

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 20, 2017 9:50 AM  
**To:** AEN Testimony  
**Cc:** gkvierra@gmail.com  
**Subject:** Submitted testimony for HB1536 on Mar 20, 2017 13:15PM



**HB1536**

Submitted on: 3/20/2017

Testimony for AEN/CPH on Mar 20, 2017 13:15PM in Conference Room 224

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| George Vierra       | Individual          | Oppose                    | No                        |

Comments: Water is a public trust resource that is the law of the land. All water companies need oversight. Just look at what is going on in Flint Michigan. There needs to be oversight of PUC for A&B especially given their past history in regards to hoarding water.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 20, 2017 9:44 AM  
**To:** AEN Testimony  
**Cc:** gifts9954@gmail.com  
**Subject:** \*Submitted testimony for HB1536 on Mar 20, 2017 13:15PM\*

**LATE**

**HB1536**

Submitted on: 3/20/2017

Testimony for AEN/CPH on Mar 20, 2017 13:15PM in Conference Room 224

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Susan Vickery       | Individual          | Oppose                    | No                        |

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 20, 2017 9:35 AM  
**To:** AEN Testimony  
**Cc:** tampaltin@gmail.com  
**Subject:** Submitted testimony for HB1536 on Mar 20, 2017 13:15PM



**HB1536**

Submitted on: 3/20/2017

Testimony for AEN/CPH on Mar 20, 2017 13:15PM in Conference Room 224

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Tamara Paltin       | Individual          | Oppose                    | No                        |

Comments: I strongly oppose A&B being allowed to become a water company without PUC oversight. All water companies should have PUC oversight furthermore based on the ongoing water wars they need some type of oversight! Water is a public trust resource please remember your obligation as legislators to uphold the Hawaii State constitution. Mahali

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## BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU  
630 SOUTH BERETANIA STREET  
HONOLULU, HI 96843  
www.boardofwatersupply.com




March 20, 2017

KIRK CALDWELL, MAYOR

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KAY C. MATSUI

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ERNEST Y. W. LAU, P.E.  
Manager and Chief Engineer

ELLEN E. KITAMURA, P.E.  
Deputy Manager and Chief Engineer 

The Honorable Mike Gabbard, Chair  
and Members  
Committee on Agriculture and Environment  
State Senate  
Hawaii State Capitol, Room 201  
Honolulu, Hawaii 96813

**LATE**

and

The Honorable Rosalyn H. Baker, Chair  
and Members  
Committee on Commerce, Consumer Protection, and Health  
State Senate  
Hawaii State Capitol, Room 230  
Honolulu, Hawaii 96813

Dear Chair Gabbard, Chair Baker, and Members:

Subject: House Bill 1536, HD2 Relating to Irrigation

We support House Bill 1536, HD2 as it relates to the Board of Water Supply and take no position on the substantive provisions of this bill relating to the Board of Agriculture. This measure, in relevant part, excludes from the definition of “public utility” in Chapter 269, Hawaii Revised Statutes (HRS), the various boards of water supply statewide and thereby cures an ambiguity regarding the chapter’s application to these boards.

As the definition of “public utility” includes “the production, conveyance, etc. of water...” (see page 6, lines 7 to 9) this could be interpreted to mean that the various boards of water supply could subsequently be within the jurisdiction and oversight of the Hawaii Public Utilities Commission. Whereas, statewide, our management, control, and operation of the water systems are embodied in chapter 54, HRS, and on the island of Oahu, Article VII of the Revised Charter of the City and County of Honolulu, we believe the word “water” in the definition of public utility may lead to this unintended result.

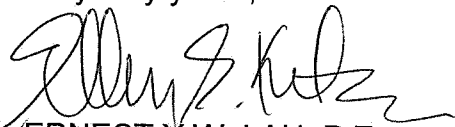
The proposed amendment on page 14, lines 11 to 15, excludes the boards of water supply from the definition of “public utility” and remedies any ambiguity regarding the chapter’s application to the various boards of water supply.

The Honorable Mike Gabbard, Chair  
The Honorable Rosalyn H. Baker, Chair  
and Members  
March 20, 2017  
Page 2

We also note that the aforementioned amendment is substantively similar to the companion measure, Senate Bill 1275, SD1.

Thank you for your consideration of our testimony on House Bill 1536, HD2.

Very truly yours,



ERNEST Y.W. LAU, P.E.  
Manager and Chief Engineer

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 20, 2017 8:34 AM  
**To:** AEN Testimony  
**Cc:** Karen@RedwoodGames.com  
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**HB1536**

Submitted on: 3/20/2017

Testimony for AEN/CPH on Mar 20, 2017 13:15PM in Conference Room 224

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Karen Chun          | Individual          | Oppose                    | No                        |

Comments: Removing PUC oversight over the plantations who are making themselves over to water companies violates our duty to oversee our public trust water resources.

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SIERRA CLUB OF HAWAI'I  
MĀLAMA I KA HONUA. *Cherish the Earth.*

SENATE JOINT COMMITTEE ON AGRICULTURE & ENVIRONMENT AND COMMERCE,  
CONSUMER PROTECTION, & HEALTH

March 20, 2017 1:15 PM Room 224  
In **OPPOSITION** **HB1536** Relating to Agriculture

**LATE**

Aloha Chairman Gabbard and Chairwoman Baker, and members of the Joint Committee,

The Sierra Club of Hawai'i strongly opposes HB 1536, which seeks to broadly exempt nonpotable water suppliers from PUC regulation.

Exempting nonpotable water suppliers from PUC regulation would abdicate the State's public trust duty to protect water resources. The State is mandated by the Hawai'i Constitution to ensure the conservation of all water resources and to safeguard the public's interest in water resources.<sup>1</sup> The State has an "affirmative duty to take the public trust into account in the planning and allocation of water resources".<sup>2</sup> Public trust obligations require that the State "recognize enduring public rights in trust resources separate from, and superior to, the prevailing private interests in the resources at any given time".<sup>3</sup>

The nonpotable water provision in this bill would allow former sugar plantation companies now controlling water resources to avoid being rightly regulated as public utilities. This means historic water diverters like Wailuku Water Company and Alexander & Baldwin (doing business as East Maui Irrigation) would not be subject to oversight by the Public Utilities Commission. PUC oversight is crucial for ensuring the state's interests in maintaining the public trust are well-protected. Residents have already raised concerns that about the mishandling of water resources.<sup>4</sup> Public confidence, as well as public natural resources, would benefit from more PUC oversight of companies that distribute nonpotable water.

Thank you very much for this opportunity to provide testimony on this important issue.

Mahalo,  
Martha Townsend  
Director

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<sup>1</sup> Haw. Con. Art XI. All water resources are held in trust by the State for the benefit of present and future generations

<sup>2</sup> Id at 141

<sup>3</sup> *Waiāhole*, 944 Haw. at 138

<sup>4</sup>

<http://www.mauinews.com/news/local-news/2017/02/testifiers-question-hcs-need-request-for-east-maui-water/> ("Testifiers had questions about the condition of the East Maui Irrigation Co. aqueduct system, which some say is damaged and leaking tens of thousands of gallons of water. Greater oversight of EMI, a subsidiary of A&B, also was sought.")

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 19, 2017 6:57 PM  
**To:** AEN Testimony  
**Cc:** gordines@kauaiflowers.com  
**Subject:** Submitted testimony for HB1536 on Mar 20, 2017 13:15PM



**HB1536**

Submitted on: 3/19/2017

Testimony for AEN/CPH on Mar 20, 2017 13:15PM in Conference Room 224

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

Comments: Hello Senator Gabard This is Johnny Gordines, you visited my flower farm on Kauai last month with Jerry Ornellas. We are happy that you visit the farmers and see the passion for what we do! I am writing in support of HB1536. Farmers get good water rates because we feed Hawaii and without HDOA oversight of water rates there will be increases that make it unfeasible for us to continue to farm in the near future. "No water no food or flowers". Production costs are not decreasing and the regulatory hurdles and anti Ag issues continue. Please listen to the farmers and support this bill. Mahalo Nui Loa, Kauai Aloha, Johnny Gordines

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 20, 2017 10:05 AM  
**To:** AEN Testimony  
**Cc:** Terez.amato@yahoo.com  
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**HB1536**

Submitted on: 3/20/2017

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| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Terez Amato Lindsey | Individual          | Oppose                    | No                        |

Comments: This is unreal and shocking! Please oppose this measure! No pervade entity should ever be in control of public trust assets! Especially without any oversight! This is outrageous! I humbly ask that you oppose this measure! Thank you! Terez Lindsey

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**To:** AEN Testimony  
**Cc:** tiare@hapahi.org  
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**HB1536**

Submitted on: 3/20/2017

Testimony for AEN/CPH on Mar 20, 2017 13:15PM in Conference Room 224

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Tiare Lawrence      | Individual          | Oppose                    | No                        |

Comments:

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