying the statute.

The Circuit Court's decision to invalidate revocable water permits is currently being appealed, however, should said decision be upheld, the consequence would be the loss of a significant amount of water for agricultural and residential uses in Central and Upcountry Maui. Moreover, 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. Any agricultural future for Central Maui is dependent on the EMI ditch system continuing to collect and deliver water from the wetter side of the island.

LURF's Position. LURF believes the drafters of HRS 171-58 could not possibly have anticipated, let alone have intended the inequity of the application of the statute to extraordinary situations such as the current one involving EMI/A&B.

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 171 to situations such as the present, when in fact, underlying extraordinary circumstances exist, which are completely outside the control of the permittee.

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 amend the law to allow BLNR to take narrow exception and to issue a holdover permit for an extended holdover period 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 SB 3001**, and respectfully urges your favorable consideration of this bill.

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



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

February 5, 2016

TESTIMONY

Honorable Senator Mike Gabbard
Chair Senate Water, Land and Agriculture Committee
Hawaii State Senate
Hawaii State Capitol

RE: Senate Bill 3001 Relating to Water Rights

Thank you for this opportunity to testify in support Senate Bill 3001. 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 Wailua 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. Senate Bill 3001 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: henry.lifeoftheland@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Sunday, February 07, 2016 2:21:10 PM

SB3001

Submitted on: 2/7/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Henry Curtis	Life of the Land	Oppose	No

Comments: Please Hold Mahalo

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

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The Twenty-Eighth Legislature
Regular Session of 2016

THE SENATE

Committee on Water, Land, and Agriculture
Senator Mike Gabbard, Chair
Senator Clarence K. Nishihara, Vice Chair
Hawaii State Capitol, Room 224
Wednesday, February 10, 2016; 3:30 p.m.

**STATEMENT OF THE ILWU LOCAL 142 ON S.B. 3001
RELATING TO WATER RIGHTS**

The ILWU Local 142 supports S.B. 3001, which allows a holdover permit to be issued to an applicant seeking to renew their water rights lease.

The article by Rob Perez in yesterday's Star-Advertiser alerted readers to S. B. 3001 as a vehicle to allow A&B, which operates Hawaiian Commercial & Sugar Company (HC&S) on Maui, to continue holdover revocable permits until its lease application is resolved, even beyond a year. Opponents claim that HC&S is doing an "end run" around a recent court decision that invalidated A&B's permits. However, we believe these opponents are viewing water rights from too narrow a perspective.

HC&S operates a large plantation that covers thousands of acres and employs hundreds of workers. Last month, the company announced plans to close the sugar plantation by December 31, 2016 to complete a "final harvest" of the last sugar cane crop. Continued water availability is needed in order to complete this final harvest and avoid an even earlier shutdown of the plantation and an earlier layoff of more than 650 employees.

Also, opponents of A&B and the sugar plantation fail to take into account the small farmers and Kula residents who rely on water provided by State leases through East Maui Irrigation. These farmers cultivate vegetables and fruits which help Hawaii meet food security and sustainability goals.

The ILWU urges passage of S.B. 3001. Thank you for the opportunity to provide testimony on this matter.



BEFORE THE SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

February 10, 2016

Senate Bill No. 3001
Relating to Water Rights

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

The Ka Lāhui Hawai‘i Political Action Committee (KPAC) affirms and defends our Hawaiian peoples’ right to over 1.8 million acres of our national lands.

KPAC submits the following testimony in opposition to SB 3001. This bill would allow a holdover permit to be issued to an applicant seeking to renew their water rights lease. Essentially, this bill is an end run to allow Alexander & Baldwin, Inc. and the East Maui Irrigation Company to continue to divert millions of gallons of water from the streams of East Maui.

KPAC stands with our kalo farmers and cultural practitioners who continue to work to preserve our traditions and precious resources for generations to come.

Respectfully Submitted,

Healani Sonoda-Pale
KPAC Chair



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

TESTIMONY IN OPPOSITION TO SENATE BILL NO. 3001
RELATING TO WATER RIGHTS

February 10, 2016, 3:30 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 Senate Bill 3001, 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.

SB 3001 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 SB 3001 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 SB 3001 proposes, it is allowed to circumvent existing procedures for issuing leases to use the state's freshwater resources.

We appreciate the opportunity to offer this testimony and respectfully ask you to hold SB 3001.



Maui County

HEARING BEFORE THE
HOUSE COMMITTEE ON WATER, LAND AND AGRICULTURE

TESTIMONY ON
SB 3001: RELATING TO WATER RIGHTS

Room 224
3:30 PM

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

I am Warren Watanabe, Executive Director of Maui County Farm Bureau. We are a County Chapter of the Hawaii Farm Bureau, representing 200 farm families and organizations on the island. Our mission seeks to protect and increase the viability of farms and ranches while ensuring the social and environmental wellbeing of the island. The farmers and ranchers in the photo before you and all of the signatories of the petition are joining us in this testimony.

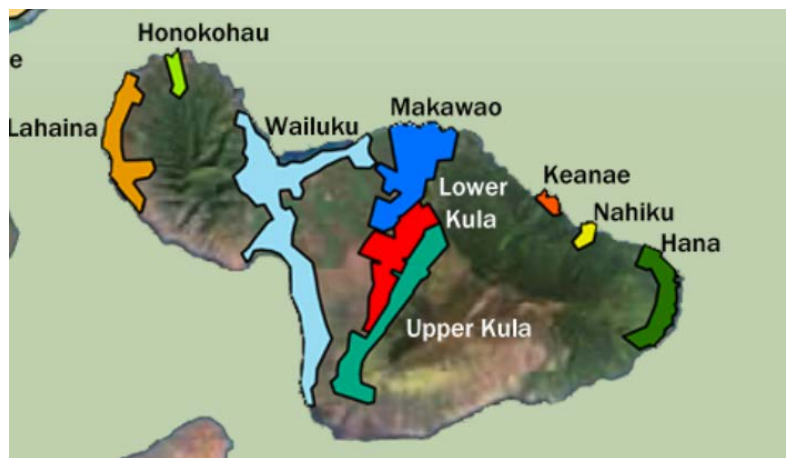
MCFB **strongly supports SB3001** authorizing holdover permits to be issued to an applicant seeking to renew their water rights lease.

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

The East Maui watershed provides water for upcountry Maui (Kula, Pukalani, Makawao, Haiku) in addition to HC&S. It is the largest single surface watershed in the State, providing to the second largest service area on Maui. Stopping water collection in East Maui would have impacted entire communities and Maui's social and economic wellbeing. Especially impacted would be agriculture. This involves not just HC&S but farmers and ranchers in Upcountry Maui

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

whose water is delivered to the County using the East Maui water collection and delivery system. The following image is extracted from the County's website, illustrating the sources of water for its' users. The dark blue, red and teal service areas are from East Maui, illustrating the many impacted communities.



This matter must be clarified as Hawaii is evolving. This measure does not determine whether or not to allow diversion of water on the long term, nor does it prioritize who should obtain the water. **This measure is an interim process until these decisions can be made as determined in the Water Code.**

The required capacity of Maui County's system may evolve. The current scenario is just a spot in time. Laws need to encompass various situations in the future in which existing permits expire and timely issuance of new permits is not possible. BLNR utilized what they thought was the only mechanism they had at that time. If it needs to be changed, this measure proposes just such a solution. It does not seek to bypass requirements as it only applies to cases with preexisting permits. It is also limited only to a "holdover period until such time as the pending application for the disposition of such water rights is finally resolved." This means that it is a stopgap measure until the process as identified in the water code can be resolved.

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

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

Some will try to distinguish the types of agriculture and place corporate farms in a separate category. **Agriculture's viability depends on diversity in types and sizes.** Hawaii's agriculture and our level of self sufficiency was at its' peak when all of the sugarcane and pineapple companies were in operation. WHY? because the support capacity for agriculture existed. Farmers and ranchers had access to machinists, welders and mechanics to modify equipment. Economies of scale for imported agricultural inputs existed. Shipping options existed as you could piggy back with other goods. One must understand the entire agricultural system to understand what it takes to have successful agriculture. For this reason this measure is not just for A&B but for all agriculture and the communities that depend on the waters from these sources. It also addresses an issue not just for today but for the future when a similar situation may arise.

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



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

February 10, 2016

HEARING BEFORE THE
HOUSE COMMITTEE ON WATER, LAND AND AGRICULTURE

TESTIMONY ON
SB 3001: RELATING TO WATER RIGHTS

Room 224
3:30 PM

Aloha Chair Gabbard, Vice 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 SB3001, authorizing a holdover process for existing water permits.

HFBF 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 to others in a similar situation with an expired permit. The law also needs to address how this issue can be resolved when similar cases occur in the future.

This case is of special interest to agriculture as many of our farms and ranches depend on diverted waters for irrigation. Without water, there can be no agriculture. The Maui case involves one of the largest contiguous active agricultural lands in the State. The farm families and organizations along with their communities are at risk if an interim

solution is not identified. We believe the proposed measure provides a good option. As stated it is clearly an interim measure and not a means to get around the law. It provides time for the law to be interpreted and implemented in the best interest of the people and environment.

For these reasons, Hawaii Farm Bureau respectfully requests your **strong support of SB3001**, authorizing a holdover permit process by passing this measure as written. Thank you.



**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: Wednesday, February 10, 2016 3:30 pm
Conference Room 224

In Opposition to SB 3001 Relating to Water Rights

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

Aloha. Conservation Council for Hawai'i opposes SB 3001, which allows a holdover permit to be issued to an applicant seeking to renew its water rights lease. SB 3001 is a special-interest bill favoring one large company, A&B, contrary to the State's obligation to protect public trust resources for the people and future generations. Furthermore, annual revocable permits to continue the theft of millions of gallons of stream water a day do not constitute a "water right." The people from whom the water was stolen (and their descendants) are the ones who possess water rights.

We are disappointed and surprised that SB 3001 would be introduced in light of recent developments in the long-standing legal effort by kalo farmers and other practitioners to restore stream flows in East Maui.

The revocable permits at issue in SB 3001 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.

A&B is making a last-ditch effort (pardon the pun) to legitimize its historic and cruel theft of East Maui stream water. After 30 years of legal challenges and special treatment for A&B, kalo farmers and other practitioners are finally getting close to having water returned to the streams. Do not let A&B use SB 3001 as an end-run around the State Water Code. This is an important issue of Native Hawaiian rights, environmental justice, and fairness.

Prolonging the extreme stream diversions authorized by permits to A&B is not in the public interest, nor is it consistent with resource conservation or self-sufficiency. HC&S is going out of business. There is more than enough water for East Maui users, the County of Maui and upcountry users, and diversity agriculture on HC&S/A&B land.

Please oppose SB 3001. Ho'i i ka wai!

Mahalo nui loa for the opportunity to testify.

Marjorie Ziegler

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



From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: wao-hsl@WeAreOne.cc
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Saturday, February 06, 2016 10:18:27 PM

SB3001

Submitted on: 2/6/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph Kohn MD	www.WeAreOne.cc	Oppose	No

Comments: Strongly Oppose ongoing theft of native water rights.

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Hawaii Agriculture Research Center

Administration: P.O. Box 100, Kunia, HI 96759

Ph: 808-621-1350/Fax: 808-621-1359

www.harc-hspa.com

**TESTIMONY BEFORE THE SENATE COMMITTEES
ON
Water, Land and Agriculture
and
Ways and Means
SENATE BILL 3001
Relating to Water Rights
February 10, 2016**

Chairmen Gabbard and Tokuda and Members of your respective Committees:

My name is Stephanie Whalen. I am Executive Director of the Hawaii Agriculture Research Center (HARC). I am testifying today on behalf of the center and our research and support staff.

HARC strongly supports Senate Bill SB3001: Relating to Water Rights.

Water is a critical component of agricultural as you all well know. The recent court ruling invalidating HC&S's revocable water permit comes at an extremely critical point in the re-purposing of surface water for multiple agricultural uses, not to mention the up-country water community water supply.

It is unfortunate that negotiations over land and water use on public lands are not given a higher priority. It is not unexpected that these permits continue to be renewed based on the contentious environment in Hawaii over land and water. It seems any and all decisions will be litigated. It is time a stop is put to these issues being relegated to the courts for decisions. That is not the way our constitutional system is supposed to work. If the regular opponents of these issues put as much energy and finances into advocating for sufficient resources for the agencies to do their work then there wouldn't be the need for their endless legal challenges.

Beyond the recent water issue one needs to look to the public land issues. How many farmers are on revocable land leases, eliminating their credit option and disincentivizing any property infra-structure improvements? Considering the constitutional mandate to support agriculture the state's agency's over use of revocable permits do little if anything to further that support. Private land holders are regularly criticized for land holding but what about the state's example of using revocable permits to put off providing long term leases for the basic components of agriculture: land and water.

We strongly urge you to support Senate Bill 3001 Relating to Water Rights but also hope you begin to consider what can be done regarding the lack of decent long term leases of land and water for agriculture on state lands. When will there be true support for agriculture as mandated by our constitution.



Testimony Before the Senate Committee on
Water, Land and Agriculture

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

Wednesday, February 10, 2016, 3:30 p.m.
Conference Room # 224

Senate Bill No. 3001 – Relating to Water Rights

To the Honorable Mike Gabbard, Chair; Clarence K. Nishihara, Vice-Chair, and Members of the Committee:

Thank you for the opportunity to testify on this measure. I am Jim Kelly, Member Service and Communications Manager at Kauai Island Utility Cooperative (“KIUC”). KIUC stands in support of Senate Bill No. 3001.

SB 3001 provides important assurances that a holdover permit issued to an entity that has applied for a long-term water lease may remain in place while the lease application is pending.

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

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

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

Being able to rely on the continuation of the revocable permit under the process described in SB 3001 would benefit all of the cooperative’s members and for this reason we offer our support of this measure.

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

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

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: teresamlee.51@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Tuesday, February 09, 2016 8:48:07 AM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Teresa L. Nakama	BIFA	Oppose	No

Comments: Honor, Honest and Truth must prevail and now the court has ruled the invalidation of these water permits which rightfully shall not be renewed. The law is the law and no one has the right to ignore these existing laws of due process, by trying to pass illegal laws to by past existing laws that protects our water rights.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: jkimof@msn.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Sunday, February 07, 2016 7:58:44 AM

SB3001

Submitted on: 2/7/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
james Kimo Falconer	MauiGrown Coffee, Inc	Support	No

Comments: Learn the history of the sugar plantations before you condemn agriculture. There is no second option when it comes to fresh water in Hawaii, the most taken for granted natural resource we have. We have no lakes to visually measure what our water status is, yet we assume we have enough water to sustain us. How foolish to send it all back to the stream, let the system fall apart and realize later we need that, but now, too late. Mahalo

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**SB 3001
RELATING TO WATER RIGHTS**

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

FEBRUARY 10, 2016

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

I am Meredith Ching, testifying on behalf of Alexander & Baldwin, Inc. (A&B) on SB 3001, “A BILL FOR AN ACT RELATING TO WATER RIGHTS.” We support this bill.

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

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

prepared; 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 subsequent 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 are being resolved and all the proper procedures followed, and the lease process can then proceed.

On January 8, 2016, the Hawaii Circuit Court found that pursuant to HRS 171-58(c), the BLNR authorized EMI's continued use of these watershed lands on a holdover basis over the last thirteen years. The Hawaii Circuit Court then invalidated the revocable water permits, ruling 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 for permits.

The purpose of this bill is to authorize the BLNR to holdover permits 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.

As described above, EMI's revocable annual permits were held over to enable water collection and transmission to Central and Upcountry Maui for agricultural and domestic purposes to continue, until proper procedures are completed and legal challenges to the long term water license application are resolved. Should the Circuit Court decision to invalidate the revocable annual water permits be upheld, this will significantly impair the availability of water in Central and Upcountry Maui for agricultural and domestic uses. Recently announced efforts by A&B to transition sugar operations

at HC&S to diversified agriculture which may include grass fed livestock, bio-energy crops, and the establishment of an agricultural park may be in jeopardy without an adequate supply of water. Continued water service to Upcountry residents and farmers will also be endangered.

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

To best achieve this goal, we do respectfully request your consideration to incorporate an amendment into this bill to clarify the authorization of a holdover until such time a pending application for the disposition of water rights is resolved.

Suggested language is attached below for your consideration:

(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; provided that where an application has been made for a lease under this section to continue a previously authorized disposition of water rights, a holdover [permit] may be authorized for a holdover period until such time as the pending application for the disposition of such water rights is finally resolved, even if such holdover period may exceed one year; provided further that any disposition by lease shall be subject to disapproval by the legislature by two-thirds vote of either the senate or the house of representatives or by majority vote of both in any regular or special session next following the date of disposition; provided further that after a certain land or water use has been authorized by the board subsequent to public hearings and conservation district use application and environmental impact statement approvals, water used in

nonpolluting ways, for nonconsumptive purposes because it is returned to the same stream or other body of water from which it was drawn, essentially not affecting the volume and quality of water or biota in the stream or other body of water, may also be leased by the board with the prior approval of the governor and the prior authorization of the legislature by concurrent resolution.

Based on the aforementioned, we respectfully request your favorable consideration of this bill with the suggested amendment. Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: gottlieb@hawaii.rr.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Monday, February 08, 2016 9:19:25 PM

SB3001

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Gottlieb	Ponoholo Ranch Limited	Support	No

Comments:

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Testimony Submitted to the Senate Water, Land and Agriculture Committee
Hearing: Wednesday, February 10, 2016, 3:30pm, Room 224

In Opposition to SB 3001 Relating to Water Rights

Chair Yamane, Vice Chair Cullen, and Members of the Committee,

I oppose SB 3001, which allows a holdover permit to be issued to an applicant seeking to renew its water rights lease. SB 3001 is a special-interest bill favoring one large company, A&B, contrary to the State's obligation to protect public trust resources for the people and future generations.

Special legislation is unconstitutional and invalid, as was determined on appeal to the Hawai'i Supreme Court for a second time in the Superferry case (Sierra Club v. Dept. of Transportation, 120 Haw. 81, 202 P.3d 1226 (2009)). Defending a similar legal challenge to this bill will result in even more public resources being wasted to benefit one private entity. This issue should continue in the courts and be resolved under the laws that existed at the time relevant to that dispute. Passing this bill now is not in the public's interest and will be a violation of the Legislature's responsibility to uphold the Hawai'i Constitution.

Please oppose SB 3001.

Mahalo nui loa for the opportunity to testify.

Aarin Gross

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: apbrown22@hotmail.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Monday, February 08, 2016 1:10:24 PM

SB3001

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Addison Brown	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: keao@me.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Monday, February 08, 2016 8:37:02 AM

SB3001

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Agnes Marti Kini	Individual	Oppose	No

Comments: STOP STEALING OUR WATER...NO WATER=NO FOOD, NO FOOD=REVOLUTION, REVOLUTION=NO TOURIST INDUSTRY, NO TOURISM-NO MONEY....GO FIGURE!!

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: Alana.Ross@hotmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Tuesday, February 09, 2016 2:50:54 PM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

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

Comments: Please release the water rights back to the land. You are endangering the Hawaiian way of living by not letting nature take its natural course.

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From: [ALAULA ARTATES](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Friday, February 05, 2016 10:06:24 PM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

ALAULA ARTATES
Alaularartates@gmail.com

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: afrancokaupo@gmail.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Sunday, February 07, 2016 1:26:56 PM

SB3001

Submitted on: 2/7/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Alex Franco	Individual	Support	No

Comments:

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From: [Alexandria Coutu](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Friday, February 05, 2016 4:37:31 PM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Alexandria Coutu
acoutu@centerforfoodsafety.org

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: aburian@live.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Monday, February 08, 2016 8:43:39 AM

SB3001

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Alexandria Gutmanis-Burian	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: aluhi@yahoo.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Tuesday, February 09, 2016 3:20:59 PM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Alohi Aea	Individual	Oppose	Yes

Comments: I oppose this bill and ask those on the committee to oppose it as well. After all these years, now is the time to return water to taro lands and taro farmers, in order to allow us to move toward a more sustainable Hawaii.

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From: [Amy Perruso](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Tuesday, February 09, 2016 6:07:57 PM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Amy Perruso
amyathomas@hotmail.com

From: [Ann Evans](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Tuesday, February 09, 2016 3:32:21 PM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Ann Evans
maumagic5711@hotmail.com

From: [Anne Rice](#)
To: [WLA Testimony](#)
Subject: Please defer SB3001 & help restore the public's water
Date: Friday, February 05, 2016 11:17:04 AM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Agriculture,

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.
Anne Rice

From: [Ashley Obrey](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Monday, February 08, 2016 8:00:24 PM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Ashley Obrey
Kaiao.obrey@gmail.com

From: [Barbwaters](#)
To: [WLA Testimony](#)
Subject: SB3001
Date: Friday, February 05, 2016 4:48:58 AM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Agriculture,

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create “hold-over permits” for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: begoniabarry@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Saturday, February 06, 2016 4:42:42 PM

SB3001

Submitted on: 2/6/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

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

Comments: Aloha Chair and Committee members, I strongly oppose allowing holdover water leases to be extended any longer to A&B for irrigation for HC&S which is closing down their operation this year. The water which has been stolen for many decades is to be allowed to return to the Kalo farmers and native streams along the Hana Highway. Please do what is pono for the 'Aina and the Hawaiian's. This water does not belong to A&B and they have stolen it long enough. Do not perpetuate this wrongdoing any longer. Aloha 'Aina.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: bpbooks@popestudio.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Monday, February 08, 2016 10:41:07 AM

SB3001

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

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

Comments: Strongly Oppose

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: diamondbranchhi@aol.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Sunday, February 07, 2016 11:43:14 AM

SB3001

Submitted on: 2/7/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Brendan Balthazar	Individual	Support	No

Comments:

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From: [Carlos Garcia](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Sunday, February 07, 2016 10:03:57 AM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Carlos Garcia
carlos@livingaloha.net

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: hynmahi@yahoo.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Sunday, February 07, 2016 8:31:16 AM

SB3001

Submitted on: 2/7/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
carol lee kamekona	Individual	Oppose	No

Comments: I strongly oppose Senate Bill 3001 that would overturn the recent court decision in favor of taro farmers and allow A&B to utilize holdover permits to continue one of the largest private commercial diversions in the entire U.S. without doing an Environmental Assessment. A&B was told by Judge Eden Hifo more than a decade ago it must do an EA in order to continue its diversions, but ignored her court order. In the meantime, for many decades, although our East Maui Taro Farmers were deprived of water they have always followed and respected the law. After 15 years of fighting through the courts, they finally won a historic court victory last month, but S.B. 3001 would overturn that victory! To use this legislature to overturn a hard-won court battle of 15 years is so unjust!! Of the billions of gallons diverted from public lands, less than 10% is sold to the County for public Upcountry and AG Park consumption. The remainder is used for A&B's commercial sugar operations, which requires more water per acre than any other crop. Now that HC&C is closing down its sugar operations and transitioning to diversified agriculture, surely the taro farmers, who have priority appurtenant water rights and who are also agriculturists in the purest sense, deserve fairer treatment from this political system! Please do not pass a law that would legally sanction A&B's attempts to skirt environmental laws and continue to deprive taro farmers of their Constitutional rights!

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From: [Carol Schwarz](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Saturday, February 06, 2016 2:10:57 PM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Carol Schwarz
Carolbollschwarz@yahoo.com

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: carol@danielsons.net
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Monday, February 08, 2016 2:20:28 PM

SB3001

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

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

Comments:

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From: [Carolena Pierce](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Thursday, February 04, 2016 10:13:55 PM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Carolena Pierce
Cpierce58@yahoo.com

From: [Carrie Brady](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Sunday, February 07, 2016 5:09:10 AM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Carrie Brady
2carriebrady@gmail.com

From: [Catherine Velasquez](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Sunday, February 07, 2016 7:43:55 AM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Catherine Velasquez
catherine_velasquez@yahoo.com

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: Anuheia1229@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Tuesday, February 09, 2016 2:17:47 PM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Chanelle Kapuni	Individual	Oppose	No

Comments: Aloha I am wishing to oppose bill SB3001 regarding the water rights renewal that A&B & HC&S has set forth. It is an illegal act by stealing water from its natural flow affecting many lives. Our East Maui farmers who depend on it to sustain their families and livelihood, this has been their lifestyle for generations. Also the fresh water animal life that can no longer reproduce or even survive because of the decreased water flow. It would be detrimental to see how much impact this bill would have on so many lives if it were to be passed. I want my keiki and future generations to live healthy, the water gives life please don't take it from us. Mahalo for your time, Chanelle Anuheia Kapuni

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: charlakonohia@hotmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Friday, February 05, 2016 8:29:38 PM

SB3001

Submitted on: 2/5/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Charla Konohia	Individual	Oppose	No

Comments: I support the judges decision and to overturn her decision not only shows disrespect for the native people and their rights, but also shows disrespect for the law. To allow people with money to be able to appeal the judge's decision shows the public how crooked BLNR and our lawmakers really are. The water is for the people of the land to survive, to be sustainable, not for private corporations to make money.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: burgharc@gmail.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Monday, February 08, 2016 2:00:31 PM

SB3001

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

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

Comments:

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February 10, 2016

Dear Senators; Senate Chair Gabbard, Senate Vice Chair Nishihara and the Committee on Water, Land and Agriculture,

I am writing this letter to you humans because I am opposing the fact that you guys are giving leases out to people releasing our wai (water). The SB3001 allows holdover permits to be issued to an applicant seeking to renew their water rights leases. I do not think that this is fair for the community of the east end of Maui. Please do not take all of our wai (water) because we need it in order to survive.

174c-13: Citizens complaints. You people are not realizing that you guys are breaking your own laws. EMI and A&B are over using the permits they have. It is only temporary and they have used it for a long period of time which makes it totally illegal. I am a citizen of the East End that is complaining on my behalf of our wai (water). You guys are doing a lot of illegal things and that is not right at all.

Living in Hawaii we are known for surviving off of the wai (water). We need the water in order to get our food to eat. The wai flows into our kalo patches which gives the kalo life, it keeps them healthy so it can be delicious. If you guys do not give us back our water we lose the delicious poi. The wai (water) flows straight into the ocean as well to keep our fishes and other undersea organisms healthy for us to eat. For Hawaiians we have always said "Wai Is Life" because if the water here runs dry from you people then we obviously cannot survive so please just give us back our wai (water). Free the wai and do not let the lands of Hawaii run dry.

Back to my first paragraph I talked about how terrible you people actually are. You guys only care about the money and you guys do not think about the citizens of this community. We need to keep all the keiki healthy and without the wai (water) it will not happen. The SB3001 is probably one of the dumbest law that was ever made. Think of the people of these island and stop being so rude and selfish by only thinking of the money. Mahalo!

Sincerely,

Chevelle L.K. Oliveira
Residents of East Maui

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: waioli2@hawaiiantel.net
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Tuesday, February 09, 2016 8:11:02 PM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
chris kobayashi	Individual	Oppose	No

Comments: I am a kalo farmer on Kauai. It is heartbreaking to know that East Maui Kalo farmers and community have lived so long with their waters illegally diverted and streams dewatered. It is a crime beyond comprehension. BLNR should be held accountable for not upholding the public trust of protecting and managing water resources. Is it legal for the legislature to try to pass a law overlooking a legal decision for 1 corporation and for others that are sure to follow suit? Make things right first.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: cchow78@hotmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Thursday, February 04, 2016 10:24:01 PM

SB3001

Submitted on: 2/4/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
christine kauahikaua	Individual	Oppose	No

Comments: I oppose SB 3001 because it would allow Alexander and Baldwin to continue their water diversions from East Maui at a detriment to public trust water users, despite the January decision of the First Circuit Court stating that A&B's diversions are unconstitutional. Enough is enough. We need to protect our natural resources from big land owners who are abusing them in the name of big profits.

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From: [Christopher Renwick](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Wednesday, February 10, 2016 7:26:41 AM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Christopher Renwick
twinturbo201@yahoo.com

From: [Cynthia Jeffery](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Saturday, February 06, 2016 8:33:39 PM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Cynthia Jeffery
cjeffery@kold.com

From: [Daina Auger](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Tuesday, February 09, 2016 6:10:55 PM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Daina Auger
dainadane@gmail.com

From: [Malina Keawe](#)
To: [WLA Testimony](#)
Subject: Please defer SB3001 & help restore the public's water
Date: Friday, February 05, 2016 10:38:58 PM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Agriculture,
I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices. This bill would create “hold-over permits” for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops. It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer. We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

Dana Keawe

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: dforman@hawaii.edu
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Saturday, February 06, 2016 12:29:34 PM

SB3001

Submitted on: 2/6/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Forman	Individual	Oppose	No

Comments: Restore native streams.

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From: [Danya Hakeem](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Friday, February 05, 2016 3:54:44 PM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Danya Hakeem
dhakeem@centerforfoodsafety.org

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: tane_1@msn.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Tuesday, February 09, 2016 9:34:06 PM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
David M.K. Inciong, II	Individual	Oppose	No

Comments: I feel it's in the best interest of all to oppose this bill. I won't lecture about this. A word to the wise is sufficient. Hawaiian water rights is paramount for sustainability. To automatically renew a lease is foolhardy.

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From: [David Oana](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Wednesday, February 10, 2016 12:01:16 AM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

David Oana
Davoana@gmail.com

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: brock002@hawaii.rr.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Saturday, February 06, 2016 8:31:57 AM

SB3001

Submitted on: 2/6/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Dee Brock	Individual	Support	No

Comments: My name is Diana Montgomery-Brock. I support SB3001 to allow continued access to current water supplies. Water seems to be a major limiting factor impacting Maui's well being. Despite increased incidences of drought I don't know of any new source development projects by the County. The recent court decision threatens access to current water supplies. Please support SB3001. Thank you.

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Denise Boisvert
225 Kaiulani Ave #1604
Honolulu, HI 96815
February 7, 2016

Senate Committee on Water, Land & Agriculture
Hearing on February 10, 2016 at 3:30PM

Re: SB 3001

To Whom It May Concern:

I oppose SB 3001.

This is 2016 – how is it even possible that such a blatant, unnecessary and wasteful misuse of water, a precious natural resource, be up for such a decision? Approving this bill would not only be environmentally criminal, but socially and economically unfair to farmers and fishermen.

Aren't the days of oppression and control by The Big Five supposed to be over? A&B's entire history is one of privilege at the expense of hard-working local people.

Please do what is ethically right for your citizens and for the environment by voting against this bill.

Please show A&B that they no longer control the government.

Yours sincerely,

Denise Boisvert

Kim Jorgensen
225 Kaiulani Ave #1604
Honolulu, HI 96815
February 7, 2016

Senate Committee on Water, Land & Agriculture
Hearing on February 10, 2016 at 3:30PM

Re: SB 3001

To Whom It May Concern:

This is testimony to oppose SB 3001 because:

- The fields in question for irrigation are no longer to be used for sugar cane;
- The massive water diversions over the many, many decades have already caused unjust and irreparable damage to generations of farmers, fishermen, gatherers and the environment;
- No Environmental Assessment or Impact Report has been done (is A&B afraid what would be discovered?); and
- A&B would receive a grossly unfair discount for the price of water compared to what a typical Maui farmer is charged.

Approving this bill would be a shameful miscarriage of justice to the citizens of Maui and to the environment.

It would allow A&B to continue to dominate and control the livelihoods of Hawaii's citizens and seemingly its government well into the 21st century.

It is time to say no.

Sincerely,

Kim Jorgensen

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: kehaulani1976@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Sunday, February 07, 2016 3:22:56 PM

SB3001

Submitted on: 2/7/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Doreen N. Canto	Individual	Support	No

Comments: I support SB3001 to allow continued access to current water supplies. Water is a major limiting factor impacting Maui's well being. The recent court decision threatens access to current water supplies. I urge you to please support SB3001. Thank-you.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: Kapaakeahomestead@gmail.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Tuesday, February 09, 2016 9:58:50 PM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Doreen Gaspar	Individual	Oppose	No

Comments:

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I OPPOSE SENATE BILL 3001 that would allow Alexander & Baldwin to continue commercial water diversions without doing an Environmental Assessment. Judge Eden Hifo, informed Alexander & Baldwin more than 10 years ago that they MUST complete an Environmental Assessment in order to continue the diversions of water. They did not follow her court order.

Senate Bill 3001 would overturn the recent court decision that was in favor for the East Maui Taro Farmers. That decision is important for the farmers and the environment. The environment where Opae, Hihwai, O'opu, Limu, need water to exist. The environment where Grandpa, Grandma, Aunty, Uncle, Mom, Dad, and our ancestors used to gather food. The environment where we gather food. The environment where we grow food. The environment where we practice our spirituality and beliefs.

Please do not pass a law that would legally sanction Alexander & Baldwin's attempt to get around ENVIRONMENTAL LAWS. Please don't deprive TARO FARMERS, FAMILIES, and the ENVIRONMENT of water.

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: doug105@hawaiiantel.net
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Monday, February 08, 2016 1:27:10 PM

SB3001

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Douglas Sheehan	Individual	Support	No

Comments: If you look at what "diversion" actually is, I believe any time water is changed from its natural course, whether by pump, pipe, and even by dams, diversion is taking place. Aren't taro farmers diverting water as they grow it in different places? Aren't reservoirs diverting water from flowing? Diversion has gone on since mankind came down from the trees. I strongly support permits that enable the efficient use of our water, and certainly HCS/EMI has been using water as efficiently as possible.

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Testimony of Dr. Daniel P. de Gracia, Th.D., D.Min., M.A.

in opposition to the measure

Senate Bill No. 3001, Relating to Water Rights

before the

Senate Committee on Water, Land and Agriculture

Wednesday, February 10, 2016 at 3:30 p.m. in Conference Room 224

Chair Gabbard, Vice Chair Nishihara, Honorable Members:

Thank you for the opportunity to testify on this pressing matter of water and environmental health as it concerns the future of our State and people. As you are no doubt aware, one of the key distinctions between the United States and the developing world is that in the poorest countries, cartelization of natural resources, particularly water supply, results in significant detriments to individual freedom and public health in general.

In the unique public water case of *Sawhoyamaya Indigeneous Community v. Paraguay* (2006), the Inter-American Court of Human Rights found "personal and cultural identity" were directly affected by access to water, which the Court identified closely with "the right to life" and ruled that Paraguay's "lack of due diligence to prevent the problems of shortage of land, water ... generates ... the international responsibility of the State."

The existence and legitimacy of the modern state as a social contract entity demands earnest protections of land and water as public resources. Hawaii would do well to cautiously study the environmental disasters faced by third world anocracies and developing countries, as we are already perilously close to emulating many of the public-private follies which hold their people in a constant state of impoverished squalor without any upward mobility. It would not be unreasonable for many Hawaii residents to see measures such as this, and fear that local government has become a willing partner in assisting monetization and cartelization of the islands and their scarce resources for the benefit of a select few. As feminist author Wendy McElroy eloquently warned,

Today, America is a society of elites. Business elites claim subsidies, liability limits, and bailouts ... As the elites scramble to preserve their legal privileges, the productive middle class that defined early America is staggering under an ever-increasing burden of taxes, fees, and other legal disadvantages. More and more, productive people are driven into poverty and a despair that could easily turn into rage.¹

If Hawaii is to be successful and healthy, it must first be fair. Please protect our environment and our people by deferring this measure. Thank you for the opportunity to testify.

¹ McElroy, W. (2011, June 8). *The Next American Revolution Won't Be Like the First*.
<https://mises.org/library/next-american-revolution-wont-be-first>

From: [Dr. Danny de Gracia II](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Tuesday, February 09, 2016 8:22:11 AM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Dr. Danny de Gracia II
daniel.degracia@gmail.com

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: eleu_novikoff@yahoo.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Tuesday, February 09, 2016 12:10:43 PM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

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

Comments: Malama o paku ke au! E ola ka Lahui Ko Hawai`i pae `aina!

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From: [Elizabeth Valley](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Sunday, February 07, 2016 6:55:34 AM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Elizabeth Valley
libbyvalley5@gmail.com

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: evernw@aol.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Friday, February 05, 2016 11:09:56 PM

SB3001

Submitted on: 2/5/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

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

Comments:

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Faith R. Chase
faith@planetserver.com

February 8, 2016

Aloha Water, Land & Agriculture Committee,

I am testifying in strong opposition to House Bill 2501. I know first hand the weather conditions that shape the livelihood of ranchers and farmers. I was raised on a Black Angus cattle ranch in the East Maui region and for my lifetime, I have intentioned Maui water issues. My family almost lost our ranch twice due to drought conditions. One embossed memory I have is a very long wait for water and the resulting internal community tension and animal husbandry demands. And then it finally rained. As father remembers, you could hear the grass grow. I know first hand the importance of water.

I'd like to share some historical perspectives on the East Maui area, the area of Keanae and Wailua Nui specifically. This kalo-farming village was once the pinnacle of Maui's prized kalo farming. It boasted a lush green that cleansed the air above and stopped tourists and passer byers in their tracks. Even locals who frequented the road would stop to take in the view of the abundance and beauty therein.

In the 80's , many kupuna made every evening public testimony and fact gathering meeting with regard to the water diversion and the countless discussions in making a change for the health and future of kalo farming and kalo farmers. The efforts of those kupuna, many who have passed, has clearly fallen on deaf ears for the 25 years I have witnessed.

Despite this obvious delay and disregard, there is another story. This small remote village that once boasted many taro varieties, volume and vigor has seen its share of serious modern day strife. It is no secret that drugs have plagued this small place. The fact is 85% of the able bodied young, would-be farmers of this area have died due to drug related reasons or have been imprisoned for similar curse. 85%, this is factual.

I beg you, I beg us, to step back and look at these consequences with reason. Cause and effect has been the collective conversation. Such imbalance of resources was bound to have severe effects as this.

The pressures of mere survival has forced families of this remote area to drive over 50 miles to work jobs that barely pays the fuel to get them there. Young families of the area have an anxious desire to return to their ancestral farmlands and cultivate with their children. Young adults of the area expect more and are eager to farm with best practices. These adults, that will someday be the charge that care for Kupuna, need and demand fair access to resources that have been long lost.

Please brave the change and see forward the steps that lead the path to remedy and resolve in this outrageous, illegal and unjust status quo of water diversion. Like “Build it and they will come” you must believe, “Return the Water and They will Farm”.

In closing, I must add that I understand the regulatory practices and protocol with respect to existing uses and needs. I do. I understand that it will take creative, conscious and engineering minds to balance the needs of upcountry and central neighbors with respect to water distribution. I also plead and believe that the powers that be and the entities who have politely persevered these unnumbered requests for water return can muddle through and figure it out. It need not be painful, it will be joyful.

Respectfully, Faith Chase

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: akamaimom@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Sunday, February 07, 2016 8:06:52 PM

SB3001

Submitted on: 2/7/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Felicia Cowden	Individual	Oppose	No

Comments: Please OPPOSE HB2501 extending holdover water rights. This overturns a hard won court decision for the people. The legislature should not be able to always bias for the large landowners. Felicia Cowden Kilauea, Kauai

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: waiokama@yahoo.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Sunday, February 07, 2016 8:41:29 AM

SB3001

Submitted on: 2/7/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Foster Ampong	Individual	Oppose	No

Comments:

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2-10-2016

Dear Senate Chair Gabbard Senate Vice Chair Nishihara and the Committee on Water, Land and Agriculture ,

I oppose Senate Bill 3001 because this bill will allow holdover permits to be issued to an applicant seeking to renew their water lease.

The state constitution should protect our water rights. "174C-2 Declaration of policy. (a) It is recognized that the waters of the State are held for the benefit of the citizens of the State. It is declared that the people of the State are beneficiaries and have a right to have the waters protected for their use." But not everyone is being benefited from the diverted water. The Kalo Farmers should be benefited from the water flow.

We need the water to flow because a lot of people rely on the flow of the water. They need it for their gathering purposes. Without the water our people will not be able to survive off the land. If we can not live off the land and the land will not survive

I oppose Senate Bill 3001 because this bill will allow holdover permits to be issued to an applicant seeking to renew their water lease.

Sincerely,

Gerald Mahadocon
Resident of East Maui

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: gladys.baisa@mauicounty.us
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Monday, February 08, 2016 3:56:02 PM

SB3001

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Gladys Coelho Baisa	Individual	Support	No

Comments:

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From: [Greg Hansen](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Tuesday, February 09, 2016 9:39:13 PM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Greg Hansen
mauigreg1@gmail.com

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: gurushabd@hotmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Tuesday, February 09, 2016 2:52:12 PM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
gurushabd khalsa	Individual	Oppose	No

Comments: I strongly oppose this bill!! Thank you Gurushabd Khalsa

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2-10-16

Dear Senator Roz Baker, Senate Chair Gabbard, Senate Vice Chair Nishihara, and the Committee on Water, Land and Agriculture,

I oppose Senate Bill 3001 and all of the senators that agree with this. I oppose your decisions. This bill allows holdover permits to be issued to an applicant seeking to renew their water rights lease. This is wrong because the people should have rights first before big companies and money.

There are laws that give the people rights, which is why we're standing up for it. The Constitution of the State of Hawai'i: Section 1 conserves and protects natural beauty, natural resources, water, air, minerals, and energy sources. Section 3 states the state shall conserve and protect agricultural lands. The Water Resources part in Section 7 says "The state has an obligation to protect, control, and regulate the use of Hawai'i's water resources for the benefit of its people." It also states "The legislature shall provide for a water resources agency which, as provided by law, shall set overall water conservation, quality and use policies; define beneficial and reasonable uses; protect ground and surface water resources, watersheds and natural stream environments; establish criteria for water use priorities while assuring appurtenant rights and existing correlative and riparian uses and establish procedures for regulating all uses of Hawai'i's water resources". From this, it's very clear that the state is not doing their job because they're not even following their own laws!

As people living on the East Side of Maui, we need our water. Many don't understand because they never experienced this lifestyle. It's called sustainability, to live off the land. "Wai is life." For the kalo farmers in the Ko'olau area of Maui, they need the water. Without water, the kalo cannot thrive. In that part of Maui, kalo farming is a tradition that is passed down through generations and with the water being taken where it doesn't belong, it is dying. Another reason why we need our water back is because with dry stream beds the `O`opu, Hihiwai, and `Opae cannot survive and spawn. Kanaka from East Maui gather food from the river beds to feed their families and without the wai flowing, that isn't happening. Nowadays the stream life is endangered, if this keeps happening any longer it will become extinct. Wai is a huge part of life in East Maui and it is being taken away from the land and the people to give a company profit, which is wrong because it shouldn't be all about MONEY.

Once again, I oppose this bill and I do not agree with it whatsoever. What A&B and EMI are doing is against our constitutional rights and this bill will let them continue doing what they do.

Sincerely,

Harmony-Sanoë Gonsalves-Cosma
Resident of East Maui

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: keanaelowlands@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Tuesday, February 09, 2016 3:22:53 PM
Attachments: [East Maui - Harry Pahukoa.pages](#)

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Harry Pahukoa	Individual	Oppose	No

Comments:

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February 9, 2016

Hau'oli Kahaleuahi

431 14th Ave E Apt 307

Seattle, WA 98112

Aloha mai,

This written testimony represents my opposition of SB3001, which directly involves the illegal and extreme diversion of freshwater (up to 450 million gallons a day) from East Maui rivers and streams. As stated in the header, I currently live in Seattle and attend Seattle University; however, I was born and raised on the eastern end of Maui, specifically in the rural Hawaiian town of Hana. I come from a lineage of Native Hawaiians who have consistently respected and cared for the very rivers and streams that are currently being sucked dry.

Instead of “fluffing” up a story or attempting to hypnotize you with my words, I would like to be as straightforward as possible. Let me start by asking you this: What do you think are the negative consequences of diverting millions of gallons of freshwater from rivers/streams? I am positive that you can quickly sum up a few reasonable answers to this question. Frankly, the answers are obvious. Continuously diverting this water without replenishing the source leads directly to urgent emergencies. These emergencies include the depletion of indigenous species and ecosystems, as well as the hindering of cultural practices that help to sustain local communities. Why are these emergencies? Once again, the answers are quite obvious. You definitely don't need to be a scientist of any kind to know that disrupting and/or completely killing off species of the natural world leads to the disruption of the entire food chain. To be specific, this illegal diversion of water has contributed to the loss of fish that thrive and reproduce near the mouths of these exact rivers and streams. Without fish in these areas, other species and organisms starve and essential nutrients are stripped from our oceans. In the web of life, each organism plays a crucial role in ensuring that everyone survives. By continuing to divert freshwater from East Maui, this web of life will deteriorate further. Ultimately, this will result in a complete loss of food for communities and families. The very people that you should be protecting and helping will suffer immensely. Is this what you wish to be a part of? I think not.

Aside from contributing to the loss of vital species and ecosystems, the illegal diversion of freshwater plays an enormous role in hindering the practice and perpetuation of significantly important cultural traditions. For instance, when the rivers/streams are sucked dry and freshwater no longer flows naturally from the mountains to the sea, *kalo* (taro), a staple source of nutrition for both ancient and present Hawaiians, fails to grow in healthy forms and amounts. Once again, you can see that the diversion threatens the food source of communities and families. *Kalo* cultivation is one of the most remarkable and imperative cultural practices of my people. By growing and farming *kalo*, Hawaiians are able to stay in touch with their ancestors and natural surroundings, as well as feed their loved ones, neighbors and even strangers. Without freshwater, this *kalo* will not grow.

February 9, 2016

Hau'oli Kahaleuahi

431 14th Ave E Apt 307

Seattle, WA 98112

Without this *kalo*, my people will starve and our traditions will disappear. Is this what you wish to be a part of? I think not.

In conclusion, I am fighting for the complete restoration of freshwater to these East Maui rivers/streams. With this restoration, generations to come will still have food sources to depend on, natural surroundings to enjoy and take care of, and special traditions to engage in. Listen to and comply by Article XI Section 7 of the Hawai'i State Constitution and protect our water resources for the benefit of the natural world and the people. Honor the Water Code and the rights of the Native Hawaiians before it's too late. Don't be a part of the destruction of ecosystems, depletion of food sources and eradication of cultural practices; instead, be a part of our positive movement.

Mahalo nui for your time and consideration.

Me ke aloha,

Hau'oli Kahaleuahi

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: keanaegirly@aol.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Tuesday, February 09, 2016 1:30:48 PM
Attachments: [East Maui Testimony - Healoha.pages.zip](#)

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Healoha Carmichael	Individual	Oppose	No

Comments:

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From: [Heidi Erhardt](#)
To: [WLA Testimony](#)
Subject: Please defer SB3001 & help restore the public's water
Date: Tuesday, February 09, 2016 3:27:49 PM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Agriculture,

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

Heidi Erhardt

February 10, 2016

Dear Senate Chair Gabbard, Senate Vice Chair Nishihara, Senator Roz Baker, and Committee on Water, Land and Agriculture,

I oppose all senators who agree with giving water rights to A&B. Such as this Senator Bill 3001: This bill allows holdover permits to be issued to an applicant seeking to renew their water rights lease. -Roz Baker. This is ILLEGAL!

In the Constitution of the State of Hawaii Section one it states that *“For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii'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.”* What ever happened to that law? You think making new laws will cover up the laws that aren't even being enforced? That is unfair and illegal! Article XI Section 7 of Hawaii's Constitution makes specific reference to water, including the directive *“protect, control and regulate the use of Hawaii's water resources for the benefit of its people.”* The water is being diverted to the other side of the island to be sold by A&B. How is that benefiting the people of East Maui? Leave the water for them, the aina and the native plants and animals.

Native Hawaiians deserve the right to water that is suppose to flow from mauka to makai. As my family and I travel to Wailuku I notice many streams from Nahiku through Huelo were dry and I never knew why, but now I know-it's being stolen. East Maui needs our water back because the people are suffering. They survive off of kalo but it's hard to maintain the patches when they don't have water. Stealing water from a farmer is the worst you can do. We need it back because the streams are dry! 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.

I oppose all you senators, this bill and your decisions once again. The Native Hawaiians deserve all rights to the water!

Sincerely

Heidi Sinenci

Resident of East Maui

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: iograpes@yahoo.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Tuesday, February 09, 2016 2:28:59 PM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
HIRAM RESPICIO	Individual	Oppose	No

Comments: I oppose Senate Bill 3001 that would overturn the recent court decision in favor of taro farmers and allow Alexander & Baldwin to continue one of the largest private commercial diversions in the entire United States without doing an Environmental Assessment. A&B was told by Judge Eden Hifo more than a decade ago it must do an EA in order to continue its diversions, but ignored her court order. In the meantime for many decades, although our East Maui Taro Farmers were deprived of water they have always followed and respected the law. After 15 years of fighting through the courts, they finally won a historic court victory last month, but S.B. 3001 would overturn that victory! To use this legislature to overturn a hard-won court battle of 15 years is so unjust! Of the billions of gallons diverted from public lands, less than 10%, is sold to the County for public Upcountry and Ag Park consumption. The remainder is used for A&B's commercial sugar operations, which requires more water per acre than any other crop. Now that HC&S is closing down its sugar operations and transitioning to diversified agriculture, surely the taro farmers, who have priority appurtenant water rights and who are also agriculturists in the purest sense, deserve fairer treatment from this political system! Please do not pass a law that would legally sanction A&B's attempts to skirt Environmental laws and continue to deprive taro farmers of their Constitutional rights! Sincerely, Hiram Yosh Respicio, Hoopai Ohana

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: ashman.janet@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Tuesday, February 09, 2016 3:54:00 PM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

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

Comments: Please support our local farmers and ranchers by passing this bill. This bill is critical for Hawaii's farmers and ranchers because so many rely on water diversions to irrigate their crops. The legislature must act now to resolve the issue of expired water permits IN THE INTERIM. Contrary to what you may hear, this bill would not overturn the recent judicial decision but would allow a temporary solution for farmers while the law is interpreted and implemented. Thank you for your support of our community's goal of food security.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: jbarrozo36910@gmail.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Sunday, February 07, 2016 12:16:44 PM

SB3001

Submitted on: 2/7/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jacelyn singh	Individual	Oppose	No

Comments:

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From: [James Kuloloio](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Tuesday, February 09, 2016 2:10:37 PM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

James Kuloloio
opio808@hotmail.com

From: [Jason Denhart](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Tuesday, February 09, 2016 1:47:45 PM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Jason Denhart
jdenhart@merwinconservancy.org

February 10, 2016

Dear Senate Chair Gabbard, Senate Vice Chair Nishihara and the Committee on Water, Land and Agriculture,

I oppose senate bill 3001. This bill allows holdover permits to be issued to an applicant seeking to renew their water rights lease. The people of Hawai'i don't want this to happen because it allows A&B to have ownership for our waters.

The Hawaii's constitution says that the state needs to "protect, control, and regulate the use of Hawaii's water resources for the sake of all the people." this states that Hawaii's people should protect their waters and not let anyone try to take it away from them. "It provides for the legal basis and establishment of the commission on water resource management and its authorities and responsibilities." This means that the things A&B are doing aren't legal because water has its responsibilities and they are using it for more then that.

We need our wai back because without it there is no life. We survive off of our wai everyday. Wai is very sacred and shouldn't be messed with. Wai is apart of nature and it should be used wisely because when you take too much there's not going to be anymore for our future generations. Wai is life for us and for the animals and plants that survive off of it. Wai is apart of us and when you take that away you are taking away a part of the people of Hawaii.

The senate bill 3001 clearly states that A&B are going to have ownership over our waters. The waters here should not have ownership over it, it is the people's WAI! A&B will take our waters until they're all dry, this cannot happen for the sake of all Hawaii's people and the future generations. Wai is everything to me and i need it because without it, all the cultural things I have learned about it today will never be taught in the future because there will be none if this bill continues.

Sincerely,

Jaylin Victorine- Dymont
Resident Of East Maui

10 February 2016

Dear Senate Chair Gabbard, Senate Vice Chair Nishihara and the Committee on Water, Land and Agriculture:

I oppose senate bill 3001. The bill allows holdover permits to be issued to an applicant seeking to renew their water rights lease. Using this as an advantage Alexander and Baldwin can continue to divert water from East Maui *indefinitely*. I can't sit by and watch the Hawaiian people continue to be robbed as they have been for hundreds of years. It is time for Native Hawaiians to get back what they deserve after years of being beaten down and oppressed by big companies.

For years, A&B have been unlawfully using holdover permits. In the state water code (174C-2), it is stated that "...the people of the State are beneficiaries and have a right to have the waters protected for their use." By diverting the water despite multiple protests, DLNR has violated this code. If you asked the taro farmers in Keanae if they think the water is being protected for their use, they would think you're crazy for even asking. They have been ignored and silenced since the water diversions were being built. That does not sound like protection for the people. Also, Hawai'i's Constitution specifically states that the state should "...protect, control, and regulate the use of Hawai'i's water resources for the benefit of its people." A&B, EMI, and DLNR are all violating the people of Maui's Constitutional rights. Water diversions are benefitting tourists who stay in resorts, and the new unnecessary homes being built. It is not benefitting the families who have lived here for generations.

The water must be returned to its rightful place. The cultural practice of taro farming will be non-existent without the water flow. The Hawaiian culture is already in serious danger of being wiped away and forgotten, and with water being such a vital part of it, it is one step closer. Not to mention the detrimental effects it could have on the environment, including endangering species, disrupting ecosystems, and making water stagnant, which will attract mosquitoes (Dengue Fever). There are so many cons to water diversions, and the people in charge of it won't even consider negotiating so we could come up with a win-win situation. They keep on taking and taking, and the land is suffering for it.

I oppose this bill, as it contributes to the death of the Hawaiian culture. It perpetuates the white-washing of the Hawaiian Islands. It justifies robbing people of their rights.

Signed,

Jazmine D. Rosemond
Resident of East Maui

From: [Jeannette milholland](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Saturday, February 06, 2016 7:51:13 PM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Jeannette milholland
milholla@hotmail.com

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: jeannine@hawaii.rr.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Sunday, February 07, 2016 1:37:21 PM

SB3001

Submitted on: 2/7/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jeannine Johnson	Individual	Oppose	No

Comments: I oppose HB 2501 and its companion SB 3001 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." These two bills, like the TMT, 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 and SB 3001. Mahalo.

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

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From: [Jeff Rebugio](#)
To: [WLA Testimony](#)
Subject: SB3001/HB2501
Date: Friday, February 05, 2016 2:46:17 PM

REGARDING:

SB3001/HB2501

Senate Water, Land & Agriculture Committee

Wednesday, February 10, 3:30 p.m.

Room 224

Dear Chair Senator Mike Gabbard, and other Senate Water, Land & Agriculture Committee members,

My name is Jeffrey Rebugio, I live in Kula, Maui. I offer this email in strong support of SB3001/HB2501 that will be heard by your committee on Wednesday, February 10, 3:30 p.m., in room 224.

The passage of this bill is necessary in order to maintain an essential need – water (and not to mention, its infrastructure) – for tens of thousands of residents and also farmers (including HC&S as they prepare for other agriculture beyond sugar). It will be impossible to replace this system if lost.

Respectfully,

Jeffrey Rebugio

PO Box 880276, Pukalani, HI 96788

jrebugio@gmail.com

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: milholen.jennifer@gmail.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Sunday, February 07, 2016 8:36:43 PM

SB3001

Submitted on: 2/7/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Milholen	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: jeremykonohia@gmail.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Monday, February 08, 2016 10:25:09 PM

SB3001

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jeremy Konohia	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: hawaiianryan1977@yahoo.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Saturday, February 06, 2016 1:49:21 PM

SB3001

Submitted on: 2/6/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
jesse ryan kawela allen	Individual	Oppose	No

Comments: Thank you

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: jessicahughes808@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Tuesday, February 09, 2016 2:40:17 PM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
jessica hughes	Individual	Oppose	No

Comments: Stealing water is so wrong

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

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: jessicamitchell51@yahoo.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Tuesday, February 09, 2016 3:30:28 PM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jessica Mitchell	Individual	Oppose	No

Comments:

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From: [Joan Martin](#)
To: [WLA Testimony](#); [Sen. Mike Gabbard](#); [Sen. Clarence Nishihara](#)
Cc: [Sen. Donovan Dela Cruz](#); [Sen. Gil Riviere](#); [Sen. Russell Ruderman](#); [Sen. Maile Shimabukuro](#); [Sen. Laura Thielen](#); [Sen. Glenn Wakai](#); [Sen. Sam Slom](#)
Subject: Testimony - RE: SB3001/HB2501 Senate Water, Land & Agriculture Committee
Date: Saturday, February 06, 2016 6:38:04 AM

REGARDING:

SB3001/HB2501
Senate Water, Land & Agriculture Committee
Wednesday, February 10, 3:30 p.m.
Room 224

Dear Senator Gabbard and Senator Nishihara,

My name is Joan E. Martin, I live in Kihei on Maui. I am testifying in strong support of SB3001/HB2501 that will be heard by the Senate Water, Land & Agriculture Committee on Wednesday, February 10, 3:30 p.m., in room 224.

The passage of this bill is necessary in order to maintain the flow of water to the County of Maui (serving 36,000 Maui residents and farmers) and HC&S for the final sugar crop and the transition to diversified agriculture.

SB3001/HB2501 only applies to situations where there was a previously authorized lease/disposition, and a lessee is waiting for a renewal/new lease process.

Respectfully,

Joan E. Martin
85 Manino Circle, #202
Kihei, HI 96753

(808) 264-0118
martinmaui@aol.com

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: jocelynhueu@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Tuesday, February 09, 2016 2:54:28 PM
Attachments: [East Maui Testimony - Jocelyn Hueu.pages](#)

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jocelyn Hueu	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: gordines@kauaiflowers.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Saturday, February 06, 2016 12:21:07 PM

SB3001

Submitted on: 2/6/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
John R. Gordines	Individual	Support	No

Comments: My name is John Gordines and I am a farmer in Hawaii for the past 25 years. Please allow continued access to current water supplies. No water no agriculture!

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From: [John Harry](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Wednesday, February 10, 2016 5:37:24 AM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

John Harry
Maumaddog@gmail.com

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: jonah.jacinto@yahoo.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Friday, February 05, 2016 8:04:37 PM

SB3001

Submitted on: 2/5/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jonah Jacintho	Individual	Oppose	No

Comments: Do what is right and restore water back to our streams and stop further damage to our fragile ecosystem.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: davisohana@hotmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Monday, February 08, 2016 6:34:33 PM

SB3001

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jonathan Arthur Kanoa Davis	Individual	Oppose	No

Comments: Please kill this bill. This is wrong in my opinion. It allows companies and private interest to circumvent the law and the system which it was intended to hold companies and private citizens accountable. Please kill this bill. Other wise. We should have amended the current laws already in place. The water is a public trust. Keep the trust trustworthy.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: jonikamiya@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Thursday, February 04, 2016 10:44:54 PM

SB3001

Submitted on: 2/4/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Joni Kamiya	Individual	Support	No

Comments: I support SB3001 to allow continued access to current water supplies. Water seems to be a major limiting factor impacting Maui's well being. Despite increased incidences of drought I don't know of any new source development projects by the County. The recent court decision threatens access to current water supplies. Please support SB3001. Thank you.

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From: [Josephine Carson](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Thursday, February 04, 2016 8:46:30 PM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Josephine Carson
jcarson808@gmail.com

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: kaiulani@kalo.org
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Tuesday, February 09, 2016 11:55:00 AM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Ka'iulani Pahi'o	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: MAKEKAU96768@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Sunday, February 07, 2016 12:15:51 AM

SB3001

Submitted on: 2/7/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kaimaile Makekau	Individual	Comments Only	No

Comments: I HAVE ORIGINAL documents of the A & B leaseholdings of equity and the amount of tax that the kingdom is allowed to collect back every month since 1902, I also have a document that stated that statutes of limitations does not apply to a irrevocable non adjustable crown Royal patent deed that is forever to the kingdom... My family has set aside 1/3 of land to gov., and konohiki, which is an overseer of the chiefs estate, 1/3 given to the Hawaiian people, and 1/3 to the kingdom for our temple, KAHUNA practices and heirs.... In this deed it is also brought to the attention of the allies of HAWAII, and those who do not honor the will of Kamehameha, is a conflict of interest, and shows an act of war against the WILL & wishes of the TRUE KINGDOM, I'VE READ OVER YOUR FALSE REPORTS THAT THERE ARE NO MORE LIVING HEIRS OF KAMEHAMEHA THE GREAT, AND I'M TESTIFYING TODAY NOT TO JUST PROTECT THE WATER THE ANIMALS THE LAND AND THE PEOPLE INCLUDING YOURSELVES, BUT TO STRAIGHTEN OUT ALL CONFUSION I'M A PARTNER OF ALOHA AINA, AND MANY OTHER HAWAIIAN GROUPS, I'M ACKNOWLEDGED THROUGH BISHOP ESTATE AS A TRUE BENEFICIARY OF ABNER PAKI, AND NOTE I'M LETTING YOU KNOW, I KAIMAILE PRECIOUS MAKEKAU, GRANDDAUGHTER OF ABEL KELLI MAKEKAU AND CECILIA "PAKI" AM LETTING IT BE KNOWN THAT ROYAL PATENT 8395 OF MAHINAHINA, MY ANCESTORS MY GRANDFATHER STANLEY MAKEKAU WON 100% MOTION GRANTED AS BEING CONFIRMED AS THE TRUE HEIR TO the KINGDOM CROWN LANDS, AND I DO NOT WISH TO CLAIM MYSELF BUT ONLY AS A REPRESENTATION OF THE 12 TRIBES OF THE ALII AI MOKU OF THE MO'O MUKU HUI, MY GREAT GREAT GREAT GRANDFATHER ABNER KUUHOEHEIHEI PAHU PAKI WAS ALLOTTED ALMOST 2,000,000,000 ACRES OF LAND TO 228 ISLANDS OF THE ARCHIPELAGO OF HAWAII TO THE KINGDOM, FULL WATER RIGHTS, HAWAIIAN HOMESTEAD AND AFFORDABLE HOUSING IS TO BE PLACED ON GOVERNMENT LANDS SET ASIDE FOR THE PEOPLE NOT ON KINGDOM PROPERTIES AND ESPECIALLY NOT NEXT TO A WATER WASTE TREATMENT SEWAGE PLANT THAT YOU GUYS HAD KNOW IDEA WHAT YOUR DOING AND BROKE, YOU WANT SOMEBODY LIVE BY SEWAGE YOU AND YOUR FAMILY MOVE OVER THERE, AS FOR MY PEOPLE I'LL BE LOOKING INTO THE LAND THAT HAD ALREADY BEEN SET ASIDE FOR THE PEOPLE, I FOR ONE THINK THAT THE

BIG MANSIONS ON KINGDOM PROPERTY AT HONOLUA IS A GREAT DEVELOPMENT FOR HAWAIIAN HOMESTEAD THOSE DEVELOPERS TRYING TO SQUAT THEIR WAY INTO THIEVERY OF MORE OF HAWAIIAN KINGDOM PROPERTY GOT ANOTHER THING COMING BECAUSE A ROYAL PATENT TRUMPS ALL TEMPTS OF ADVERSE POSSESSION AND QUIET TITLE, AND IF THERE'S A PROBLEM OF TO MUCH WATER BEING USED, """""" THAN STOP BRINGING SO MANY PEOPLE HERE AND START LIMITING THE AMOUNT OF TOURIST THAT CAN HAVE THE HONOR OF USING THIS SACRED WATER """""" BUT AS FOR ME AND MY PEOPLE WE'LL BE USING THE LAND FOR ORGANIC FARMING AND WE'LL BE USING THE WATER AS WELL, AS TO NEEDING AN HEIR TO INFORCE THE KONOHIKI DEEDS OF THE PEOPLE, WE THE KINGDOM AND THE PEOPLE OF HAWAII, WHICH IS 2/3 OF THE EQUITY OF HAWAII WILL NOT BE **RENEWING OUR LEASE OF WATER***Because**** IT HAS NEVER BEEN LEASED TO US, IT HAS AND ALWAYS WILL BE OUR WATER!!!! BUT WE MAY BE WILLING TO RENEW YOUR LEASE AS LONG AS YOU ARE USING THIS WATER FOR THE BENEFIT OF THE COMMUNITY AND NOT JUST YOURSELVES LIKE YOU'VE BEEN DOING FOR FAR TOO LONG, I'VE POSTED THIS PICTURE OF THE AFTER AFFECTS IMBECILES SPRAYING ROUND UP IN THE DRINKING WATER, THAT IS USED FOR THE LAND, OuR ANIMALS, AND OUR KEIKI, YOU POISONED THE PEOPLE, COUNTY SAID THAT IT WAS THE WORKERS OF A & B THAT DID THIS, I'M QUITE DISAPPOINTED, AND KNOWING THAT AT ANY TIME A GOV. ENTITY PUTS THE PEOPLE AND KINGDOM IN A HARMFUL SITUATION SUCH AS PESTICIDE POISONING WE ARE ALLOWED TO TERMINATE YOUR LEASE, MY GROUPS HAVE GATHERED, AND WE WILL BE GATHERING ALL THE ISLANDS PEOPLE, WE ARE VERY CONNECTED, AND AWAKENED TO THE CORRUPTION, WE ARE WILLING TO WORK WITH YOU FOR WE ARE A CULTURE OF HOOPONOPONO, PEACE, LOVE, AND HARD WORK, I ASK AKUA KINDLY THAT YOU FINALLY WORK WITH US TO REBUILD OUR BEAUTIFUL CULTURE, OUR BEAUTIFUL LANDS AND ECO ATMOSPHERE FOR THE YOUTH OF TOMORROW TO HAVE THE BLESSED OPPORTUNITY THAT WE ALL DID SEEING THE FRESH WATER, FRESH PRODUCE, CLEAN OCEANS, ETC... IT'S ABOUT TIME YOU GUYS CAME TO A SOLUTION THAT MAKES us THE PEOPLE OF THIS LANDS PROUD INSTEAD OF ALWAYS MAKING US SO SAD....I HOPE THAT THIS IS STRAIGHTENED OUT, WE ARE TRYING TO DO THIS IN A PEACEFUL MANNER, AND LEAVE THE PAST FRAUDULENT CORRUPTIONS IN THE PAST, ALL WE CAN DO TOGETHER IS IMUA, MOVE FORWARD FOR THE BETTER OF ALL THINGS.. I JUST HOPE YOU REALIZE THIS AS WELL ALOHA NO, KAIMAILE.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: kamaileuilani.pahukoa@gmail.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Tuesday, February 09, 2016 2:59:48 PM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kamaile Pahukoa	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: ainapaikai@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Saturday, February 06, 2016 8:26:50 AM

SB3001

Submitted on: 2/6/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kamakaniokaaina Paikai	Individual	Oppose	No

Comments: I oppose Senate Bill 3001 that would overturn the recent court decision in favor of taro farmers and allow Alexander & Baldwin to continue one of the largest private commercial diversions in the entire United States without doing an Environmental Assessment. A&B was told by Judge Eden Hifo more than a decade ago it must do an EA in order to continue its diversions, but ignored her court order. In the meantime for many decades, although our East Maui Taro Farmers were deprived of water they have always followed and respected the law. After 15 years of fighting through the courts, they finally won a historic court victory last month, but S.B. 3001 would overturn that victory! To use this legislature to overturn a hard-won court battle of 15 years is so unjust! Of the billions of gallons diverted from public lands, less than 10%, is sold to the County for public Upcountry and Ag Park consumption. The remainder is used for A&B's commercial sugar operations, which requires more water per acre than any other crop. Now that HC&S is closing down its sugar operations and transitioning to diversified agriculture, surely the taro farmers, who have priority appurtenant water rights and who are also agriculturists in the purest sense, deserve fairer treatment from this political system! Please do not pass a law that would legally sanction A&B's attempts to skirt Environmental laws and continue to deprive taro farmers of their Constitutional rights! Sincerely, Aina Paikai

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2/10/2016

Dear Senate Chair Gabbard, Senate Vice Chair Nishimura and the Committee on water, land and agriculture,

I oppose Senate Bill 3001. This bill states that an applicant seeking to renew their water rights lease will be allowed to be issued holdover permits. This bill will allow Alexander and Baldwin, a private agricultural business, to legally continue taking water from East Maui and its' taro farmers which have been forced to lessen the amount of taro patches they have to farm. This bill alone would give companies complete control over the Hawaiian Islands' water rights. In this situation it is not only culture that is being threatened but the very way of life for the people of East Maui. We must take initiative to stand up for our people, our livelihood and our ways of life. Big corporations do not heed to the voices of the people, they listen only to the money.

Alexander and Baldwin have been depriving East Maui taro farmers of their traditional practices for decades, and now because of this bill it will make it that much more easier for them to continue doing so. In the Hawaii State Water Code, Chapter 174C under conditions for a permit, it clearly states that "the proposed use of water will/must not interfere with any existing legal use of water". Unless farming taro and continuing cultural practices is illegal, this rule should be put into play. Now the once flowing streams of water are dry and the species that lived there once are long gone. The river beds are being choked of native life as invasives quickly and easily suffocate native species of plants making it nearly uninhabitable for almost all native life along the river beds.

The people of East Maui will continue to fight for the right to their own water that their families have been using centuries back. However it is not only the East Maui taro farmers that are being deprived. Native species like the o'opu and hi'iwai are slowly dwindling. Some species need the water flow to travel to estuaries and mate to continue the survival of their species. Some species even rely on the taro patch for protection from larger predators or to mate and spawn. By diverting the water, Alexander and Baldwin are not only disrupting practices of the Hawaiian culture but the natural cycle of life for many native species. It also states in the Hawaii state water code it states the permit must "be consistent with public interests".

We must assess this problem while it is still partly within our grasp. Alexander and Baldwin along with its co-companies continue to exploit East Maui's natural resources leaving its residents with nothing. If this continues the taro farmers could be forced to stop farming taro because of the lack of water. An environmental assessment was supposed to be done by A and B to get an understanding of how the diversions affected the environment. That request was made just little over a decade ago and has yet to be started. In conclusion I oppose senate bill 3001 because it will allow the continuation of our water rights being stripped from us and does not benefit the people of East Maui.

Sincerely,

Kamanaopono Bednorz
Resident of East Maui

2/10/2016

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: Karen@RedwoodGames.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Saturday, February 06, 2016 2:30:47 PM

SB3001

Submitted on: 2/6/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

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

Comments: Comments: What is this? A do-over because A&B lost in court? Is this even LEGAL for the Lege to pass a law specifically to reverse a court decision? This is bad legislation aimed at only one business. Just like the Superferry legislation, it is going to be found unconstitutional and cost us taxpayers a bunch of kala for the court case.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: katelynnoliveirahhs@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Wednesday, February 10, 2016 8:35:20 AM
Attachments: [Testimony.docx](#)

SB3001

Submitted on: 2/10/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Katelynn Oliveira	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: Kaii.Trainer@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Wednesday, February 10, 2016 6:21:57 AM

SB3001

Submitted on: 2/10/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kaii Trainer	Individual	Oppose	No

Comments: I strongly oppose Senate Bill 3001 that would overturn the recent court decision in favor of taro farmers and allow A&B to continue one of the largest private commercial diversions in the entire U.S. without doing an Environmental Assessment. A&B was told by Judge Eden Hifo more than a decade ago it must do an EA in order to continue its diversions, but ignored her court order. In the meantime, for many decades, although the East Maui Taro Farmers were deprived of water they have always followed and respected the law. After 15 years of fighting through the courts, they finally won a historic court victory last month, but S.B. 3001 would overturn that victory! To use this legislature to overturn a hard-won court battle of 15 years is so unjust!! Of the billions of gallons diverted from public lands, less than 10% is sold to the County for public Upcountry and AG Park consumption. The remainder is used for A&B's commercial sugar operations, which requires more water per acre than any other crop. Now that HC&C is closing down its sugar operations and transitioning to diversified agriculture, surely the taro farmers, who have priority appurtenant water rights and who are also agriculturists in the purest sense, deserve fairer treatment from this political system! Please do not pass a law that would legally sanction A&B's attempts to skirt environmental laws and continue to deprive taro farmers of their Constitutional rights!

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: kimokeo.kawailani@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Tuesday, February 09, 2016 1:28:15 PM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
kawailani kimokeo	Individual	Oppose	No

Comments: Aloha, I oppose HB2501 as the Stolen Waters case involving A&B and East Maui Farmers, is by far the most absurd case I have ever witnessed. My family has been farmers of East Maui for several generations, living in Ke'anae, the heart of the road to Hana, and the center of these stolen waters. Ke'anae is home to about twenty families, all farmers, with 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 hihwai, 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 diversion. 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 other benefit if to A&B, HC&S and all private personal 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. We live off the land. Mahalo

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: kealii8@hotmail.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Tuesday, February 09, 2016 11:37:34 PM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kealii Makekau	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: keisha_n@hotmail.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Tuesday, February 09, 2016 12:41:20 PM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Keisha Nakamura	Individual	Oppose	No

Comments:

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From: [Koa pa'auhau Paulo](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Tuesday, February 09, 2016 4:10:31 PM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Koa pa'auhau Paulo
Koapaulo@icloud.com

COMMITTEE ON WATER, LAND, AND AGRICULTURE

Senator Mike Gabbard, Chair

Senator Clarence K. Nishihara, Vice Chair

DATE: Wednesday, February 10, 2016

TIME: 3:30 p.m.

PLACE: Conference Room 224, State Capitol, 415 South Beretania Street

RE: Opposition to SB 3001

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

Please defer SB 3001.

This bill will authorize the state to continue shirking its public trust responsibilities into perpetuity. Given the importance of the state's constitutional kuleana to manage water resources for the people of Hawai'i, the Board of Land and Natural Resources (BLNR) should not be allowed to holdover decisions made many years ago without the level of scrutiny and foresight required by the public trust doctrine enshrined in our constitution.

Hawai'i Constitution article XI, section 1 affirms: "All public natural resources are held in trust by the State for the benefit of the people."

Hawai'i Constitution article XI, section 7 confirms: "The State has an obligation to protect, control and regulate the use of Hawaii's water resources for the benefit of its people."

Hawai'i Constitution Article XII, section 7 further guarantees: "The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua`a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights."

Many water leases have been issued without any consideration of these constitutionally protected rights of the public and Native Hawaiians.

I respectfully suggest that instead of allowing the holdover of water leases that were improperly issued without consideration of these important constitutional rights and in accordance with laws the legislature has already passed, the legislature should require BLNR to undertake the proper analyses to satisfy Hawai'i law in a timely manner.

Please defer SB 3001.

Sincerely,

Koalani Kaulukukui

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: joe96817@gmail.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Wednesday, February 10, 2016 6:36:36 AM

SB3001

Submitted on: 2/10/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kuhio Lewis	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: kuponohueu@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Tuesday, February 09, 2016 2:58:33 PM
Attachments: [East Maui Testimony - Kuponohueu.pages](#)

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

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

Comments:

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Ku‘ulei Gunderson

1748 Mill Street
Wailuku, HI 96793
808-445-4086
Kgunderson91@gmail.com

December 18, 2015

East Maui Stolen Waters
Testimony

To: Whom it May Concern,

As a native Hawaiian and citizen of the County of Maui, I hereby request all water diverted by A&B and HC&S be released back to the people of East Maui and to the East Maui Farmers.

The illegal privatization of water, what always was and should remain a people’s commodity, has gone on far too long.

The restoration of complete water flow from mauka to makai between Ke‘ane and Hanawā will not only return the indigenous ‘opae and hihiwai to what are now dry stream beds, but restore the source of life back to native farmers.

As a citizen and resident of Maui, I strongly request the State of Hawai‘i enforce the Water Code and Kanaka Maoli Rights; that all streams: Honopou, Hanehoi/Puoloa, Waikamoi, Alo, Wahinepe‘e, Puohokamoa, Haipua‘ena, Punalau/Kolea, Honomanū, Nua‘ailua, Pi‘ina‘au, Palauhulu, ‘Ōhi‘a (Waianu), Waiokamilo, Kualani (Hamau), Wailuanui, Waikani, West Wailuaiki, East Wailuaiki, Kopiliula, Pua‘aka‘a, Waiohue, Pa‘akea, Waia‘aka, Kapaula, Hanawā, and Makapīpī, be one hundred percent released by East Maui Irrigation for the people of Hawai‘i and its future generations. It is against my rights not only as a Hawaiian, but as a citizen of Maui and the State of Hawai‘i to have this water released for religious, cultural, and substance purposes. (Article XII, Section 7 of the State of Hawai‘i Constitution).

Aloha,

Ku‘ulei Gunderson

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: pauahi.hookano@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Monday, February 08, 2016 1:19:43 PM

SB3001

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
L. Pauahi Hookano	Individual	Oppose	No

Comments: I am voicing my strong opposition to this bill. The permits were deemed invalid by the courts, let them go through the process. Why does the government favor big corporations over and over again? This is unacceptable. You represent the PEOPLE of Hawai'i. The PEOPLE are against the continued degradation of the environment and subjugation of Native Hawaiians. Enough is enough.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: lkeaton@hawaii.rr.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Tuesday, February 09, 2016 6:21:11 AM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Larry Keaton	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: laulani@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Monday, February 08, 2016 3:39:12 PM

SB3001

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Laulani Teale	Individual	Oppose	No

Comments: Our great-great-grandchildren need this water, not development. Traditional agriculture does not need this kind of diversion, and it should come first. As a public health professional, a mother, and a traditional cultural practitioner, I ask you to look past the short-term gains in question, at the long-term goal of human survival and healthy 'aina. Please do not pass this bill. Aloha.

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From: [Lori Nakamura-Higa](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Friday, February 05, 2016 8:20:37 PM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Lori Nakamura-Higa
lorimnhiga@gmail.com

From: [Leilani Lindsey-Kaapuni](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Tuesday, February 09, 2016 1:47:09 PM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Leilani Lindsey-Kaapuni
LKaapuni@gmail.com

From: [Leonard Nakoa III](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Wednesday, February 10, 2016 7:27:44 AM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Leonard Nakoa III
junyanakoa@gmail.com

From: [Leslie VanBerg](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Friday, February 05, 2016 3:57:00 AM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Leslie VanBerg
lrvanberg@gmail.com

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: lezleyjacintho@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Saturday, February 06, 2016 7:32:34 AM

SB3001

Submitted on: 2/6/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Lezley jacintho	Individual	Comments Only	No

Comments: SB 3001 would reverse this ruling by sanctioning repetitive “holdover” of revocable permits designed for otherwise temporary use of state lands not exceeding one year. The bill constitutes improper special legislation designed to benefit only one entity – A&B. Please show your support for East Maui taro farmers and cultural practitioners who rely heavily on water flowing in their streams.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: liliana_akuna@hotmail.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Tuesday, February 09, 2016 11:56:52 AM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
liliana akuna	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: lkaapuni@hawaii.rr.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Sunday, February 07, 2016 8:32:56 PM

SB3001

Submitted on: 2/7/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Linda Kaapuni	Individual	Oppose	No

Comments: I oppose SB3001 that would allow the continued diversion and theft of water in East Maui by Alexander & Baldwin that has gone on for over a century! Please stop corporate greed, restore stream flow and help native taro farmers and stream eco systems by voting against SB3001. Mahalo nui!

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From: [Linda Turnbull](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Monday, February 08, 2016 6:14:32 AM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Linda Turnbull
Leturnbull@hotmail.com

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: Lkpahia@gmail.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Saturday, February 06, 2016 11:55:47 AM

SB3001

Submitted on: 2/6/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Marie Pahia	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: luly.unemori2@hawaiiantel.net
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Friday, February 05, 2016 1:08:57 PM

SB3001

Submitted on: 2/5/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

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

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: mnakahata@gmail.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Wednesday, February 10, 2016 7:13:25 AM

SB3001

Submitted on: 2/10/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Mae Nakahata	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.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: cleveland@hawaii.edu
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Sunday, February 07, 2016 2:10:16 PM

SB3001

Submitted on: 2/7/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Mahesh Cleveland	Individual	Oppose	No

Comments: Aloha Committee Members: I am writing to STRONGLY OPPOSE SB 3001. This bill represents an end run around requirements for water leases by allowing for "temporary" use permits to be extended indefinitely. It is absolutely necessary that all water use permits be acquired through proper procedural channels in order to uphold the government's constitutional mandate to regulate fresh water resources. No party should be exempted from acquiring necessary use permits. PLEASE VOTE "NO" ON SB 3001.

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SB 3001
Testimony

This testimony is in opposition to SB 3001. This legislation and its legislative advocates represent corporate corruption and arrogance. It sets a horrific precedent wherein laws are created to specifically serve corporate interests over the protection of natural resources and small farming communities. The Circuit Court ruled that A&B's diversion of 165 million gallons of water per day from East Maui Streams is illegal. For decades, the State Board of Land and Natural Resources has and continues to be a rusty tool for politically connected corporate powers and its supporters. Your obligation to represent the community and average 'People' must override your support for corporate interests and their lobbyists. Please show us that you have not forgotten the average 'People' who have truly supported your tenure in office.

Maile Lu'uwai
mluuwai@hawaii.rr.com

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: Imuakako@ymail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Tuesday, February 09, 2016 10:42:27 AM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Maria Taylor	Individual	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.

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From: [Mario Cardone](#)
To: [WLA Testimony](#)
Cc: [Sen. Mike Gabbard](#); [Sen. Clarence Nishihara](#); [Sen. Donovan Dela Cruz](#); [Sen. Gil Riviere](#); [Sen. Russell Ruderman](#); [Sen. Maile Shimabukuro](#); [Sen. Laura Thielen](#); [Sen. Glenn Wakai](#); [Sen. Sam Slom](#)
Subject: SB3001/HB2501
Date: Tuesday, February 09, 2016 4:36:03 PM

Regarding: SB3001/HB2501
Senate Water, Land & Agriculture Committee
Wednesday, February 10, 3:30 p.m.
Room 224

My name is Mario Cardone, I am a commercial real estate agent, and I live in Kihei on Maui. I am testifying in strong support of SB3001/HB2501 that will be heard by the Senate Water, Land & Agriculture Committee on Wednesday, February 10, 3:30 p.m., in room 224.

The passage of this bill is necessary in order to maintain the flow of water to the County of Maui (serving 36,000 Maui residents and farmers) and HC&S for the final sugar crop and the transition to diversified agriculture.

Kihei needs as much diversified agriculture as possible to replace the sugar cane, as the dust from the fields will fly in thick clouds over Kihei if not planted, and A&B needs to be encouraged in this endeavor.

Respectfully,

Mario Cardone
P.O. Box 339
Kihei, HI 96753

Mario Cardone
Principal Broker, CardOneRealty Corp., Exclusive Subagent of Peake / Levoy
mobile: (808) 276-8132
mario@peake-levoy.com



From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: kgma1956@gmail.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Monday, February 08, 2016 11:00:27 AM

SB3001

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Mark H. Kijima	Individual	Support	No

Comments:

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From: [MARK SHEEHAN](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Friday, February 05, 2016 9:46:11 PM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

MARK SHEEHAN
marksheehan8@gmail.com

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: mpahukoa@gmail.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Sunday, February 07, 2016 9:02:49 PM

SB3001

Submitted on: 2/7/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

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

Comments:

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February 10, 2016

Senate Committee on Water, Land, and Agriculture
Wednesday, February 10, 2016, 3:30 p.m.

RE: Opposition to SB3001 - Relating to Water Rights

Dear Chair Gabbard, Vice Chair Nishihara, and Esteemed Committee Members:

Thank you for your service to our community. My name is Matthew Weyer, and I am a third-year student at the William S. Richardson School of Law. I write in opposition to SB3001, for allowing holdover permits will negatively affect the community, our environment, and Hawai'i's precious water resources.

Article XI, §§ 1 and 7 of Hawai'i's Constitution maintains that water resources are a part of the public trust. The Supreme Court of Hawai'i has also recognized many public trust purposes, which includes the protection of the environment, the exercise of traditional and customary Native Hawaiian rights, and the enjoyment of appurtenant rights. The practice of diverting millions of gallons of water from Hawai'i's streams on a continual basis, however, has prevented the full realization and protection of the aforementioned public trust purposes. It is thus imperative that holdover permits not be allowed, for permits must be frequently evaluated so to ensure that our water resources are properly protected for all citizens.

I write in opposition to SB3001 for the aforementioned reasons.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew Weyer', is written over a light gray rectangular background.

Matthew Weyer

2/10/16

Dear Senate Chair Gabbard, Senate Vice Chair Nishihara and the Committee of Water, Land and Agriculture,

My name is Kaula and i'm a junior in hana high and elementary school.I do oppose senate bill 3001,for it allows alexander and baldwin to do illegal things legally.Those permits that they have been getting for the past decade or so were wrong and now you are giving them permission to do that.we know that this is wrong and that water flow should belong to us but you keep making laws that keep us from having what's ours.

The laws of america should not concern the laws of the hawaiian kingdom.You say that america is part of hawaii and that hawaiians must follow your laws but their is no proof that we belong to you.I was asked to keep this paragraph on the laws that we have been given to us from the united states of america but,those laws are "illegal"and and very few of them will work in our favor and since they were created by the american people,you have ways to counter them and make them work against us.its like letting the opponent choose what cards to give you in a card gameand you are forced to both play the game and ply with bad cards guaranteeing your loss.I cannot write a paragraph on laws that dont exist.the laws of the hawaiian kingdom state that the water must go from mauka to makai.(from the mountains to the ocean)Though no written document saying this,every member of the hawaiian kingdom knows knows this to be true.

The waters of maui needs to be able to flow.one health reason the water should be released is the mosquito homes.Remember those dengue cases from before?The water sitting at the bottom of the streams are major mosquito homes.they just sit there and grow when you guys have to power to stop this. The health of the people should be of greatest "interest". Not having water affects also the hawaiian people,their land and the water.Lots of kalo and fish depend on that water to grow and without it they will not be able be on our plates.We need this water to put food on our plates,and in our mouths.If taken away we are the people that suffer.

Since the state law you have made takes away our water and since this bills allows holdover permits to be issued to an applicant seeking to renew their water rights lease I oppose Senate Bill 3001.

Sincerely,

Matthias K.A. Moeai

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: mavisoliveira@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Tuesday, February 09, 2016 3:52:08 PM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Mavis Oliveira-Medeiros	Individual	Oppose	No

Comments: Aloha, I oppose Senate Bill 3001 that would overturn the recent court decision in favor of taro farmers and allow Alexander & Baldwin to continue one of the largest private commercial diversions in the entire United States without doing an Environmental Assessment. A&B was told by Judge Eden Hifo more than a decade ago it must do an Environmental Assessment in order to continue its diversions, but ignored her court order. In the meantime for many decades, although our East Maui Taro Farmers were deprived of water they have always followed and respected the law. After 15 years of fighting through the courts, they finally won a historic court victory last month, but S.B. 3001 would overturn that victory! To use this legislature to overturn a hard-won court battle of 15 years is so unjust! Of the billions of gallons diverted from public lands, less than 10%, is sold to the County for public Upcountry and Ag Park consumption. The remainder is used for A&B's commercial sugar operations, which requires more water per acre than any other crop. Now that HC&S is closing down its sugar operations and transitioning to diversified agriculture, surely the taro farmers & others who have priority appurtenant water rights and who are also agriculturists in the purest sense, deserve fairer treatment from this political system! Please do not pass a law that would legally sanction A&B's attempts to skirt Environmental laws and continue to deprive taro farmers & others of their Constitutional rights! Respectfully submitted, Mavis Oliveira-Medeiros Earle Medeiros, Sr. Earle Medeiros, Jr. Friends & ohana who doesn't yet know how to exercise their rights using this medium. Mahalo!

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2/10/16

Dear,

Senator Roz Baker, Senate Chair Gabbard, Senate Vice Chair and the committee on water, land and agriculture I oppose Senate bill 3001. This bill allows holdover permits to be issued to an applicant seeking to renew their water rights lease. Permits like these have kept the hawaiian people on the edge of losing their culture and the lands they have inhabited from birth.

Even the judge says it's unethical to renew yearly leases consecutively. There was reason it was meant to be temporary, because A & B and EMI had no right to the land especially not to make profit well hindering the rightful owners of the land or the rivers. EMI and A&B have had possession of the land and water for 13 years using a loophole to violate HRS chapter 171 definitely not temporary. Also on top of that over this extended period of time these companies never conducted an environmental review violating chapter 343 adding insult to injury.

Ever since the beginning of the hawaiian people the water has been a respected aspect of life. Without it the link to the past is slowly being severed as tradition fades from everyday living. For generations the people have worked the kalo patches sustaining a physically, spiritually and culturally balanced lifestyle. Many species live dependent on the flow of water and without it they also fade away in time. This is why the water must return to the rivers allowing the kalo patches to flourish and maintain the the endemic species before the past consumes the things that are forgotten.

Overall many hawaiians have suffered from the violations committed by EMI and A&B. America's democratic processes allow the people to vote senators and representatives into office whom they believe is going to protect the people's rights and their lands. That's not what it looks like today when senators and representatives allow the continuous manipulation of state laws authorizing the legal theft of hawaiian resources or land. How much longer will the government allow big companies to take advantage of the hawaiian people.

Sincerely

Maximilian Aikala Noel Abraham

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: mblazak@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Monday, February 08, 2016 3:37:22 PM

SB3001

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Megan Blazak	Individual	Oppose	No

Comments: I am in strong opposition to SB 3001. Natural resources should be held in public trust, and holdover permits only benefit large corporate interest. The constituents who need this water, like kalo and food crop farmers, deserve fair protections and access to vital natural resources. I urge you to oppose SB 3001.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: toania@hawaii.edu
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Tuesday, February 09, 2016 3:31:09 PM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Meleana Oania	Individual	Oppose	No

Comments:

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From: [Michael Magliato](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Tuesday, February 09, 2016 6:34:47 PM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Michael Magliato
thehanawaimun@yahoo.com

From: [michela zanchi](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Saturday, February 06, 2016 7:54:22 AM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

michela zanchi
higherfrequencymedia@gmail.com

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: bellarina4@outlook.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Friday, February 05, 2016 8:20:06 PM

SB3001

Submitted on: 2/5/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
michelle kitashima	Individual	Oppose	No

Comments: Please don't do this! The water needs to be released! It will save our whole world from destruction! If this bill is passed you will be breaking the law!! Mahalo!

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: MSMatson@hawaii.rr.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Sunday, February 07, 2016 11:37:28 AM

SB3001

Submitted on: 2/7/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

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

Comments:

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February 10, 2016

Dear Senate Chair Gabbard, Senate Vice Chair Nishihara and the Committee on Water, Land and Agriculture,

I oppose the Senate Bill 3001. This bill allows holdover permits to be issued to an applicant seeking to renew their water rights lease. The reason I oppose this is because our water shouldn't have a price on it and should be for the people who live for it.

“Except as provided in this section the right to any mineral or surface or groundwater shall not be included in any lease, agreement, or sale...” (HRS 171-58). It is plainly stated that our water is NOT for sale. Also, in “The State Water Code, Chapter 174C, Hawaii Revised Statutes (HRS) was enacted into law by the 1987 Hawaii State Legislature for the purpose of protecting Hawaii's water resources. It provides for the legal basis and establishment of the Commission on Water Resource Management and its authorities and responsibilities.”

The main reason why we need our water back is for the future generations. The water provides sustainability to our people and our land. It has been in its rightful place for centuries, but only now is being diverted to another destination where it will be used to make profit. This Senate Bill 3001 will not only take our water away, but will also change our lives forever.

The Senate Bill 3001 will not benefit residents of East Maui in any way. It is not the change we want to see in our community. We want our waters to be released and for it to continue in its original path to give life to the land, the people and our culture and tradition.

`Sincerely,

Mikayla Lind
East Maui Resident

From: [Mike Mcneace](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Friday, February 05, 2016 5:57:16 AM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Mike Mcneace
Bigmacmike@hawaii.rr.com

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: kapunafarms@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Monday, February 08, 2016 8:47:20 AM

SB3001

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Miki'ala Pua'a-Freitas	Individual	Oppose	No

Comments: Aloha, I am of Hawaiian descent born and raised on the Island on Maui. I urge you to please oppose this bill. The waters need to be returned to the rivers and streams they belong to. Stop this bill and the private interests that profit tremendously from this illegal practice. Public entrusted waters for money, when will it ever end!?

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From: [Mitsuko Hayakawa](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Friday, February 05, 2016 12:27:48 AM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Mitsuko Hayakawa
foodsovereigntynow@gmail.com

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: moanaw@gmail.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Monday, February 08, 2016 8:48:30 AM

SB3001

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
moana wietecha	Individual	Oppose	No

Comments:

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From: [Monica Lindsey](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Tuesday, February 09, 2016 2:23:40 PM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Monica Lindsey
Kaohanalindsey@yahoo.com

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: monique.deponte@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Tuesday, February 09, 2016 10:27:56 AM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
MONIQUE DePonte	Individual	Oppose	No

Comments: The rights to water do not belong to the city, county or the State. The rights to water belong to the 'aina and the responsible stewards there of. The rights to the water are not for lease, rent, sale or to be permitted for corporate use. Restore the water to it's natural origin and path.

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February 10, 2016

Dear Senate Chair Gabbard, Senate Vice Chair Nishihara, and the Committee on Water, Land & Agriculture,

I oppose the Senate Bill 3001, which allows holdover permits to be issued to an applicant seeking to renew their water rights lease. This bill would be detrimental to my home town because it would allow Alexander & Baldwin to take water and dwindle the resources needed for our cultural practice. Due to the circumstance pertaining to A&B it will make their actions legal and therefore the residents of East Maui will not have any authority over the matter.

However, the Senate Bill 3001 will contradict to multiple laws already set forth by other officials. For example, in Hawai'i State Constitution Article XI section 1 states that "all public natural resources are held in trust by the Senate for the benefit of the people." With the diminishing water availability our Hawaiian cultural practices dwindle, hurting our people because we are seeing our race die. Even in HRS 7-1 it states that "the people shall also have a right to drinking water, and running water, and the right of way." This mean that we should have a say in the matters of our water, yet this bill will take our voices away from this battle.

This bill has major influence with our lives in East Maui. Water is held in high esteem in our town because it connects us to our culture. This bill will allow Alexander & Baldwin and EMI to justify their actions pertaining to the water diversions. If they are allowed to continue to have control over our water our people will lose their lifestyle. In East Maui many have a taro patch but without the water their lo'is will dry up and die. Poi and pa'i'ai will no longer be available. Families would lose their income from their kalo patches. As a result to the diversion the invasive species will overrun the natives because of the change in their ecosystem. Also the generation of families that reside in East Maui will lose part of their childhood. The rivers, streams, ponds they have always swam in will be dried up. Water is important to East Maui, it is wealth for us, and it is our way of life.

In conclusion I strongly oppose the Senate Bill 3001. It would not benefit the people and could lead to many problems. The bill will create a legal way for A&B to take the water. This would be detrimental to the concerning parties because it will secure A&B right to take our water.

Sincerely,

Nahiku Ko'omoa-Williams
Resident of East Maui

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: nalani0507@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Saturday, February 06, 2016 8:41:33 PM

SB3001

Submitted on: 2/6/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

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

Comments: I Nalaniku'uleialoha Williams oppose bill SM3001. I believe that water is for everyone not just buyers who spend top dollar. Prior to these companies diverting water before colonization, farmers and people of this land used these waters as a way of life. To take that away is to take away life. We need to restore the water flow to its natural state and once and for all flourish as it once did as our kupunas and ancestors once had. We need this restoration for the land, the people and the sea, so it can continue the circle of life for many generations to come.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: shaynamea@yahoo.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Wednesday, February 10, 2016 6:33:29 AM

SB3001

Submitted on: 2/10/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Nameaaea Hoshino	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: nami.nielipinski@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Wednesday, February 10, 2016 7:55:03 AM

SB3001

Submitted on: 2/10/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Nami Nielipinski	Individual	Oppose	No

Comments: Aloha Senators and stakeholders. I strongly oppose this bill. This practice has been going on long enough and the water must be returned to be used for future generations. We are drying up and messing up everything. Mahalo.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: ndavlantes@aol.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Tuesday, February 09, 2016 12:38:11 PM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

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

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: nwalshjones@aol.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Tuesday, February 09, 2016 7:21:40 AM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

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

Comments: Aloha Senator Gabbard, Senator Nishihara and Committee Members: This represents my testimony OPPOSING SB 3001 and the proposed hold-over of the water access permit it would allow to the current lessee. The farmers of East Maui have waited long enough to see their access to water restored in order to continue or increase kalo/taro production and to preserve other cultural practices. Clearly, diverting water from East Maui residents severely hampers their food security – already an enormous problem for all of Hawai`i's people. As you may know, currently, food imports to sustain this State's population are estimated at approximately 85 to 90 percent of all food we consume. So, in the interest of food security preservation and promoting sustainable agriculture not just with whatever crops the current lessee decides to plant on central Maui lands, but particularly for East Maui's farmers, I respectfully urge this Committee to oppose SB3001 that would alter natural stream-flows and otherwise divert water away from East Maui. Many thanks for this opportunity to present testimony. Warm aloha, Nancy Walsh Jones

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From: [naomi wick](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Wednesday, February 10, 2016 7:54:01 AM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

naomi wick
naomiponi@yahoo.com

2/10/16

Dear Senate Chair Gabbard, Senate Vice Chair Nishihara and the Committee of Water, Land and Agriculture,

I oppose Senate Bill 3001 because this bills allows holdover permits to be issued to an applicant seeking to renew their water rights lease.

The State Constitution Protecting water states in section 1:For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii'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. Also it states in the State of Hawaii Water Code Chapter 174C-2 (a) that "It is recognized that the waters of the State are held for the benefit of the citizens of the State. It is declared that the people of the State are beneficiaries and have a right to have the waters protected for their use."

As Kanaka of East Maui, we need the water to survive. Our loi's that have been passed down from generations to bring food home for our families. If the water is still being removed from our rivers many stream life are forced to be killed off or even become extinct. Also fish in the ocean spawn where the fresh water and the ocean water meet, but if there is no fresh water that meets the ocean, the fishes have no where to spawn. On the East Side of Maui Water is Life, so Release Our Water!

That is why I oppose Senate Bill 3001 because this bills allows holdover permits to be issued to an applicant seeking to renew their water rights lease.

Sincerely,

Napono I.R. Lecker-Tolentino
Resident of East Maui

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: nfroman@hotmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Tuesday, February 09, 2016 5:16:06 AM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Napua Froman	Individual	Comments Only	No

Comments: I oppose Senate Bill 3001 that would overturn the recent court decision in favor of taro farmers and allow Alexander & Baldwin to continue one of the largest private commercial diversions in the entire United States without doing an Environmental Assessment. A&B was told by Judge Eden Hifo more than a decade ago it must do an EA in order to continue its diversions, but ignored her court order. In the meantime for many decades, although our East Maui Taro Farmers were deprived of water they have always followed and respected the law. After 15 years of fighting through the courts, they finally won a historic court victory last month, but S.B. 3001 would overturn that victory! To use this legislature to overturn a hard-won court battle of 15 years is so unjust! Of the billions of gallons diverted from public lands, less than 10%, is sold to the County for public Upcountry and Ag Park consumption. The remainder is used for A&B's commercial sugar operations, which requires more water per acre than any other crop. Now that HC&S is closing down its sugar operations and transitioning to diversified agriculture, surely the taro farmers, who have priority appurtenant water rights and who are also agriculturists in the purest sense, deserve fairer treatment from this political system! Please do not pass a law that would legally sanction A&B's attempts to skirt Environmental laws and continue to deprive taro farmers of their Constitutional rights! Please, I LOVE to eat Kalo especially when it is made into Poi!!! Sincerely, Napua Froman

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: the-green-one@hawaii.rr.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Sunday, February 07, 2016 9:21:19 AM

SB3001

Submitted on: 2/7/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

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

Comments: Resubmitting - haven't received a confirmation. Please do not post my email address online.

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From: [ned leone](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Friday, February 05, 2016 11:56:12 AM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

ned leone
ned.lawai@hawaiiantel.net

From: [Noelle Campbell](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Tuesday, February 09, 2016 9:23:32 PM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Noelle Campbell
Kauanoel@gmail.com

Aloha,

I, Norman "Bush" Martin, Jr., a Wailuanui taro farmer, oppose Senate Bill 3001 that would overturn the recent court decision in favor of taro farmers and allow Alexander & Baldwin to continue one of the largest private commercial diversions in the entire United States without doing an Environmental Assessment. A&B was told by Judge Eden Hifo more than a decade ago it must do an EA in order to continue its diversions, but ignored her court order.

In the meantime for many decades, although our East Maui Taro Farmers were deprived of water they always followed and respected the law. After 15 years of fighting through the courts, they finally won a historic court victory last month!

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

Please do not pass a law that would legally sanction A&B's attempts to skirt environmental laws.

From: [Orion Cruz](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Friday, February 05, 2016 11:50:16 AM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Orion Cruz
orion3cruz@gmail.com

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: pattio57@mac.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Tuesday, February 09, 2016 12:21:33 PM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Osborne	Individual	Oppose	No

Comments: Please oppose this bill that seems to be an attempt to subvert a prior court ruling. Diversion of water to A&B and HC&S is wrong and the practice should be discontinued. Thank you

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: pogqoppogqop@gmail.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Tuesday, February 09, 2016 12:08:12 PM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Paul Marshall	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: info@secretshawaii.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Tuesday, February 09, 2016 3:30:06 PM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Pearl Pahukoa	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: mmcardle19@aol.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Tuesday, February 09, 2016 9:01:35 AM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

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

Comments: I strongly oppose. Corruption in Hawaii must stop. Introducers of this measure need voted out! Legislators have forgotten their duty to serve the PEOPLE of HAWAII, not Corporate interests.

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From: peterdavis55@aol.com
To: [WLA Testimony](#)
Subject: SB 3001/ HB 2501
Date: Friday, February 05, 2016 10:09:41 PM

Testimony Re: SB3001
Senate Water, Land and Agriculture Committee
Wednesday, February 10, 2016, 3:30PM
Room 223

Aloha, and thank you for the opportunity to offer written testimony in support of SB3001.

I am a resident of Maui and am very concerned about the consequences of recent Court rulings regarding the renewal of existing water licenses here on Maui. It appears that the supply of water that all of the residents of upcountry Maui depend upon is now in danger of simply going away. This would be a disaster for our community. There needs to be something done to put a "hold" on this entire subject area until a rational solution can be worked out. SB3001 would do this, and is simply a very idea.

Aside from the needs of our upcountry residents, the further implications of the recent Court rulings appear to put Maui in danger of becoming a virtual "dust bowl". If there is no amount of continuing water available for the central Maui plain, then there will be no agriculture there. With no active agriculture, these wonderfully fertile lands will become barren and, with our trade winds, be the nexus of terrible ongoing dust storms.

Please view SB3001 favorably. It doesn't make any permanent rulings about water rights. It simply puts the potentially negative impact of the recent Court rulings on "hold" until rational minds can work our fair solutions, while avoiding irreparable harms.

Peter E. Davis
915 Kupulau Drive
Kihei,, HI 96753

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: stoltzfus34@yahoo.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Thursday, February 04, 2016 8:55:57 PM

SB3001

Submitted on: 2/4/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Rhonda Stoltzfus	Individual	Support	No

Comments: My name is Rhonda Stoltzfus. I support SB3001 to allow continued access to current water supplies. In an effort to keep Maui green, I support this bill. Water seems to be a major limiting factor impacting Maui's well being. Despite increased incidences of drought I don't know of any new source development projects by the County. The recent court decision threatens access to current water supplies. Please support SB3001. Thank you.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: rkayelny@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Saturday, February 06, 2016 5:25:16 AM

SB3001

Submitted on: 2/6/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Robin Kaye	Individual	Oppose	No

Comments: This bill provides economic benefit to ONE company over the long-ignored rights of the larger Maui community. It is a travesty. Please do not move this bill forward.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: rprianto@1sourcedist.com
Subject: Submitted testimony for SB2990 on Feb 8, 2016 10:00AM
Date: Monday, February 08, 2016 12:55:52 PM

SB2990

Submitted on: 2/8/2016

Testimony for WLA on Feb 8, 2016 10:00AM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Roland Prianto	Individual	Comments Only	No

Comments: My name is Roland Prianto. I support SB3001 to allow continued access to current water supplies. Water seems to be a major limiting factor impacting Maui's well being. Despite increased incidences of drought I don't know of any new source development projects by the County. The recent court decision threatens access to current water supplies. None of this makes sense. Please support SB3001. Thank you.

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From: [Rosa Gonzalez](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Sunday, February 07, 2016 9:48:20 AM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Rosa Gonzalez
rosag@hawaii.edu

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: reestores@yahoo.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Tuesday, February 09, 2016 5:32:20 PM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Rowena Estores	Individual	Oppose	No

Comments: Please do not pass SB3001 and any companion bills. Water rights should be restored so that the water can be returned to it's natural flow which would allow the ecosystem to flourish and be sustainable once again. Traditional farming based on the ahupua'a system utilized this natural flow of water. Mahalo, Rowena Estores

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From: [Sally Simonds](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Tuesday, February 09, 2016 3:33:53 PM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Sally Simonds
mommymermaid@hotmail.com

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: samkapoi@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Tuesday, February 09, 2016 11:56:27 AM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Samuel K. Kapoi	Individual	Oppose	No

Comments: Stop stealing water from our Kalo farmers. Mahalo

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: Rockahulagal@aol.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Monday, February 08, 2016 10:33:02 PM

SB3001

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Sandee PhillipsJohnson	Individual	Oppose	No

Comments:

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From: [sandra.cotton](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Saturday, February 06, 2016 9:49:08 PM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

sandra cotton
eflotte@maui.net

From: [Sandra Toliver](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Tuesday, February 09, 2016 6:57:33 PM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Sandra Toliver
artstoliver@yahoo.com

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: tita398@msn.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Tuesday, February 09, 2016 2:11:02 PM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
sara ruiz	Individual	Oppose	No

Comments: Save east Maui streams

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: spectekula@gmail.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Tuesday, February 09, 2016 1:31:59 PM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

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

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: sarahentm@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Thursday, February 04, 2016 9:03:32 PM

SB3001

Submitted on: 2/4/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Sarah Thompson	Individual	Support	No

Comments: My name is Sarah Thompson. I support SB3001 to allow continued access to current water supplies. Water seems to be a major limiting factor impacting Maui's well being. Despite increased incidences of drought I don't know of any new source development projects by the County. The recent court decision threatens access to current water supplies. Please support SB3001. Thank you.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: scott@aloha.net
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Friday, February 05, 2016 1:14:28 PM

SB3001

Submitted on: 2/5/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Crawford	Individual	Oppose	No

Comments: Let the streams flow! Support the taro farmers and the stream and ocean life. Stop stealing East Maui's water!

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: sestshim@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Friday, February 05, 2016 8:06:36 PM

SB3001

Submitted on: 2/5/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Sesame Shim	Individual	Oppose	No

Comments: Water is a public resource, and it must be regulated in accordance with the Environmental Assessment. We cannot allow corporate entities to control our water without doing the proper assessments. It is part of the culture of this place that water is properly flowing to sustain life in all aspects of this land.

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02/10/16

Dear Senator Roz Baker, Senate Chair Gabbard, Senate Vice Chair Nishihara, and the Committee on Water Land and Agriculture,

I strongly oppose to SB 3001 senate bill. This bill allows holdover permits to be issued to an applicant seeking to renew their water rights lease.

The **Hawaiian Constitution Section 5** states. "No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of the person's civil rights or be discriminated against in the exercise thereof because of race, religion, sex or ancestry." [Ren and am Const Con 1978 and election Nov 7, 1978]. EMI has been illegally permitting and ignoring their own due process by not abiding by their own laws. Hawaiian crown lands have been illegally permitted for over 13 years, and diversions of East Maui result in 164 gallons per day, and more during the wet seasons. The **Hawaiian Constitution section 11.1 Conservation and development of resources** also states. "For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii'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."

If EMI and other industries depend upon the water for their invasive agriculture needs that only take up a partial part of Maui, how could they drain all of East Maui's most important resource. The Hawaiian people desperately need the water to be returned for agriculture traditions, wildlife, and the well being of Hawaii depend upon it. Hawaiians are being treated as corporate slaves, and many of our pleas go unnoticed for a profit of salary. Without water the island of Maui will no longer flourish, however disease will. Dengue Fever is given a stronger foothold in our islands when there is stagnant water, and without a constant flow of water Maui and its people will suffer. Maui's wildlife depends on the mixture of both fresh water and salt water in order to survive, but due to EMI's constant greed of water the cycle has been thrown off. Kalo Farming which has been essential to Hawaii's self sustainability is also in peril. Without fresh flowing water Kalo begins to either rot, or no longer grow which not only harms the Aina but the people that have been practicing this tradition for as long as Hawaii has existed.

I strongly oppose to SB 3001 senate bill. This bill allows holdover permits to be issued to an applicant seeking to renew their water rights lease. Hawaii is protected by its constitution are you willing to break the law?

Sincerely

Shalia Pohiakealohaikapilimakamae Salote Henderson

Work Cited

<http://lrbhawaii.org/con/constitution/CONST%200001-0005.html>

N.p., n.d. Web.

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: vierrashasty@gmail.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Wednesday, February 10, 2016 8:33:59 AM

SB3001

Submitted on: 2/10/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

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

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: shelleymuneoka@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Wednesday, February 10, 2016 8:56:19 AM

SB3001

Submitted on: 2/10/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Shelley Muneoka	Individual	Oppose	No

Comments: My name is Shelley Muneoka and I would like to submit my strong opposition to SB3001. This bill seeks to do what a judge has already deemed to be inappropriate. The continue issuance for over a decade of what was supposed to be temporary permits was found to be invalid because they are not in fact temporary. This is problematic as a member of the public and a Native Hawaiian because these types of temporary permit don't require the same kind of environmental review or public bidding process as long term leases. The water company has effectively skirted these protections put in place to protect the resource and our interests in it. The court rightfully found this to be so and deemed them invalid and now this bill is a thinly veiled attempt to circumvent that ruling. Despite what supporters of this bill will claim, last week the court issued a ruling that allows the 36,000 Upcountry customers to continue to be served with water that Maui County gets from A&B through the stream diversions--so that should not be used as a means to justify permanency of holdover permits.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: davidsher@juno.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Monday, February 08, 2016 7:19:52 PM

SB3001

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Sherry Pollack	Individual	Oppose	No

Comments:

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Dear Senator Chair Gabboard, Senator Vice Chair Nishihara, and the Committee on Water, Land and Agriculture,

I oppose SB 3001. This bill allows a holdover permits to be issued to an applicant seeking to renew their water rights lease.

Under Article XI, Section 7, of the State Constitution, “The legislature shall provide for a water resources agency which, as provided by law, shall set overall water conservation, quality and use policies; define beneficial and reasonable uses; protect ground and surface water resources, watersheds and natural stream environments; establish criteria for water use priorities while assuring appurtenant rights and existing correlative and riparian uses and establish procedures for regulating all uses of Hawaii’s water resources.” Also the State Water Code, Chapter 174C, Hawaii Revised Statutes (HRS) was enacted into law by the 1987 Hawaii State Legislature for the purpose of protecting Hawaii’s water resources. It provides for the legal basis and establishment of the Commission on Water Resource Management and its authorities and responsibilities.

We need our water back because without the water flow from mauka to makai it will cause stagnant water. In addition to this, stagnant water attracts mosquitoes to reproduce. The latest news says that cases of dengue fever in Hawai`i islands brings a total of 249. Another reason why we need our water back is because our taro patches run dry and can’t produce the right type of taro to eat or to reproduce. The taro basically cannot survive without water. The tradition of taro farming has been going on since the hawaiian people reached Hawai`i but now we are struggling with our own waters that are not flowing enough to keep the traditions going.

I oppose this bill, SB 3001 which allows a holdover permits to be issued to an applicant seeking to renew their water rights lease. . The waters codes and laws are there for a reason so that none of these issues would happen. The farmers of Maui use the water that runs through their ahupua`a (land division) doing no harm to no one.

Sincerely,

Shyla K. Boeche

Resident of East Maui

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: shyla.moon@ymail.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Friday, February 05, 2016 12:32:39 AM

SB3001

Submitted on: 2/5/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

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

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: stella.i.caban@gmail.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Tuesday, February 09, 2016 12:42:33 PM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Stella Caban	Individual	Oppose	No

Comments:

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From: [Summer Sylva](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Monday, February 08, 2016 10:46:55 AM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Summer Sylva
slylva728@hotmail.com

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: sunnysavage@gmail.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Wednesday, February 10, 2016 12:34:53 AM

SB3001

Submitted on: 2/10/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Sunny Savage-Luskin	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: sschenck@harc-hspa.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Friday, February 05, 2016 2:14:11 PM

SB3001

Submitted on: 2/5/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Schenck	Individual	Support	No

Comments: Available water usage is critical for Hawaii's farmers.

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From: [T.S. Kelso](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Sunday, February 07, 2016 12:09:10 PM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

T.S. Kelso
TS.Kelso@gmail.com

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: tamiduldulao@yahoo.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Monday, February 08, 2016 12:54:11 PM

SB3001

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Tami Duldulao	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: tprobst10@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Tuesday, February 09, 2016 1:24:40 PM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Tamra Ashlee Probst	Individual	Oppose	No

Comments: Aloha, Please oppose bill SB3001. We need to protect our east maui waters for our future generations. Hawaii must be able to ensure a bright future for hawaii's people and give opportunity for hawaii's culture to flourish. We have a responsibility to hawaii's people in keeping our eco system pristine and uncompromised. Mahalo for your time, Tamra A. Probst

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: tealwaltze@gmail.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Tuesday, February 09, 2016 12:50:52 PM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
teal waltze	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: terez.amato@yahoo.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Tuesday, February 09, 2016 12:57:18 PM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Terez Amato Lindsey	Individual	Oppose	No

Comments: Aloha Honorable Chair Gabbard, Vice-Chair Nishihara, and esteemed committee members, I am submitting testimony to vehemently oppose SB3001. This measure, and ones like it, are a slap in the face of all our cultural practitioners and kalo farmers! SB3001 would prevent any return of our precious wai to the streambeds and would assist big corporations like A&B and Wailuku Water, to continue tapping into our precious resources as a profit center. This is wrong. It hurts all of us here in Hawai'i as consumers of water, but mostly it hurts our local farmers! Please, I wholeheartedly and humbly ask you to please vote No on SB3001. With Appreciation, Terez Amato Kihei

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From: [Terry Ridge](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Tuesday, February 09, 2016 7:54:19 PM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Terry Ridge
kanemaui@hotmail.com

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: tcroly@maui.net
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Monday, February 08, 2016 3:01:13 PM

SB3001

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Thomas Croly	Individual	Comments Only	No

Comments: Comments: Dear Chair, My name is Thomas Croly I live in Kihei on Maui. I am testifying in strong support of SB3001 that will be heard by Senate Committee on Land and Water on wednesday, February 10, 9:00 a.m.,. The passage of this bill is necessary in order to maintain the flow of water to the County of Maui (serving 36,000 Maui residents and farmers) and HC&S for the final sugar crop and the transition to diversified agriculture. SB3001 only applies to situations where there was a previously authorized lease/disposition, and a lessee is waiting for a renewal/new lease process. Respectfully, Thomas Croly Kihei, HI

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: tina@kiheiice.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Tuesday, February 09, 2016 10:18:14 AM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Tina Wildberger	Individual	Oppose	No

Comments: Senators Baker, English & Keith-Agaran are not listening to their constituents. This bill must not be passed. Long enough A&B has stolen water from East Maui. The time has come to put an end to our govt. reps acting as accomplices to corporate greedy actors and do what is right. Restore stream flow to east Maui and stop A&B's water thievery. Oppose SB 3001.

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From: [Tom Blackburn-Rodriguez](#)
To: [Sen. Mike Gabbard](#); [Sen. Clarence Nishihara](#); [WLA Testimony](#)
Cc: [Sen. Donovan Dela Cruz](#); [Sen. Gil Riviere](#); [Sen. Russell Ruderman](#); [Sen. Maile Shimabukuro](#); [Sen. Laura Thielen](#); [Sen. Glenn Wakai](#); [Sen. Sam Slom](#)
Subject: RE: SB3001/HB2501, Senate Water, Land & Agriculture Committee, Wednesday, February 10, 3:30 p.m., Room 224
Date: Saturday, February 06, 2016 5:46:41 AM

February 6, 2016

REGARDING:

SB3001/HB2501

Senate Water, Land & Agriculture Committee

Wednesday, February 10, 3:30 p.m.

Room 224

Dear Chair Senator Mike Gabbard and Vice Chair Senator Clarence Nishihara,

My name is Tom Blackburn-Rodriguez, I live in Kihei on Maui. I am testifying on Behalf of Go Maui, Inc. **in strong support of SB3001/HB2501** that will be heard by the Senate Water, Land & Agriculture Committee on Wednesday, February 10, 3:30 p.m., in room 224.

The passage of this bill is necessary in order to maintain the flow of water to the County of Maui (serving 36,000 Maui residents and farmers) and HC&S for the final sugar crop and the transition to diversified agriculture.

SB3001/HB2501 only applies to situations where there was a previously authorized lease/disposition, and you're waiting for a renewal/new lease process

Respectfully,

Tom Blackburn-Rodriguez
Executive Consultant
Go Maui, Inc.

85 Manino Circle #202
Kihei, HI 96753

808-283-4570
tominmaui@icloud.com

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: maoliinstitute@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Saturday, February 06, 2016 11:36:53 PM

SB3001

Submitted on: 2/6/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

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

Comments: THEIR FRAUDULENT "EXCLUSIVE CONTROL OF WATER" AS THEIR "PAY OFF" IN "THE DEAL: OF THE OVERTHROW AND ANNEXATION WITHOUT A TREATY - AND STOLEN FROM THE HAWAIIAN HOMESTEAD ACT - DIED WITH SUGAR - AND "THE APOLOGY BILL" ADMITTED TO THE "CONSPIRACY" - TO RENEW IT IS FRAUDULENT.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: tracenoania@gmail.com
Subject: *Submitted testimony for SB3001 on Feb 10, 2016 15:30PM*
Date: Sunday, February 07, 2016 9:04:35 PM

SB3001

Submitted on: 2/7/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Tracen Oania	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: PelesGrrl@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Tuesday, February 09, 2016 12:07:36 PM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

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

Comments: Aloha mai kakou Chair Gabbard, Vice Chair Nishihara and Committee Members, 'O Trinette Furtado ko'u inoa. No Hamakualoa mai au ma ka mokupuni o Maui. I am writing in STRONG OPPOSITION to SB3001 and strongly urge you to do the same. I further ask that no amendments be made to it to propel it forward. Living in Hamakualoa, I am acutely aware of the decades-long struggle of East Maui farmers to recover adequate water from our streams, to continue Kalo farming, something their 'ohana have been doing for generations. Recently, these mahi'ai Kalo won a case against EMI, with the court's judgment that illegally stolen water be returned to the streams they've historically been diverted from. As I understand it, the decision has been appealed and is currently awaiting next steps. IS this bill a legislative workaround of a judicial decision? Given the mass implications for EMI and the other large entities involved with them here on Maui, the "timely" introduction of this bill begs the question above. Revocable permits for water are such, for a reason. Allowing a holdover permit until a pending application is resolved, defeats the purpose of a revocable water permit. Such action would allow those who currently mismanage water resources, to continue to do so until such time that their renewal application authorizing continuing misuse, is issued. Where is the relief for the farmer growing food for our communities? Where is the relief for the public? As weather changes, water demand and use fluctuate, it is critical that water rights permits be examined and use of permit holders be adjusted to ensure that the Public Trust is protected and our precious resource is maintained for ourselves and our keiki. Do not forget that it is your DUTY to uphold the Public Trust Doctrine. If this IS a ploy to allow EMI, A&B and HC&S to continue to operate on a "holdover permit", it would clearly be not only a slap in the face of our legal system which we ALL rely on to be fair and objective, but it would also be a slap in the face to farmers who have been diligently, honestly and legally standing up for THEIR historical rights to water. You would send a definitive message that money really does rule our government. I ask that you think critically about the implications of this bill and strongly urge you to OPPOSE SB3001. Mahalo for your time. Trinette Furtado Hamakualoa, Maui, Hawai'i Nei

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: troy@vision-enterprises.com
Subject: Submitted testimony for SB2990 on Feb 8, 2016 10:00AM
Date: Monday, February 08, 2016 12:36:58 PM

SB2990

Submitted on: 2/8/2016

Testimony for WLA on Feb 8, 2016 10:00AM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Troy Anderson	Individual	Support	No

Comments: My name is Troy Anderson. I support SB3001 to allow continued access to current water supplies. I live in Pukalani. I am very worried whether we will continue to have water. I know our water is delivered using the East Maui Irrigation system. Our family practices water conservation measures so any reduction in water will mean we will need to transport water for our basic needs. Please support SB3001. Thank you Troy

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Dear, senate Chair Gabbard, Vice Chair Nishihara, and the committee on Water, and Agriculture

The SB 3001 bill allows people to hold over permits to be issued to an applicant seeking to renew their water rights lease. Doing this what will the water be used for ? Isn't HC and S shutting down. Why does this law let them renew their permits ? Where will our water go ?

First of all "Article XI , and 1 of Hawai's's constitution provides that all public natural resources are all held in trust by the state for the people." We can't trust these people. They don't even follow their own laws. EMI and A and B were only aloud to take water from a few streams. They were taking from way more streams than they said they was. Another thing is that when A and B got told to release water they did not let go the amount they had to. These are some of the laws that were not followed.

Last of all wai is very important to us Hawaiians. We have much uses for the water. One thing we use the wai for is for the farmers to grow there Kalo. When the water runs through the lo'i and into the ocean , that provides many nutrients. When that water hits the ocean it plays a big part for our fish. They thrive off of it , and then they grow. When the water does not hit the ocean , then eventually that fish won't be able to eat , and that fish won't be there any more.

The SB3001 law is such a stupid law. I don't know why they let them renew their water rights. When dat happens they will be able to keep the water longer. What are they going to use the water for ? Will they really need that much water ? They cannot let some go and let us Kanaka have back at least some of our water.

Sincerely,

Tryston-prince.K.Beck
Resident of East Maui

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: tulsi@mauiishome.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Tuesday, February 09, 2016 2:40:14 PM

SB3001

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

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

Comments: Aloha, I strongly oppose this bill. The taro farmers and the streams that provide life to so many creatures deserve to have water. Please reject this bill. Thank you Tulsi Greenlee

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My name is Tyler Jones. I strongly support SB3001, to allow continued access to current water resources. This bill is necessary to support the viability of Hawaii's agriculture industry. As a director on the Windward Oahu Soil and Water Conservation District board, I am concerned that without the passage of SB3001, Hawaii residents and agricultural operations will be negatively effected. We all understand the importance of water, and I urge you to pass SB3001 to ensure Hawaii's residents are able to access this resource.

Thank you

Tyler Jones

From: [Valarie Matinjussi](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Friday, February 05, 2016 8:46:36 AM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Valarie Matinjussi
valariematinjussi@yahoo.com

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: rittew@hotmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Monday, February 08, 2016 5:29:20 AM

SB3001

Submitted on: 2/8/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Walter Ritte	Individual	Oppose	No

Comments: Walter Ritte in strong opposition of SB3001. There should be no water banking of this precious resource that is limited and in high demand.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: wmitno@hawaii.rr.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Sunday, February 07, 2016 10:01:22 PM

SB3001

Submitted on: 2/7/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

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

Comments: I strongly support this bill. Water from East Maui is vital for Maui's agriculture, businesses, people's domestic needs and our economy. The loss of this primary water source would devastate our Maui Island community.

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From: [Wilke Renwick](#)
To: [WLA Testimony](#)
Subject: Restore Maui's Streams, Oppose SB3001
Date: Wednesday, February 10, 2016 7:44:00 AM

Dear Chairman Gabbard and members of the Senate Committee on Water, Land, and Ag

I strongly oppose SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices.

This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer.

We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

--

Wilke Renwick
wilkeiii@comcast.net

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: billev2k@gmail.com
Subject: Submitted testimony for SB3001 on Feb 10, 2016 15:30PM
Date: Saturday, February 06, 2016 4:37:58 PM

SB3001

Submitted on: 2/6/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
William Evans	Individual	Oppose	No

Comments: Given the recent announcement regarding the future of Sugar on the Island, and the far reaching effects of that change, and implications for water requirements and usage, we should be very deliberate in any changes to water rights management. We should carefully consider future needs of the Island and its citizens, and make choices to benefit the people.

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Im writing my testimony today as a concerned citizen of East Maui. The establishment of HC&S and their subsidiary East Maui Irrigation Company have been illegally taking East Maui waters for over a century. They were able to do this with month to month renewable leases for what is public trust lands. Public trust lands that have been used for corporate greed and the enrichment of select few elitist groups or companies in Hawaii (HC&S and EMI). The lands when they were originally leased to HC&S and EMI were to be used so long as it was for the good of the HAWAIIAN PEOPLE. The fact of the matter is the only thing EMI and HC&S have done is destroy native flora and fauna by stealing waters for the last century, which in turn has killed off hihiwai and o'opu and greatly diminished schools of ahole ahole and moi used as a major food source by the Hawaiians for centuries. I grew up on Makapipi Stream in Lower Nahiku, Maui and I've seen first hand the effect of the the water being diverted and never making it to the ocean. When I was a child the uncles in the community would farm their Kalo at a Lo'i near the ocean. Today there is no water running to the ocean unless in times of flood. This has killed our Kalo and the traditional method of farming wetland taro. This is not only killing the Kalo, but in turn killing off a culture and a way of life that has been surviving harmoniously with nature for more than a thousand years. Thank you for the opportunity to speak my opinion and deepest feelings about the effect that this bill could have on the environment and the Hawaiian people if it were to pass. This bill must not pass because it will only perpetuate the wrong doing of big corporate greed and have a negative impact on East Maui and the people of this entire district. Thank you again!

Aloha,
Zachary Williams