

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Acting Chairperson
Board of Agriculture

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

TESTIMONY OF THE DEPARTMENT OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON FINANCE

FEBRUARY 20, 2019
2:00 P.M.
CONFERENCE ROOM 308

HOUSE BILL NO. 1326 Proposed HD2 RELATING TO WATER RIGHTS

Chairperson Luke and Members of the Committee:

Thank you for the opportunity to testify on House Bill 1326 Proposed HD2 relating to water rights. This bill allows holdovers of revocable water permits to continue until the pending application for a lease is resolved or for a total of ten consecutive one-year holdovers. It also requires prompt execution of contested case proceedings for one-year holdovers and allows holdovers to continue pending completion of contested case proceedings. Finally, it extends the repeal and reenactment provisions relating to section 171-58(c), Hawaii Revised Statutes to 2026. The Department of Agriculture strongly supports this measure.

This bill seeks to establish holdover criteria for those applications pending before the Board of Land and Natural Resources that have previously been authorized a disposition of water rights. The Department recognizes the intent of Act 126 and agrees that the long-term practice of essentially automatic water RP renewal was undesirable. However, we also believe that the passage of Act 126 did not anticipate the extremely complex nature of obtaining a long-term water lease, thereby making the three-year window exceedingly difficult to meet. The amendment of this requirement, along with clarifications on use following the filing of a contested case, brings stability to irrigation systems affected by this issue.

Thank you for the opportunity to testify on this measure.



DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
FINANCE**

**Wednesday, February 20, 2019
2:00 PM
State Capitol, Conference Room 308**

**In consideration of
HOUSE BILL 1326, PROPOSED HOUSE DRAFT 2
RELATING TO WATER RIGHTS**

House Bill 1326, proposed House Draft 2 proposes to allow for ten consecutive one year holdovers of water permits under Section 171-58(c), Hawaii Revised Statutes. The measure also proposes to make conforming amendments to the reporting requirement in Act 126, Session Laws of Hawaii 2016, and proposes to extend the repeal and reenactment provision for Act 126 by seven years, from June 30, 2019 to June 30, 2026.. **The Department of Land and Natural Resources (Department) offers the following comments.**

The Department acknowledges the need for additional time to convert existing water revocable permits to long term leases. As the State's public trust obligations are integral in the management of its water resources, the water leasing process is appropriately complex and time consuming, requiring oversight and approvals from several state agencies. Within the Department, staff from the Land Division, the Division of Forestry and Wildlife, and the Commission on Water Resource Management are working in collaboration with the Department of the Attorney General and the Department of Hawaiian Home Lands to establish and implement a water leasing process that is fair, transparent, compliant with statutory requirements and consistent with the public trust. Additionally, the permittees are working with the agencies to obtain long term leases.

Thank you for the opportunity to comment on this measure.

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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



**HB1326 HD1 and proposed HD2
RELATING TO WATER RIGHTS**
House Committee on Finance

February 20, 2019

2:00 p.m.

Room 308

The Office of Hawaiian Affairs (OHA) **OPPOSES** HB1326 HD1 and its proposed HD2, which would extend the sunset date of Act 126 (Reg. Sess. 2016) by seven years. **This measure would further accommodate Alexander & Baldwin's (A&B's) ongoing failure to satisfy a now 15-year-old court order to conduct an environmental assessment for its diversion of over 100 East Maui streams and tributaries, and allow the Board of Land and Natural Resources (BLNR) to continue abdicating its responsibilities under the public trust in water for an additional seven years.**

Act 126 effectively forgave the BLNR and A&B for the failure to conduct an environmental review of A&B's continuous and ongoing diversion of over 100 streams and tributaries on 17,000 acres of public watershed lands in East Maui – 12 years after one had been first ordered by the circuit court. Act 126 overrode a subsequent 2016 court ruling that the BLNR could not simply grant continuous, annual “holdovers” of A&B's revocable permits to divert these streams and tributaries, without fulfilling the decade-old environmental review requirement previously ordered by the court; the Act authorized these “holdovers” to continue, while implicitly and unnecessarily drawing into question the legality a number of other revocable permits for water not subject to court order or any other legal conflict. **To provide some assurance that progress would actually be made on A&B's environmental review requirement, as well as on the other requirements of the long-term water lease ostensibly sought by A&B,¹ the legislature set Act 126 to sunset in three years; to acknowledge the clear public trust violations in the BLNR's practice of blindly authorizing the wholesale dewatering of East Maui's streams, the legislature further required that any “holdover” granted be “consistent with the public trust.”**

Despite this act of clemency by the legislature, in the three years that have passed, next to no visible progress has been made in the completion of an environmental assessment or environmental impact statement² for the diversion of East Maui's streams.

¹ Environmental review compliance was one of the prerequisites for a long-term water lease that A&B had sought in 2001; the “holdover” of A&B's revocable permits has allowed it to continue diverting water from East Maui continuously since that time, without complying with the requirements and protections of a longer-term lease.

² An environmental assessment is the first step in the environmental review process; if significant environmental impacts are found to be likely, an environmental impact statement must then be conducted.

An environmental impact statement preparation notice for A&B's East Maui diversions was issued two years ago, in February 2017; in the nearly three years since the passage of Act 126, this preliminary action is the only known step that A&B has taken to satisfy the environmental review requirement originally ordered by the circuit court 15 years ago.

Insofar as the three year sunset date for Act 126 was to ensure the timely completion of its environmental review requirements, **A&B's clear and inexplicable lack of progress now represents not just the continued flaunting of a 15-year-old court order, but an almost flagrant rejection of the conditions placed by the legislature in its unprecedented and highly controversial grant of clemency to the corporation.** By extending the sunset date for Act 126, this measure would only reward A&B for its continued flaunting of its legal responsibilities, and potentially allow it to continue receiving "holdovers" of its revocable permits up to a decade after a circuit court found such "holdovers" to be a highly inappropriate end-run around a standing prior court order.

In addition, the proposed extension of Act 126 would ignore the BLNR's own rejection of the conditions the legislature explicitly placed within the Act. While Act 126 specifically required "holdovers" to be "consistent with the public trust," the BLNR's subsequent issuance of revocable permit "holdovers" to A&B has only illustrated the BLNR's continued lack of understanding -- or conscious disregard -- of what this condition should actually mean. **In each of its three most recent annual holdovers of A&B's revocable permits, the BLNR failed to explicitly consider any of the public trust purposes and reasonable beneficial instream uses of East Maui's streams, including their role in supporting riparian and coastal ecosystems and associated Native Hawaiian traditional and customary practices; failed to require any information as to the actual anticipated water needs of A&B, including specific agricultural plans and anticipated water duties; failed to require any explanation as to why A&B's own water sources – including its privately owned East Maui watershed lands as well as its Central Maui wells – could not satisfy its anticipated water needs; and failed to consider how A&B's need for East Maui public watershed water should be balanced with the public trust purposes and reasonable beneficial uses of those waters in their undiverted state.** The BLNR has also failed to impose any actual limit on the amount of water that A&B may divert under its revocable permit holdovers, or require the installation of water meters to gauge the percentage of stream flows diverted over time – tools that would also provide basic information necessary to tailor the terms of any long-term lease purportedly sought by A&B. Moreover, the BLNR has failed to consider, much less impose conditions relating to Native Hawaiian traditional and customary practitioner access in the watershed regions covered by A&B's revocable permits. **Accordingly, to now extend Act 126's "holdover" authority for an additional seven years, and without the inclusion of clearer, concrete, and enforceable standards or conditions regarding the public trust, would only encourage the BLNR to continue abdicating its public trust responsibilities in its "holdovers" of A&B's East Maui revocable permits.**

If an action would clearly result in significant impacts, the environmental assessment step can be skipped, and an environmental impact statement can be commenced without an assessment.

OHA anticipates that A&B will likely claim, as it had during the passage of Act 126, that this measure is necessary for it to continue providing water service to Upcountry Maui, or to maintain the integrity of the East Maui Irrigation ditch system. However, A&B's past claim failed to acknowledge that the court ruling Act 126 responded to specifically allowed for the continued diversion of water to serve Upcountry Maui. Accordingly, with a court order specifically allowing A&B to continue serving Upcountry Maui through its East Maui diversions, there would be no legal barrier to meeting Upcountry Maui's water needs should Act 126 be allowed to sunset as originally intended. **Moreover, A&B failed then and continues to fail now to demonstrate its alternative water sources is not more than sufficient to fulfill its obligations to Maui County and Upcountry residents.** With regards to maintaining the "integrity" of the East Maui ditch system, it was and remains unclear why this would require the wholesale diversion of entire streams – which has been and would continue to be authorized under the "holdover" authority provided by Act 126.

Finally, OHA understands and appreciates that updated interim instream flow standards (IIFS) for approximately 25 East Maui streams covered under A&B's revocable permits have been recently established by the Commission on Water Resources Management, which would restore full and partial stream flow to these streams once implemented. However, approximately 80 other East Maui streams and tributaries covered under A&B's revocable permits remain unaffected by these IIFS updates, and no analysis under the public trust has ever been conducted in the BLNR's continual reauthorization of their diversion. Notably, had an environmental review of the long-term diversion of these streams been meaningfully commenced even three years ago, information critical to such an analysis – including these streams' importance to native riparian and coastal life as well as associated Native Hawaiian traditional and customary practices – would likely be available. **To now extend the sunset date on Act 126 for seven years and without any additional concrete conditions on the "holdovers" it authorizes, would only serve to reward A&B for its continued flaunting of its responsibilities under our environmental review laws, and encourage the BLNR to continue abdicating its public trust responsibilities for nearly 80 streams and tributaries in East Maui.**

Accordingly, OHA urges the Committee to **HOLD** HB1326 HD1 and proposed HD2. Mahalo nui loa for the opportunity to testify on this measure.

Michael P. Victorino
Mayor

Sananda K. Baz
Acting Managing Director



OFFICE OF THE MAYOR
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.maui-county.gov

February 19, 2019

The Honorable Sylvia Luke, Chair
House Committee on Finance

Dear Representative Luke, and Committee Members:

Re: Hearing of February 20, 2019; **OFFERING COMMENTS** on
HB 1326, Relating to Water Rights

Thank you for the opportunity to offer comments on **HB 1326**. This important measure allows holdovers of revocable water permits to continue until the pending application for a lease is resolved and requires prompt execution of contested case proceedings for one-year holdovers. Additionally the measure would allow holdovers to continue pending completion of contested case proceedings and removes repeal and reenactment provisions relating to section 171-58(c), Hawaii Revised Statutes.

The water provided through this means ensures Maui County's water delivery services to approximately 35,000 residents of Upcountry Maui, schools, the Kula Hospital, and the Kula Agricultural Park.

The Kula Agricultural Park consists of 31 farm lots which range in size from 7 to 29 acres and are owned by the County of Maui.

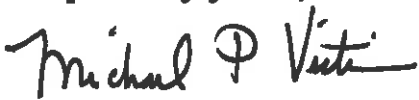
The entire Upcountry Maui system relies on water from East Maui's streams and ditches. Approximately 80% of the water delivered by Maui County's Department of Water Supply to Upcountry Maui comes from surface water sources.

Additionally, the measure supports the efforts of small and large initiatives to make continued progress toward the vision of establishing a patchwork of sustainable, diversified agricultural farming across Central and Upcountry Maui as long as holdovers are consistent with the public trust doctrine.

February 19, 2019
Page 2

Thank you for the opportunity the opportunity to provide comments on
HB 1326.

Respectfully yours,

A handwritten signature in black ink that reads "Michael P Victorino". The signature is written in a cursive style with a large initial 'M' and a distinct 'P'.

MICHAEL P. VICTORINO
Mayor, County of Maui

COUNTY COUNCIL

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Ross Kagawa, Vice Chair
Arthur Brun
Mason K. Chock
Felicia Cowden
Luke A. Evslin
KipuKai Kualii



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
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Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

February 19, 2019

TESTIMONY OF FELICIA COWDEN
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON
HB 1326, RELATING TO WATER RIGHTS
House Committee on Finance
Wednesday, February 20, 2019
2:00 p.m.
Conference Room 308

Dear Chair Luke and Members of the Committee:

Thank you for this opportunity to provide testimony in opposition to HB 1326, Relating to Water Rights. My testimony is submitted in my individual capacity as a Member of the Kaua'i County Council.

I oppose HB 1326, Relating to Water Rights, which extends by another seven year period, revocable permits which were only intended to last for one year. Amending the current Water Code, Hawai'i Revised Statutes (HRS) Section 171-58, unreasonably protracts the time period for water users to convert their month-to-month revocable permits (RP) to leases. After a Hawai'i Supreme Court decision in response to *Hui o Nā Wai 'Ehā* on Maui criticizing the State for not meeting its public trust obligation to protect waters of the State, the Legislature passed Act 126 in 2016 that required all holders of water use Revocable Permits to convert to a lease not later than June 30, 2019, thus giving the users three (3) full years maximum to convert their Revocable Permits to leases.

The Kaua'i Springs case was also instructive in that it supported Kaua'i County's decision to not grant a permit to a small water-user of 2,000 gallons/day. For the same reason, the public now cares about the Legislature abrogating the Water Code requirement of converting revocable permits to leases of large water users of more than 30,000,000 gallons/day.

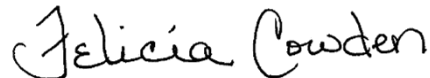
Chair Luke and Members of the House Committee on Finance
Re: HB 1326 Relating to Water Rights
February 19, 2019
Page 2

HB 1326 overrules significant community efforts on both the islands of Kaua'i and Maui to ensure that future development is not as deeply controlled by large landowners through water diversions preempting both natural stream health and *mauka-to-makai* flow. There is significant future development potential planned for Kaua'i based on the water reservations recently filed with the County of Kaua'i, Department of Water. The control of the water is central to balancing locations of future development. This issue is also deeply tied to perpetuation of cultural heritage, recharging of the aquifers, and general environmental health. We have significant community dissent among vulnerable populations on Kaua'i that are affected by these types of issues. Permitting the users to avoid environmental review is allowing a disregard for the public trust doctrine, as well as a healthy base-flow of the stream. Revocable Permits have allowed the users to avoid the requirement of environmental review.

HB 1326 is designed to thwart the public trust protection that diligent citizens have followed. It is critical that we do not use the Legislature to nullify the Constitution and further erode the public's faith in government.

Thank you again for this opportunity to provide testimony in opposition to HB 1326. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188.

Sincerely,

A handwritten signature in cursive script that reads "Felicia Cowden".

FELICIA COWDEN

Councilmember, Kaua'i County Council

AMK:mn



**OFFICE OF THE MAYOR
THE COUNTY OF KAUA'I**

**DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR**

Testimony of Michael Dahilig
Managing Director, County of Kaua'i

Before the
House Committee on Finance
February 20, 2019; 2:00 pm
Conference Room 308

In consideration of
House Bill 1326 HD2 Proposed
Relating to Water Rights

Honorable Chair Luke, Vice Chair Cullen, and Members of the Committee:

The County of Kaua'i supports the intent of HB1326 HD2 Proposed which offers ten consecutive one-year holdovers of revocable permits under section 171-58(c). The proposed measure would make conforming amendments to the reporting requirement in Act 126 (2016) and extend the repeal and reenactment provision for Act 126 (2016) by seven years, until June 30, 2026.

Kaua'i Island Utility Cooperative (KIUC) provides electrical power for the island of Kaua'i while leading the state in reaching the goal of 100% clean energy by 2045. Hydroelectric power is one source KIUC utilizes to provide clean power. KIUC has worked with the Department of Land and Natural Resources, the Commission on Water Resources Management, Department of Hawaiian Homelands, Division of Forestry and Wildlife, and the Office of Conservation and Coastal Lands to full the requirements of their long-term lease for the use of the Blue Hole diversion which feeds two of their important hydroelectric plants.

In addition, the County of Kaua'i Department of Water provides clean water to 15,000 customers purchased from Grove Farm's Waiahi Surface Water Treatment Plant which is transferred through diversions. This provides domestic water necessary for implementation of our General Plan.

With the extension HB1326 HD2 Proposed offers KIUC can complete the needed activities to fulfill conditions that were placed on its revocable permit holdovers in 2017 and 2018 and continue to provide clean power. Additionally, Grove Farm and the County of Kaua'i Department of Water can continue to provide clean water to many Kaua'i residents.

Thank you for your consideration.





Maui County

February 19, 2019

HEARING BEFORE THE
HOUSE COMMITTEE ON FINANCE

TESTIMONY ON
HB 1326: RELATING TO WATER RIGHTS

Room 308
February 20, 2019, 2:00 PM

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

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

MCFB is in strong support of HB 1326, addressing the revocable permit process for long term leases associated with water permits.

Diversions are critical to Maui's people..residences as well as agriculture. Maui is the island that is most dependent on diversions. People speak of alternative sources of water but they all cost money and require additional permits. Identification of alternatives is a strategic goal that we all need to work on but in the near future, we need the diversions for the survival of agriculture.

The State Constitution recognizes agriculture as in the public interest-

as a means to provide for increased levels of self-sufficiency. Policymakers and the public all speak of the importance of agriculture. But speaking is not enough. We need actual support for the inputs that make agriculture successful and one of them is water.

Maui is at a critical stage. The largest contiguous agricultural lands in the State is about to embark on an ambitious journey that has the potential to move the needle on agriculture in Hawaii. This operation can return the critical mass needed to help our smaller farmers..the ones that provide local strawberries or lettuce that you see in Costco. They are the ones that truly contribute to import replacement and help with increased self-sufficiency. The opportunity is there and it largely rests on the decision before you today.

We respectfully request your strong support of this measure. Thank you for this opportunity to address this issue.



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e-mail info@hfbf.org; www.hfbf.org

February 20, 2019

HEARING BEFORE THE
HOUSE COMMITTEE ON FINANCE

TESTIMONY ON HB 1326, HD1
RELATING TO WATER RIGHTS

Room 308
2:00 PM

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

I am Brian Miyamoto, Executive Director 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 interests of our diverse agricultural community.

The Hawaii Farm Bureau strongly supports HB 1326, HD1. This bill will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

The passage of this bill is critical because the 2016 law allowing holdovers anticipated that conversion of one-year revocable permits to long-term leases would be completed within the allotted three-years. Unfortunately, this conversion has not taken place for any of the permits due to the extremely complex, costly, and time-consuming process required to obtain a long-term water lease.

Small farmers and ranchers especially, do not have the time, legal or financial resources to meet the daunting and in many cases, uncertain requirements necessary to obtain a long-term lease. And besides the permit holders themselves, many other Hawaii farmers and ranchers rely on these permits and water systems for their water needs.

Compliance with HRS Chapter 343 alone, which would require an environmental assessment, and likely a full-blown environmental impact statement is far beyond the means of the vast majority of farmers and ranchers. This requirement and other hurdles placed upon prospective long-term leaseholders who have legally relied upon these waters for years have so far been insurmountable, resulting in *no* conversions of the water revocable permits to long-term leases.

HB 1326, HD1 is essential for hard-working local farmers and ranchers statewide to continue to access the water they need to provide food for our communities. Without water, agriculture will fail, our rural lands will become unproductive, and our beautiful green vistas will turn dry, brown, and more prone to devastating fires.

Thank you for your support for Hawaii's farmers and ranchers.



**East Kauai
Water Users' Cooperative**

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

February 17, 2019

TO: **Committee on Finance**

Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

RE: **Testimony on HB1326, Relating to Irrigation
Wednesday, February 20, 2019, Conference Room 308**

Chairperson Luke and Members of the Committee:

My name is Jerry Ornellas and **I strongly support HB1326**. I am the president of the East Kauai Water Users' Cooperative which has managed the State-owned reservoir and ditch system in the Kapaa/Kalepa area for the past 17 years under a year-to-year revocable permit from the Department of Land and Natural Resources. On September 20, 2016, the Cooperative was informed by DLNR that as a consequence of the East Maui irrigation decision we would have to seek a long-term water lease. We were given three years to complete the process.

Once the three years expires at the beginning of 2020, DLNR will no longer renew the system's revocable permit, the Coop will cease operation, the irrigation system, including the recently renovated Wailua and Upper Kapahi Reservoirs, will revert to DLNR control (including dam safety oversight) and most likely be abandoned. In 2001, ITC Water Management, hired by the State to evaluate the East Kauai system, estimated the cost to build it in 2001 to be in excess of \$200 million. We are talking about the potential loss of a substantial and irreplaceable State asset.

We are therefore in favor of HB1326 allowing extensions to existing water RPs that will allow us time to find a satisfactory long-term solution.

As well, various other water systems are in the process of obtaining licenses, but cannot do so by the 2020 cut off date. Time needs to be granted for proper community-supported resolutions to the issues surrounding these various water systems which are so important for the future of agricultural in Hawaii.

I respectfully ask that you pass this bill.

East Kauai Water Users' Cooperative

Jerry Ornellas, President

**TESTIMONY BEFORE THE HOUSE
COMMITTEE ON FINANCE**

H.B. 1326, HD1, Proposed HD2

Relating to Water Rights

Wednesday, February 20, 2019
2:00 PM, Agenda #1; Item #1
State Capitol, Conference Room 308

Dave Nagata
Land Agent
Hawaiian Electric Company, Inc.

Aloha Chair Luke, Vice Chair Cullen and Committee Members,

My name is Dave Nagata and I am testifying on behalf of Hawaiian Electric Company Inc. and its subsidiary utilities Maui Electric Company, Limited and Hawaii Electric Light Company, Inc. (“the Hawaiian Electric Companies”) in support of the Proposed HD2 version of H.B. 1326. The proposed HD2 would extend one-year holdovers of water permits under HRS § 171-58 for another seven years, for a total of 10 years. This bill will have a direct impact on water permits that Hawaii Electric Light Company (“HELCO”) holds.

HELCO has had year-to-year water permits for decades which has enabled us to operate our two hydroelectric plants on the Wailuku River in Hilo. These hydroelectric facilities play an important role in meeting the State’s 100% renewable energy goal. Having a long-term water lease is especially critical for obtaining financing for the rebuilding of the Waiau plant, which was nearly a century old, when it was demolished by the floods brought by Hurricane Lane.

In 2016, a circuit court judge ruled that the holdover of revocable permits (RPs) for multiple one-year permits is not consistent with the statute providing for temporary use of State lands. In response, and to avoid the abrupt stoppage of water being used by about a dozen permittees, including HELCO, Act 126 (2016) was giving permittees three years to convert year-to-year permits to long-term leases.

Upon passage of Act 126 (2016), HELCO immediately embarked on fulfilling the requirements for obtaining a long-term water lease. We had an environmental assessment prepared and obtained a Finding of No Significant Impact (“FONSI”). In cooperation with the Department of Hawaiian Home Lands (“DHHL”) and the Department of Land and Natural Resources (“DLNR”), a DHHL beneficiaries meeting was held in Hilo to enable DHHL to make a request for a reservation of water from the Wailuku River, and determine that HELCO’s **non-consumptive use of water** for its hydroelectric plants would not interfere with DHHL’s need for water.

Nevertheless, at this time HELCO is still without a long-term water lease. There remain some unresolved questions on some of the requirements for issuance of a long-term water lease, such as the minimum content for a watershed management plan and how to determine the fair value of a water lease. Until these questions are answered, HELCO’s application for a long-term water lease is on hold.

Although HELCO is fairly confident that it will be able to complete the public auction process and be successful in obtaining a long-term water lease before the end of this year, having the holdover periods extended would provide great comfort knowing that if for some unexpected reason the long-term lease is not obtained by the end of the year, HELCO would not be forced to shut down its two hydro plants.

HELCO is also cognizant that the other water permittees have had a variety of problems in fulfilling the requirements for obtaining long-term water leases. We understand that some of the small farmers and ranchers have not had the resources to meet the environmental disclosure requirements, and other permittees have been saddled with litigation that has made it impossible for them to complete the long-term water lease application process in the three years allowed under Act 126 (2016).

HELCO also supports the proposal to add the provision regarding holdovers when a contested case is requested. Having been through the holdover process, we understand that the water lease process can be protracted through no fault of the applicant.

Accordingly, the Hawaiian Electric Companies support H.B. 1326, HD1, Proposed HD2. Thank you for the opportunity to testify.



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Bennette Misalucha

TESTIMONY FROM BENNETTE MISALUCHA, EXECUTIVE DIRECTOR

In Support of HB1326 Proposed HD2
Relating to Water Rights

HOUSE COMMITTEE ON FINANCE

Wednesday, 02-20-19 2:00PM in House conference room 308.

Dear Chair Luke and Committee Members:

RE: HB1326 Proposed HD2 Relating to Water Rights

The Hawaii Crop Improvement Association (HCIA) strongly supports HB1326 Proposed HD2 Relating to Water Rights

HB1326 Proposed HD2 allows that when an application is made for a lease to continue a previously authorized disposition of water rights, a holdover may be authorized annually to continue its operations, until the pending application for the disposition of water rights has been resolved for a maximum of 10 years, provided that the holdover is consistent with the public trust doctrine.

HCIA supports this measure as it seeks to provide relief to keep lands productive while parties seek to resolve issues that often arise due to the many different land and water use laws that lessees must comply with.

Complicated water and land use laws are often well intended, which sometimes leads to unintended consequences. We believe that this measure attempts to address the unintended consequences, which we support.

We strongly urge you to consider the impacts of this measure upon all communities and ask that this committee pass HB1326 Proposed HD1 Relating to Water Rights. Thank you for this opportunity to testify.

Respectfully,

Bennette Misalucha,
Executive Director, Hawaii Crop Improvement Association

HCIA is a Hawaii-based non-profit organization that promotes modern agriculture to help farms and communities succeed. Through education, collaboration and advocacy,



HAWAII CROP IMPROVEMENT ASSOCIATION

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



Board of Directors:

House Committee on Finance

Gary L. Hooser
President

Hawai'i Alliance for Progressive Action OPPOSES HB 1326 HD2

Andrea N. Brower
Ikaika M. Hussey
Co-Vice Presidents

Aloha Chair Luke, Vice Chair Cullen & Members of the Committee,

Kim Coco Iwamoto
Treasurer

On behalf of the Hawai'i Alliance for Progressive Action (HAPA) I strongly urge you to OPPOSE HB 1326 HD2. HAPA is a statewide environmental, social and economic justice organization that engages over 10,000 local residents throughout Hawai'i annually.

Bart E. Dame
Secretary

HB 1326 HD2 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams. HB 1326 HD2 further incentivizes this bad practice.

Paul Achitoff

Nancy Aleck

Laura Harrelson

Kaleikoa Ka'eo

Michael Miranda

Walter Ritte Jr.

While we recognize that there are a range of diverters across the state that are currently utilizing revocable permits, our organization is headquartered on Kaua'i and is most intimately acquainted with the impact that this proposed bill would have on our Wailua Watershed.

Pua Rossi-Fukino

Karen Shishido

Leslie Malulani Shizue Miki

On Kaua'i, Kaua'i Island Utility Cooperative (KIUC) has been diverting approximately 100% of the baseflow of Wai'ale'ale Stream for over 15 years without needing to quantify its water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion. In 2016 the legislature put KIUC and other diverters on notice, providing three additional years for them to comply with the requirements. Now legislature is offering them an additional 7 years? Where is the accountability?

In the case of Wailua there is enough water to share equitably - to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture. However, this is currently not happening, the abuse of temporary permits has led to massive water banking at the expense of the public trust and the state coffers.

KIUC's Hydropower Doesn't Pencil Out

KIUC has operated the two uppermost diversions in the Wailua watershed, at Wai'ale'ale and Waikoko Streams since 2001. Both are located on State Conservation Land. KIUC applied for and was given a revocable permit in 2003. In 2004, they filed a water lease application. Since 2004, they have applied for annual renewal of their RP, but have failed to take the steps necessary to convert the RP to a lease.

KIUC's hydropower operation at Waiahi involves the diversion of at least 30 million gallons of water daily from the Wailua watershed, from diversions on state conservation land, and lower diversions on Grove Farm land, to generate approximately 1% of Kaua'i's power needs. None of this water is returned to the streams of origin. If operated at capacity, the two Waiahi hydro's can produce only 1.5 Mw/D. Per KIUC's records, the two one hundred year old Waiahi hydro's operate at less than 50% of capacity. The diversion of 30MG/D from Kaua'i's most revered and sacred streams, for 1% of the island's energy needs simply doesn't pencil out.

Although KIUC's RP limits the water use to hydropower, ultimately waters diverted under this RP (RP 7340) are co-mingled with water from unpermitted diversions on private Grove Farm land and delivered downstream to Grove Farm, both to the Kapaia Reservoir for Grove Farms agricultural tenants, and to Grove Farms Waiahi surface water treatment plant (see attached CWRM diagram). Since 2004 Grove Farm has sold water to the Kauai Department of Water (KDOW) for over \$2 million annually. Neither KIUC nor Grove Farm pay the State at a consumptive rate for all the waters they are diverting.

HB 1326 HD2 perpetuates this water hoarding by allowing for an additional seven years of temporary water permits, for an unlimited amount of water, for unknown purposes, and without criteria for ensuring that stream ecosystems are protected from excessive water diversions.

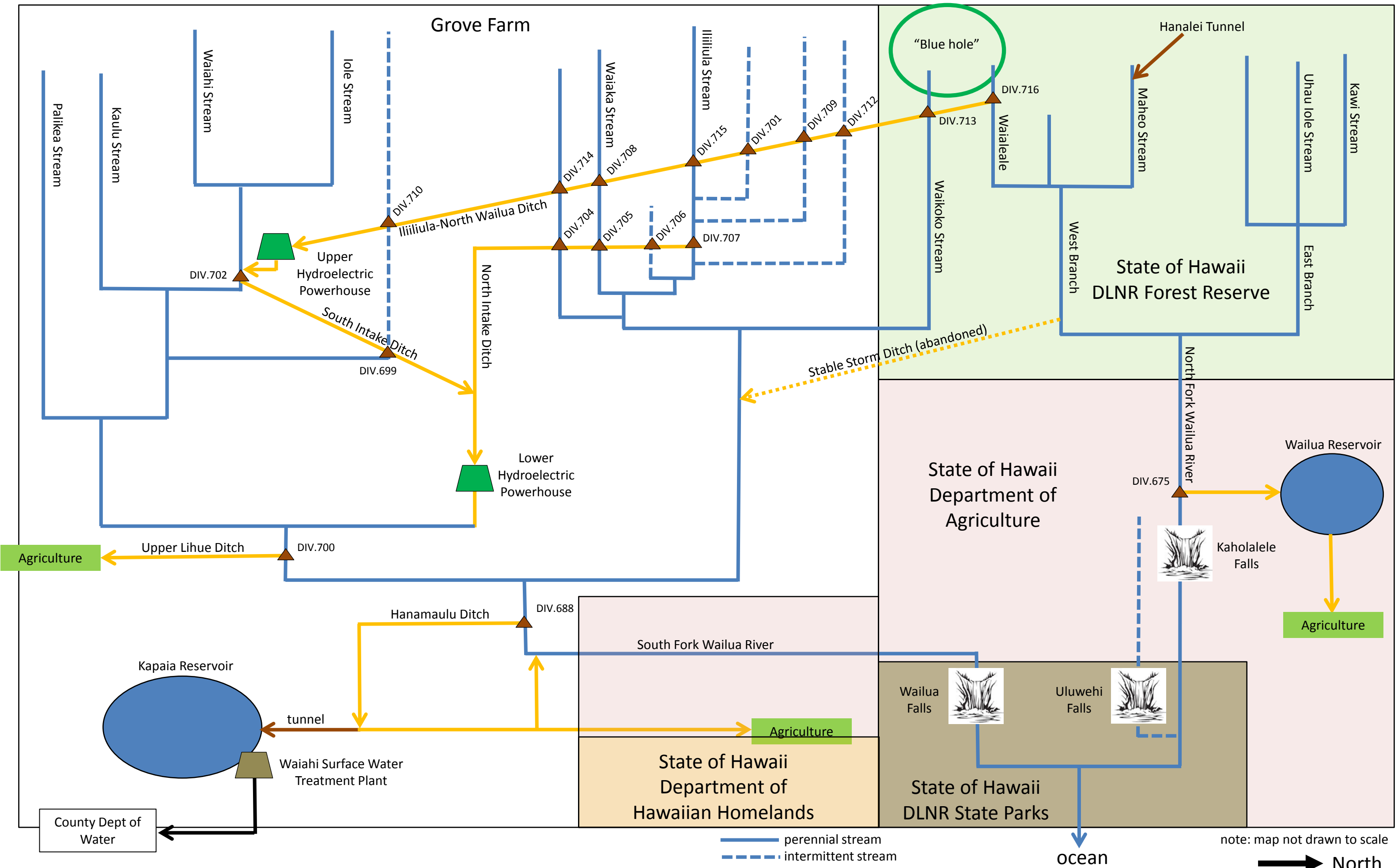
I urge you to oppose HB 1326 HD2 and stop the generational theft of our precious water resources.

Mahalo for your consideration.

Respectfully,



Anne Frederick,
Executive Director



**Ka'u Mahi, LLC – Land Manager
HACD-President
Ka'u Soil & Water Conservation District-Chairperson
Post Office Box 208
Pahala, Hawaii 96777**

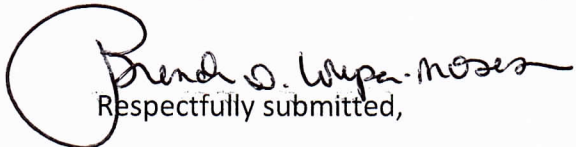
Testimony in support of HB 1326

Finance Committee, Hawaii State Legislative Session, Wednesday February 20th, 2019

My name is Brenda D. Iokepa-Moses. I am the Land Manager for Ka'u Mahi that leases hundreds of acres to local coffee farmers as well as thousands of acres to local ranchers. I am the current HACD President and Chairperson for Ka'u Soil and Water Conservation District Board for the past twenty-five years. On behalf of all those organizations I would like to offer the following testimony in strong support of HB 1326.

I volunteer and sit on many ag related boards and associations to include our local Ka'u Farm Bureau and not matter what the board or the audience the most important concern and the common thread is water. For the rural area of Ka'u it's always been top priority as without it the livelihood of our local farmers and ranchers are in jeopardy. We need the constant flow of water to continue to support the crops and provide water for the cattle while the conversion of RP's into long term leases are ongoing. The current users of the water have put many years of sweat equity into keeping the water transportation flowing to ensure the source is not lost. They have done this in order to keep food on the table for their families. Since 2007 the Revocable Permit holders in the Ka'u District recognized the need to convert their R.P.'s to long term water leases with the DLNR. The KAWCD was formed as a federated cooperative consisting of other water cooperatives, LLC's, Trusts, and individual Permit holders. For many years we have worked with the Hawaii Department of Agriculture, Agribusiness Development Corporation, and the Department of Land and Natural Resources to develop a process to convert the R.P.'s to long term leases. Significant effort was made to identify the tunnel resources in the district including a modern metes and bounds survey of the sources and access routes.

I humbly request that HB 1326 be passed through the Finance committee.


Respectfully submitted,



STATEMENT OF MAHI PONO, LLC
TO THE HOUSE COMMITTEE ON FINANCE

Wednesday, February 20, 2019
2:00 pm
State Capitol, Conference Room 308

HB 1326, HD1, Proposed HD2
RELATING TO WATER RIGHTS

Chair Luke, Vice Chair Cullen, and members of the Committee on Finance:

Mahi Pono respectfully submits testimony in support of HB 1326, Proposed HD2, to extend the holdover of revocable water permits to continue until the pending application for a water lease is completed and approved for an additional seven-year period.

Recently, in late December 2018, Mahi Pono, a farming venture between Pomona Farming and Canada's Public Sector Pension Investment Board, acquired approximately 41,000 acres of agricultural farmland from Alexander & Baldwin on the Island of Maui. Our goal is to put the Central Maui farmland back into active cultivation in diversified agriculture, building back a strong agricultural sector with good jobs and economic activity for Maui residents for generations to come.

All of Mahi Pono's farm plans are contingent on a commitment of water—the ability to use waters in East Maui as the source of needed irrigation water for our planned crops. We need this legislation to ensure a continuous source of water: (1) to farm; and (2) for the County of Maui for its upcountry Maui community, via the state permits, until such time as the State can issue a long-term lease following a public auction.

The EIS process is underway and currently expected to be completed in 2020. It should be noted that this process was previously paused to allow the State Water Commission to issue its Interim Instream Flow Standards (IIFS) decision, which it did in June of 2018. This decision represents the conclusion of a lengthy contest, wherein the Commission restored streamflow, while at the same time recognizing the need for stream water in the development of diversified agriculture. The IIFS decision fully restored 10 East Maui Streams, significantly restored another 5 streams (requiring stream flows for habitat restoration), and required connectivity flows in another 7 streams for stream biota. The decision put water back into 22 streams. Mahi Pono supports and will honor the IIFS decision.

In 2016, the Legislature passed a three-year extension of one-year revocable water permits. 2018 was the final year, which requires an extension of the one-year revocable permits to allow for the completion of the water lease process. Mahi Pono is one of 10 water permit holders—we all need more time to complete the EIS and lease processes. Fellow permit holders include neighbor island utilities, ranchers and small farmers.

At Mahi Pono, we are stewards of the land and water and take that responsibility very seriously. We will prioritize conservation and natural resources management. With the water, we will use only what we need. We will share with others and improve the infrastructure to reduce leakage.

Mahi Pono is committed to using the lands for sustainable agriculture, exploring regenerative and traditional Native Hawaiian farming practices and preserving green, open space in Central Maui. We are planning a full range of agricultural operations and related uses to increase Hawaii's food production and food security, to include cattle, coffee, tropical fruits, citrus and leafy vegetable crops. We are doing our research and listening to the community before making any final crop decisions. That said, we are committed to high-quality, non-GMO foods for local consumption and with export potential, creating jobs for Maui residents, with job training and educational pathways for students and prospective employees. We are also committed to providing land and water in an agricultural park for use by small, local farmers, together with resources such as farming expertise, resources and equipment, and farming capital. In this regard, we have met with the leadership of UH Maui College and look forward to a robust long-term partnership.

We recognize that concerns were raised regarding the open-ended nature of the holdover period under the measure, as introduced. Accordingly, we support the Committee on Water, Land and Hawaiian Affairs' amendments to limit the extension of this process and its understanding and willingness to provide additional time and latitude, given the delays and difficulties that permit holders have experienced in navigating through this new process. As previously stated, we are in the midst of the EIS process, which is currently anticipated to be completed in 2020. Additionally, as a newly formed entity that is also new to this process, Mahi Pono is committed to operating in good faith and will remain open to exploring opportunities to address concerns going forward.

We support the amendments made in the proposed HD2, which we believe are necessary to clarify the intent of the subject matter committee.

We appreciate this opportunity to provide testimony and stand in strong support of HB1326, Proposed HD2.



Hawaii Cattlemen's Council, Inc.

COMMITTEE ON FINANCE
Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

DATE: Wednesday, February 20, 2019
TIME: 2:00 P.M.
PLACE: Conference Room 308

HB 1326, HD1- RELATING TO WATER RIGHTS.

Allows holdovers of revocable water permits to continue until the pending application for a lease is resolved. Requires prompt execution of contested case proceedings for 1-year holdovers. Allows holdovers to continue pending completion of contested case proceedings. Removes repeal and reenactment provisions relating to section 171-58(c), Hawaii Revised Statutes.

Chair Creagan, Vice Chair DeCoite, and Members of the Committee:

My name is Dale Sandlin, and I am Managing Director of the Hawaii Cattlemen's Council. The Hawaii Cattlemen's Council, Inc. (HCC) is the Statewide umbrella organization comprised of the four county level Cattlemen's Associations. Our 150+ member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of approximately 25% of the State's total land mass.

The Hawaii Cattlemen's Council **supports** HB 1326, which allows for the continuation of revocable water permits to continue throughout the application process.

Water is critical for agricultural production and the consistency of their delivery systems are necessary for meeting the challenges of local food production. These systems are often times subject to difficult permitting processes and contested case hearings which can leave producers in limbo.

This measure will allow for the continued delivery of water for agricultural use throughout the application process. Also, providing an expedited process for contested case hearings will prevent drawn-out proceedings and reducing uncertainty in continued water delivery. This measure could also help prevent the potential for costly litigation which will ultimately increase the cost of water delivery to end users.

We respectfully ask for this committee to support this measure and we appreciate the opportunity to provide this testimony.





LAND USE RESEARCH
FOUNDATION OF HAWAII

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

February 19, 2019

Representative Sylvia J. Luke, Chair
Representative Ty J.K. Cullen, Vice Chair
House Committee on Finance

Testimony in Support of HB 1326, Proposed HD2, Relating to Water Rights (Allows for ten consecutive one-year holdovers of water permits under Hawaii Revised Statutes (HRS) Section 171-58(c); makes conforming amendments to the reporting requirement in Act 126 (2016); extends the repeal and reenactment provision for Act 126 (2016) by seven years, from June 30, 2019 to June 30, 2026.)

Hearing Wednesday, February 20, 2019, 2:00 p.m., in Conference Room 308

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

LURF strongly supports HB 1326, Proposed HD2, which proposes to amend HRS Section 171-58(c) to allow an extension of time for holdovers of revocable water permits (Revocable Permits) until the pending application for a lease is resolved or for a total of ten consecutive one-year holdovers; and to require that if any contested case is requested on a one-year holdover, any provision of law notwithstanding, the holdover shall be continued without any action of the State Board of Land & Natural Resources (Board) pending completion of the proceedings.

HB 1326, Proposed HD2. This purpose of this bill is to provide for holdovers of Revocable Permits so as to allow them to continue until the pending application for a lease is resolved or for a total of ten one-year holdovers, subject to an annual determination by the Board that the holdover is consistent with the public trust. The language proposed in the bill regarding contested cases would also ensure that when any contested case is brought on a one-year holdover, the holdover shall be continued without any action of the Board pending completion of the proceedings.

Factual Background.

In early January 2016, the Hawaii State Circuit Court ruled that the Board does not have the authority to issue water permits with a term greater than one year, thereby invalidating the permits which allowed water collection to continue. According to the Circuit Court's ruling,

pursuant to HRS Chapter 171, the Board was only able to grant either one-year revocable permits, or long-term water leases, and nothing else – which left a number of permittees which have had Revocable Permits in place for longer than one year, in limbo.

At the time of the Court’s ruling, there existed hundreds of revocable permits that had been renewed multiple times over the past years. Most of those permits involved land dispositions, however, 13 of them were revocable water permits issued under HRS 171-58(c). In order to avoid the sudden stoppage of water under those Revocable Permits, Act 126 (2016) was enacted into law by the Legislature, aptly enabling the Board to authorize annual holdovers of Revocable Permits until a pending application for the disposition of water rights is finally resolved, or for a total of three consecutive one-year holdovers, whichever occurs sooner. The understanding at that time was that the processing of applications for the conversion from one-year Revocable Permits to long-term water leases would be completed within three years.

Pursuant to said authority afforded to it by Act 126 and the 2016 amendments to HRS Section 171-58(c)(1), the Board thereafter approved holdovers of Revocable Permits from 2016 to 2018, allowing permittees continued use of water while working through the long-term lease application process.

The Board approved the last of the three authorized years of holdovers for all but one of the 13 affected revocable water permittees¹ in November and December of 2018. LURF understands that to date, none of the 12 remaining revocable water permittees have been able to convert to long-term State water leases. The procedure for issuing a long-term water lease is extremely arduous and may entail a number of steps and processes², all or each one of which, may likely take more than a year to complete. It is therefore imperative that the Board be authorized to allow permits to be continued until the pending application for a long-term lease is resolved, in order that State waters which are used and relied upon may continue to be collected while the long-term lease process is properly and thoroughly pursued and vetted.

Likewise, to avoid interruption of the critical flows of water, the proposed language in the bill regarding contested cases would also ensure that when any contested case proceeding is brought on a one-year holdover, any provision of law notwithstanding, the holdover shall be continued without any action of the Board pending completion of the contested case proceedings.

LURF’s Position. LURF believes the drafters of Act 126 (2016) and the provisions of HRS Section 171-58, as amended, could not possibly have anticipated, let alone intended the inequity of the application of the provisions of the statute to extraordinary situations such as the current

¹ It is LURF’s understanding that one of the Revocable Permit applications for long-term lease and holdover was withdrawn.

² The process for issuing a long-term State water lease could include several important, potentially time-consuming ancillary requirements and regulatory processes, which were likely not contemplated by the drafters and revisors of the provisions of HRS Chapter 171. Prior to the issuance of a water lease, required steps may include the following:

- an environmental assessment or environmental impact statement; compliance with HRS Chapter 343
- the amendment of interim instream flow standards
- an appraisal
- contested case hearing proceedings and other litigation
- conduct of the sale of the lease at public auction

one involving a number of permittees, which have relied upon the waters for years past and have made substantial investments based on said waters.

LURF further believes it would be irresponsible for this Legislature to stand by and ignore the potential economic and social consequences, as well as the health and safety issues that could arise due to the courts being legally duty-bound to apply the provisions of Act 126 (2016) and HRS Section 171-58 to situations such as the present, when in fact, underlying extraordinary circumstances exist, which are completely outside the control of the permittees.

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

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

Having been made aware of the issues with the provisions of law as currently written, this Committee should take appropriate action to address the problem and pass this bill to allow the Board to continue to take narrow exception and authorize holdovers of Revocable Permits annually until the pending application for the disposition of water rights previously authorized is resolved or for a total of ten consecutive one-year holdovers, and to extend the repeal and reenactment provision of Act 126 (2016) by seven years, particularly when such holdovers are consistent with the public trust doctrine and best serve the interests of the State.

For the reasons set forth above, LURF is **in support of HB 1326, Proposed HD2**, and respectfully urges your favorable consideration of this bill.

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



Chamber of Commerce HAWAII

The Voice of Business

**Testimony to the House Committee on Finance
Wednesday, February 20, 2018 at 2:00 P.M.
Conference Room 308, State Capitol**

RE: HOUSE BILL 1326 PROPOSED HD2 RELATING TO WATER RIGHTS

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

The Chamber of Commerce Hawaii ("The Chamber") supports HB 1326 Proposed HD1, which allows for ten consecutive one year holdovers of water permits under section 171-58(c), HRS. Makes conforming amendments to the reporting requirements in Act 126 (2016). Extends the repeal and reenactment provision for Act 126 (2016) by seven years, from June 30, 2019 to June 30, 2026.

The Chamber is Hawaii's leading statewide business advocacy organization, representing 2,000+ businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

This bill provides for holdovers of water revocable permits to continue until the pending application for a lease is resolved, subject to 1) and annual determination by the BLNR that the holdover is consistent with the public trust; and 2) the lease continues to be actively pursued.

At the end of 2018, of the 13 water revocable permits that were outstanding at the time of the passage of Act 126 (2016), only one appears to have a good chance of converting to a long-term water lease during calendar year 2019. If Act 126 is not amended to extend the time holdovers of water revocable permits pending resolution of their lease applications, all the other water revocable permit holders will face the prospect of not being able to legally access water that they've relied on for years.

Thank you for the opportunity to testify.

HB-1326-HD-1

Submitted on: 2/18/2019 8:56:14 AM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tom Blackburn-Rodriguez	Go Maui, Inc.	Support	No

Comments:

My name is Tom Blackburn-Rodriguez. I live in Kihei, Maui. I strongly support passage of HB 1326 by the House Finance Committee. The Bill provides for water allocation stability and helps to ensure the success of the Mahi Pono project for agriculture in the central valley and general Maui farmer support. I respectfully urge the committee to vote in favor of HB 1326. No water agreement. No agriculture?

Tom Blackburn-Rodriguez

Go Mai, Inc.

808-283-4570

tominmaui@icloud.com



Testimony Before the House Committee on Finance

By David Bissell
President and Chief Executive Officer
Kauai Island Utility Cooperative
4463 Pahee Street, Suite 1, Lihue, Hawaii, 96766-2000

Wednesday February 20, 2019; 2:00 pm
Conference Room # 308

House Bill No. 1326 HD1 and Proposed HD2– Relating to Water Rights

To the Honorable Sylvia Luke, Chair; Ty J.K. Cullen, Vice-Chair, and Members of the Committee:

This measure proposes to allow holdovers of revocable water permits to continue until the pending application for a lease is resolved. It also requires prompt execution of contested case proceedings for one-year holdovers, and permits holdovers to continue pending completion of contested case proceedings

COMMENTS:

KIUC strongly supports this bill as amended in HD1 and Proposed HD2.

Since 2003, KIUC has held a revocable permit for water use from the Blue Hole diversion for the purpose of providing hydropower for its 33,000 member accounts on Kauai. This power is by far the lowest cost source of fuel for KIUC, saving our members up to \$1.75 million per year versus the cost of diesel. Additionally, use of the hydro plants allows KIUC to avoid burning 675,000 gallons of diesel every year. In order to utilize this resource, KIUC has repaired, upgraded and continues to maintain miles of former plantation ditch irrigation infrastructure, much of which is owned by the state. Without this support, the infrastructure would deteriorate, becoming unusable and creating a liability for the state.

In 2004, KIUC applied for a long-term lease for the use of water from the Blue Hole diversion. Since that time, we have been working with the Department of Land and Natural Resources, the Commission on Water Resources Management, Department of Hawaiian Home Lands, Division of Forestry and Wildlife, Office of Conservation and Coastal Lands and others to fulfill the requirements of the lease application process.

We also worked with the Office of Hawaiian Affairs to resolve a contested case hearing the agency filed, through executing a Memorandum of Agreement (MOA) between KIUC and OHA in 2006. That MOA required a number of biological and cultural studies to be completed, among other things, in exchange for OHA withdrawing its contested case. KIUC completed the provisions of the MOA and OHA withdrew their contested case in 2012.

KIUC has complied with conditions placed on its revocable permit holdovers in 2017 and 2018, which include returning water to the streams below the diversions, collaborating with the Department of Hawaiian Homelands, and initiating facilitated discussions with community stakeholders. In addition KIUC has conducted numerous environmental and cultural studies and is actively working on an environmental disclosure document to fulfill HRS 343 requirements.

We are in the final stages of compiling the lease application for presentation to the Board of Land and Natural Resources, however, it will be challenging to complete this process during calendar year 2019. For example, DLNR Land Division and DOFAW have yet to commence discussions on lease rates or watershed management contributions that would be associated with the lease. With the extension that this measure proposes, all remaining activities can be completed with the proper due diligence and insure the Board is in the position to make the best decision regarding the lease.

Mahalo for your consideration.

HB-1326-HD-1

Submitted on: 2/19/2019 9:04:27 AM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Chris Manfredi	Hawaii Coffee Association	Support	No

Comments:



Kalepa Koalition

5868 Kini Place
Kapaa, Hawaii 96746
Phone/Fax: 808-639-0152

February 17, 2019

TO: **Committee on Finance**
Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

RE: Testimony on HB1326, Relating to Irrigation
Wednesday, February 20, 2019, Conference Room 308

Chairperson Luke and Members of the Committee:

We **support HB1326**. The Kalepa Koalition is a Hawaii agricultural cooperative of the farmers and ranchers who hold long-term licenses on 6,500 acres of State land behind Kalepa Ridge on Kauai and under the administration of ADC.

The East Kauai Water Users Cooperative System can presently service more than 1,000 acres of the Kalepa lands. In just the last few years, ADC has converted nearly 300 acres of irrigable land from ranching to farming, and has more prospective farmers under consideration.

The Coop is in the process of having the system transferred to the Department of Agriculture through legislation pending in this session. The Coop's RP on the system expires in 2020, at which point the system would revert to DLNR. We need the flexibility of extending the RP long enough to complete the transfer to DOA.

We respectfully request that this bill be passed.

A handwritten signature in black ink, appearing to read "Leslie P. Milnes".

Leslie P. Milnes, President
Kalepa Koalition

**Ka'u Soil & Water Conservation District
Ka'u Agricultural Water Cooperative District
P.O. Box 22
Pahala, Hawaii 96777**

Testimony in support of HB 1326

Finance Committee, Hawaii State Legislative Session, Wednesday February 20th, 2019

My name is John C. Cross. I am the Vice Chairman of the Ka'u Soil and Water Conservation District and past President of the Ka'u Agricultural Water Cooperative District, (KAWCD). On behalf of both organizations I would like to offer the following testimony in strong support of HB 1326.

Since 2007 the Revocable Permit holders in the Ka'u District recognized the need to convert their R.P.'s to long term water leases with the DLNR. The KAWCD was formed as a federated cooperative consisting of other water cooperatives, LLC's, Trusts, and individual Permit holders. For many years we have worked with the Hawaii Department of Agriculture, Agribusiness Development Corporation, and the Department of Land and Natural Resources to develop a process to convert the R.P.'s to long term leases. Significant effort was made to identify the tunnel resources in the district including a modern metes and bounds survey of the sources and access routes. This action performed by HDOA. Our efforts got sidelined when the ruling out of Judge Nishimura's court invalidated the extension of the R.P.'s. We were in strong support of HB 2501 (2016) which resulted in Act 126 which allowed the permit holders three years to begin the process of conversion to long term leases.

The permit holders in the district of Ka'u have been ACTIVELY working through the required steps to get the leases before the BLNR for action. While the original intent of the former KAWCD was to gain a single long term lease for all the Ka'u R.P. holders, (the members), it has now become apparent that the process needs to revert to each individual R.P. holder to perform an action for an independent water lease. The Ka'u Soil & Water Conservation District supports all their actions and remains ready to assist each action as the source of the waters comes from the same parcel of land owned by the DLNR, that being the Ka'u Forest Reserve.

The Reserve contains many horizontal shaft tunnels bored by the Sugar Plantations in the 1920's. These tunnels started their use as water for transportation of cane to the mills. After the plantations closed the tunnels as flume systems fell into disrepair. The singular R.P. held by the Sugar Plantation upon the Forest Reserve since 1973, was bifurcated after sugar cultivation ceased into the five independent R.P.'s that exist today. These R.P. holders have invested vast amounts of money to improve the systems and tunnels. The water from these sources support Macadamia Nut orchards, Cattle Ranching, Coffee Cultivation, and a growing expansion of Vegetables and Produce...food for the community and State of Hawaii. The lands of the Ka'u District are bountiful, but only so with Water.

I ask that HB 1326 be passed through the Finance committee and look forward to its eventual enactment to help us preserve the process of converting the R.P.'s into long term leases.

HB-1326-HD-1

Submitted on: 2/19/2019 1:03:35 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Takemoto	Bayer	Support	No

Comments:

Chair Luke and committee members:

We respectfully urge your support of HB 1326, HD 1, proposed HD 2 that provides for a reliable source of irrigation water for farmers and ranchers statewide. We hope that this bill as proposed will give some relief to those who are in a difficult and complex situation. Thank you.

Alan Takemoto

Government Affairs Manager

Fax 586-6201 Cover Sheet for Testimony for

Committee on Finance

Wednesday, February 20, 2019 2:00p.m.

HB 1326 Relating to Water Rights

From

Stephanie Whalen

Executive Director

Hawaii Agriculture Research Center

808 621 1350



Hawaii Agriculture Research Center

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

Ph: 808-621-1350/Fax: 808-621-1399

TESTIMONY BEFORE THE HOUSE COMMITTEE ON FINANCE

HOUSE BILL 1326HD 1

RELATING TO WATER RIGHTS

February 20, 2019

Chair Sylvia Luke, Vice Chair Ty Cullen and Members of the Committee:

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

HARC strongly supports House Bill 1326HD1 and the Proposed 1326HD2 Relating to Water Rights,

I am the president of the Kunia Water Cooperative which is the farmer run organization with respect to the Waiahole Ditch, the Executive Director of the Hawaii Agriculture Research Center which is dependent on the Waiahole Ditch water for irrigation of its operations and the President of the Kunia Water Association which manages a system of wells for 6 agricultural parcel owners.

HARC participated in the Waiahole Ditch controversy and experienced the many years it took to be resolved. That case really only dealt with water while the issues now involve leasing state land and permitting water use. The state has separate administrative processes for land and water. Unfortunately for all those concerned these processes can be long, costly and involved. They also can be contested resulting in more time in litigation. Litigation has been a standard especially for water throughout Hawaii's history.

Since the Waiahole water rights issue took 17 years to be resolved, the proposed increased in time for resolution is prudent. Hopefully during those 17 years some lessons were learned to reduce the time to resolve these issues.

While in 2016 the legislature felt comfortable with providing 3 one-year holdovers for revocable permits where long term water permits were applied for. It has become obvious that that time period was not enough. Unfortunately, it has not been enough for the state agencies regulating these area and the permit requestors to get through both the water and land existing legal process.

Again unfortunately for some of the existing statutory requirements there are no precedents. Developing baseline standards are not taken lightly and certainly have not and should not be rushed in this important area. Another factor that has extended the time for this process is the need for one state regulatory body to make a determination before the other can act.

It seems that of the 13 revocable permits that were outstanding when the 3 year period was established by the legislature only 1 may be converting to a long term lease before this 3 year period expires.

It has been my experience in the Kunia Agricultural Cluster that it has taken several decades for all the land in this area to be developed for non-plantation farming. That is just a matter of fact. It takes a long time for conversion especially if the land scale is huge. The water allocated in the Waiahole decision provided the assurance that a farming operation knew up front how much water was available to the farm in making a decision of what to grow. Without the assurance of enough water is it hard for any farming operation to commit to spending the resources to develop a farm: access roads, conservation plans, irrigation layouts for particular crops, agricultural accessory buildings and just clearing of weeds on the land after long periods of non-use. If the permittees for long term leases are not allowed to continue use of water while these regulatory processes work their way to conclusions, it is much less likely that the land will remain in agriculture. Infrastructure will deteriorate and uncertainty over obtaining water in the future will increase making agricultural operations more risky than they already are. Some are not aware of how risky a farming operation is: no control over so many environmental elements; one very heavy rain at a critical time in a crop cycle can totally wipe out the crop either through rain damage/flooding or pest/fungal invasion.

Thank you for the opportunity to testify in support of Hawaii's agricultural needs. We hope you see the need to allow the process to continue and recognize this is not an easy process whether for the state agencies with existing mandates or the permittees dealing with all the uncertainties over land and water.

We are in strong support of HB1326HD1 and HD2.



Environmental Caucus

The Democratic Party of Hawai'i

February 19, 2019

Position: **Oppose HB1326**

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

We strongly urge you to oppose HB1326.

As members of the Environmental Caucus of the Democratic Party of Hawai'i, we speak for the resources that cannot speak for themselves. As you know, water and the rights of access are protected under the public trust doctrine. HB1326 undermines the principles held forth in Hawai'i's public trust doctrine. The revocable permits issued were intended to temporarily provide time for diverters to prepare their long-term lease applications. The hold over of these revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

On Kauai, KIUC has been diverting 100% of the baseflow of Wai'ale'ale Stream for over 15 years without needing to quantify its water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion. The time has come to usher them through the proper procedures for maintaining their water use so that the water may be shared equitably.

Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please put an end to the generational theft of Hawai'i's precious waters and oppose HB1326.

Mahalo for your consideration.

Lana Olson

Chair, Environmental Caucus of the Democratic Party of Hawai'i

HB-1326-HD-1

Submitted on: 2/18/2019 1:02:08 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Foster	Hawaii Advocates For Consumer Rights	Oppose	No

Comments:



HAWAI'I
CENTER FOR
FOOD SAFETY

House Finance Committee
Hawai'i Center for Food Safety strongly opposes: HB1326

Dear Chair Luke, Vice-Chair Cullen, and members of the committee,

My name is Autumn Ness and I am the Co-Director of the Hawai'i Center for Food Safety. HCFS is a nationwide public interest, sustainable agriculture nonprofit organization whose mission centers on supporting the increase of sustainable local food production, and increasing public transparency in food production. We have over 1 million farmer and consumer members across the country, including nearing 10,000 in Hawai'i.

I am writing in strong opposition to HB 1326. HCFS works in communities across the State to support local, sustainable agriculture, and is concerned about the water needs of our small, local farmers being used to support HB 1326. We must find a way to regulate water use by the largest diverters, while also protecting the interests of our small farmers and ranchers. We have kuleana to the communities and ecosystems that rely on mauka to makai connectivity to ensure that minimum flow standards are protected. There is enough water to ensure that all of these needs are met, and HB 1326 is not the way to do it.

Mahalo nui loa for opposing HB 1326, and working to find a better solution that serves everyone's needs.

Autumn Ness, Co-Director
Center for Food Safety, Hawai'i Program



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

Testimony of
Aha Moku Advisory Committee

House Committee on Finance

Wednesday, February 20, 2019
2:00 p.m.
Conference Room 308

Opposition to HB 1326 HD 1 - Relating to Water Rights

House Bill 1326 HD 1 makes conforming amendments to the reporting requirement in Act 126 (2016), which amended the disposition of water rights under section 171-58(c), Hawaii Revised Statutes and extends the repeal and reenactment provision for Act 126 (2016) by seven years, from June 30, 2019 to June 30, 2026.

On behalf of the Hawaii State Aha Moku O Piilani – the *Moku of Kipahulu* which encompasses the *ahupuaa of Koalii, Wailua, Puuhaoa, Papauluana, Kaumakani, Alae, Wailamoa, Kikoo, Maulili, Poponui, Kapuakini, Kukuula, Kaapahu, Kukuiulaiki, Popolua; the Moku of Hana* which encompasses the *ahupuaa of Kualuu, Koali, Muolea, Puuiki, Mokaie, Hamoa, Haneoo, Oloewa, Wanalua, Palmo, Niimalu, Kawaiipapa, Wakiu, Kaeleku, and Honomaele; the Moku of Koolau* which encompasses the *ahupua'a of Ulaina, Keaa, Mokupipi, Honoluluunui, Hopenui, Puuhaehae, Kapaula, Puakea, Kaliae, Wailua, Pauwalu, Keanae, Honomanu, Keopuka, Loilua, Kolea, Mooloa, and Makaiwa; the Moku of Hamakuapoko* which encompasses the *ahupuaa of Paihihi, Waiawa, Honohina, Waiopua, and Poniau; and the Moku of Hamakualoa* which encompasses the *ahupua'a of Papaaea, Hanawana, Hanehoi, Huelo, Waipio, Mokupapa, Honokaia, Hoolawa, Honopou, Kealiinui, Kealiiki, Peahi, Opana, Ulumalu, Kapuakulua, Kuiaha, Pauwelo, and Haiku. **The Aha Moku Advisory Committee (AMAC) opposes this measure!***

AMAC understands the Department of Land and Natural Resources (DLNR) frustration with a process that acknowledges a need for additional time to convert existing water revocable permits to long term leases. But instead of passing down the generational methodologies and practices of the East Maui *mahiai*, farmers are passing down the hurt and frustration of the communities of East Maui who have lost their water over the decades to stream diversions, and thus lost much of their heritage.

HB 1326 HD 1 proposes to repeal and reenactment provision for Act 126 (2016) by seven years, from June 30, 2019 to June 30, 2026. Again, HD 1 does not specify any criteria for making sure that stream ecosystems are protected from excessive water diversions.

As AMAC is mandated to bring the voices of the people to the attention of lawmakers and policymakers, their declarations are clear in this matter. As such, AMAC strongly opposes this measure and urges the House Committee on Finance to reject HB 1326.

Respectfully yours,

Les Kuloloio, Kupuna
Moku O Hamakualoa (Maui)
Moku O Hamakuapoko (Maui)
Aha Moku Advisory Committee
Po'o, Moku O Kanaloa (Kahoolawe)



Chair Luke
Vice Chair Cullen
House Committee on Finance

Wednesday, February 20, 2019
2:00 PM

**TESTIMONY IN STRONG OPPOSITION OF HB1326 AND THE HD2 AS PROPOSED RELATING
TO WATER RIGHTS**

Aloha Chair Luke, Vice Chair Cullen, Members of the House Committee on Finance,

My name is Jun Shin. I am the Environmental Justice Action Committee Chair for the Young Progressives Demanding Action (YPDA), a member of the Common Good Coalition. YPDA represents approximately 1,000 Hawai'i residents, mostly of Honolulu who seek to build a Hawai'i that is just, equitable, and sustainable. YPDA is in **strong opposition to HB1326 and the HD2 as proposed relating to water rights.**

YPDA is opposed to abuses taking place in stream diversions for private profit. At the same time, we also support the diversification of our agriculture, the local production of our food, and of our energy. These interests are not separate from one another as water is for the benefit of all people, affirmed by the public trust doctrine and the Hawai'i State Constitution. Water remains a vital part of all these important policy making discussions, so while working on being both sustainable and self sufficient, we need to contend with generations of corporate greed and its effects on our native streams and the communities that need those streams.

Diverters should not be allowed to continue getting temporary water permits, the holdover of revocable permits being utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams. Much needed oversight is not happening. Necessary standards are not being met and water needs are not being looked at. We need our leaders to act now, and hold these corporations accountable. Alongside it being a serious environmental issue, this also is a matter of good government as well. Please uphold your responsibilities to the public trust. With the continual effects of climate change and the need for mitigation efforts, there remains a constant emphasis on the need for our natural resources to be protected.

Instead of the proposed HB1326 HD2, we would like you to consider hearing and/or adopting HB848's language. HB848 would allow for reasonable stream usage for important activities such as diversifying our agriculture, while improving how Hawai'i's watersheds are managed. Alongside this, it would allow for better accountability of our public trust resources currently being used for corporate profit, ensuring that our streams

remain healthy. Please help maintain the right balance, we have enough water to support cultural practices, renewable energy, large scale agriculture, farming, etc. Everyone can equitably share and do well. For the prosperity of the present and for future generations to come, YPDA **strongly urges** you to **oppose HB1326 and the HD2 as proposed relating to water rights**.

E Ola i ka Wai, Water Is Life!

Jun Shin
Environmental Justice Action Committee Chair
Young Progressives Demanding Action (YPDA)
1561 Kanunu St.
Cell: 808-255-6663
Email: junshinbusiness729@gmail.com

HB-1326-HD-1

Submitted on: 2/18/2019 10:04:59 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeri Di Pietro	GMO Free Kaua'i	Oppose	No

Comments:



MAUI TOMORROW

Protecting Maui's Future

Testimony before the
House Committee on
Finance

February 20, 2019
H.B. No. 1326 – Relating to Water Rights
STRONG OPPOSITION
with **COMMENTS** and
PROPOSED AMENDMENTS

By Albert Perez
Executive Director
Maui Tomorrow Foundation, Inc.

Aloha Chair Luke, Vice Chair Cullen, and members of the committee:

The Maui Tomorrow Foundation **STRONGLY OPPOSES** the proposed HD2 of HB 1326. We are pleased to provide **COMMENTS** and **PROPOSED AMENDMENTS**.

Article XI, Section 1 of the state constitution clearly states that "[a]ll public natural resources are held in trust by the State for the benefit of the people"; this includes stream resources. Unfortunately, the conditions with which water dispositions have been issued by the board of land and natural resources have not been enforced, and have not protected these public trust resources. HB1326 in its present form would not change this situation. Later in this testimony, we propose amendments that would help to ensure that the state's duty to protect these public trust resources is upheld.

The December 2018 report prepared by the Department of Land and Natural Resources in response to Act 126, Session Laws of Hawaii 2016 states that in 2016, "there were a total of 15 pending applications for water leases with the DLNR." "No additional applications for water leases have been received since then."

According to this DLNR report, only one of these applicants, Hawaii Electric Light Company, has completed a Final Environmental Assessment since Act 126 SLH 2016 was enacted. Two other applicants, Alexander and Baldwin and East Maui Irrigation, have begun work on an

Environmental Impact Statement. Although three years have gone by, the DLNR does not report progress by any other applicants toward getting lease approval. The deadline set by the Legislature has not been complied with, and now these revocable permit holders are expecting the Legislature to simply extend the deadline. This situation perpetuates what has gone on for decades, and is inexcusable. Defense of the public trust requires that we create some urgency, or else there will be no incentive for these applicants to actually obtain leases.

In its current form, HB1326 does just the opposite, extending the status quo of little to no results. It removes the three-year deadline and replaces it with seven-year deadline. Given that the previous three-year deadline produced little action, a deadline that is more than twice as long can be expected to yield the same results.

Maui Tomorrow proposes that applicants be given one more year (for a total of four years since 2016) to complete their environmental documentation and complete their lease approval/denial process. If applicants can show good progress, then perhaps the legislature can consider extending the deadline again next year, but that should be the last time. These are public trust waters, and these applicants do not have a "right" to them unless granted by the state. It is long past time to be firm in protecting our public trust, as required by the state constitution.

In addition, Maui Tomorrow proposed that more specifics be added to this legislation that would ensure the protection of public trust waters under any water leases granted. Many of these have been requested at hearings of the Board of Land and Natural Resources regarding the issuance of revocable water permits over the last three years. None have been included by the BLNR.

Maui Tomorrow supports fair sharing of water in accordance with the public trust doctrine. HB1326 in its present form does not achieve this goal.

To address the above concerns, we urge you to AMEND this bill as shown in the following attached pages:

Mahalo for the opportunity to comment on this important legislation.

PROPOSED AMENDMENTS TO HB1326

SECTION 1. Section 171-58, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(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~~] that 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:

- (1) Where an application has been made for a lease under this section to continue a previously authorized disposition of water rights, a holdover may be authorized annually until the pending application for the disposition of water rights is finally resolved or for a total of ~~three~~ four consecutive one-year holdovers, whichever occurs sooner; provided that the total period of the holdover for any applicant shall not exceed ~~three~~ four years; provided further-that
 - a. the annual authorization finds that the holdover is consistent with the public trust doctrine[;]
 - b. the lease continues to be actively pursued;

"§171- Dispositions that authorize the diversion of water from streams. (a) The board shall not approve any disposition that authorizes or has the effect of authorizing the diversion of water from streams, unless:

- (1) The authorization is for no more than fifteen years;
- (2) The board has accurate and timely information regarding the amount of water that flows through the subject stream and the amount of water proposed to be removed from the stream;
- (3) The amount of consideration is at least ninety per cent of the avoided cost to the applicant of obtaining the water from an alternative source;
- (4) No more than fifty per cent of the water in a stream, as measured above and below each diversion, may be removed from the stream at any time;
- (5) The 'aha moku advisory committee representative for the island on which the stream is located shall appoint an appropriate person to verify compliance with all

conditions of the disposition. The appointed person shall have unrestricted access to the watershed wherein the stream is located, which access shall be used for the purpose of compliance verification;

(6) The board determines that the diversion will not adversely impact the ecological, cultural, recreational, and aesthetic values of the stream; and

(7) All other legal requirements are met.

(b) Subsection (a) shall not apply to any authorization for taro cultivation.

(c) Moneys collected through any disposition that authorizes or has the effect of authorizing the diversion of water from a stream shall be deposited into the forest stewardship fund, section 195F-4; provided that the department of Hawaiian home lands and the office of Hawaiian affairs each receive their constitutionally-entitled share.

(2) 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; and

(3) 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, and 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."

SECTION 2. The department of land and natural resources shall prepare and submit an annual report to legislature no later than twenty days before the convening of each regular session of the legislature. The report shall include:

(1) The status of applications to continue previously-authorized dispositions of water rights;

(2) Actions taken on the applications during the immediately preceding fiscal period; and

(3) Any relevant recommendations for legislative action or appropriation of funding.

SECTION 3. Act 126, Session Laws of Hawaii 2016, is amended by amending section 4 to read as follows:

"SECTION 4. This Act shall take effect upon its approval, and shall apply to applications for a lease to continue a previously authorized disposition of water rights that are pending before the board of land and natural resources on the effective date of this Act or filed with the board of land and natural resources on or after the effective date of this Act, but prior to June 30, ~~2019~~ 2020; provided that:

(1) This Act shall be repealed on June 30, ~~2019~~ 2020, and section 171-58(c), Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day prior to the effective date of this Act; and

(2) Any holdovers first applied for under this Act prior to June 30, 2019, may be reauthorized, as provided in section 1 of this Act 126, beyond June 30, 2020."

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on June 29, 2019.





KE ONE O KĀKŪHIHEWA

O'ahu Council of the
Association of Hawaiian Civic Clubs

BENTON KEALII PANG, PH.D.,-HAWAIIAN CIVIC CLUB OF
HONOLULU
PELEKIKENA

JACOB KA'ŌMAKAOKALĀ AKI-KING KAMEHAMEHA HCC
HOPE PELEKIKENA

KALANI L. KA'ANĀ'ANĀ-KAILUA HCC
HOPE PELEKIKENA 'ELUA

ALBERTA LOW-PEARL HARBOR HCC
PU'UKŪ

ROTH PUAHALA -KING KAMEHAMEHA HCC
PELEKIKENA IHO NEI

TERI LOO-KO'OLAUPOKO HCC
KĀKAU 'ŌLELO

CHRISTINE "CHRISSEY" ANJO-PEARL HARBOR HCC
HOLE KĀKAU 'ŌLELO

'AHAHUI SIWILA HAWAI'I O KAPOLEI
LANCE HOLDEN

ALI'I PAUAAHI HCC
KEHAULANI LUM

'EWA-PU'ULO'A HCC
MARLEEN KAU'I SERRAO

HCC OF HONOLULU
MANU BOYD

KAILUA HCC
MAPUANA DE SILVA

KALIHI-PĀLAMA HCC
KAIMO MUHLESTEIN

KING KAMEHAMEHA HCC
LETANI PELTIER

KO'OLAULO'A HCC
RANAE "TESSIE" FONOMOANA

KO'OLAUPOKO HCC
ALICE P. HEWETT

LUALUALEI HCC
SHIRLINE HO

MĀKAHA HCC
LUANN LANKFORD-FAVORITO

MĀLAMA MELE O HAWAI'I
JANET ABRIGO

MAUNALUA HCC
ROSE KITTY SIMONDS

NA LANI 'EHA HCC
R. KELANI RAMOS

NĀNĀIKAPONO HCC
JAYCINE HICKS

PAPAKŌLE'A HCC
KEALI'LUM

PEARL HARBOR HCC
KU'UMEALOHA GOMES

PRINCE KŪHIŌ HCC
A. MAKANA PARIS

PRINCESS KAI'ULANI HCC
LEIMANA DAMATE

QUEEN EMMA HCC
RAWLETTE P. KRAUT

HCC OF WĀHIAWA
MARIE "MĀLIA" DOO

HCC OF WAIALUA
MAKALAPUA CASSON-FISHER

WAI'ANAE HCC
CYNTHIA ENRIQUEZ

WAIKĪKI HCC
L. PHIKEA TOMCZYK

HCC OF WAIMĀNALO
FAITH KA'IAMA

REP.. SYLVIA LUKE (CHAIR), REP. TY CULLEN, AND THE
COMMITTEE ON FINANCE

OPPOSITION FOR HB1326 HDI RELATING TO WATER RIGHTS FEBRUARY 16, 2019

Aloha Rep.. Sylvia Luke (chair), Rep. Ty Cullen, and the Committee on Finance,

As Pelekikena (President) of Ke One O Kākūhihewa (O'ahu Council-Association of Hawaiian Civic Clubs) and its 25 Hawaiian Civic Clubs, we **OPPOSE** HB1326 HDI. This bill makes conforming amendments to the reporting requirement in Act 126 (2016), which amended the disposition of water rights under section 171-58(c), Hawaii Revised Statutes. It extends the repeal and reenactment provision for Act 126 (2016) by seven years, from June 30, 2019 to June 30, 2026. In short, this bill will continue to allow Alexander & Baldwin, and now Mahi Pono, to not comply with an old court order to conduct an environmental assessment for their diversion of over a hundred East Maui streams and allow the Board of Land and Natural Resources to continue to shirk its duty to the public trust. At its 59th annual convention, the Association of Hawaiian Civic Clubs (Association), for which we are a member, adopted resolution 2018-38, strongly calling for the restoration of all East Maui streams. At its 58th annual convention, the Association adopted resolution 2017-32 expressing support for efforts to restore waterflow in the historic, natural waterways of Hawai'i for traditional and customary practices of Native Hawaiians.

Thus, our council respectfully urges this Committee to **HOLD** HB1326 HDI.

Ke One O Kākūhihewa is a native Hawaiian council made up of 25 civic clubs on the island of O'ahu. Our oldest member, Hawaiian Civic Club of Honolulu was established by Prince Jonah Kūhiō Kalaniana'ole on December 7, 1918.

Sincerely,

Benton Kealii Pang, Ph.D.



HB-1326-HD-1

Submitted on: 2/17/2019 4:37:46 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

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

Comments:

People before profit. Public Trust before corporations.

www.WeAreOne.cc



SUSTAINABLE AGRICULTURE COMMITTEE

HFUU Kaua'i Chapter Sustainable Agriculture Committee (SAC)
HFUU Kaua'i Chapter Vice President, SAC Chair Don Heacock

**Hawai'i Farmers Union United
Education Committee, Sustainable Agriculture Subcommittee**

February 19, 2019

Aloha State of Hawai'i House Committee on Finance:

The Sustainable Agriculture Committee opposes HB1326 as it relates to all farmers and in this case, specifically the East Maui kalo (taro) farmers.

The committee is in strong objection to HB1326 whereas, Hawai'i Farmers Union United policy reads:

ARTICLE II – Soil, Air, Water and Watersheds

HFUU promotes soil, air, **water and watershed health** because we understand their relationship to food, fiber and fuel crops and to the health and vitality of our communities.

Specifically, **HFUU supports the following related policies:**

Hawai'i-based traditional and ecologically advanced concepts and practices of the ahupua'a resource management systems and the watershed councils within the ahupua'a.

Promotion of integrated agriculture and aquaculture production systems that optimize recycling of organic wastes, nutrient recovery, **protection of water quality, and quantity and aquatic and terrestrial ecosystems**

Increased funding for applied research and environmental monitoring consistent with maintaining and enhancing healthy watershed communities.

We support Hawaiian self-governance of Kanaka Ma'oli right to gain free access to natural and cultural resources in their ahupua'a.

Freshwater is essential to all life and is Hawai'i's most important and scarce public trust resource and must therefore be equitably allocated and rigorously protected. HFUU supports all current appurtenant water rights and their allocations and recognizes that these policies must be fulfilled on a watershed-by-watershed basis and must include the following water policies:

Watershed resource conservation and restoration.

Appurtenant water allocations must be met first, before other water allocations. Access for smallholder farmers and farmer cooperatives to water resources with long term Memorandum of Understanding MOU's from the Department of Land and Natural Resources (DLNR) Board of Land and Natural Resources (BLNR) and these water uses will be prioritized over other lesser non-agricultural uses that do not support local food production and food security.

Reestablishment of community-based watershed management with Aha councils to guide the comprehensive conservation and restoration of all natural and cultural resources.

A paradigm shift to place water use planning ahead of land use planning statewide to promote water and food security.

We believe that all fresh water resources, both ground and surface waters, and nearshore waters should be recognized and prioritized as public water trust resources to be held, conserved, managed, regulated, shared and enhanced for the greater public good, recognizing and supporting freshwater appurtenant water rights as a top priority.

Mahalo for opposing HB1326,

Faith Chase

HFUU Sustainable Agriculture Subcommittee Secretary

Faith@FarmersVoiceHawaii.com

HB-1326-HD-1

Submitted on: 2/17/2019 2:23:35 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alison Lewis	maka'ainana o ta motu kaula'i	Oppose	No

Comments:

No on 1326. There is no need for detailed explanation. Every single ONE of you knows this legislation is complete HEWA. It squashes the rights of every individual in these islands, in order to favor big agriculture, big corporations, and big money. NO long term permits for water diversions or water use should EVER be given to such entities. I cannot even imagine what self-delusional logic would bring anyone to vote "yes" to this bill in any form. The only possible explanation, if you voted yes, is that you are being outright bribed or extorted. And you will be remembered for it.

Alison Lewis



REPRESENTATIVE SYLVIA LUKE, CHAIR
REPRESENTATIVE TY J.K. CULLEN, VICE CHAIR
HOUSE COMMITTEE ON FINANCE

TESTIMONY IN **STRONG OPPOSITION** TO HOUSE BILL NO. 1326 HD 1, HD 2
(PROPOSED)
RELATING TO WATER RIGHTS

February 20, 2019, 2:00 p.m.

Dear Chair Luke, Vice-Chair Cullen and members of the House Committee on Finance:

Earthjustice **strongly opposes** House Bill 1326 HD 1 and HD 2 (proposed) which gives private water diverters an additional seven years to complete the long-term lease application process for disposition of waters that the State holds in trust for the public and future generations.

Large diverters including Alexander & Baldwin (“A&B”) on Maui, and Kaua‘i Island Utility Cooperative (“KIUC”) on Kauai should have completed their long-term lease applications and required lease studies (EIS and watershed management plans) long before the Department of Land and Natural Resources (“Department”) began issuing holdover (or revocable) permits. In 2016, a Maui Circuit Court explicitly held that the Department’s practice of issuing revocable permits to A&B for a 13-year period violated the constitutional public trust doctrine. 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). This legislature then amended Hawai‘i Revised Statutes (“HRS”) § 171-58 to allow the Department to issue holdover permits for an additional three years, with the explicit requirement that (1) the Department would require diverters to complete lease applications during that period, and (2) the Department would ensure that interim diversions comply with the public trust doctrine. *See* § HRS 171-58(c). The Department has not complied with these statutory requirements, let alone its constitutional public trust obligations.

First, the Department’s current practice is to defer the constitutionally required public trust assessment until evaluation of the long-term lease application. By way of example, the staff submittal related to reauthorization of Revocable Permits for Kaua‘i and Hawai‘i Island, dated December 14, 2018, states that “public trust concerns will be addressed in the processing of the water lease applications under Section 17 1-58, HRS.” During the interim period, public trust uses of water, including the free-flow of water in its natural state and the exercise of traditional and customary Native Hawaiian practices, are completely unprotected. This ongoing Department practice violates the constitutional public trust doctrine, and demonstrates

that the holdover permit process is an inherently inadequate forum for protection of public trust uses of water.

Further, revocable permits that were approved since the 2016 amendments to the statute have not included bare minimum requirements that would allow the Department to exercise its fiduciary duties, such as water-use reporting requirements, or disclosure of actual water used needs. As the staff submittal attached to the Department's December 14, 2018 agenda demonstrates, several permittees do not disclose their monthly water diversion levels, claiming it is not required by the permit. Other permittees such as KIUC, while complying with reporting requirements, have refused to disclose their actual water use needs to the Department. Under the public trust doctrine, diverters must demonstrate their "actual needs," and the Department must "consider the cumulative impact of existing and proposed diversions on trust purposes and to implement reasonable measures to mitigate this impact, including the use of alternative sources." *In re Waiāhole Ditch Combined Contested Case Proceeding*, 94 Hawai'i 97, 143, 9 P.3d 409, 455 (2000) ("*Waiāhole*"). Without requiring that diverters provide basic water use information for public transparency and evaluation, the Department simply cannot meet its public trust duties.

Second, after three years of foot dragging, diverters and the Department want another seven years to comply with the law, without explaining the failure for diverters to make any significant progress towards meeting lease study requirements. Ten years is far too long to allow for the continued give-away of the State's waters to offstream diverters, with no incentives, timelines, or penalties for failure to make progress towards completing required lease studies, no penalties for the diversion and waste of waters that are not required to meet diverters' actual water use needs, and no mechanism for ensuring that the Department meets its constitutional obligations to protect the public trust in water through rigorous oversight of the terms and conditions of diversion. In fact, it is exactly this type of indefinite delay in the exercise of its public trust oversight that led the court in Carmichael to conclude that the Department has violated its constitutional duties. Ten years of ongoing revocable permit use is every bit as unconstitutional as the thirteen years considered by the Court in Carmichael.

We appreciate the opportunity to offer this testimony. Because House Bill 1326 is inappropriate and unconstitutional and does not adequately protect the public's interest in the stream waters of the State, we urge the Committee to vote against this bill.

Sincerely,

Leinā'ala L. Ley
Attorney
Earthjustice



THE ASSOCIATION OF HAWAIIAN CIVIC CLUBS

House Committee on Finance

Pō‘akolu, Pepeluali 20, 2019
Lumi ‘Aha Kūkā 308
Ke Kapikala Moku ‘āina
415 South Beretānia Street

Re: HB1326 HD1 - RELATING TO WATER RIGHTS

Aloha Luna Ho‘omalu Sylvia Luke, *Hope Luna Ho‘omalu* Ty Cullen, and members of the House Committee on Finance:

The Association of Hawaiian Civic Clubs **OPPOSES** HB1326 HD1. This bill makes conforming amendments to the reporting requirement in Act 126 (2016), which amended the disposition of water rights under section 171-58(c), Hawaii Revised Statutes. It extends the repeal and reenactment provision for Act 126 (2016) by seven years, from June 30, 2019 to June 30, 2026. In short, this bill will continue to allow Alexander & Baldwin, and now Mahi Pono, to not comply with an old court order to conduct an environmental assessment for their diversion of over a hundred East Maui streams and allow the Board of Land and Natural Resources to continue to shirk its duty to the public trust. At its 59th annual convention, the Association adopted resolution 2018-38, strongly calling for the restoration of all East Maui streams. At its 58th annual convention, the Association adopted resolution 2017-32 expressing support for efforts to restore waterflow in the historic, natural waterways of Hawai‘i for traditional and customary practices of Native Hawaiians.

Thus, the Association respectfully urges the Committee to **HOLD** HB1326 HD1.

The civic club movement was founded in 1918 by Congressional Delegate Prince Jonah Kūhiō Kalaniana‘ole with the creation of the Hawaiian Civic Club; the Association was formally organized in 1959 and has grown to a confederation of over sixty (60) Hawaiian Civic Clubs located throughout the State of Hawai‘i and the United States. The Association is the oldest Hawaiian community-based grassroots organization. The Association is governed by a 16-member Board of Directors; advocates for improved welfare of Native Hawaiians in culture,

health, economic development, education, social welfare, and nationhood; and perpetuates and preserves language, history, music, dance and other Native Hawaiian cultural traditions.

Mahalo for allowing us to share our *mana* 'o.

Me ka 'oia 'i 'o,

Hailama Farden
Pelekikena

February 20, 2019

2:00 P.M.

Committee on Finance

Room 308

Testimony on HB 1326, Proposed HD2

Relating to Water Rights

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

My name is Randy Cabral. I have been a small farmer and rancher on the Big Island for over 40 years, supplying food to my community. I think what I do fits the definition of sustainable local agriculture.

I strongly support HB 1326 HD2 Proposed.

Without water, we cannot grow crops or raise livestock. Many areas of the islands are ideal for agriculture except that they are too dry. These areas are dependent on waters from other locations.

This bill is not just about A&B, Mahi Pono, or the Kauai utility. It is not about corporations stealing water. I am only one of many other small farmers and ranchers who are totally dependent on waters controlled by revocable permits. We have no alternative water source. And after 12 years of working to resolve the permit issue, we still do not have a long-term water lease. The process is extremely complicated, lengthy, and expensive in part because of the detailed, site-specific documents that must be prepared by consultants, and because the leasing process must be sanctioned through DLNR's Land Division, Division of Forestry and Wildlife, the Water Commission, the Department of Hawaiian Homelands, and the Attorney General, among others, to ensure that the lease is consistent with the public trust.

This bill reasonably extends the time allowed to obtain a long-term lease. It will allow me to continue farming and ranching while the process continues. If this bill does not pass, there will be no water for my ranch and many others, forcing us to shut down.

Please support our local farmers and ranchers by passing this measure. Thank you.

HB-1326-HD-1

Submitted on: 2/18/2019 4:47:36 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bianca Isaki	Individual	Oppose	Yes

Comments:

Please do not pass HB1326, HD1, which would allow water diverters to evade environmental review and fair market pricing for their use of public trust resources.

- Bianca Isaki

HB-1326-HD-1

Submitted on: 2/19/2019 10:20:38 AM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Hope Kallai	Individual	Oppose	Yes

Comments:

Aloha e Chair Luke and Honorable Finance Committee - Please reject 1326, as written, as it is contrary to the protective intentions of HRS 171-58 and the environmental safety net provided by that statute. Water leases should not be for 30 or 65 years. Our climate and electrical generation abilities are changing too rapidly to make decisions on weather patterns in 2080.

This bill has serious financial implications to the State and state agencies dependent upon their share of lease revenue, like Department of Hawaiian Home Lands (30% entitlement) and the Office of Hawaiian Affairs (20% entitlement). The serious negative impacts to those protected beneficiaries of postponing the lease revenues, while exhausting the resources, have not been considered.

HB 1326: should be amended to include the requirement of a status report, on the progress of environmental studies required by the HRS 171-58 process, to be included in the annual report to the Legislature.

HRS 171-58 requires:

1. Conservation District Use Permit Application
2. Environmental Impact Study
3. Watershed Management Plan
4. Habitat Conservation Plan

The status of each of these integral studies must be included in the annual Water Rights Disposition Report, with the dates of Public Hearings held. Applicants should show progress, or explain the lack of, before being considered for automatic permit roll over. Lack of compliance or progress should cease use of Public Trust waters.

On my island, Kauai, the Kauai Island Utility Cooperative first received a Revocable Permit for use of Wai`ale`ale and Waikoko Stream waters, draining the Conservation District of the Lihue-Koloa Forest Reserve in 2003. Wai`ale`ale Stream is the most culturally significant stream on Kauai, but her baseflow waters were 100% by KIUC, to generate hydropower.

KIUC was required to perform the required studies and obtain permits (Conservation District Use Permit, Environmental Impact Statement, Watershed Management Plan and Habitat Conservation Plan under HRS 171-58), but **they have not started this process, yet, after 15 years!** HB 1326 would give them another 7 years to complete (begin) the studies they were told to do 15 years ago. They have not completed an accepted Cultural Impact Assessment, begun in 2004, on the impacts of drying up the most spiritually significant water on our island.

An Environmental Impact Study takes about a year and could cost a million dollars. KIUC has received hydroelectric income from these water diversions for 15 years already, but they have **not begun** the required studies. Why should they get another 7 years for failure to perform? Why should DHHL and OHA have to wait for 7 more years for lease revenue?

KIUC told state agencies and the Legislature that their use was “non-consumptive” - that they only use 5% of the water. Their permit rate of about \$100 day/14 million gallons per day was based on that 5% allegation. In the first and all subsequent Water Rights Disposition Reports, the State declared KIUC’s water use to be “consumptive” as no water is returned to the stream of origin, as required in HRS 171-58. KIUC has not been backbilled for this underpayment, yet. Their annual permit rate has not been corrected, yet. KIUC is in non-compliance with their application, yet their permit is receiving annual rollovers.

It is up to this Committee to hold KIUC, and other long-term rollovers financially accountable to the parameters of HRS 171-58. Reject the Holdover Blanket that permits corporations to operate without environmental scrutiny or correct payment to the state for Public Trust resources. KIUC is a prime example of why this bill should not pass, as written.

Amend HB 1326 to mandate status reports to be included in the annual Water Rights Disposition Report. Failure to complete required studies should cease use of the Public Trust water diverted from streams. Mahalo for upholding the requirements of HRS 171-58.

Hope Hamilton Kallai

HB-1326-HD-1

Submitted on: 2/17/2019 10:31:05 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Walter Barnes	Individual	Support	No

Comments:

Testimony Before the House Committee on Finance

Wednesday, February 20, 2019 2:00 PM
Conference Room # 308

House Bill No. 1326 / HD1 – Relating to Water Rights

To the Honorable Rep. Sylvia Luke, Chair; Sylvia Luke, Chair, and Members of the Committee:

I support this measure to allow holdovers of revocable water permits to continue until the pending application for a lease is resolve and encourage you to enable its passage.

Based on my direct knowledge of the situation around several water diversions on Kauai, harm will result if the deadline for awarding of leases is not extended during this session.

It is critically important to allow adequate time for proper decision making regarding proper use of our water resources to meet the cultural, social and economic needs of our community. This bill provides for additional time if the applicants are actively working through the process.

Mahalo for your consideration.

HB-1326-HD-1

Submitted on: 2/18/2019 8:30:22 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Maggie Kramp	Individual	Support	No

Comments:

HB-1326-HD-1

Submitted on: 2/19/2019 6:00:57 AM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joan Martin	Individual	Support	No

Comments:

My name is Joan Martin and I live in Kihei, Hawaii. I strongly support HB 1326 to provide water allocation for the Maui Pono project for their agriculture. I strongly recommed that the committee vote in favor of HB 1326.

HB-1326-HD-1

Submitted on: 2/19/2019 1:53:31 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

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

Comments:

I am a small farmer and user of domestic water diverted from E. Maui.

I support this bill. My upcountry community also supports this bill as they too rely on the water from EMI diversions.

The issue of revocable permits has become unnecessarily controversial. Some people think that revocable water permits and this bill will allow users unlimited access to water that doesn't belong to them, for an indefinite term. This is untrue. The Commission on Water Resource Management will still regulate how much water can be diverted, for how long, and for what use.

Many people are also unaware of the complexity of applying for and obtaining a long-term State water lease. The process for issuing a water lease of this type includes at a minimum, an environmental assessment/EIS and compliance with HRS Chapter 343, review, determination, and compliance with interim instream flow standards, and contested case hearings or other litigation.

Extending the amount of time to complete a long-term lease is the right thing to do because it will allow for a thoughtful, well-considered process to ensure that the public trust is upheld and that both domestic uses are retained and farmers can continue to access the water they need. Good public policy isn't made based on the number of testimonies for or against a bill.

Please pass this measure.

HB-1326-HD-1

Submitted on: 2/19/2019 1:59:05 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sasha Ota	Individual	Support	No

Comments:

This bill is necessary for all the small farmers and ranchers who use water based on State revocable water permits. There is enough water for all users. If we want to have agriculture in Hawaii, more time is needed to go through the complex process to obtain a long-term lease.

Please support our ability to grow our own food in the islands.

HB-1326-HD-1

Submitted on: 2/18/2019 6:52:47 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

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

Comments:

As a resident of Ka'u, I support the extension of current water useage permits. Many local families and small businesses rely on these permits for their livelihood. The State of Hawaii has made commitments to support agriculture and food security. Support of this bill enables the farmers and families of Ka'u to help the State of Hawaii to meet their goals of food sustainabilty while simultaneously promoting agriculture in the District of Ka'u.

HB-1326-HD-1

Submitted on: 2/18/2019 1:23:06 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments:

Please vote **NO** on this **Water Theft Bill**.

Many Hawai'i residents think corporations have far too much control over our legislature.

This bill looks to be the stark reality of this issue.

Water is a public resource, the water should be shared and no one should be able to hoard it. Please support our Hawai'i farmers. I mean, really support them; they deserve a better deal than what they're getting. And they might save us all in the long run.

I am a 35 yr. resident of Hawai'i - and am paying attention. HB 1326 is not fair. Please vote no.

Rep. Sylvia Luke, Chair

Rep. Ty J.K. Cullen, Vice Chair

COMMITTEE ON FINANCE

DATE: Wednesday, February 20, 2019

TIME: 2:00 P.M.

PLACE: Conference Room 308

Aloha Chair Luke and Committee Members,

Please vote YES on HB1326 HD2

- a) The Hawaii Sustainability Initiative talks to the need to double local food production by 2020. By voting in favor of this bill, Mahi Pono will have the ability to make the case before the DLNR for the agricultural water necessary to help the HSI become a reality while also abiding by the stream flow standards already put in place by the DLNR.
- b) From the financial standpoint, the sheer quantity of jobs that can potentially be linked to the repurposing of the 41,000 acres purchased by Mahi Pono is a strong voice to pass the bill as amended, allowing seven years to bring the water issue to a complete answer through the proper channels with the DLNR.
- c) I believe the process the state has put in place to review and issue permits is the proper place to adjudicate the outcome of these water permits, and the amendment of the standing bill will allow the time for this to occur.
- d) The ability to add 1,000 farm related jobs to the Maui workforce is unprecedented anywhere else in Hawaii. This allows a diversification of the government, tourist and service industry jobs that now dominate the work environment on Maui.
- e) Also, there are many citizens who prefer an agronomy job or to directly farm to these other service related sectors – allowing a larger percentage of Hawaii’s people and children a place in our future economic stability.
- f) People will be able to ‘buy in’ and be part of a revolutionary change in the largest privately owned land area on Maui. This will also help to ensure long term food security for Maui and the Hawaiian islands.
- g) Mahi Pono has already begun working with University of Hawaii, Maui and will also work with local high schools, Hawaiian immersion schools and others to help train future farmers so this becomes a tradition in Maui’s future.

Please see the financial stability this bill will allow us.

Mahalo,

Sean Lester

PO Box 1047

Haiku, Hawaii 96708

HB-1326-HD-1

Submitted on: 2/16/2019 7:42:57 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kamuela Werner	Individual	Oppose	No

Comments:

Aloha,

I strongly OPPOSE HB1326 HD1.

Sincerely,

Kamuela Werner, MPH

Wai'anae Resident

HB-1326-HD-1

Submitted on: 2/17/2019 11:34:26 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

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

Comments:

Aloha Lawmakers,

Please do not allow A\$B to thwart the rule of law any longer. They have had plenty of time to conduct enviromental assesments and apply for long term leases. They knew this land was going to be sold and they failed to plan for this eventuality. Now A\$B want all the favors without doing their homework. It's very pathetic and weak kneed of them to be asking for this now that they have sold a major portion of their land and they will have to return 62 Million (yes million) dollars to Mahi Pono if they can't deliver the water. What kind of strong arm dealings are we witnessing? This is deplorable and if you are doing your job for the small farmers and ranchers, you will deny this delay tactic for A\$B. Their time is long up. They had their chance and they chose not to do the work necessary.

Mahalo,

Ms. Barbara Barry

HB-1326-HD-1

Submitted on: 2/18/2019 10:41:15 AM

Testimony for FIN on 2/20/2019 2:00:00 PM

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

Comments:

Strongly oppose. Stop the corporate diversion and profit of Maui's streams.

HB-1326-HD-1

Submitted on: 2/18/2019 11:08:16 AM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ramona Hussey	Individual	Oppose	No

Comments:

Representatives, I urge you to be especially cautious in allowing further extension of water diversions, given the history of abuse by the large landowners, including Alexander & Baldwin. If you continue to allow these extensions, you essentially reward these powerful entities for their non-compliance. If this measure passes, I strongly urge you to require strong penalties for further non-compliance. Do this in the best interests of all of Hawaii's citizens, not just corporate interests.

Thank you.

HB-1326-HD-1

Submitted on: 2/18/2019 11:13:27 AM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Millicent Cox	Individual	Oppose	No

Comments:

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

My name is Millicent Cox and I reside in Manoa Valley. I grew up on Kauai and appreciated the benefits of Wai'ale'ale for the island, despite having its rain ruin an overnight camp one summer.

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

On Kauai, KIUC has been diverting 100% of the baseflow of Wai'ale'ale Stream for over 15 years without needing to quantify it's water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion.

There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.

HB-1326-HD-1

Submitted on: 2/18/2019 11:18:00 AM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Wendy Arbeit	Individual	Oppose	No

Comments:

I strongly oppose HB1326 HD1. Diverted water should be restored to streambeds so normal stream ecosystems can be reestablished and diversified as well as traditional Hawaiian uses can be made possible. See HB 848 for guidelines that provide proper streambed use and protection.

Diverting water, such as has been perpetuated on Kaua'i, is not in the public interest, but only serves to cater to the greedy.

Wendy Arbeit

Makiki, O'ahu

HB-1326-HD-1

Submitted on: 2/18/2019 11:57:23 AM

Testimony for FIN on 2/20/2019 2:00:00 PM

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

Comments:

OPPOSE HB1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

Water is our most important natural resource. It is protected under the State Water Code as a public trust. Corporations like A & B and Grove Farm have diverted water from our streams for many decades (in A & B's case almost 150 years). It is time to stop this water theft. NOW.

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

On Kauai, KIUC has been diverting 100% of the baseflow of Wai'ale'ale Stream for over 15 years without needing to quantify it's water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion.

There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.

Randy Ching (Honolulu)

HB-1326-HD-1

Submitted on: 2/18/2019 12:15:31 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Blair	Individual	Oppose	No

Comments:

HB-1326-HD-1

Submitted on: 2/18/2019 12:55:33 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Robin Kaye	Individual	Oppose	No

Comments:

Is it possible to make a bad bill worse? It certainly appears that way. This revision of HB1326 goes even further in eviscerating our public trust doctrine. Please do NOT pass this bill.

HB-1326-HD-1

Submitted on: 2/18/2019 1:22:44 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
B.A. McClintock	Individual	Oppose	No

Comments:

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

On Kauai, KIUC has been diverting 100% of the baseflow of Wai'ale'ale Stream for over 15 years without needing to quantify it's water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion.

There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.

Aloha Rep. Sylvia Luke, Chair, Rep. Ty J.K. Cullen, Vice Chair, members of the Committee:

Please vote NO on HB1326.



Thank you,
Nancy Aleck

HB-1326-HD-1

Submitted on: 2/18/2019 2:33:24 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
John NAYLOR	Individual	Oppose	No

Comments:

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly oppose HB 1326.

Please don't perpetuate the generational theft of Hawai'i Nei's waters. Please oppose HB 1326.

Most sincerely,

John Naylor

Makawao

HB-1326-HD-1

Submitted on: 2/18/2019 2:44:24 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mio Chee	Individual	Oppose	No

Comments:

HB-1326-HD-1

Submitted on: 2/18/2019 3:24:26 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

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

Comments:

Aloha Honorable Chair Luke & Vice Chair Cullen,

I am writing in opposition to HB1326 as proposed. This bill would indefinitely extend temporary water permits to Alexander and Baldwin, allowing them to take unlimited amounts of water from East Maui streams.

This bill fails to protect our native streams and the communities that rely on them, and endorses DLNR's past gross mismanagement of public trust waters and land. This has to stop! Impose reasonable limitations on the diversion of public water for private profit and ensure our stream ecosystems are fully restored.

I hope you recommend that this measure not be passed and stand in opposition on the right side of history.

Mahalo,

Jen Mather

HB-1326-HD-1

Submitted on: 2/18/2019 3:30:06 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

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

Comments:

It's not like no one knew this was coming. That those holding permits couldn't get their act together, nor could the DLNR. No more excuses. This bill must be opposed.

HB-1326-HD-1

Submitted on: 2/18/2019 4:05:11 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Justin Keliipaakaua	Individual	Oppose	No

Comments:

HB-1326-HD-1

Submitted on: 2/18/2019 4:35:27 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

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

Comments:

I strongly oppose HB1326-- please also oppose.

HB-1326-HD-1

Submitted on: 2/18/2019 4:50:01 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

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

Comments:

HB-1326-HD-1

Submitted on: 2/18/2019 5:12:50 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Culbertson	Individual	Oppose	No

Comments:

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

HB-1326-HD-1

Submitted on: 2/18/2019 7:20:14 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony Makana Paris	Individual	Oppose	No

Comments:

HB-1326-HD-1

Submitted on: 2/18/2019 8:12:51 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

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

Comments:

Aloha lawmakers,

I OPPOSE HB1326, aka :the water theft bill."

Water should belong to the people, to grow food on agricultural land.

Corporations are abusing Hawaii's citizens, by using Hawaii's water to grow products and profits both for export!

Please, vote "NAY," on HB1326.

Mahalo,

Mary Whispering Wind

Puunene, Hawaii

HB-1326-HD-1

Submitted on: 2/18/2019 8:18:00 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

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

Comments:

Aloha lawmakers,

I OPPOSE HB1326, aka "the water theft bill."

Water should belong to the people, to grow food on agricultural land.

Corporations are abusing Hawaii's citizens, natural resources, and zoning laws, by using Hawaii's water to grow products, and profit\$, both for export!

Please, vote "NAY," on HB1326.

Mahalo,

Brian Murphy

Maui, Hawaii

HB-1326-HD-1

Submitted on: 2/19/2019 3:20:38 AM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kim Coco Iwamoto	Individual	Oppose	No

Comments:

Testimony in STRONG OPPOSITION to HB1326 HD1

The Hawaii Constitution states, in relevant part: "The **State has an obligation to protect**, control and regulate the use of Hawaii's water resources for the **benefit of its people**. . . . 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. [Add Const Con 1978 and election Nov 7, 1978]

When the People of Hawaii voted to Amend the state constitution to affirm "natural stream environments" and "riparian uses" of the natural flow of water, it was at a time when large ag and runaway development held hostage water rights via diversion and unchallenged water permits. It was a time when lawmakers and decision-makers could be influenced with large campaign contributions, vacations, jobs for family members, etc.

Of course times have changed. Big ag has become medium ag and developers market their sense of corporate responsibility to the community. So when these monied-players sit on their water permit extensions and do nothing to attempt compliance, because they assume key lawmakers will have their backs and give them longer compliance times and make the laws favorable for their status-quo water-taking - it feels like we are returning to the pre-1978 flagrant-corruption era. and everyone has just stopped pretending.

Even the Honolulu Star-Advertiser Editorial Board has had to call out these shenanigans as they urged the Legislature to hold these permit hold-overs accountable to complying with the law instead of bending the law to meet their arrogant disregard. (See Editorial below.)

I urge this committee to restore (at least) the appearance of compliance with the state constitution as it directs protection of our natural water flows and riparian uses - for the

benefit of the many small farmers, families and communities that used to once enjoy undiverted water.

Sincerely,

Kim Coco Iwamoto

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OUR VIEW

STREAM DIVERSIONS

Stop foot-dragging on water leases

Native Hawaiian groups and environmentalists are justified in their anger about House Bill 1326, which prolongs for up to seven years compliance with hard-fought requirements pertaining to distribution and protection of the state's water resources.

The measure advancing at the state Capitol would allow Alexander & Baldwin Inc., electrical utilities on Kauai and Hawaii island as well as farming and ranching operations to continue siphoning from streams and elsewhere even if they haven't completed environmental reviews, consultations with Native Hawaiians about water needs and other legal must-dos.

In testimony against HB 1326, opponents persuasively argue that postponing the compliance deadline, without meaningful conditions attached, essentially rewards years of apparent foot-dragging and makes a mockery of the public expectation that state lawmakers will make good on follow-up needed to enforce enacted legislation.

In January 2016, the Circuit Court ruled that the state does not have authority to issue water-collection permits with a term exceeding one year. The ruling left roughly one dozen holders of "revocable permits," which had allowed collection for longer than one year, in limbo. By way of Act 126 (2016), the Legislature allotted three years to correct the problem.

Now, with the time running out, most of those revocable permit holders are far from close to compliance. The delay, claim the bill's supporters and various state agencies, is due, in part, to failure to foresee complexities tied to compliance, and the state's phasing out of long-standing water allocation practices established during the plantation era.

They maintain that for some of the new statutory requirements there are no precedents, and development of baseline standards should not be rushed. That's somewhat understandable. So is some bureaucratic delay as one regulatory body is tasked with making a move before the other can act.

Still, this case of limbo rightly raises eyebrows. Does it really take a decade to wade into compliance with water use law?

During a recent hearing on HB 1326, an A& B spokesman said the company has made strides toward obtaining a new water lease but also pointed a finger at the state, maintaining that further progress hinges on work that must be conducted by the state Department of Land and Natural Resources.

Moving forward, DLNR and others should pick up the pace, and aim to take the blame-game out of play. And if state lawmakers continue to advance this bill, they should add benchmark conditions — tied to biting penalties. Otherwise, it's not difficult to envision another postponement pitch surfacing in, say, 2026. Certainly little about this transition in water use is a jolt for A& B since its longtime diversion-draws from more than 100 streams and tributaries on public watershed lands in East Maui have been scrutinized — and criticized — for decades.

The state Board of Land and Natural Resources has been dinged for a history of routinely extending revocable permits that resulted in some water users skirting stringent lease requirements and accessing water at low costs.

Environmental groups say inadequately checked water diversion has resulted in thinned and dried out stretches of watershed, undermining Hawaiian cultural practices like fishing as well as local recreational activities. Downstream, diversion has slowed taro farming, spurred the presence of invasive species, and reduced vital aquifer replenishment.

In written testimony addressing HB 1326, DLNR asserted that it's working in tandem with the Commission on Water Resources Management, the Department of Hawaiian Homelands, the attorney general and others to “establish and implement a water leasing process that is fair, transparent, compliant with statutory requirements and consistent with the public trust.” That much is owed to Hawaii's public, as is a redoubled push to make quicker progress toward compliance.

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HB-1326-HD-1

Submitted on: 2/19/2019 11:04:48 AM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dan Gardner	Individual	Oppose	No

Comments:

Corporations have abused the use of water for years. This may not continue. Please do not support HB1326 as amended. Thank you

HB-1326-HD-1

Submitted on: 2/19/2019 12:02:36 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
A Kathleen Lee	Individual	Oppose	No

Comments:

PLEASE BE AWAKE TO CORRECT THE INJUSTICE HOUSE FINANCE COMMITTEE.

Large corporate water diverters have been abusing temporary water permits for years. Historically, when things (like court rulings) haven't gone in A&B's favor, they (being some of the largest campaign contributors in the state) have the laws changed. They did it in 2016, and they are doing it again now. This time, the big corporate diverters are using the little farmers and ranchers as their shield, but we aren't buying it.

When the courts determined that the BLNR process of issuing holdover permits was not legal, the legislature literally wrote a new law. Act 126 (HB2501) gave the holders of the revocable water permits 3 years to conduct environmental assessments or EIS and apply for long term leases. Well the 3 years are up this summer, and how many of those permit holders converted to long term leases in that time frame? ZERO!

The elephant in the room is that A+B has to return \$62 million to new Maui landowners Mahi Pono if they can't deliver the water.

So now Friday's committee hearing defined the period as 7 years. What happens in 7 years when they still haven't converted to long term leases? Some have had over 15 years to comply, were given another 3, and now need another 7?

There is plenty of water to share. We can support the needs of small and large agriculture, hydropower, drinking water and stream life but only with the right political will.

I am sure you don't like my tone, but we are so tired of the delay in making this right! I am upset as on my Island of Hawai'i just an hour ago I heard that they are trying to put a posion, hydrofloric acid, in our water...YES I am not happy...this Bill is another example of unfair tactics with our water!!

April Lee

Hawi, HI

HB-1326-HD-1

Submitted on: 2/19/2019 12:36:52 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Morgan Bonnet	Individual	Oppose	No

Comments:

Please end corporate water theft. Please represent the people.

Morgan Bonnet

DPH Chair of District 25

HB-1326-HD-1

Submitted on: 2/19/2019 12:46:12 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Elif Beall	Individual	Oppose	No

Comments:

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

My name is Elif Beall. I am attorney and concerned long time resident of Kauai.

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While Revocable Permits were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

On Kauai, KIUC has been diverting 100% of the baseflow of Wai'ale'ale Stream for over 15 years without needing to quantify it's water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion.

There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.

Elif Beall

HB-1326-HD-1

Submitted on: 2/19/2019 1:02:00 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

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

Comments:

HB-1326-HD-1

Submitted on: 2/19/2019 1:49:17 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Chase Livingston	Individual	Oppose	No

Comments:

I stongly oppose HB1326. I do not support an indefinite extension of temporary permits to divert unlimited amounts of water from East Maui streams and for unknown purposes, especially by corporations such as A&B and now Mahi Pono. This corporate cronyism needs to stop at once. A&B is asking you to pass this terrible bill because if you do, then they (A&B) will get an additional \$62 million from the sale of Maui lands to Pomona Corporation (Mahi Pono) and to the Canadian Public Sector Pension Investment Board. As this bill currently stands, there is no criteria for ensuring that stream ecosystems are protected from excessive water di versions and does not show how it will impact East Maui communities and kuleana kalo farmers.

This bill also is detrimental to other communities because it extends temporary permits held by other corporations such as Kaua'i Island Utility Cooperative, who divert waters from Wai'ale'ale and Waikoko. This exacerbates existing DLNR challenges with lack of oversight, enforcement and management. House Bill 1326 provides no accountability, no oversight, no criteria that DLNR decisions will actually protect our streams, all of which are public lands in areas that rural Native Hawaiian communities and kuleana kalo farmers rely on water for their basic necessities.

I urge you to look at HB848 for how issues with water rights should be dealt with. This bill provides for the protection of Public Trust Resources related to water, while allowing stream diversions for diversified agriculture so long as it does not harm the health of the streams. Please end the corporate theft of our most precious resource in Hawai'i and oppose this bill.

HB-1326-HD-1

Submitted on: 2/19/2019 1:50:26 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

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

Comments:

Aloha Chair Luke, Vice Chair Cullen and members of the House Finance Committee,

my name is Mary Lacques and I am a resident of Hale'iwa. I am submitting testimony is strong opposition of HB 1326, also know as "the corporate water theft bill." Extending temporary water permits to allow corporations to take unlimited amounts of water from Hawai'i's streams for another 7 years is nothing short of theft.

According to a Monday, February 19 Honolulu Star-Advertiser editorial, "In testimony against HB 1326, opponents persuasively argue that postponing the compliance deadline, without meaningful conditions attached, essentially rewards years of apparent foot-dragging and makes a mockery of the public expectation that state lawmakers will make good on follow-up needed to enforce enacted legislation."

Your constituents, especially those on Kauai and Maui who are directly impacted by corporations like Alexander & Baldwin and Kaua'i Island Utility Cooperative, elected you to enforce enacted legislation.

Please support the needs of all water users and uphold the Hawai'i State Constitution by voting no on HB 1326.

Aloha,

Mary Lacques

Hale'iwa

HB-1326-HD-1

Submitted on: 2/19/2019 1:51:48 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Fern Anuenue Holland	Individual	Oppose	No

Comments:

Aloha Legislators,

I strongly oppose HB 1326.

I was born and raised on Kauai and am from Kapahi. I am appalled that this bill was introduced in the first place and find it to be in direct violation to our state constitution, strong water code and the public trust. The vested interest seems blatant.

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

On Kauai, KIUC has been diverting 100% of the baseflow of Wai'ale'ale Stream for over 15 years without needing to quantify it's water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion.

If small scale farmers are impacted by such EIS and environmental oversight requirements then figure out a way to support them in achieving this. Users under a certain amount, for food production use could even be exempt from the process.

Please do not allow large corporate interests to continue to violate our laws.

There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.

Fern Anuenue Holland

HB-1326-HD-1

Submitted on: 2/19/2019 1:54:01 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Faith Chase	Individual	Oppose	No

Comments:

State of Hawai'i House Committee on Finance:

The absurdity of this bill is an unfortunate reflection of a broken system. While this bill to extend temporary revocable permits would have severe implications on Kaua'i and Maui, the Maui situation is this:

COMPLETE THE ENVIIRONMENTAL IMPACT STUDY!

Please OPPOSE HB1326 as it continues the the theft of East Maui Water for the purpose of serving a corporation who has adopted an illegal and unfair attitude of entitlement.

Seriously, Faith Chase

East Maui Resident

HB-1326-HD-1

Submitted on: 2/19/2019 2:07:00 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Oppose	No

Comments:



LATE

Luna O Na Papa Alakai

Committee on Ways and Means

Pelekikena
A. Makana Paris

Wednesday, February 20, 2019
2:00 pm Conference Room 308

Hope Pekekikena
Ekahi
Randi Fernandez

State Capitol
415 South Beretania Street

Re: HB1326 HD1 - RELATING TO WATER RIGHTS

Hope Pelekikena
Elua
Matthew Gumapac

Aloha Chair Sylvia Luke, Vice-Chair Ty Cullen, and members of the House
Committee on Finance:

Puuku
Denise Kekuna

The Prince Kūhiō Hawaiian Civic Club **OPPOSES** HB1326 HD1. This bill makes conforming amendments to the reporting requirement in Act 126 (2016), which amended the disposition of water rights under section 171-58(c), Hawaii Revised Statutes and it extends the repeal and reenactment provision for Act 126 (2016) by seven years, from June 30, 2019 to June 30, 2026. Put concisely, this bill will continue to allow Alexander & Baldwin (and Mahi Pono) to not comply with an old court order to conduct an environmental assessment for their diversion of over a hundred East Maui streams and allow the Board of Land and Natural Resources to continue to shirk its duty to the public trust. At its 59th annual convention, the Association adopted resolution 2018-38, strongly calling for the restoration of all East Maui streams. At its 58th annual convention, the Association adopted resolution 2017-32 expressing support for efforts to restore waterflow in the historic, natural waterways of Hawai'i for traditional and customary practices of Native Hawaiians.

Kakauolelo Hoopaa
Sai Furukawa

Kakauolelo Hooholo
Palapala
Kamuela Werner

Pelekikena Hala
Koke
Yvonne 'PeeWee'
Ryan


Please return the water to the 'āina.

Luna Alakai
Kuni Agard
Puamana Crabbe
Kanani Pali
Marlene Sai
Jennifer Smythe
Bruce Wong

Founded in 1964, PKHCC was organized to promote the education and social welfare of people of Hawaiian ancestry and objectives include supporting high ethical standards in business, industry and the professional fields of enterprise.

PKHCC urges the committee to **HOLD** HB1326 HD1.

Mailing Address:
P.O. Box 4728
Honolulu ~ Hawaii
96812

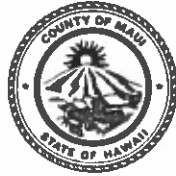
Me ke aloha,


A. Makana Paris
Pelekikena
president@pkhcc.org

www.pkhcc.org

Founded in 1964
by Liliuokalani
Kawananakoa Morris

MICHAEL VICTORINO
MAYOR



DAVID THYNE
FIRE CHIEF

BRADFORD VENTURA
DEPUTY FIRE CHIEF

**COUNTY OF MAUI
DEPARTMENT OF FIRE & PUBLIC SAFETY**

200 DAIRY ROAD
KAHULUI, HI 96732
PHONE: (808) 270-7561
FAX: (808) 270-7919

LATE

February 19, 2019

The Honorable Sylvia Luke, Chair
Committee on Finance
The State House
State Capitol, Room 306
Honolulu, Hawaii 96813

Dear Chair Luke:

Subject: House Bill (HB) 1326 Proposed HD2, Relating to Water Rights

I am David C. Thyne, Fire Chief of the Maui Fire Department (MFD). The MFD supports HB 1326, which allows holdovers of revocable water permits to continue until the pending application for lease is resolved. Requires prompt execution of contested case proceedings for 1-year holdovers. Allows holdovers to continue pending completion of contested case proceedings. Removes repeal and reenactment provisions relating to section 171-58(c), Hawaii Revised Statutes.

Public Safety and property protection are primary goals for county fire departments'. Our department has relied on water sources (i.e. reservoirs) on agricultural lands managed by Hawaii Commercial & Sugar Company, Alexander & Baldwin and now Mahi Pono, to fight wildland/brush fires on or adjacent to their managed lands. It is our understanding that provisions within this proposed bill will allow them to have a supply of water in their reservoirs for use by our department in emergency situations.

In support of the effort to maintain water supplies on lands managed by Mahi Pono for fire suppression activities, the MFD urges your committee's support on the passage of HB 1326.

Sincerely,

A handwritten signature in black ink, appearing to read "D.C. Thyne".

DAVID C. THYNE
Fire Chief



LATE

Hawaii Floriculture and Nursery Association

HOUSE OF REPRESENTATIVES
THE THIRTIETH LEGISLATURE
REGULAR SESSION OF 2019

COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

NOTICE OF HEARING

Wednesday, February 20, 2019
Conference Room 308
State Capitol
415 South Beretania Street

HB1326HD1: RELATING TO WATER RIGHTS.

Proposed HD2: Allows for ten consecutive one-year holdovers of water permits under section 171-58(c), HRS. Makes conforming amendments to the reporting requirement in Act 126 (2016). Extends the repeal and reenactment provision for Act 126 (2016) by seven years, from June 30, 2019 to June 30, 2026.


My name is Eric S. Tanouye and I am the President for the Hawaii Floriculture and Nursery Association. HFNA is a statewide umbrella organization with approximately 300 members. Our membership is made up with breeders, hybridizers, propagators, growers, shippers, wholesalers, retailers, educators, and the allied industry, which supports our efforts in agriculture.

The Hawaii Floriculture and Nursery Association (HFNA) **SUPPORTS House Bill 1326 HD1**

It is important for our nurserymen and women to have access to water and it is also important as caretakers of the environment that water permits be reviewed in a timely manner.

If you have any questions at this time, I would be happy to discuss them and can be reached by phone at 808-959-3535 ext 22, cell 960-1433 and email eric@greenpointnursery.com.

Supporting Agriculture and Hawaii,


Eric S. Tanouye
President
Hawaii Floriculture and Nursery Association

LATE

HB-1326-HD-1

Submitted on: 2/19/2019 4:12:08 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Gwen Morinaga-Kama	Individual	Oppose	No

Comments:

Dianne T. Stevens-Poire'
P.O. Box 4645, Kaneohe, HI 96744-8645
(808) 222-0136 *dianne.tol@gmail.com*

LATE

February 19, 2019

RE: HB 1326 Water Theft Bill

POSITION: **TESTIMONY IN OPPOSITION OF HB 1326 HD2**

Dear Honorable Committee Chair Representative and Committee Members:

This theft of irreplaceable water, which life itself depends on, is slipping away drop by drop. This depletion of our streams is causing the people and the native species that depend on this precious water to be harmed beyond repair. The maximum term of the lease allowed should be one year.

I request that you do Not Support HB 1326 for the following reasons:

1. Water levels reached a state of emergency in 1920. We are using emergency stores of water. In 1920 Honolulu reached a crisis to its water supply and in 1925 the legislature recognized that water supply was in emergency conditions. The visitor count for 2018 was almost 10 million, these people come from all over the world to relax and enjoy our island paradise ... which puts a tremendous stress on our already fragile resources.
2. We don't have enough water for our own agricultural and residential needs. There is a deficit in our water supply caused by removing more water than our resources can supply. The residents, traditional Hawai'ian people and visitors alike, including every living thing in the islands depends on our most precious resource...water. There are inadequate water resources to grow our food to feed our growing population.
3. Wai wai, the Native Hawaiian cultural perception of wealth, literally means water-water. It was everyone's responsibility to take care of the water sources since it affected everyone and everything. From the alii kapu to the maka ai nana, water linked all classes together. Western views of water being an environmental asset differs greatly from the traditional Hawai'ian concept of water being the greatest wealth beyond measure.
4. Future growth strategies are not in place. Strategies are needed that will reserve, build, plane and preserve Hawai'i's financial capital but its human, natural, cultural and social capitals as well. Those individuals, who have a spiritual and/or traditional inheritance to Hawaii's natural liquid wealth, are being drained of their most precious possession.
5. Lawmakers should look to HB 848 for the protection of stream resources, allowing select stream diversions for diversified agriculture as long as there is no harm to the stream.

Thank you for your attention and consideration of my humble opinion.

Sincerely,

Dianne T. Stevens-Poire'

Dianne T. Stevens-Poire'
Non-supporter of HB 1326

LATE

HB-1326-HD-1

Submitted on: 2/19/2019 4:38:43 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Charlene Hoe	Hakipuāu Learning Center	Oppose	No

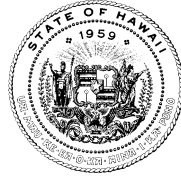
Comments:

As a member of the 1978 Constitutional Convention, I strongly oppose all bills that seek to amend HRS § 171-58 and extend “holdover” authority for stream diverters like Alexander & Baldwin (A&B), Mahi Pono, and Kaua’i Island Utilities Cooperative (KIUC) to take excessive amounts of water from our public streams. These efforts continue the unlawful historic practice of water theft, fail to protect Hawai’i’s streams and native species, and favor corporate profit over public needs.

Holdover Authority Does Not Protect Our Streams and Native Species - In Hawai’i, water is a public trust resource, protected by the constitution for the benefit of Hawai’i’s people and Hawai’i natural environment. The public trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. “Holdover” revocable permits for water diversions are allowed without any idea of how much water flows in the stream and how much water is being diverted. These diversions harm cultural uses of streams, disrupt mauka to makai flow of water, and does not ensure that our native ecosystems are protected.

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

JOSH GREEN
LT. GOVERNOR
STATE OF HAWAII



JOBIE M. K. MASAGATANI
CHAIRMAN
HAWAIIAN HOMES COMMISSION

WILLIAM J. AILA, JR.
DEPUTY TO THE CHAIRMAN

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

P. O. BOX 1879
HONOLULU, HAWAII 96805

TESTIMONY OF JOBIE M. K. MASAGATANI, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE HOUSE COMMITTEE ON FINANCE
HEARING ON FEBRUARY 20, 2019 AT 2:00PM IN CR 308

LATE

HB 1326, PROPOSED HD2 RELATING TO WATER RIGHTS

February 19, 2019

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

The Department of Hawaiian Home Lands (DHHL) offers the following comments on HB 1326, Proposed HD2, which allows for ten consecutive one-year holdovers of water permits under section 171-58(c), HRS and extends the repeal and reenactment for Act 126 (2016) by seven years from June 30, 2019 to June 30, 2026.

The Department notes that as the Legislature considers the challenges associated with the issuance of long term leases in water, that long term extensions of the process to convert Revocable Permits (RPs) into long term leases may harm the Department and its beneficiaries. This is because DHHL has two distinct interests related to the renewal of revocable permits and their conversion into long term leases, and it needs the conversion process to be implemented for its rights to be fully realized.

DHHL's first interest is as a water user, and some of the waters related to a number of these RPs could satisfy DHHL needs. This issue is addressed in HRS 171-58(g), which requires the Department of Land and Natural Resources and DHHL to "...jointly develop a reservation of water rights sufficient to support current and future homestead needs." DHHL has been working with DLNR staff and applicants to effectuate this provision which can only be fully realized when a lease is issued.

DHHL is also entitled by Constitutional and statutory provisions to 30% of the revenue generated by water leases. Because the provisions for setting lease rent are only implemented during the conversion process, extremely low payment levels are maintained under extended RPs. The mechanism for setting water lease rents itself needs revision, as it currently requires the determination of a market value for water when no market for water exists in Hawaii. However, without a clear and reasonable deadline for converting RPs no pricing provision will be implemented, and every year an RP is renewed represents a specific, tangible loss to the State and the Department.

Thank you for your consideration of our testimony.

LATE

HB-1326-HD-1

Submitted on: 2/19/2019 5:20:09 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kamuela Park	Individual	Oppose	No

Comments:

I strongly OPPOSE HB 1326. The bill would further facilitate corporate commercialization of a public trust resource. This bill would allow or an indefinite extension of temporary water permits allowing for endless loopholes to allow the mismanagement of Hawai'i's water. Not setting any limit on the amount of water taken does not properly safeguard this public trust for the benefit for Hawai'i and its people. Not being required to be transparent on the uses of the water is unacceptable. Additionally, not being required to provide standards or criteria to ensure the protection of ecosystems from excessive water diversions is also unacceptable. By allowing this bill to move forward, the State would be neglecting its duty to protect Hawai'i's public trust resources, Hawai'i's environment, and also providing an avenue to neglect the duty to protect the rights of Native Hawaiians' ability to access and utilize fresh water for sustenance, cultural, traditional, and even religious purposes because by not regulating the use of water it could easily be abused leading to irreversible damage the streams and its surrounding and relying environments. Kill HB 1326.

LATE

House Finance Committee
Testimony on HB 1326 (Proposed HD2)
February 19, 2019

My name is Alex Franco President of Maui Cattle Company a local beef processing and marketing operation which is owned by 5 ranching partners who collectively manages more than 60,000 acres of range land on Maui. Our company was established in 2002 in an effort to transition their annual mainland shipments of 3500 weaned calves to keeping them here at home for the local beef market.

We are in **STRONG SUPPORT** of **HB 1326 (Proposed HD2)** as it allows the necessary time needed to establish agriculture crops, which in turn will justify the important benefit for having this key resource made available for diversified agriculture.

Back in 2008 our ranching partners faced what was the beginning of a six year drought that forced calves held for the local market to be shipped to the Mainland reducing Maui Cattle Company's through put by 70%. During the initial start up of our company, the impact of drought was viewed as a major bottleneck in delivering a consistent supply and quality into the local market. Several attempts were made to develop a production segment within our company to reduce the impact of drought, unfortunately without a consistent managed water resource all attempts failed.

When the possibility of growing out our calves on irrigated pastures was offered to us by A&B we saw it as a means of significantly reducing the impact of drought and the negative impact it has had on our business. Currently more than 5000 acres has been fenced and we are pasturing more than 2000 head of cattle that will be finished for the local market. Based on this we have begun to hire more employees as we expand the market with local vendors and have just been awarded a DOE contract for all of the ground beef and stew for the public schools on Maui.

All of this has been possible as State Policy Makers along with the Department of Education has made this key resource available to local beef processors through out the State which has been a game changer for agriculture. Irrigation water for Central Maui is another key resource that needs to be made available to maintain important markets like this which allows agriculture to develop the critical mass needed for local food to be affordable to the Hawaii's consumers.

Thank You for allowing me to send in this testimony,

Alex Franco
President Maui Cattle Company
P.O. Box 331149
Kahului, HI 96733

LATE

HB-1326-HD-1

Submitted on: 2/19/2019 5:46:12 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Keith Ranney	Individual	Oppose	No

Comments:

LATE

HB-1326-HD-1

Submitted on: 2/19/2019 6:39:52 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Paumalu Cassiday	Individual	Oppose	No

Comments:

The long history of corporate entities able to take water with no compensation while small farmers, Native Hawaiians and others are priced out of that same commodity has to stop. The fact that there has been lots of voiced opposition to this bill but strong support from politicians says something about our elected officials and where their concern lies. Kudos to Rep Wildberger for voting no. Hope the rest of her peers can start acting pono.

LATE

HB-1326-HD-1

Submitted on: 2/19/2019 7:46:48 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
David Mulinix	Our Revolution Hawaii	Oppose	No

Comments:

Aloha Kakou,

My name is Dave Mulinix, on behalf of our over 5,000 members and supporters of Our Revolution Hawaii, I am testifying in strong opposition to HB 1326 HD2 that allows corporations to continue to take millions of gallons of water from Hawai'i streams with little to no oversight. This bill continues the unlawful historic practice of water theft, fails to protect Hawai'i's streams and native species, and favors corporate profit over public needs.

Mahalo for your kind attention,

Dave Mulinix

Our Revolution Hawaii

LATE

HB-1326-HD-1

Submitted on: 2/19/2019 7:19:12 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sherry Pollack	Individual	Oppose	No

Comments:

LATE

HB-1326-HD-1

Submitted on: 2/19/2019 9:35:40 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tom Aitken	Individual	Oppose	No

Comments:

It is time to give our water back. Please oppose HB1326.

-tom aitken

PO Box 800, Kāneʻohe, HI. 96744

LATE

HB-1326-HD-1

Submitted on: 2/19/2019 9:39:32 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

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

Comments:

HB-1326-HD-1

Submitted on: 2/19/2019 11:01:50 PM

Testimony for FIN on 2/20/2019 2:00:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Simon Russell	Hui O Malama Aina LLC	Oppose	Yes

Comments:

East Maui Farmer Opposes HB 1326

Honorable Chair Luke, Vice Chair Cullen and members of the committee.

Hui 'O Mālama 'Āina LLC strongly opposes the prospect of now seemingly endless holdovers of revocable permits, and believes sincerely that is not the intent behind the issuance of temporary holdovers, and it is a violation of the principles of the public trust and our sacred and priceless water.

Please amend the legislation to require the completion of EA and EIS processes before more holdovers of revocable permits are granted (with the exception of municipal use) or defer the bill.

Please encourage and enable the DLNR to properly administer and regulate the sacred and priceless waters of our islands, and put a stop to the endless postponement of the EIS and EA processes that are the law of the land when long term usage of our public trust commons are concerned.

With the advent of climate change, and the prospect of prolonged periods of drought and water scarcity, it is your job to ensure that water is available to all water users, including the 'Āina and its animal and plant inhabitants in times of scarcity. Please remember your sworn oath to the Constitution and our State Motto, "Ua Mau ke Ea o ka 'Āina i ka Pono" and before you vote, please ask yourselves if the continual support of the act of bypassing the necessary EIS and EA processes is Pono.

I support 100% the licensing and leasing of public trust resources for our common good, once the cost externalities have been thoughtfully and thoroughly considered, and the public has a chance to weigh in. However, that is not what has been happening over the last decades.

Externalities must be considered, and environmental assessments must be made to assure that the resources within the public trust are protected.

I am an East Maui farmer reliant of the EMI for my water and one who has looked at Hawaii's transition out of the Plantation era for most of my life wondering what the post plantation era will look like.

While I support water security for agriculture, I oppose a hurried approach to water policy, especially when it contradicts the public trust doctrine.

The holdover permit process when renewed endlessly is a violation of the public trust, and long term water policies that reflect post-plantation era water use needs need to be carefully thought out and then enacted.

It is my sincere wish that the legislature will consider the intrinsic needs of the watersheds across Hawaii Nei, as well as those of the agriculture and municipalities that depend on them.

Perhaps it would behoove the Legislature to create a watershed task force to make recommendations that can be enacted into law, so our sacred and finite water resources can be safeguarded for our future generations, and for the 'Äēina.

It is my strong recommendation that the legislature look to recreate the watershed councils that existed across the Hawaiian Islands for hundreds of years to manage the water resources of each island's watersheds. Those councils were responsible to sustainably manage the waters and ensured adequate food production I that ahupuaa system of land management.

Watershed Councils that are statutory, and can make scientific and technological recommendations and advise the Legislature, the State Water Commission and the Department of Land and natural resources would also be a great step forward towards knowing more about what is happening inside the water rich areas of our state, and how to protect this invaluable resource.

The State of Oregon has locally elected watershed councils, as they adopted the model from Hawaii, which no longer uses this tool. These Oregon watershed councils effectively manage their watersheds, and advise regulators on sustainable and environmentally sound water use.

It is with deep respect and humility that I request these actions,

Me ka ha'aha'a

Simon Russell

Managing Member

Hui 'O MÄ• Iama 'Äēina LLC



SIERRA CLUB OF HAWAI'I

MĀLAMA I KA HONUA. Cherish the Earth.

HOUSE COMMITTEE ON FINANCE

February 20, 2019 2 PM Room 306

In **OPPOSITION** to **HB1326**: Relating to Water Rights

LATE

Aloha Chair Luke, Vice Chair Cullen, and members of the FIN committee,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i unequivocally **opposes HB1326** because it is a wholesale giveaway of our stream waters for private profit.

It is extremely disappointing to see local agriculture and renewable energy production used as shields for blatantly excessive stream diversions for the private profit of a few. The Sierra Club has a long history of supporting local agriculture and renewable energy. We know that our watersheds are abundant and can support all of these endeavors and more if the water is shared.

In response to questions and issues raised at the Water, Land, and Hawaiian Affairs Committee hearing, we have the following comments to add to our testimony in opposition to HB1326.

Producing sustainable energy from hydropower does not require the draining of streams.

Good Example of Hydropower	Bad Example of Hydropower
Hawai'i Electric Light Co.	Kaua'i Island Utility Coop
Two hydropower plants on Wailuku River	Two hydropower plants on Wailua River
EA complete, within 2 years ¹	No environmental review for 15 years
Uses appx. 1/3 of streamflow to produce electricity for 2% of customers	Uses most of streamflow to produce electricity for 1% of customers
Recently upgraded	Not upgraded
Diverts and returns water to stream of origin immediately	Diverts water permanently sending it to Grove Farms for free (who profits from it)
Pays state reasonable amount for water	Does not pay state reasonable amount

¹Final Environmental Assessment, HELCO Hydropower Plants on Wailuku River, October 2018. http://oeqc2.doh.hawaii.gov/EA_EIS_Library/2018-10-23-HA-FEA-HELCO-Wailuku-River-Long-term-Water-Lease.pdf#search=title:Wailuku

Successful local agriculture does not require open-ended stream diversions

For many decades, Alexander and Baldwin took more than its fair share of water from East Maui on empty and un-enforceable promises of diversified agriculture. As a result, streams in East Maui ran dry, native ecosystems were destroyed, taro patches shriveled up, and communities were up-ended. There is still very little diversified agriculture in Central Maui.

Mahi Pono is engaging in the exact same bad behavior as Alexander and Baldwin. **Before any water is diverted to Central Maui for diversified agriculture, the farmers of that land need to produce a farm plan that demonstrates how the water will be used.** Hawai'i's water law provides for this process. Mahi Pono can build trust with the community by withdrawing its support for HB1326 and publishing a farm plan.

Central Maui will not be immediately developed or dustbowed without East Maui water

A Central Maui turned urban jungle or arid dustbowl is a fear many people share. Sadly, this fear has been exploited to justify open-ended diversions of stream water from East Maui. While we share this concern for the future of Central Maui, we also know it is overstated. Central Maui will not be immediately developed or dustbowed if water is not diverted from East Maui streams. Why?

- 1) There is sufficient water available from storage, groundwater, and other streams that can irrigate fallow fields until a farm plan is developed and a formal water lease finalized.
- 2) Most of Central Maui is designated as Important Agricultural Lands. While lack of water can be one basis for removing the IAL designation on land, the process for determining that would trigger a contested case hearing before the Land Use Commission.

Support Ka'u Ranchers

The ranchers of Ka'u were notified in 2016 that their use of water from wells in the Ka'u Forest Reserve requires revocable permits and eventually a water lease. These ranchers use a small amount of water, compared to KIUC and A&B and have been actively producing food for many, many years. The water used by these ranchers is sourced from naturally impounded water, not streams. They did not know HRS §171-58 applied to them and have not had sufficient time to adapt. It is reasonable to extend the temporary revocable permit regime to the ranchers of Ka'u while they complete their water lease, including a state-funded environmental review.

HB1326 should not be passed without serious modification because it perpetuates decades of abuse and neglect of our streams -- **abuse** by corporate greed taking more than their fair share of the people's water and **neglect** by government regulators responsible for the stewardship of our natural resources.

Thank you very much for this opportunity to provide testimony to hold HB1326.

Mahalo,
Marti Townsend
Chapter Director

HB-1326-HD-1

Submitted on: 2/20/2019 7:28:58 AM

Testimony for FIN on 2/20/2019 2:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Leimomi Khan	Democratic Party of Hawaii, Hawaiian Affairs Caucu	Oppose	No

Comments:

We apologize for this late testimony. Decision to oppose was made last night after thoughtful discussion at a special meeting of the membership of the Hawaiian Affairs Caucus. We appreciate your consideration of our testimony in opposition to this measure for the reasons stated in our written testimony.



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

LATE

**HEARING BEFORE THE HOUSE COMMITTEE ON FINANCE
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 308
WEDNESDAY, FEBRUARY 20, 2019 AT 2:00 P.M.**

To The Honorable Sylvia Luke, Chair;
The Honorable Ty J.K. Cullen, Vice Chair; and
Members of the Committee on Finance,

TESTIMONY IN SUPPORT OF HB 1326 HD2 RELATING TO WATER RIGHTS

Aloha, my name is Pamela Tumpap and I am the President of the Maui Chamber of Commerce with approximately 650 members. I am writing share our support of HB 1326 HD2.

Agriculture has long been a staple on Maui and is vital to our County and State's sustainability efforts. As an organization that believes in the quadruple bottom line – economy, environment, social wellbeing, and culture – we seek to find a balance for the use of this precious resource to serve those needs. While each of those elements in the quadruple bottom line need water, the issue is transmission and priority. What we seek is a way to balance our use to support further development of agriculture, value-added manufacturing, development of affordable housing, new industries, and the environment.

Water is important to all agriculture and access to water is critical to agricultural planning. Therefore, we support the continuation of water permits because we are experiencing a major transition in our agriculture industry in Maui County with Mahi Pono's purchase of approximately 41,000 acres from A&B. They are actively engaged in planning farming operations and need certainty that they will have water availability, at least at the current capacity available now. Further, it is critically important that we as a community are able to maintain our water resources and the infrastructure surrounding them, which we have heard Mahi Pono plans to do. Therefore, to best help this new company support Maui County's agricultural industry, we support this bill.

Support for this bill also includes support for other industries, such as value-added manufacturing, affordable housing, the development of new industries who rely on water, and support for a greener Maui, which both residents and visitors enjoy.

Mahalo for your consideration of our testimony and we hope you will move the proposed HD2 for this bill forward.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.

LATE

HB-1326-HD-1

Submitted on: 2/20/2019 9:22:48 AM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Heather Kimball	Individual	Oppose	No

Comments:

Representative Scott K. Saiki, Speaker, House of Representatives
Committee on Water, Land, & Hawaiian Affairs

LATE

Makoa Freitas, 46-352 Ha'ikū Plantations Drive, Kāne'ohe, HI 96744

Wednesday, February 20, 2019

Opposition of H.B. No. 1326, Relating to Holdover Water Leases

Aloha mai kākou,

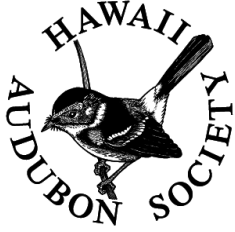
My name is Makoa Freitas, and I write this testimony in objection to the proposed House Bill 1326. My family and I reside on the island of O'ahu and together we live on a small Kūleana property (awarded in the 1850 Kūleana Act) in He'eia. The very nature of our Kūleana land grants us undeniable appurtenance rights, as well as riparian rights due to our property's location, as it sits on 'Ioleka'a Stream. Also due to our particular Hawaiian ancestry, our family also relies on customary access and gathering rights granted to us by Article 12, section 7 of the Hawai'i State Constitution, in which the state "shall" affirm and uphold these rights, as constitutionally mandated. As members of the general public, the protection of our rights to the water in those streams is obligated by the state as well.

Luckily, in the particular case of my family, there is no stream diversion above us to affect streamflow by our home. However, when looking at the precedence set forth by HB 1326, and understanding my position as a beneficiary to the same various rights held by those who are affected, I cannot help but question this bill. By continuing to allow these water permits to go on further uncontested, when diverters were given *explicit* and *timely* responsibilities to conform to, undermines the integrity of all of the rights previously listed above. The mere idea

that uncontested amounts of public, cultural, and natural resources are made available to these few permittees with private interest is absurd when looking at all the applicable law at hand. These proposed actions, notably, does not even begin to address the obligation of the state under Hawaii Revised Statute 1-1, and precedence from the 1995 PASH supreme court case, to which we must adhere to Hawaiian judicial precedence, of which the proposed legislation fails to take into consideration.

I write to you, the legislators, to deny this proposed bill, in the interest of all in Hawai'i, and all those to come in the future. Together, we must start the right precedence as an example for our children to follow. It does not require a Hawaiian cultural understanding to understand that water is life, and when we take water from where it belongs, we take life from where it belongs as well. I urge you, as the elected representation of the peoples of Hawai'i, to keep this in mind when balancing your judgement.

Ke Aloha 'Āina, Makoa Freitas



LATE

For the Protection of Hawaii's Native Wildlife
HAWAII AUDUBON SOCIETY

850 Richards Street, Suite 505, Honolulu, HI 96813-4709
Phone/Fax: (808) 528-1432; hiaudsoc@pixi.com
www.hawaiiaudubon.org

THE HOUSE
THIRTIETH LEGISLATURE
REGULAR SESSION OF 2019

RELATING TO WATER RIGHTS

Wednesday, February 20, 2019
2:00 p.m., Conference Room 308, State Capitol

HB 1326, HD1 and Proposed HD2
RELATING TO WATER RIGHTS

Chair Luke , Vice Chair Cullen and members of the committee, my name is Linda Paul and I am testifying **against** HB 1326, HD1, and **against** the proposed HD2 as a volunteer, President of and in behalf of the approximately 1800 members of the Hawaii Audubon Society. Both HD1 and the proposed HD2 would remove the three-year maximum time limit for holdovers of revocable water leases pending final resolution of an application for disposition of "water rights" and extend it to ten years.

There are no "water rights" to water resources under the Hawaii Constitution. Hawaii is not the wild, wild west. All state water resources are public trust resources held in trust for the people of Hawaii and are to be managed by the Board of Land & Natural Resources for the benefit of the people of Hawaii. Currently many entities have been redirecting, using and consuming public trust waters for private purposes under month-to-month revocable permits for years, often without having ever completed an EA or an EIS that assesses the impacts of their water removal actions on the watersheds, native and endangered species, and the cultural practitioners that this water supports. These private entities sell this public water and pocket the profits without ever paying for the use of it or restoring it to the watershed.

Instead of a bill that directs BLNR to enforce the three-year maximum time limit for holdover of revocable water leases, both HD1 and proposed HD2 extend the time limit to ten years. This time extension invites lawsuits against the State for mismanagement of public trust water resources in violation of the Constitution of the State of Hawaii. Please do not pass this bill.

Thank you for the opportunity to testify.

Linda M. B. Paul
President of the Hawaii Audubon Society 808-262-6859

From: Eliel Starbright <elielstarbright@gmail.com>
Sent: Tuesday, February 19, 2019 5:30 PM
To: FINtestimony
Subject: Fwd: Oppose HB1326

To: <FINtestimony@capitol.hawaii.gov>

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

My name is Eliel Starbright and I live in Kapaa Kaua'i. I feel strongly about you opposing Bill HB 1326 for several reasons. Any diversion of water without environmental studies and disclosure of how much water is going to be diverted beforehand should not be allowed. KIUC has been diverting Wai'ale'ale steam for years here on Kaua'i without quantifying their water needs and it has affected people downstream adversely. Nothing has been done about it that I am aware of to this date. We need to make sure that the water is not over utilized by developers or other parties. There is plenty of water to share for agriculture, renewable energy and native ecosystems.

Thank you for considering my request to oppose BillHB1326

Eliel Starbright
Kapaa, HI

finance8 - Joy

LATE

From: Fred Spanjaard <fred@globalmediaproductions.com>
Sent: Tuesday, February 19, 2019 5:14 PM
To: FINtestimony
Subject: Please VOTE NO on HB1326.!!!

Enough!

Please VOTE NO on HB1326

There is plenty of water to share. We can support the needs of small and large agriculture, hydropower, drinking water and stream life but only with the right political will.

Please do what is pono!

Mahalo,
Fred Spanjaard
Voter & Activist

Fred Spanjaard
Global Media Productions
808-875-8820 office
808-283-5365 cell
www.globalmediaproductions.com

LATE

From: Polli Oliver <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 5:03 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Polli Oliver

pollioliver@hotmail.com

From: Wendy Green <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 5:01 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

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Mahalo,

Wendy Green

deegreen15@gmail.com

From: Tasha Ferriman-Denison <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 4:58 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

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Mahalo,

Tasha Ferriman-Denison

808kaleolani@gmail.com

LATE

From: Judith Michaels <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 4:36 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

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Mahalo,
Judith Michaels,
Kihei, Maui 96753

Judith Michaels

jmichaelsmaui@gmail.com

From: Chase Irwin <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 4:35 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

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Mahalo,

Chase Irwin

chaseirwin@me.com

LATE

From: Noelani Ahia <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 4:27 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

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Mahalo,

Noelani Ahia

jennahia@yahoo.com

From: Myron Berney <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 4:23 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

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Mahalo,

Myron Berney

myberney@hotmail.com

LATE

From: Timothy Starbright <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 4:12 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

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Mahalo,

Timothy Starbright

elielstarbright@gmail.com

LATE

From: Alberto Genovia <vshe@me.com>
Sent: Tuesday, February 19, 2019 3:51 PM
To: FINtestimony
Cc: bridgethammerquist@hawaiiantel.net
Subject: HB1326

Representative Sylvia Luke,
Chair Committee on Finance

Aloha Ms. Luke and Members of the Committee,

My name is Alberto Genovia. I was born and raised on Kauai and I am very concerned about the taking of millions of gallons of water from Wai`ale`ale and Waikoko Streams. The State diversions operated by KIUC have been under an RP status for more than 15 years. For that entire time, KIUC has never given the public Notice of any environmental studies. We learned from OHA that they have attempted to perform 2 Cultural Impact Assessments, both of which were rejected. There has been no notice to the public and no public involvement in any environmental review. As a Kanaka Maoli and cultural practitioner, I am aware and have observed significant impact to these 2 streams. As recently as Feb. 5, 2019, the Waikoko Stream was completely dewatered below the dam in violation of a Land Board decision made 12/14/2018 that directed KIUC to leave a minimum of 1.6 million gallons daily to flow in Waikoko Stream. What KIUC is doing to 2 of our most sacred streams should not be allowed. I ask your help in not permitting this abuse of one of our most precious public trust resources, water. Our Supreme Court has said that no one should take water without first assuring public trust purposes are satisfied. In 15 years, KIUC has done nothing to make that determination. I work at KCC and I am actively involved with forest management plans and I am very concerned that the proposed bill, HB1326, totally undermines the protections intended by HRS 171-58, our State Constitution and ignores the Hawaii Supreme Court's decisions in the cases of Kauai Springs and Na Wai `Eha. There should be no further extensions of the RPs beyond what was in Act 126.

Sincerely, Alberto Genovia Kauai, Hawaii

Sent from my iPhone

LATE

From: charles reppun <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 3:49 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

charles reppun

leereppun@gmail.com

From: Dianne Poire' <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 3:46 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

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Mahalo,

Dianne Poire'

dianne.tol@gmail.com

LATE

From: Clyde Phillips <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 3:35 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

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Mahalo,

Clyde Phillips

c.s_phillips@hotmail.com

From: jonathan jay <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 3:34 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years. ENUF ARREADY, STOP THE PLUNDER!

Corporations like Alexander & Baldwin and Kaua'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application.

FIFTEEN YEARS AND STILL THEY HAVE FAILED to accomplish this. STOP KICKING THE CAN DOWNSTREAM. It is absolutely unjust for these corporations to receive yet another extension... WHILE THEY CONTINUE TO DRAIN OUR NATURAL ECOSYSTEMS TO CONVERT THE WATERS OF LIFE INTO MILLIONS OF DOLLARS.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

STOP CARRYING THEIR WATER!

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,
JONATHAN JAY
QUEENS ACRES, KAUA'I
15-01

jonathan jay

jjkauai@gmail.com

LATE

From: Jessica Murray <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 3:26 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

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Mahalo,

Jessica Murray

jessykaspirit@hotmail.com

From: Jessica Montanana <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 3:05 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

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Mahalo,

Jessica Montanana

hulakama@yahoo.com

From: Lurline Bettencourt <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 3:04 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Lurline Bettencourt

lurline94510@yahoo.com

LATE

From: Pua Laa <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 3:03 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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Mahalo,

Pua Laa

sacred.flower.productions@gmail.com

LATE

From: Pua Laa <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 3:03 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

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Mahalo,

Pua Laa

sacred.flower productions@gmail.com

LATE

From: Jennifer Ahia <jennahia@yahoo.com>
Sent: Tuesday, February 19, 2019 2:57 PM
To: FINtestimony
Subject: HB1326

Aloha esteemed representative,
I am writing to urge you ti vote No on HB1326. For far too long the management of our public trust has been wrought with corruption and theft of our precious wai. It's time to stand up to corporate power and listen to the overwhelming response of the community to oppose HB1326. Please stand on the pono side of history and vote NO.

*Aloha,
Jennifer Noelani Ahia L.Ac.*

LATE

From: Noy Worachit <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 2:50 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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Mahalo,

Noy Worachit

noyworachit12@gmail.com

LATE

From: Savannah Chavez <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 2:46 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

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Mahalo,

Savannah Chavez

schavez2695@yahoo.com

LATE

From: Kimberly Talanoa <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 2:41 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

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Mahalo,

Kimberly Talanoa

ktalanoa@yahoo.com



From: Landon Li <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 2:39 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

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Mahalo,

Landon Li

landonli@hawaii.edu



From: Cassandra Reyes <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 2:30 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

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Mahalo,

Cassandra Reyes

bigred110683@gmail.com

LATE

From: Kenneth Sugai <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 2:08 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

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Mahalo,

Kenneth Sugai

konaken@yahoo.com

LATE

From: Mehana <mehana@hawaii.edu>
Sent: Tuesday, February 19, 2019 2:06 PM
To: FINtestimony
Subject: HB1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

My name is Mehana Blaich Vaughan, and I am an assistant professor of coastal and watershed resource management at the University of Hawai'i at Mānoa, testifying as a private individual. I am concerned that HB 1326 violates and undermines our state's public trust doctrine, and the progressive and vital water laws based in Hawaiian history and cultural practice and grounded in our Hawai'i state constitution. These laws are some of the strongest and most protective of water as a public trust resource in all of the United States and they are vital to protect mountain to sea flow, stream ecosystems and the coastal ecosystems this fresh water feeds, as well as traditional and customary rights. Where streams have been restored in Hawai'i, fisheries have bounced back immediately, and customary uses with vital community and educational benefits such as lo'i kalo have been restored. Many communities across Hawai'i, including users on our home island of Kaua'i have long awaited restoration of flow by long time diverters. However, this law provides a mechanism to avoid environmental and cultural review, and to allow diverters to continue business as usual with little oversight. On Kauai, KIUC has been diverting nearly 100% of the baseflow of Wai'ale'ale Stream for over 15 years without needing to quantify it's water use needs, or appropriately assess the environmental and cultural impacts. This particular diversion is now under multi-party negotiations ordered by the water commission, which have been years in coming. A law such as this undermines these ongoing good faith efforts by all parties to find an equitable shared solution by removing public oversight. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture, when there is ongoing public review and discussion rather than perpetuation of existing diversions without question. Our waters and the people of Hawai'i deserve better.

Please don't undermine Hawaiian water law and protections on vital public trust resources protecting Hawai'i's precious waters. I ask you to oppose HB 1326.

Mahalo for your consideration

Dr. Mehana Blaich Vaughan
Kilaue, Kaua'i, Hawai'i

LATE

From: Holden Takahashi <holdenkt@hawaii.edu>
Sent: Tuesday, February 19, 2019 1:54 PM
To: FINtestimony
Subject: OPPOSE HB 1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

My name is Holden Takahashi and I am from Maui but am currently living in Moiliili on Oahu. The history of the mismanagement of water in Hawaii and the various means by which that mismanagement has been perpetuated is alarming. In the case of Maui in particular, where there will be a large scale land tenure shift after the closing of HC&S, this is an opportunity for us to work together to hopefully right a series of wrongs that have been done to this place, the resources, and the people for generations to come. The diversion of water has affected and displaced many Hawaiians and other families that have been relying on subsistence lifestyles in rural areas due to the lack of water, an integral source for sustaining life.

I strongly urge you to oppose HB 1326.

HB 1326 blatantly undermines Hawaii's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

On Kauai, KIUC has been diverting 100% of the base flow of Waialeale Stream for over 15 years without needing to quantify its water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion.

There is enough water to share equitably. Hawaii streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please dont perpetuate the generational theft of Hawaii's precious waters, oppose HB 1326.

Holden Takahashi, Moiliili

Pratt Law Hawai‘i, LLC

Sandra Ann Kau‘ionālani Pratt-Aquino, Esq.
45-735 Wainānā St., Kāne‘ohe, Hawai‘i 96744 (by appointment only)
P: (808) 393-1948 E: kauli@prattlawhi.com W: prattlawhi.com

LATE

RE: Testimony in Opposition, HB 1326 HD 1, Related to Water Rights

Aloha e Chair Luke, Vice Chair Cullen and members of the State House Finance Committee,

I respectfully submit this testimony in *strong opposition* to HB 1326 HD 1, related to water rights, in my personal capacity as a beneficiary of the Hawaiian Homes Commission Act, the Public Lands Trust and the Office of Hawaiian Affairs and as an active community member of Districts 48 (Kitagawa) and 49 (Matayoshi).

I also submit this statement, in my professional capacity, as a business owner and a licensed attorney with a Certificate in Native Hawaiian Law. In my community, specifically, the fight to restore water has been a fundamental part of our rich history with the issuance of the landmark Waiāhole decisionⁱ. In Waiāhole, the Supreme Court of Hawai‘i clarified the rights and obligations of the state to manage, protect and conserve water resources within the context of the Public Trust Doctrine, the Hawai‘i State Constitution and the Water Code.

HB1326 HD 1, respectfully, violates the Public Trust Doctrine and the state’s fiduciary obligation to manage water pursuant to the Hawai‘i State Constitution, Article 11, Sections 1 & 7, Article 12, Section 7 and Hawai‘i Revised Statutes 174C.

Under these laws, the State has an “affirmative duty” to protect and conserve water for the benefit of present and future generations and *must not* delegate such duty to any private entity. Further, the state must “not relegate itself to the role of a mere umpire passively calling balls and strikes for adversaries appearing before it, but instead must take the initiative in *considering, protecting, and advancing public rights in the resource at every stage* of the planning and decision-making process.”ⁱⁱ

In Waiāhole, the court stated, to “suggest that such a statute (like HB 1326) could extinguish the public trust, however, contradicts the doctrine's basic premise, that the state has certain powers and duties which it *cannot legislatively* abdicate.”ⁱⁱⁱ Unfortunately, HB1326 HD1 does that because it delegates *unregulated* and *unrestricted use* of our water to private entities for seven years under a holdover permit increasing the likelihood of legal challenges to the proposed bill.

The duty to regulate our water has been placed with the Commission on Water Resource Management (“CWRM”), not private entities. It is inappropriate and likely unconstitutional to

delegate such authority to private entities. Those who desire to divert our waters must comply with the requirements of the Water code and relevant administrative rules.

For over 150 years, the sugar elite held Hawai'i's water hostage "to drain rivers dry for whatever purposes they saw fit."^{iv} These corporations and private interests, depleted fresh water streams and ground water almost completely dry to feed their development projects, industries and profits. With them, they brought their massive ditch systems, diseases and capitalism, which ultimately bolstered their control over the islands. Native Hawaiians, specifically, have suffered tremendously from this because we were not able to practice our cultural rights, which are directly related to our well-being and our identity.

With the end of this era, Hawai'i is now offered an opportunity to right the wrongs of the past with the restoration of our streams for those who have waited over a century for it. We also have the opportunity to be more effective with our resources by mandating those who want to divert water to adhere to the requirements of the water code as they are written. The water code has sufficient protections in place to allow the state to properly discharge its duties.

The only parties to truly benefit from this bill are Alexander and Baldwin and Kauai Island Utility Service.

The measure gives Alexander & Baldwin a \$62 million bail out for water they were not authorized to promise to Mahi Pono. The public should not have to pay for their unconstitutional promise.

On Kauai, Kauai Island Utility Service is diverting 100% of the baseflow of the Wai'ale'ale stream for 1% of energy. This is unacceptable and in violation of our laws.

We should not be rewarding bad corporate actors. Instead, we should be holding them accountable.

I am recommending that our state leaders work closely with the small ranchers and farmers to come up with a compromise to protect their interest. It does not have to be included in this measure.

For these reasons, I respectfully urge you to oppose HB1326 HD1.

Mahalo,

Kau'ionānani Pratt-Aquino

Kau'ionānani Pratt-Aquino, Esq.

In re Water Use Permit Applications, 94 Hawai'i 97, (2000). ["Waiāhole"]

ⁱⁱ Id. at 143

ⁱⁱⁱ Id. at 131

^{iv} Robinson v. Ariyoshi, 658 P.2d 287, 311 (1982)

LATE

From: janice palma-glennie <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 1:20 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

Water is a Public Trust resource. HB 1326 HD2 would undermine that most important fact. that's why I'm asking you to STRONGLY oppose this bill.

Bill HB1326l would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

HB1326 undermines the public's right to their water supply by unfairly diverting it for corporate purposes. Please oppose this bill!

Mahalo,

janice palma-glennie

palmtree7@earthlink.net

LATE

From: Kathee LeBuse <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 1:16 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Kathee LeBuse

katheehawaii@gmail.com

From: Chad Martin <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 1:01 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Chad Martin

cmawty@gmail.com



From: Will Caron <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 1:00 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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Mahalo,

Will Caron

comicsbywill@gmail.com

LATE

From: John Naylor Naylor <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 12:58 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

John Naylor Makawao

John Naylor Naylor

jdancer@kula.us



From: Nicole Woo <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 12:58 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

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

I am OPPOSED to HB 1326 HD2 as currently written. This version of the bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Preferable language exists in HB 848, which instead allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

HB 1326 HD2 does not strike the right balance. Please either amend HB 1326 to follow the model set by HB 848, or adopt HB 848 instead.

Mahalo,
Nicole Woo

Nicole Woo

woonicole@yahoo.com



From: Israel Silva <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 12:54 PM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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Mahalo,

Israel Silva

josh@israelsilvahi.com



From: Lisa Martin <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 12:50 PM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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Mahalo,

Lisa Martin

casadycats@aol.com

LATE

From: Ron Lew <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 7:55 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Ron Lew

rlw60@yahoo.com



From: Natasha Fagasa <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 7:54 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Natasha Fagasa

rocksteady076@yahoo.com

From: Cameron Ahia <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 7:05 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Cameron Ahia

maheamoon40@gmail.com

From: Wally Inglis Wally Inglis <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 6:50 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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Mahalo,

Wally Inglis

Wally Inglis Wally Inglis

wallyinglis@yahoo.com

LATE

From: Dell Otsuka <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 6:50 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Dell Otsuka

otsukad002@hawaii.rr.com

From: amy loratta <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 6:46 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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Mahalo,

amy loratta

amyboyd@hawaii.rr.com

LATE

From: Michele Nihipali <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 6:42 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Michele Nihipali

nihipalim001@hawaii.rr.com

LATE

From: Randy Gonce <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 12:22 PM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Randy Gonce

rgonce@my.hpu.edu



From: byron baker <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 12:21 PM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

byron baker

bakersan@kula.us

LATE

From: Katrina Raphaell <katrinaraphaell@gmail.com>
Sent: Tuesday, February 19, 2019 12:11 PM
To: FINtestimony
Subject: Oppose HB 1326

OPPOSE HB1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

[Introduce yourself and where you live. Provide some specific info on why you oppose the ongoing theft of water and/or how streamflow diversion has impacted you or your community personally]

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

On Kauai, KIUC has been diverting 100% of the baseflow of Wai'ale'ale Stream for over 15 years without needing to quantify it's water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion.

There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.
Katrina Raphaell
Wailua Homesteads, Kauai

LATE

finance8 - Joy

From: Michael king <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 12:10 PM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

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Mahalo,

Michael king

michaelbingking@yahoo.com

From: Jonathan Boyne <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 12:09 PM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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Mahalo,

Jonathan Boyne

boyne@hawaii.edu

From: THOMAS TIZARD <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 12:01 PM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

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Mahalo,

THOMAS TIZARD

tizard8@hawaii.rr.com

KAPAPALA RANCH
P. O. Box 537
Pahala, HI 96777
808-936-2922



February 19, 2019

Members of the House Finance Committee:

Subject: HB 1326

We strongly SUPPORT HB 1326 and ask that you consider the nature of our business and the economic impact of paying for an Environmental Assessment of Makakupu Tunnel. We inquired last year on how we would be compensated for the cost if we were an unsuccessful bidder and at that time there were no provisions known by the DLNR. Since then I located an EA which was done in the early 1990's (authored by the DLNR) for Makakupu and find that it may not be suitable under current EA standards.

I would also like to ask for your consideration in supporting this Bill for the reason of this past volcanic event and the impact it has had on the District of Ka'u. For the past ten months our ranch has been struggling with the ash fallout and the negative impact it has had on the livestock, a multitude of earthquakes, and the most difficult task of receiving hundreds of cattle from the lava zone in Kapoho.

Background:

Kapapala Ranch holds RP 7054 and uses the water from Makakupu Tunnel for livestock operations which are entirely on State-owned land. Aside from watering livestock, the water serves wildlife, endangered species (Nene), and is available for quick response to remote wildfires. Makakupu Tunnel was completed in 1926 and is an underground man-dug tributary system over 4000' long. The entrance to the horizontal shaft is perched on top of a 400' canyon, at the top of Wood Valley. The tunnel is remote requiring experienced hiking ability to access and it is constantly caving in, making it a precarious resource to a very large property.

We have operated the Ranch since 1977. For the first 17 years we tried time after time to have the State put this water source back up for long-term issue as it was the only source of water servicing 34,000 acres of the Ranch and would prove to be expensive to maintain. In 1983 a 6.9 earthquake rendered the water source broken and useless. The Ranch with it's own resources and cost-shared money excavated the tunnel over a 6 month period, not only bearing the cost of reconstruction but incurring the expense of hauling water to livestock at a rate of 20K to 30K gallons per day. Still the State put no long-term value on this water resource and it was

not until 1994, 10 years later, that under Act 237 we were able to secure a 35 year lease on the land but not the water. We were issued GL 5374 (for the land) and RP 7054 (for the water).

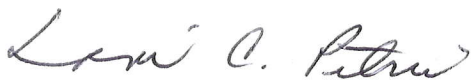
In 2005 the water permit holders in Ka'u started a community based water cooperative, the Ka'u Agricultural Water Cooperative District (a legal entity that held a DCCA license with the State of Hawaii). We engaged the State to work with us to secure long-term use of these water resources. We met monthly for over 10 years trying to get the water transferred from the DLNR to the Agricultural Development Corporation, ADC. We worked closely with our legislators to get money allocated for the project which included very costly surveying of water sources in the Ka'u Forest Reserve. There was funding approved by the Legislature for this project. Coupled with a community based group of hard working farmers and ranchers we had faith that the water resources would finally be granted long-term use.

It all came to an end with Judge Nishimura's ruling and the subsequent Act 126 in 2016. Our water cooperative served no purpose at this point. It became every water permittee fending for himself with each of us filing an application for the license to use the water.

Again, we ask that you support HB 1326.

Respectfully submitted,

KAPAPALA RANCH

A handwritten signature in cursive script that reads "Lani C. Petrie".

Lani C. Petrie

From: Pualei Mo'okini-Oliveira <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 11:51 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

Let us get our priorities straight! I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance. Please take this into strong consideration.

Mahalo,

Pualei Mo'okini-Oliveira

Pualei Mo'okini-Oliveira

kapualei@yahoo.com

LATE

From: Beryl Blaich <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 11:44 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed.

Seventy-two years old and part Hawaiian, I grew up on Oahu and have resided on Kauai since 1979. I took heart in the 1978 Con Con actions that affirmed that precious stream water had to be shared, rather than diverted and stored in the interest of one user. I watched and supported the protracted community and legal struggles at Waiahole-Waikane, the Hamakua area on the Big Island and Maui.

Though it has taken so long and cost so much money and wasted so much time, ultimately state law and common sense and justice, have required that water be shared. Sharing water requires negotiation which Kaua'i's respected and effective electric cooperative has already demonstrated can occur.

Please vote against HB 1326 which, wastefully for all concerned, prolongs the inevitable.

Thank you.

Beryl Blaich

punab4@gmail.com

From the desk of

LATE

Donovan Kanani Cabebe

February 19, 2019

TO:

**House Finance Committee Chair person: Silvia
Luke, Vice Chair: Ty J.K. Cullen**

RE: HB 1326

HOUSE OF REPRESENTATIVES

THIRTIETH LEGISLATURE, 2019

STATE OF HAWAII

Aloha,

My name is Donovan Kanani Cabebe. I am writing today in strong opposition to HB 1326. This bill undermines the law and is a betrayal of the public trust. Large water diverters, such as KIUC and Grove Farm on Kaua'i have been abusing temporary water permits for years. What happens in 7 years when they still haven't converted to long term leases? Some had over 15 years to comply, were given another 3, and now need another 7? There is plenty of water to share. We can support the needs of small and large agriculture, hydropower, drinking water and stream life but only with the right political will. It is not the responsibility of the state to accommodate and protect the will and interests of the large corporations currently in control of and illegally diverting water in the state. Our most valuable resource should not be treated with such poor regard, The of more than 100 year old practice of diverting water in the manner that is currently done cannot continue and has contributed to what amounts to ecological genocide. Entire species have been at risk of extinction or gone extinct entirely, natural habitat erased from the land scape and is affecting the livelihoods and traditional practices of Hawaii's host culture peoples. Hawaii's water laws are some of the best and most stringent in the world, are forward thinking and in line with Hawaiian ethics. We lead the way the world over in protecting this vital resource on paper. I ask this committee to continue to lead the way in practicality by upholding the law as it is and not allow the continued misuse and abuse of our water and that of the publics trust. Please vote against HB 1326.

Sincerely,

Donovan Kanani Cabebe O.C.

po box 1056 Koloa, HI. 96756

LATE

From: Sharon Goodwin <sharonmokihana@gmail.com>
Sent: Tuesday, February 19, 2019 11:34 AM
To: FINtestimony
Subject: Oppose HB 1326

Aloha Rep Luke,

I, Sharon Len Goodwin, resident of Kaua`i Island, oppose HB 1326 which will continue to allow stream waters to remain captive and allow corporate hoarding of those waters for another 7 years. On Kaua`i, I speak specifically of the waters of Wai`ale`ale and Waikoko Streams, both public accessible streams and both protected by the Public Trust. KIUC utility coop has lied to the Legislature since 2004 to obtain Revocable Permit S-7340, saying their use of stream waters is non-consumptive, WHEREAS it was every bit CONSUMPTIVE, to this day!

HRS 171-58 clearly states NON-CONSUMPTIVE use. HRS 171-58 is an environmentally forceful set of laws, and should be enforced, not stripped! Please do your duty to protect the Public Trust and oppose HB 1326.

Sincerely,
Sharon Len Goodwin
PO Box 446, Kapa`a, HI 96746
808-631-7792

From: Ken Stover <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 11:34 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Ken Stover

kstover@maui.net

finance8 - Joy

LATE

From: Gabriela Taylor <gabrielataylor40@gmail.com>
Sent: Tuesday, February 19, 2019 11:10 AM
To: FINtestimony
Subject: Oppose HB1326

Dear representatives.

Water must be conserved for protection of stream resources. Please highlight HB 848 and deny HB1326, which undermines our public trust rights.

Thank you, Gabriela Taylor
Resident: 1010 Kealoha rd Kapaa HI 96745

LATE

From: Paulette Stone <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 11:06 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Paulette Stone

kaleok@hawaii.rr.com

LATE

From: Liza Franzoni <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 11:05 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Liza Franzoni

mamakigirl@gmail.com

LATE

From: Martha Martin <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 11:04 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Martha Martin

mauimartina@gmail.com

LATE

From: Liza Franzoni <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 11:05 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Liza Franzoni

mamakigirl@gmail.com

From: Laura Ramirez <lauraramirez87@hotmail.com>
Sent: Friday, February 15, 2019 7:14 PM
To: FINtestimony
Subject: VOTE NO on HB1326



Aloha,
Please defend our streams from corporate exploitation!

Protect our streams and take a stand against the corporate control of Hawai'i's lawmaking process.

VOTE NO on HB1326.

Large water diverters, such as A+B on Maui and KIUC and Grove Farm on Kaua'i have been abusing temporary water permits for years. Historically, when things (like court rulings) haven't gone in A+B's favor, they (being some of the largest campaign contributors in the state) have the laws changed. They did it in 2016, and they are doing it again now. This time, the big corporate diverters are using the little farmers and ranchers as their shield, but we aren't buying it.

When the courts determined that the BLNR process of issuing holdover permits was not legal, the legislature literally wrote a new law. Act 126 (HB2501) gave the holders of the revocable water permits 3 years to conduct environmental assessments or EIS and apply for long term leases. Well the 3 years are up this summer, and how many of those permit holders converted to long term leases in that time frame? ZERO!

The elephant in the room is that A+B has to return \$62 million to new Maui landowners Mahi Pono if they can't deliver the water.

So now they want the legislature to make new laws to give them more time. They originally shot for an indefinite extension, but last Friday's committee hearing defined the period as 7 years. What happens in 7 years when they still haven't converted to long term leases? Some had over 15 years to comply, were given another 3, and now need another 7?

Enough. There is plenty of water to share. We can support the needs of small and large agriculture, hydropower, drinking water and stream life but only with the right political will.

Mahalo,
Laura Ramirez and the Bettencourt family
Kapa'a, Kauai

From: Tony Radmilovich <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 11:02 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Tony Radmilovich

radmilovich@yahoo.com

From: Donald Erway Erway <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 11:01 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Donald Erway Erway

der1way@earthlink.net

From: Marty Martins <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 10:52 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

Start protecting ALL of the citizens including the small farmers!

Mahalo,

Marty Martins

mauimanokane@gmail.com

finance8 - Joy

LATE

From: Dustin Barca <barca808@hotmail.com>
Sent: Tuesday, February 19, 2019 10:45 AM
To: FINtestimony
Subject: Bill HB 1326

I strongly Oppose HB 1326

It blatantly undermines Hawaii's public trust Doctrine. These attacks on corporatism of our natural resources is wrong and illegal . Please say Nay to HB 1326.

Mahalo Nui.

Dustin Barca

Ohana O Kaua'i

Ohana Farms .

LATE

From: Michael Goodwin <goodwinkip@gmail.com>
Sent: Tuesday, February 19, 2019 10:44 AM
To: FINtestimony
Subject: Oppose HB 1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I urge you to oppose HB 1326.

I live in Wailua Homestead, in the Wailua watershed that has had its upstream waters massively diverted since the early 20th century. My constitutional right to recreate in a preserved natural environment, one of the four uses guaranteed under the Public Trust Doctrine, is violated each time an annual revocable permit (RP) is granted to Kauai Island Utility Cooperative (KIUC).

Do not abet KIUC's continued flaunting of the law. Under HRS 171-58c(3), a lease is required to use Public Trust water, and its issuance requires requisite studies and permits. While water users elsewhere are complying with the law, KIUC, after 14 years of RP's, has not taken the first step.

Their use, generating electricity (now down to less than 1% of total output since the recent introduction of the Lawai Solar and Battery Storage Facility), "consumes" the water. (It is not returned to the stream of origin). Consequently KIUC has skated on paying the usage fee to the State, resulting in a LOSS OF ESTIMATED \$7M IN REVENUE since KIUC's first revocable permit was issued in 2004.

KIUC's use of water taken from Waikoko and Wai'ale'ale streams violates the State Constitution, the Water Code, and specifically HRS 171-58. Please uphold the law. Oppose HB 1326.

Thank you for your consideration,
Kip Goodwin



HAWAI'I
CENTER FOR
FOOD SAFETY

LATE

**House Finance Committee
Hawai'i Center for Food Safety strongly opposes: HB1326**

Dear Chair Luke, Vice-Chair Cullen, and members of the committee,

My name is Autumn Ness and I am the Co-Director of the Hawai'i Center for Food Safety. HCFS is a nationwide public interest, sustainable agriculture nonprofit organization whose mission centers on supporting the increase of sustainable local food production, and increasing public transparency in food production. We have over 1 million farmer and consumer members across the country, including nearing 10,000 in Hawai'i.

I am writing in strong opposition to HB 1326. HCFS works in communities across the State to support local, sustainable agriculture, and is concerned about the water needs of our small, local farmers being used to support HB 1326. We must find a way to regulate water use by the largest diverters, while also protecting the interests of our small farmers and ranchers. We have kuleana to the communities and ecosystems that rely on mauka to makai connectivity to ensure that minimum flow standards are protected. There is enough water to ensure that all of these needs are met, and HB 1326 is not the way to do it.

Mahalo nui loa for opposing HB 1326, and working to find a better solution that serves everyone's needs.

Autumn Ness, Co-Director
Center for Food Safety, Hawai'i Program

LATE

From: Shelly Young <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 10:44 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Shelly Young

shell.m.young@gmail.com

From: Gary Passon <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 10:44 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

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Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Gary Passon

gary@alohaaku.com

LATE

From: Barbara George <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 10:32 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Barbara George

barbarageorge40@yahoo.com

LATE

Aloha e Chair Luke and Honorable Finance Committee - Please reject 1326, as written, as it is contrary to the protective intentions of HRS 171-58 and the environmental safety net provided by that statute. Water leases should not be for 30 or 65 years. Our climate and electrical generation abilities are changing too rapidly to make decisions on weather patterns in 2080.

This bill has serious financial implications to the State and state agencies dependent upon their share of lease revenue, like Department of Hawaiian Home Lands (30% entitlement) and the Office of Hawaiian Affairs (20% entitlement). The serious negative impacts to those protected beneficiaries of postponing the lease revenues, while exhausting the resources, have not been considered.

HB 1326: should be amended to include the requirement of a status report, on the progress of environmental studies required by the HRS 171-58 process, to be included in the annual report to the Legislature.

HRS 171-58 requires:

1. Conservation District Use Permit Application
2. Environmental Impact Study
3. Watershed Management Plan
4. Habitat Conservation Plan

The status of each of these integral studies must be included in the annual Water Rights Disposition Report, with the dates of Public Hearings held. Applicants should show progress, or explain the lack of, before being considered for automatic permit roll over. Lack of compliance or progress should cease use of Public Trust waters.

On my island, Kauai, the Kauai Island Utility Cooperative first received a Revocable Permit for use of Wai`ale`ale and Waikoko Stream waters, draining the Conservation District of the Lihue-Koloa Forest Reserve in 2003. Wai`ale`ale Stream is the most

culturally significant stream on Kauai, but her baseflow waters were 100% by KIUC, to generate hydropower.

KIUC was required to perform the required studies and obtain permits (Conservation District Use Permit, Environmental Impact Statement, Watershed Management Plan and Habitat Conservation Plan under HRS 171-58), but **they have not started this process, yet, after 15 years!** HB 1326 would give them another 7 years to complete (begin) the studies they were told to do 15 years ago. They have not completed an accepted Cultural Impact Assessment, begun in 2004, on the impacts of drying up the most spiritually significant water on our island.

An Environmental Impact Study takes about a year and could cost a million dollars. KIUC has received hydroelectric income from these water diversions for 15 years already, but they have **not begun** the required studies. Why should they get another 7 years for failure to perform? Why should DHHL and OHA have to wait for 7 more years for lease revenue?

KIUC told state agencies and the Legislature that their use was “non-consumptive” - that they only use 5% of the water. Their permit rate of about \$100 day/14 million gallons per day was based on that 5% allegation. In the first and all subsequent Water Rights Disposition Reports, the State declared KIUC’s water use to be “consumptive” as no water is returned to the stream of origin, as required in HRS 171-58. KIUC has not been backbilled for this underpayment, yet. Their annual permit rate has not been corrected, yet. KIUC is in non-compliance with their application, yet their permit is receiving annual rollovers.

It is up to this Committee to hold KIUC, and other long-term rollovers financially accountable to the parameters of HRS 171-58. Reject the Holdover Blanket that permits corporations to operate without environmental scrutiny or correct payment to the

state for Public Trust resources. KIUC is a prime example of why this bill should not pass, as written. Amend HB 1326 to mandate status reports to be included in the annual Water Rights Disposition Report. Failure to complete required studies should cease use of the Public Trust water diverted from streams.

Mahalo for upholding the requirements of HRS 171-58.

Do not allow the waters of Wai`ale`ale to be diverted without scientific or cultural consideration for the next 7 years.

Hope Hamilton Kallai



WAI`ALE`ALE STREAM SHOULD NOT BE DIVERTED, ESPECIALLY WITHOUT SCIENTIFIC OR CULTURAL CONSIDERATIOINS.

From: Kaniloa Kamaunu <bkofmor@gmail.com>
Sent: Tuesday, February 19, 2019 10:25 AM
To: FINtestimony
Subject: Oppose to HB 1326

Aloha Mai Ka Kou,

Kaniloa Kamaunu kou inoa, kanaka maoli, mokupuni 'o Maui, moku o' Wailuku, ahapua'a Waihee, Kuleana tutu kane Pi'imaiwa'a.

I am in opposition to HB 1326 which continues to give support to corporations such A&B who for over a hundred years have proven not to be good stewards of the wai (water).

Examples:

- 1) Diversions of streams have diminished their natural flow quantities and flow patterns .
- 2) Diminished recharge of the aquifer.
- 3) Lack of recharge has threatened the breaking of the water lens which could potentially lead to contamination.
- 4) In recent years failure to maintain their diversions and ditches have lead to water being wasted and in some instances have caused life threatening circumstances and property loss or damage.
- 5) Lack of natural water flow due to their diversions have destroyed many of our native species of aqua life which are a natural food supply (o'opu, opae, prawns and hiiwai).
- 6) The mpact to the shorelines especially to the reefs have been devastating the build up of silt which washes into the ocean smothers and kills it.
- 7) Due to the lack of enough fresh water entering the ocean and reefs being killed we have lost much of our needed natural food sources such as the limu and fish.
- 8) Their blatant use of poisons and fertilizers which were band on the continental United States they bought and used here for decades which has contaminated the land and water.
- 9) Denying the KANAKA Maoli Kuleana heirs from their Hawaii Kingdom Constitutional vested birth rights recognized by the State of Hawaii's 1976 Constitution article 12 section 7 by redeverting or blocking ancient waterways.
- 10) Denying Kanaka Maoli their responsibility and rights to access to malama aina malama kupuna caring for the waterways.

These are some of many examples of why corporations such as A&B, EMI, Wailuku Water Co. and others throughout the State of Hawaii have proven they are detrimental to the health and well-being of Hawaii and it's people. So you who sit upon this commission have sworn an oath to protect the resources for all the people not CORPORATIONS must do your duty and deny HB1326.

Mahalo,
Kaniloa Kamaunu

LATE

From: DANIEL Gardner <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 10:21 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

DANIEL Gardner

daniel.dano.gardner@gmail.com

LATE

From: Janne Watson <jannevision@gmail.com>
Sent: Tuesday, February 19, 2019 10:14 AM
To: FINtestimony
Subject: HB 1326

Subject Line: OPPOSE HB1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

[Introduce yourself and where you live. Provide some specific info on why you oppose the ongoing theft of water and/or how streamflow diversion has impacted you or your community personally]

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

On Kauai, KIUC has been diverting 100% of the baseflow of Wai'ale'ale Stream for over 15 years without needing to quantify it's water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion.

There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.
Jan Watson

finance8 - Joy

LATE

From: sparrow garylee <tyngary@gmail.com>
Sent: Tuesday, February 19, 2019 8:02 PM
To: FINtestimony

I vote in opposition to HB1326 because i am hawaiian and the land is sacred. No one should lie, cheat, or steal from their mother. Water is Life. Thank you so much.

From: Denise Boisvert <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 10:11 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I strongly OPPOSE HB1326 because this bill is fundamentally wrong, for many reasons, and everyone knows it.

Is HB1326 getting special consideration because it will benefit the great and mighty Alexander & Baldwin, a powerful and domineering company that has a shameful history of taking land and everything on it from the Hawaiian people? It certainly won't benefit the farmers and fishermen who depend on the water A&B has been stealing for almost two centuries.

Please do not allow A&B to continue to dictate what happens in Hawaii and to control the water that belongs to the people.

A&B begged for and agreed to a deadline years ago; that time has come. They must honor it.

Mahalo,

Denise Boisvert

infofordenise@yahoo.com

From: Hunter Heavilin <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 10:07 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Hunter Heavilin

huntersh@hawaii.edu

From: Kaniela Tuipulotu <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 8:07 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Kaniela Tuipulotu

kanielatuipulotu@yahoo.com

LATE

From: Kaniela Tuipulotu <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 8:05 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Kaniela Tuipulotu

kanielatuipulotu@yahoo.com

From: Pamakane Pico <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 8:04 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Pamakane Pico

oceandreamerflorals@gmail.com



From: Kim Jorgensen <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 10:03 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I cannot express enough how STRONGLY I OPPOSE Bill 1326.

This is really a No-Brainer; Alexander & Baldwin have controlled most of the water in the Hawaiian Islands for almost two centuries. Enough is enough.

Bill 1326 will continue to deprive local farmers and fishermen access to their ancestral streams.

Please be on the right side of history with your decision on Bill 1326 by not passing it.

Mahalo,

Kim Jorgensen

hawaiicondo@yahoo.com



From: Shylyn Purdy <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 8:16 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Shylyn Purdy

kawailahia.aloha@gmail.com

From: Donna Sue Shepherd Shepherd <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 9:58 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Donna Sue Shepherd Shepherd

dsue@hawaii.rr.com

From: Ron Rodarte <highwayron@gmail.com>
Sent: Tuesday, February 19, 2019 9:55 AM
To: FINtestimony
Subject: Oppose HB 1326 - damaging in an era of catastrophic climate disruption

Aloha Chair Luke, Vice Chair Cullen and committee members,

I respectfully request that you oppose HB 1326.

In an era of catastrophic climate disruption there are no guarantees to natural processes, nor to the natural island systems that support life-giving environments to the indigenous and rare biota that graces our island counties and ecosystems.

The legal framework of HB 1326 de-regulates environmental studies to some degree, creates possible loopholes for large infrastructure developers, and removes important requirements protecting a biota of the island-communities.

To forestall or to reduce the necessary EIR studies that protect our common indigenous and natural biota is not the path to lead the fragile and diverse living biota of the Hawaiian Islands.

Our island-communities must be more vigilant in protecting our natural, rare and fragile ecosystems.

The State of Hawaii cannot be complacent implementing shortcuts to the biota and ecosystems inherent to our island State.

HB 1326 acts contrary to Hawaiian ecological needs.

I urge you to oppose HB 1326.

Respectfully submitted,

Ronald Stacy Rodarte
4734 La'e Road 2
Kalaheo, HI 96741

highwayron@gmail.com

3209 Calle Quieto
San Clemente, CA 92672

LATE

From: Nancy McGee <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 9:54 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Nancy McGee

Ecowomam77@yahoo.com



From: Mary O'Brien <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 9:52 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Mary O'Brien

mobrien7@hawaii.rr.com

From: Micaela Coberly <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 9:51 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Micaela Coberly

caelacobe@gmail.com

LATE

From: Stacey Gray <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 9:43 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am a student at UH Manoa Richardson law school and I am writing in opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to former sugar companies, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years. This is unacceptable and does not comply with our State Constitution or the state water code.

Alexander & Baldwin and Kaua'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for them to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop. Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

Mahalo,

Stacey Gray

staceyfg@hawaii.edu

LATE

From: Stacie Burke <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 9:40 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Stacie Burke

eczema78@gmail.com

LATE

From: petra zoeller <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 9:33 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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Mahalo,

petra zoeller

4chetanaa@gmail.com

LATE

From: Kealii Makekau <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 8:30 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Kealii Makekau

kealii@lava.net

LATE

From: Cindy Fong <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 8:27 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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Mahalo,

Cindy Fong

cin.fong@gmail.com

From: Fern Rosenstiel <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 9:23 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Fern Rosenstiel

fernnygirl@yahoo.com

From: Carole Rodrigues <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 9:21 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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Mahalo,

Carole Rodrigues

carolemarlise@gmail.com

From: Darlene Azar <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 9:15 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Darlene Azar

azardaa@sbcglobal.net

LATE

From: Shari Grounds <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 9:15 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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Mahalo,

Shari Grounds

sharil5@aol.com

From: Thomas Heartfield <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 9:14 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

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Mahalo,

Thomas Heartfield

tomas@talkinghearts.com

From: William Scott <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 9:06 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

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Mahalo,

William Scott

scottinps@gmail.com

From: Joan Heartfield <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 9:06 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

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Mahalo,

Joan Heartfield

joan@talkinghearts.com

From: David Sofio <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 9:04 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

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Corporations like Alexander & Baldwin and Kaua'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

Tell us, would any private citizen receive this accommodation, the State falling prostrate? Mark Zuckerberg? Bill Gates? *Imagine* the public outcry if such a scenario were to occur.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

David Sofio

d.sofio@gmail.com

From: Diane Ware <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 9:00 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

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Mahalo,

Diane Ware

volcanogetaway@yahoo.com



From: Paul Miller <cruzermilp@gmail.com>
Sent: Tuesday, February 19, 2019 8:56 AM
To: FINtestimony
Subject: Oppose HB1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

My name is Paul Miller and I live in Kapaa Kaua'i. I feel strongly about you opposing Bill HB 1326 for several reasons. Any diversion of water without environmental studies and disclosure of how much water is going to be diverted beforehand should not be allowed. KIUC has been diverting Wai'ale'ale steam for years here on Kaua'i without quantifying their water needs and it has affected people downstream adversely. Nothing has been done about it that I am aware of to this date. We need to make sure that the water is not over utilized by developers or other parties. There is plenty of water to share for agriculture, renewable energy and native ecosystems.

Thank you for considering my request to oppose Bill HB1326

Paul Miller
Kapaa, HI

LATE

From: Hoku <heleolani@yahoo.com>
Sent: Tuesday, February 19, 2019 8:53 AM
To: FINtestimony
Subject: NO on HB1326

HB1326 is sad, shame and not pono. The depletion of our most sacred and revered waters being diverted and monopolized is a big hewa and causing pilikia. We need to come up with a fair, streamlined process. If you cater to big money, the people will stand. Stand with the people. Do not allow these corporations to change laws so they can continue their hewa lawfully. Ola i ka wai!

Mahalo,
Hoku Cabebe

From: Dustine Aiu Aiu <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 8:53 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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Mahalo,

Dustine Aiu Aiu

aiudustine@gmail.com

LATE

From: Barbara Nosaka <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 8:51 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Barbara Nosaka

barbrick@hawaiiantel.net

LATE

From: Michelle Williams <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 8:49 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

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Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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Mahalo,

Michelle Williams

WAHINEILIKEA75@GMAIL.COM

LATE

Aloha,

The following text and attached file serves as documentation of my testimony **objecting** to the proposed change to HRS 171-58 that will give water diverters seven more years beyond the three year drop dead date they were given in 2016 to convert their revocable permits to leases. To clarify, as a qualified expert witness I **object to any further extension of time** that would be granted to Kaua'i Island Utility Cooperative (KIUC), on the grounds that **they have not sufficiently satisfied water code requirements regarding cultural resources and native Hawaiian cultural practitioners.**

Simply put, *Ola i ka wai*, water is life.

On the island of Kaua'i, there is a unique classification system regarding *heiau*, or native temples and sacred sites. According to noted local historian and former Kaua'i Historical Society board president Randy Wichman, pools of water such as Ka'awako at the top of Wai'ale 'ale and Pihanakalani along the Wailua River are both considered *heiau* ("History of Wailua," August 2016; <https://www.youtube.com/watch?v=04HUMqa4fnE&feature=youtu.be>). Pihanakalani is specifically known as a home to akua (gods) and ali'i (nobility) ("Hanohano Wailuanuiaho'āno: Remembering, Recovering, and Writing Place," by Ku'ualoha Ho'omanawanui in *Hūlili* Vol. 8 2012).

The natural setting at these and other pools is such that the water itself serves the purpose that stone architecture serves elsewhere (Wichman 2016, see above). Similarly, certain springs of water in Kaua'i were considered *heiau* (*ibid.*). Diverting water from these sacred features constitutes a direct adverse effect on a cultural resource that has not yet been addressed by any environmental impact documents, and is not allowable under Hawai'i state law.

The Office of Hawaiian Affairs (OHA) documented its commentary in November 2017 regarding the cultural assessment performed on behalf of KIUC, noting several key areas needing improvement (Crabbe 2017). Among these were the fact that the assessment did not determine the extent of impacts to cultural resources and Native Hawaiian practices, and provided insufficient community consultation (*ibid.*). Further, OHA states that the research should have utilized Land Commission Awards along with other documentation to "identify the scope of traditional gathering and agricultural practices" (*ibid.*:6).

Hawai'i state law values water as property of native Hawaiian people, and is of special importance to native cultural practitioners. Water nourishes the Hawaiian plants (indigenous and Polynesian-introduced) that are a foundation of diverse ecosystems, culture, and traditions, and that provide Kaua'i with significant educational, scientific, and socioeconomic benefits (Office of Hawaiian Affairs: Hawaiian Plants; <https://www.oha.org/hawaiianplants>). These include nutritional value, medicinal value, lei making, and cultural ceremonial use. However, Hawaiian plants have been replaced, displaced, or otherwise forgotten from many areas where they formerly thrived, with hundreds of species now on the verge of extinction (*ibid.*). Restoring

water flow as quickly as possibly will restore the surrounding ecosystems and replenish the cultural landscape as well.

In 2014, the Nā Wai ‘Ehā case served as an example that, according to Hawaiian state law, water is a public trust and not private property. Such resources cannot be diverted without considering the impact on Native Hawaiian traditional and customary practices, stream and ocean ecosystems, and drinking water (“OHA hails water’s return to Maui Streams,” in *Ola i ka wai*; <https://www.oha.org/news/oha-hails-waters-return-to-maui-streams-after-more-than-a-century/>. Restoring this stream flow on Maui was seen as a step forward in ongoing efforts to enforce the Hawaiian state law prohibiting individual entities from draining rivers and streams for private profit.

The Hawai’i State Constitution has a Public Trust Doctrine that protects the waters of the State, providing that water must be protected for people of today and the future. In assuring its protection, the Court has recognized that any use of water must first assure the sufficiency of water to satisfy the four recognized public trust purposes, chief among them the needs of Hawaiians to support their traditional/cultural and customary practices. In sum, the legal and ethical choice regarding the proposed change to HRS 171-58 is to **restore water flow as soon as possible**.

Regarding my qualifications, I have been employed in the disciplines of archaeology and anthropology continuously since 2001, earning my M.A. in Anthropology with an emphasis in archaeology in 2003, and a B.A. in Anthropology with a minor in Biology in 2000. From 2004 through the present, I began authoring, co-authoring, and editing historical/ archaeological impact assessments according to federal, state, and local statutes, contributing to hundreds of Environmental Impact Reports. In the summer of 2015, I served an internship in the office of the Kaua’i Lead Archaeologist for the State Historic Preservation Division (SHPD), and have since written on behalf on non-profit organizations on Kaua’i.

Mahalo for this opportunity to provide my testimony,
-Deirdre Encarnación, M.A.-

Ola i ka wai

LATE

From: C Mellor <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 8:40 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

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Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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Mahalo,

C Mellor

cjmellor626@yahoo.com

From: Mary Elizabeth Rey <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 8:31 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

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Mahalo,

Mary Elizabeth Rey

elizabethmacrey@yahoo.com

From: Amy Markel <amarkel@hawaii.edu>
Sent: Tuesday, February 19, 2019 8:25 AM
To: FINtestimony
Subject: OPPOSE HB1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

My name is Amy Markel, I'm currently a graduate student at the University of Hawai'i at Manoa, living in Manoa now, but previously lived in Princeville on Kaua'i.

I study Natural Resources and Environmental Management, and am especially interested in the health of our reefs and the connection to land-based pollutants, and streams. The diversion of water from their natural course reduces the amount of freshwater entering our oceans, which has impacted our limu (seaweed) species that can be found. We are seeing a decline in the species of limu that can be found.

In addition to this, the diversion of this water greatly impacts communities, areas that used to have thriving streams, now are mostly dry banks. They have turned into areas that will flash flood (because the ground is so dry and cannot absorb so quickly, where the rain or storm water rushes off) instead being able to capture and retain in the natural ground water storage (because if the stream banks are naturally flowing, the water has time to sink down into the ground, and can actually absorb more rain water, and although there may be some excess in storm conditions, it won't be to the levels we are seeing).

Also, people rely on this water for their drinking, for the production of their food (kalo, gardens, etc.). In lo'i systems the water is always returned to the stream from which it came. Also the system that the lo'i create protect coastline in storm conditions, retaining much of the nutrients, sediment, and debris that might otherwise directly flow out to sea. It is a theft to be taking this amount currently allowed by diverters without returning it to the streams in some way clean, and unacceptable to take 100% of the baseflow of the Wai'ale'ale Stream. On Kauai, KIUC has been diverting 100% of the baseflow of Wai 'ale'ale Stream for over 15 years without quantifying their water use needs, or even appropriately assess the environmental and cultural impacts of the 100% base flow diversion from the stream.

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams. Revocable permits (RP's) for water diversions are issued on a month-to-month basis and are renewed annually at the BLNR. Because RP's are short-term in nature they require much less oversight than a long-term lease. RP's were designed as a temporary tool to give diverters time to do the requisite studies required for a long-term lease.

The process of applying for a long term leases has built in mechanisms and requirements to protect our public trust rights. Hawai'i's water law puts the burden on diverters to quantify their water needs, ensure that they are not infringing on any public trust rights through an analysis of the proposed diversion on Native Hawaiian cultural practices and stream life. Diverters must provide a supporting analysis of environmental impacts and a fair lease rent methodology for the use of the stream water. The ongoing holdover of these RP's perpetuates the lack of accountability and undermines of our public trust rights.

Diverters have abused these temporary permits long enough. On Kaua 'i, KIUC has been diverting 100% baseflow of Wai'ale'ale Stream utilizing "temporary" RP's for 15 years! Despite having the last fifteen years to prepare the required

documents for a long-term lease, KIUC still has not begun work on an environmental impact study. HB 1326 makes it even easier for KIUC and other diverters to continue to evade environmental review.

Lawmakers should look to HB 848 for how things should be done. This bill provides for the protection of stream resources, while allowing stream diversions for diversified agriculture so long as it does not harm the health of the streams. Yet HB 848 has not had a hearing.

There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture. Let's hold each other accountable, quantify needs, don't infringe on others, have an EIS, and practice fair lease. Enough of RP and lack of oversight.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.

Amy Markel, Manoa, O'ahu (previously Princeville, Kaua'i)

M.S. Student | Department of Natural Resources and Environmental Management | University of Hawai'i at Mānoa

Student Affiliate | East-West Center

(808) 683 - 5898

From: Moriah Smith <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 8:22 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

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This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Moriah Smith

moriahwind@yahoo.com

LATE

From: Carla Allison <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 8:19 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

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Mahalo,

Carla Allison

cbm@hawaii.rr.com

From: Hawaii IT Service Desk <vhafford@hawaii.edu>
Sent: Tuesday, February 19, 2019 8:23 AM
To: FINtestimony
Subject: OPPOSE HB1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

Aloha,

My name is Valerie Hafford, I live in Hilo, Hawaii and have been working with a few families on Maui and seen the result of water diversion, the theft of water from taro farmers to sustain sugar plantations.

This ruined man farmers on all islands and continues to interrupt the natural ecosystems that once thrived along the streams and in the valleys before being so carelessly diverted by greedy businessmen. This act of privileged use of resources is appalling and must cease.

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

On Kauai, KIUC has been diverting 100% of the baseflow of Wai'ale'ale Stream for over 15 years without needing to quantify it's water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion.

There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.

Valerie Hafford
Hilo, Hawaii

--

Valerie Hafford
Instructor, Soc. Sci,

Aloha 'uhane nui kipa mai!
Welcome to your greatness!

From: Joshua Mangauil <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 8:15 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

"He wai puna, He wai inu, he wai mana, he wai Ola, E Ola No A!"

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Joshua Lanakila Mangauil

Joshua Mangauil

eomikp@gmail.com

From: Patricia Blair <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 8:15 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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Mahalo,

Patricia Blair

patriciablair@msn.com

From: Anita Trubitt <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 8:13 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Anita Trubitt

atrubitt@hawaiiantel.net

From: Ray Songtree <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 8:09 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

Besides the points made below, I want to make a simple statement for you to consider... Corporations must compromise other values to their dollar bottom line, and that is what we have seen, so Corporations cannot be trusted to administer water, or any other resource, period.

About HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,
Ray Songtree

Ray Songtree

rrsongtree@yahoo.com

LATE

From: Nathalie Jackson <njackson@beihawaii.com>
Sent: Tuesday, February 19, 2019 8:08 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.



From: Alex Beers <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 8:00 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Alex Beers

alex.beers@gmail.com

LATE

From: Evelyn de Buhr <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 7:59 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo, Evelyn de Buhr This bill is unfair to the people of Hawaii. STOP corporate giveaways. In 15 years they have not completed the EIA? Obviously they have no intention of completing it. Stop this travesty now.

Evelyn de Buhr

evelyndebuhr@yahoo.com

From: Kelse Amos <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 7:51 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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Mahalo,

Kelse Amos

kmt.amos@gmail.com

From: Matthew Swalinkavich <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 7:48 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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Mahalo,

Matthew Swalinkavich

makanalive@gmail.com



From: Rayne Regush <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 7:46 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed.

The protections afforded to water resources by our state constitution and water code will be undermined by HB 1326. It is not necessary to extend revocable permits for water diversions. It will diminish the necessary oversight for this important resource and is contrary to fulfilling Hawaii's Public Trust water use priorities.

Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses.

Mahalo,
Rayne Regush
Kapaa, Kauai

Rayne Regush

rayneregush@aol.com

From: Donna Carsten <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 7:41 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Donna Carsten

dgcarsten@aol.com

From: Kaye Leonard <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 7:38 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Kaye Leonard

kaylucats@aol.com

From: Nathan Yuen <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 7:16 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. The bill extends temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

The public trust doctrine in the Hawaii State Constitution states that water is held in trust for the public good and not owned by landowners.

Corporations like Alexander & Baldwin and Kaua'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Nathan Yuen

808nateyuen@gmail.com

From: Ruth Fujita <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 7:15 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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Mahalo,

Ruth Fujita

fujitar004@hawaii.rr.com

From: Anna Robertson <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 7:07 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

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Mahalo,

Anna Robertson

annasr@hawaii.rr.com

From: Namphuong Quach <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 7:03 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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Mahalo,

Namphuong Quach

namisop35@gmail.com

LATE

finance8 - Joy

From: Judie Hoepner Judie Hoepner <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 6:51 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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Mahalo,

Judie Hoepner Judie Hoepner

judie@aloha.net

From: Susan Stayton <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 6:47 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

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I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

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Mahalo,
Susan

Susan Stayton

susan.stayton@gmail.com

From: shayne stambler <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 6:44 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

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Mahalo,

shayne stambler

shayne808@hawaii.rr.com

From: Lilinoe Smith <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 6:26 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

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Mahalo,

Lilinoe Smith

balihai7@hawaii.rr.com

From: Stephenie Blakemore Blakemore <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 6:21 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

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#water4HI

Mahalo,

Stephenie Blakemore Blakemore

stephenieblakemore@sbcglobal.net

From: Jo Amsterdam <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 6:00 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

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Mahalo,

Jo Amsterdam

joamsterdm@hotmail.com

From: Kimiko LaHaela Walter <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 1:44 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

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Mahalo,

Kimiko LaHaela Walter

kimikolahaelawalter@gmail.com

LATE

From: William diGiorgio <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 1:07 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

William diGiorgio

william.digiorgio@gmail.com

LATE

From: Kawena Uyematsu <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 9:09 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Kawena Uyematsu

Misskawena@icloud.com

LATE

From: Kathy Shimata <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 8:49 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Kathy Shimata

kshimata@hawaiiantel.net

LATE

From: Ty Fu <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 8:47 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Ty Fu

tyfu2222@gmail.com

finance1 - Sean

From: Paula Alceseba <paula33@hawaii.edu>
Sent: Friday, February 15, 2019 6:03 PM
To: FINtestimony; Rep. Sylvia Luke; Rep. Ty Cullen; Rep. Daniel Holt; Rep. Chris Todd; Rep. Troy Hashimoto; Rep. Kyle Yamamura; Rep. Bertrand Kobayashi; Rep. Scott Nishimoto; Rep. Scot Z. Matayoshi; Rep. Cedric Gates; Rep. Scot Z. Matayoshi
Subject: please vote NO on HB1326

LATE

Aloha pumehana,

I am a student from UHMC and I am emailing you to humbly ask you to VOTE NO on HB1326. This bill is illegal and it is water theft. If you vote yes, you are willfully taking away a precious resource that rightfully belongs to the people of the land. If you vote yes, you are complicit in altering the natural ecosystem for the worse by diverting water. If you vote yes, you harm our environment and our people who all depend on this natural system to be restored!

This bill provides no standards or criteria ensuring that stream ecosystems are protected from excessive water diversions. There is no criteria or oversight written into this bill that protects streams, its native ecosystems, or the communities that depend on them for basic necessities. There are bills in front of the legislature that set a good example of how things should be done. Bills like HB848—that provide for the protection of stream resources, while allowing stream diversions for diversified agriculture so long as it does not harm the health of the streams. However, HB848 has yet to get scheduled for a hearing.

There is enough water for everyone to prosper, and allowing this bill to pass is like giving a blank check to these companies to continue robbing water from the ecosystem and people!

Please do the right thing and free our streams! This water deserves to flow and to bless our land and people, please do not be like the colonialists 100 years before you and change Hawaiian history!

E ola i kai wai!! Water is life!!

LATE

Aloha,

The following text and attached file serves as documentation of my testimony **objecting** to the proposed change to HRS 171-58 that will give water diverters seven more years beyond the three year drop dead date they were given in 2016 to convert their revocable permits to leases. To clarify, as a qualified expert witness I **object to any further extension of time** that would be granted to Kaua'i Island Utility Cooperative (KIUC), on the grounds that **they have not sufficiently satisfied water code requirements regarding cultural resources and native Hawaiian cultural practitioners.**

Simply put, *Ola i ka wai*, water is life.

On the island of Kaua'i, there is a unique classification system regarding *heiau*, or native temples and sacred sites. According to noted local historian and former Kaua'i Historical Society board president Randy Wichman, pools of water such as Ka'awako at the top of Wai'ale 'ale and Pihanakalani along the Wailua River are both considered *heiau* ("History of Wailua," August 2016; <https://www.youtube.com/watch?v=04HUMqa4fnE&feature=youtu.be>). Pihanakalani is specifically known as a home to akua (gods) and ali'i (nobility) ("Hanohano Wailuanuiaho'āno: Remembering, Recovering, and Writing Place," by Ku'ualoha Ho'omanawanui in *Hūlili* Vol. 8 2012).

The natural setting at these and other pools is such that the water itself serves the purpose that stone architecture serves elsewhere (Wichman 2016, see above). Similarly, certain springs of water in Kaua'i were considered *heiau* (*ibid.*). Diverting water from these sacred features constitutes a direct adverse effect on a cultural resource that has not yet been addressed by any environmental impact documents, and is not allowable under Hawai'i state law.

The Office of Hawaiian Affairs (OHA) documented its commentary in November 2017 regarding the cultural assessment performed on behalf of KIUC, noting several key areas needing improvement (Crabbe 2017). Among these were the fact that the assessment did not determine the extent of impacts to cultural resources and Native Hawaiian practices, and provided insufficient community consultation (*ibid.*). Further, OHA states that the research should have utilized Land Commission Awards along with other documentation to "identify the scope of traditional gathering and agricultural practices" (*ibid.*:6).

Hawai'i state law values water as property of native Hawaiian people, and is of special importance to native cultural practitioners. Water nourishes the Hawaiian plants (indigenous and Polynesian-introduced) that are a foundation of diverse ecosystems, culture, and traditions, and that provide Kaua'i with significant educational, scientific, and socioeconomic benefits (Office of Hawaiian Affairs: Hawaiian Plants; <https://www.oha.org/hawaiianplants>). These include nutritional value, medicinal value, lei making, and cultural ceremonial use. However, Hawaiian plants have been replaced, displaced, or otherwise forgotten from many areas where they formerly thrived, with hundreds of species now on the verge of extinction (*ibid.*). Restoring

water flow as quickly as possibly will restore the surrounding ecosystems and replenish the cultural landscape as well.

In 2014, the Nā Wai ‘Ehā case served as an example that, according to Hawaiian state law, water is a public trust and not private property. Such resources cannot be diverted without considering the impact on Native Hawaiian traditional and customary practices, stream and ocean ecosystems, and drinking water (“OHA hails water’s return to Maui Streams,” in *Ola i ka wai*; <https://www.oha.org/news/oha-hails-waters-return-to-maui-streams-after-more-than-a-century/>. Restoring this stream flow on Maui was seen as a step forward in ongoing efforts to enforce the Hawaiian state law prohibiting individual entities from draining rivers and streams for private profit.

The Hawai’i State Constitution has a Public Trust Doctrine that protects the waters of the State, providing that water must be protected for people of today and the future. In assuring its protection, the Court has recognized that any use of water must first assure the sufficiency of water to satisfy the four recognized public trust purposes, chief among them the needs of Hawaiians to support their traditional/cultural and customary practices. In sum, the legal and ethical choice regarding the proposed change to HRS 171-58 is to **restore water flow as soon as possible**.

Regarding my qualifications, I have been employed in the disciplines of archaeology and anthropology continuously since 2001, earning my M.A. in Anthropology with an emphasis in archaeology in 2003, and a B.A. in Anthropology with a minor in Biology in 2000. From 2004 through the present, I began authoring, co-authoring, and editing historical/ archaeological impact assessments according to federal, state, and local statutes, contributing to hundreds of Environmental Impact Reports. In the summer of 2015, I served an internship in the office of the Kaua’i Lead Archaeologist for the State Historic Preservation Division (SHPD), and have since written on behalf on non-profit organizations on Kaua’i.

Mahalo for this opportunity to provide my testimony,
-Deirdre Encarnación, M.A.-

Ola i ka wai



From: Auslynn Ashby <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 9:36 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Auslynn Ashby

auslynnashby808@gmail.com

LATE

From: Susan Mitnik <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 9:31 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Susan Mitnik

sumit.52@hotmail.com

LATE

From: Alesa Kneubuhl <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 9:12 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Alesa Kneubuhl

maui.mommy@gmail.com

finance1 - Sean

From: Koohan Paik-Mander <koohanpaik@gmail.com>
Sent: Sunday, February 17, 2019 2:01 PM
To: FINtestimony
Subject: Please vote NO on HB 1326 - thank you.



LATE

From: Takashi Numata <tnumata@hawaii.edu>
Sent: Sunday, February 17, 2019 6:06 PM
To: FINtestimony; Rep. Sylvia Luke; Rep. Ty Cullen; Rep. Lisa Kikagawa; Rep. Daniel Holt; Rep. Chris Todd; Rep. Troy Hashimoto; Rep. Kyle Yamashita; Rep. Nadine Nakamura; Rep. Bertrand Kobayashi; Rep. Scott Nishimoto; Rep. Bob McDermott; Rep. Cedric Gates; Rep. Scot Z. Matayoshi
Subject: No to HB1326

Aloha pumehana,

I am Bobbie Numata, and I am emailing you to humbly ask you to VOTE NO on HB1326. This bill is illegal and it is water theft. If you vote yes, you are willfully taking away a precious resource that rightfully belongs to the people of the land. If you vote yes, you are complicit in altering the natural ecosystem for the worse by diverting water. If you vote yes, you harm our environment and our people who all depend on this natural system to be restored!

This bill provides no standards or criteria ensuring that stream ecosystems are protected from excessive water diversions. There is no criteria or oversight written into this bill that protects streams, its native ecosystems, or the communities that depend on them for basic necessities. There are bills in front of the legislature that set a good example of how things should be done. Bills like HB848—that provide for the protection of stream resources, while allowing stream diversions for diversified agriculture so long as it does not harm the health of the streams. However, HB848 has yet to get scheduled for a hearing.

There is enough water for everyone to prosper, and allowing this bill to pass is like giving a blank check to these companies to continue robbing water from the ecosystem and people!

Please do the right thing and free our streams! This water deserves to flow and to bless our land and people, please do not be like the colonialists 100 years before you and change Hawaiian history!

E ola i kai wai!! Water is life!!

finance1 - Sean

From: Michael Gagne <mpcgagne@hawaiiantel.net>
Sent: Sunday, February 17, 2019 7:30 PM
To: FINtestimony
Subject: Save our streams

LATE

Please vote NO! on HB1326. Don't change the law to serve corporations at the expense small farmers and stream users.

Michael Gagné
Haiku, HI, 96708
808-280-1421

Sent from my mobile device.

finance1 - Sean

From: Sandi loakimi <sioakimi@gmail.com>
Sent: Sunday, February 17, 2019 8:03 PM
To: FINtestimony
Subject: HB1326



Aloha,

Please, please vote NO on HB1326.

Sandi loakimi
Kihei, Maui HI
808.283.6216

finance1 - Sean

From: Emmaleah Stauber <emmaleah@hawaii.edu>
Sent: Sunday, February 17, 2019 9:48 PM
To: FINtestimony
Subject: VOTE NO on HB1326



Aloha,
Please defend our streams from corporate exploitation!

Protect our streams and take a stand against the corporate control of Hawai'i's lawmaking process.

VOTE NO on HB1326.

Large water diverters, such as A+B on Maui and KIUC and Grove Farm on Kaua'i have been abusing temporary water permits for years. Historically, when things (like court rulings) haven't gone in A+B's favor, they (being some of the largest campaign contributors in the state) have the laws changed. They did it in 2016, and they are doing it again now. This time, the big corporate diverters are using the little farmers and ranchers as their shield, but we aren't buying it.

When the courts determined that the BLNR process of issuing holdover permits was not legal, the legislature literally wrote a new law. Act 126 (HB2501) gave the holders of the revocable water permits 3 years to conduct environmental assessments or EIS and apply for long term leases. Well the 3 years are up this summer, and how many of those permit holders converted to long term leases in that time frame? ZERO!

The elephant in the room is that A+B has to return \$62 million to new Maui landowners Mahi Pono if they can't deliver the water.

So now they want the legislature to make new laws to give them more time. They originally shot for an indefinite extension, but last Friday's committee hearing defined the period as 7 years. What happens in 7 years when they still haven't converted to long term leases? Some had over 15 years to comply, were given another 3, and now need another 7?

Enough. There is plenty of water to share. We can support the needs of small and large agriculture, hydropower, drinking water and stream life but only with the right political will.

Mahalo,
Emmaleah Stauber and the Bettencourt family
Kapa'a, Kauai

finance1 - Sean

From: Sebastian Sayegh <ssayeghvisuals@gmail.com>
Sent: Monday, February 18, 2019 10:23 AM
To: FINtestimony
Subject: MAUI STREAMS



Please vote to have the waters diverted back to the streams. I am a born and raised local and truly care about the island and where its resources properly belong.

Mahalo

finance1 - Sean

From: John Teschner <johnteschner@gmail.com>
Sent: Monday, February 18, 2019 10:49 AM
To: FINtestimony
Subject: OPPOSE HB 1326



Aloha,

As the Vice-President of Hui O Mana Ka Puuwai Canoe Club on Kauai, I paddle three times a week on Hawaii's longest navigable river. I fear that HB 1326 will allow water diversion to tributary streams that endanger the health of the Wailua River and other important rivers and streams in Hawaii.

PLEASE oppose this bill and support HB 848, which contains adequate protections for our environment.

Sincerely,
John Teschner

PO Box 449
Anahola, HI 96703

finance1 - Sean

From: Donald Erway <dmerway@yahoo.com>
Sent: Monday, February 18, 2019 10:50 AM
To: FINtestimony
Subject: OPPOSE HB1326



Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

On Kauai, KIUC has been diverting 100% of the baseflow of Wai'ale'ale Stream for over 15 years without needing to quantify it's water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion.

There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.

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

finance1 - Sean

From: Jonathan Boyne <boyne@hawaii.edu>
Sent: Monday, February 18, 2019 10:51 AM
To: FINtestimony
Subject: Please don't perpetuate and set disastrous precedents for the increasing generational theft of Hawai'i's precious waters, oppose HB 1326.

Aloha Chair Luke, Vice Chair Cullen and members of the committee,
I strongly urge you to oppose HB 1326.



Water will become an increasing issue all over the world, and including Hawaii/.

We cannot afford to set precedents now that will lead to later increasing water theft and misallocation.

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

On Kauai, KIUC has been diverting 100% of the baseflow of Wai'ale'ale Stream for over 15 years without needing to quantify it's water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion.

There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.

Jonathan Boyne
96822

finance1 - Sean

From: Claudia Herfurt <claudia@kauaistyle.com>
Sent: Monday, February 18, 2019 10:55 AM
To: FINtestimony
Subject: OPPOSE HB1326



Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

On Kauai, KIUC has been diverting 100% of the baseflow of Wai'ale'ale Stream for over 15 years without needing to quantify it's water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion.

There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.

Claudia Herfurt
Hanalei

finance1 - Sean

From: Samuel Small <info@maucauses.org>
Sent: Monday, February 18, 2019 11:00 AM
To: FINtestimony
Subject: OPPOSE HB1326

LATE

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

[Introduce yourself and where you live. Provide some specific info on why you oppose the ongoing theft of water and/or how streamflow diversion has impacted you or your community personally]

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

On Kauai, KIUC has been diverting 100% of the baseflow of Wai'ale'ale Stream for over 15 years without needing to quantify it's water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion.

There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.

Sam Small
www.MauiCauses.org

finance1 - Sean

From: Tammy Goodall <tamtam1021@yahoo.com>
Sent: Monday, February 18, 2019 11:04 AM
To: FINtestimony
Subject: OPPOSE HB1326



Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

My name is Tammy. I currently reside in Washington State. I am a Kanaka Maoli who have resided there over 1/2 my life. If it was not for how expensive it is to live in my home, I would be there now.

The WAI is for everyone! Where my family still lives now, lack of water effects our Aina, human as well as our pets and animals both on and off our property. We should not have to put in these testimonies to share something that is ALL OF OURS! You do not own what Nature provides for all life here on this Earth. It is almost like you attempting to block out half the Sun because you claim you own it.....that's how ridiculous this is. I do not understand why you feel otherwise and you should be ashamed of yourselves.....ALL of you!

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

On Kauai, KIUC has been diverting 100% of the baseflow of Wai'ale'ale Stream for over 15 years without needing to quantify it's water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion. THAT IS STEALING!

There is enough water to SHARE equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.

finance1 - Sean

From: Nathan Braulick <braulick@gmail.com>
Sent: Monday, February 18, 2019 11:11 AM
To: FINtestimony
Subject: OPPOSE HB1326



Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

On Kauai, KIUC has been diverting 100% of the baseflow of Wai'ale'ale Stream for over 15 years without needing to quantify it's water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion.

There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.

Nathan Leo Braulick
Honolulu, HI 96816

finance1 - Sean

From: Michal Stover <mfsleh@yahoo.com>
Sent: Monday, February 18, 2019 11:12 AM
To: FINtestimony
Subject: OPPOSE HB 1326



Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

I oppose the bill's proposed seven year extension of temporary water permits because it permits the water to be taken without environmental or cultural review and without any showing of necessity.

I am a full time Kauai resident. I do not want KIUC's temporary water permit to be extended without review as would be permitted by the bill. KIUC and other large water users with temporary water permits should be required to demonstrate a need for the water and how their taking of the water would impact native ecosystems, subsistence farming, cultural practices and other uses.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration of my comments,

Michal Stover
Kilauea, Kauai, Hawaii

finance1 - Sean

From: James Long <daegnut@gmail.com>
Sent: Monday, February 18, 2019 11:20 AM
To: FINtestimony
Subject: OPPOSITION TO HB1326



Chair Luke, Vice Chair Cullen and members of the committee,

Aloha, I strongly oppose HB1326. My name is James Long and I live in Ka'ū on the island of Hawai'i. I oppose HB1326 for the obvious and following reasons: Diverting 100% base flow of any stream is not right for practical, moral and ethical reasons and doing so with the Wai'ale'ale Stream infringes on healthy native ecosystems, subsistence farming and cultural practices. HB1326 devalues Hawai'i's public trust doctrine and perpetuates an injustice to local communities who depend on the fresh water resource.

I urge you to hold water hoarder diverters accountable by limiting revokable permits until required studies are completed. Diverters must quantify their water needs and provide analysis of environmental impacts. Please stop skirting the law and public trust rights with temporary, revocable permits and demand diverters provide required documentation before issuing anymore water diversion permits.

Please oppose HB1326.

Mahalo,

James Long
Box 290
Na'alehu, HI
96772

finance1 - Sean

From: nihipalim001@hawaii.rr.com
Sent: Monday, February 18, 2019 11:25 AM
To: FINtestimony
Subject: OPPOSE HB 1326



Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

My name is Michele Nihipali and I live on the Windward side of Oahu. I've seen for many years the fight to keep streams flowing to support local taro farmers, opai and emptying into the ocean to support marine life. HB 1326 continues to give water rights to those who no longer should have access to our local streams.

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

On Kauai, KIUC has been diverting 100% of the baseflow of Wai'ale'ale Stream for over 15 years without needing to quantify it's water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion.

There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.

Michele Nihipali
54-074 A Kam Hwy.
Hauula, HI 96717

finance1 - Sean

From: Deborah Lynn <ffmummy@gmail.com>
Sent: Monday, February 18, 2019 11:33 AM
To: FINtestimony
Subject: Oppose HB1326



Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

[Introduce yourself and where you live. Provide some specific info on why you oppose the ongoing theft of water and/or how streamflow diversion has impacted you or your community personally]

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

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There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.
Deborah Lynn

finance1 - Sean

From: Lisa Kerman <hike2heaven@yahoo.com>
Sent: Monday, February 18, 2019 11:36 AM
To: FINtestimony
Subject: OPPOSE HB 1326



Subject Line: OPPOSE HB1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

[Introduce yourself and where you live. Provide some specific info on why you oppose the ongoing theft of water and/or how streamflow diversion has impacted you or your community personally]

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

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There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.

Lisa Kerman
Kilauea, HI

finance1 - Sean

From: Amy Lynn <amyteresalynn@yahoo.com>
Sent: Monday, February 18, 2019 11:42
To: FINtestimony
Subject: OPPOSE HB1326



Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

My name is Amy Teresa Lynn. I live in Waikoloa, Hawaii. I *oppose the ongoing theft of water and how streamflow diversion have impacted nearby communities in Hawaii. I would like to see water stream flow as nature made it so.*

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

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There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration,

Amy Teresa Lynn
Waikoloa, Hawaii

finance1 - Sean

From: Lisa Kerman <hike2heaven@yahoo.com>
Sent: Monday, February 18, 2019 11:43 AM
To: FINtestimony
Subject: OPPOSE HB 1326



Aloha Chair Luke, Vice Chair Cullen and members of the committee,

My name is Lisa Kerman and I've been a resident of Kilauea, HI. for the past 8 years. I strongly oppose HB 1326.

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

On Kauai, KIUC has been diverting 100% of the baseflow of Wai'ale'ale Stream for over 15 years without needing to quantify it's water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion.

There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration,
Lisa Kerman
Kilauea, HI.

finance1 - Sean

From: Elle Cochran <ellekcochran@gmail.com>
Sent: Monday, February 18, 2019 11:51 AM
To: FINtestimony
Subject: I adamantly Oppose HB1326



Aloha Chair Luke and Vice Chair Cullen and members of the committee,

I'm urging you to please oppose HB1326.

I have been living off the grid in Honolua Valley, Maui for almost 25 years. The West Maui mountains are one of the wettest spots on earth. The Plantation company Maui Land and Pine has been diverting water from Honolua stream for nearly 150 years and continue to! The damage and irreparable harm this has done to Honolua's Riparian life, traditional cultural practices, health and vitality of the stream, surrounding area and to the residents is plain wrong! 25 documented Lo'i existed in the valley once upon a time, today? Zero. I can't farm consistently, no irrigation I have to depend on rain. I Shower, do laundry at my mom's in Lahaina. I fill water jugs from her tap for my cooking water (coffee, tea, saimin, etc). I have an outhouse. in order to flush my toilet I have to pour rainwater into the tank.

Mount Waialeale is THE wettest spot on earth and to see the streams it feeds dry EVER is unnatural and also Wrong! It's time we follow the Public Trust Doctrine, our State water Code, focus on the needs of our environment and balance out the uses of our streams in an equitable legal manner. When we take care of our environment the environment takes care of us. Being that our environment is our economy your decisions can have very detrimental or very positive outcomes!

So let's make sure our streams, water the staff of life continues to flow for not just today's uses but for our future generations too!

Mahalo for your time and consideration,

Elle Cochran
808-281-7709

finance1 - Sean

From: John Naylor <jdancer@kula.us>
Sent: Monday, February 18, 2019 11:52 AM
To: FINtestimony
Subject: I OPPOSE HB 1326



Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly oppose HB 1326.

Please don't perpetuate the generational theft of Hawai'i Nei's waters. Please oppose HB 1326.

Most sincerely,

John Naylor

Makawao

LATE

From: stephen koehne <stephkoehnekauai@gmail.com>
Sent: Tuesday, February 19, 2019 9:41 PM
To: FINtestimony
Subject: OPPOSE HB1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

My name is Steph Koehne, I'm from Kilauea, Kaua'i. I oppose the ongoing theft of water because I feel it is wrong to disturb the natural flow of water no matter where it is. There's a reason nature intended it to be that way, and it should remain the way nature intended it to be. For every action, there is a reaction, and that has been the drying up of stream beds that once flowed so naturally.

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

On Kauai, KIUC has been diverting 100% of the baseflow of Wai'ale'ale Stream for over 15 years without needing to quantify it's water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion.

There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.

Steph Koehne, Kilauea, Kaua'i



From: Star Pai <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 12:38 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Star Pai

enoka123050@gmail.com

From: Tiana Laranio <holomuaorganics@gmail.com>
Sent: Monday, February 18, 2019 11:04 PM
To: FINtestimony
Subject: OPPOSE HB1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

My name is Tiana Laranio and I am a mother and a kanaka maoli.

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

On Kauai, KIUC has been diverting 100% of the baseflow of Wai'ale'ale Stream for over 15 years without needing to quantify it's water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion.

There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.

Tiana Laranio, Kaua'i

Sent from my iPhone

From: nix@lifeislight.com
Sent: Monday, February 18, 2019 10:45 PM
To: FINtestimony
Subject: Subject Line: OPPOSE HB1326

Subject Line: OPPOSE HB1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

We strongly urge you to oppose HB 1326.

We are Debra and John Nix DC of Kihei and we know that Water Is Life!

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

On Kauai, KIUC has been diverting 100% of the baseflow of Wai'ale'ale Stream for over 15 years without needing to quantify it's water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion.

There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai 'i's precious waters, oppose HB 1326.

Mahalo for your consideration.

John Nix DC and Debra Nix Kihei

Mahalo for taking action. E Ola I Ka Wai, Water Is Life!

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by persons or entities other than the intended recipient is prohibited. If you receive this email in error, please contact the sender by replying to this email and delete this email and any attachments from all computers without reading or saving the same in any matter whatsoever.

LATE

From: keoni@kmahelona.net
Sent: Monday, February 18, 2019 10:44 PM
To: FINtestimony
Subject: OPPOSE HB1326

Aloha,

I oppose hb1326. Hawaii's natural waterways should flow free from restriction and diversion. The plantation era practice of taking water from one part of the island and diverting it elsewhere should be stopped. Our island's delicate and endemic ecosystems cannot flourish if we prevent them from receiving their share of water.

If people and businesses don't have enough water, the current solution of taking more from the environment doesn't work because it leads to more problems. Instead our solutions around water should be that of conservation, efficiency, and reducing consumption. Think about how much water is wasted every time a toilet is flushed even if it's just shishi! Clearly there are better ways to solve our water problems than taking from our environment - our neighbors.

K

LATE

From: Thomas Rathburn <hi.waterprotector@gmail.com>
Sent: Monday, February 18, 2019 10:02 PM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Thomas Rathburn

kamaki@rocketmail.com

LATE

From: Natalie Toma <hi.waterprotector@gmail.com>
Sent: Monday, February 18, 2019 9:35 PM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Natalie Toma

Natalie Toma

nnt2101@iolani.org

finance8 - Joy

LATE

From: Maria Clark <janutouch@yahoo.com>
Sent: Monday, February 18, 2019 9:22 PM
To: FINtestimony
Subject: OPPOSE HB 1326

Aloha Chair Luke, Vice Chair Cullen and Members of Committee,

I strong urge you to oppose HB 1326

My name is Maria Clark and I live in Anahola.

Water is life and the ongoing theft and diversion of water will damage our ecosystems, sustainable farming and cultural practices.

Please don't perpetuate the generational theft of Hawaii's precious waters, oppose HB 1326

Mahalo for your consideration

Maria Clark, Anahola

Sent from my iPhone

From: Jennifer Fordyce <hi.waterprotector@gmail.com>
Sent: Monday, February 18, 2019 9:13 PM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three-year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead, allowing for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper; it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,
Jen Fordyce
Waikapū

Jennifer Fordyce

jen_fordyce@hotmail.com

From: Carolyn Ornellas <carolynblake@mac.com>
Sent: Monday, February 18, 2019 8:44 PM
To: FINtestimony
Subject: Subject Line: OPPOSE HB1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

[Introduce yourself and where you live. Provide some specific info on why you oppose the ongoing theft of water and/or how streamflow diversion has impacted you or your community personally]

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

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There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.

Carolyn Ornellas, Kapa'a.

Mahalo for taking action. E Ola I Ka Wai, Water Is Life!



From: J Moss <moss.jade.e@gmail.com>
Sent: Monday, February 18, 2019 8:39 PM
To: FINtestimony
Subject: Oppose hb 1326

Aloha FIN Committee,
My name is Jade Moss and I live in Kalaheo, Kauai.

Please Oppose HB1326 as amended.

With all three Kauai reps as part of the introducers, to me this bill has KIUC and Grove Farm written all over it. The work that should have been done the last 15+ years in regards to diverting that much fresh water and ensuring a Hydro Power operation is appropriate through an EIS is already too much time.

We must respect fresh water. It's precious. I feel the same with the water rights on Maui, Big Island, Molokai, Oahu...

If water diverters cannot complete their work to comply with the law that's already in place, it's not pono to stretch it to meet their needs. It's supposed to be the other way around. Malama ka honua, malama ka wai.

Mahalo,
Jade Moss
Kalaheo, Kauai

LATE

From: Kanani Higbee <khigbee1037@gmail.com>
Sent: Monday, February 18, 2019 7:35 PM
To: FINtestimony
Subject: Oppose HB1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

My name is Kanani Higbee. I live in Lahaina, Maui, Hawaii. My maternal grandparents have roots from various ahupua'a in Kaupakalua, Kahakuloa, and gulches in Hana. My great grandparents couldn't keep up their Native Hawaiian way of life as water was routed away from the valleys. So they moved to Paia during the sugar plantation days. Then when Kaanapali was built, they moved again to Lahaina, to keep up with the jobs. My mom is full Hawaiian and has worked as a housekeeper since she was a young adult. She did get involved with Future Farmers of America in highschool and learned from her father, various Native Hawaiian plants. However, I know the loss of water flowing from mauka to makai has disrupted my family's roots deeply. We are trying to reconnect to our roots. To help our self identity. Some members have gotten lost in drug addiction. When they are serving time, the jails and prisons know how vital it is for their rehabilitation, for them to reconnect to their roots, so they have them dance hula and learn to 'Ōlelo Hawaii. My family has had two young children in our family learn in Hawaiian Immersion school and taught the rest of our family our Hawaiian roots that we are removed from. I have seen families get their water back and learn to farm traditional foods with the lo'i, terrace method. It's crucial to my family's identity and well being that we get in touch with our roots now before it's gone. And water is such a huge component. We need the water to flow mauka to makai to restore the lo'i once again. I just attended a meeting with the Maui Planning Committee and many locals were interested in restoring the ahupua'a in Olowalu. To get the water flowing once again from mauka to makai would help our delicate ecosystem. Right now, Olowalu is devastatingly losing too much coral at a fast pace that took tens of thousands of years to grow. We need the water full of nutrients flowing to the ocean. We need wetlands restored to cleanse the water as it flows to the ocean once again. Hawaii has already lost more endemic species than any other place in the world. It's crucial to the survival of Hawaii's delicate ecosystem that the natural flow of water get restored; ie. mauka to makai.

That is why I ask that you please think of our beloved Hawaii's future and oppose HB 1326.

Thank you,
Kanani Higbee
Lahaina, Maui

--
Kanani Higbee

LATE

From: Eileen Kechloian <backonisland@gmail.com>
Sent: Monday, February 18, 2019 7:30 PM
To: FINtestimony; Rep. Sylvia Luke
Subject: I adamantly oppose HB 1326

Dear Finance Committee,

This my testimony on the proposed change to HRS 171-58 that will give water diverters 7 more years beyond the 3 year drop dead date they were given in 2016, to convert their revocable permits to leases.

1.) I believe that to pass this bill out of Committee would be a grave disservice to the entities that have shown respect for and abided by the current Hawaii Statute. It will send the message to entities that have not complied with the Statute that it's fine to ignore the law for three years because the legislators will just change the Statute to accommodate us. Giving an additional seven years will mean they have ten years to comply, then what as they thumb their noses at our Statutes? Will you give them several more years? It does not take ten years to comply, Environmental Impact Statements do not take ten years neither do any of the other requirements. What this bill reminds me of is a parent that whenever a child disobeys, the parent instead of requiring compliance, just moves the line.

2). As a resident of Hawaii, I ask that you quit allowing for all the water diversions that are not proven environmentally sound to continue for another seven years. You are charged with the Public Trust Doctrine. If you pass this bill you will be lacking in accountability that the Public Trust Doctrine requires of you. HRS 171-58 passed after a Hawaii Supreme Court decision criticizing the State for not doing its job to protect waters of the State. The water code details the steps an RP holder must follow to convert to a lease. Please enforce HRS 171-58, don't change it.

3.) Many of the current diverters are being consumptive in their use of water but are still getting RP renewals each year. Kaua'i Island Utility Cooperative is an example of this. They are under paying the State when in fact they should be paying for 30 mgd water usage. KIUC is a consumptive user of our Public Trust water. Also, the State, by extending the RP holdover period, loses revenue that

would be paid to the State under a lease for the water including monies that should be shared with OHA and DHHL.

After 15 years applicants, KIUC have not even filed a EISPN (Public Notice Of EIS), the very first step in the process of procuring an approved EIS. Why should KIUC if the legislators allow them another seven years on top of the 15 years they have already had of RP? Where is the impetus to comply with HRS 171-58, which requires an EIS be performed? The applicant pays less while on an RP, the applicant is spared the expense of an EIS and they can continue to divert an inordinate amount of water.

HB1326 is written to reward KIUC's uncooperative behavior. HB1326 should be relegated to the bad bills round file.

Mahalo for your attention,
Eileen and Jay Kechloian

From: melissa de waters <melissayd@yahoo.com>
Sent: Monday, February 18, 2019 7:27 PM
To: FINtestimony
Subject: Oppose HB 1326

>
> Aloha Chair Luke, Vice Chair Cullen & committee members,
>
> I'm writing to you this evening to voice my opposition to house bill 1326.
>
> Please reject any bill coming to your desk that does not restore streamflow to our local farmers here in Hawaii and specifically here on Maui where I live.
>
> Many of Our local farmers here on Maui have long suffered the loss of their streamflow, and I was hoping with the closing of Puunene that streamflow would be restored now that A&B(HC&S) is no longer in the sugar business.
>
> This new large corporation, Mahi Pono needs to submit a farm plan - like any other farm, to warrant the water rights & rates they are petitioning for. They've made no mention what they will be growing, how many people will be employed by their new venture, and what impact and benefit their business will have on Maui.
>
> I'm not suggesting their farm plan should be out right rejected but give our small farms equal & every opportunity this large corporation is asking with no due diligence.
>
> Vote to reject HB 1326
> Vote to restore stream flow on Maui, and neighbor islands.
>
> Thank you for your time and attention,
>
> Melissa Fedi
> Haiku, HI 96708
>
> Sent from my iPhone

From: Susan Rosier <hi.waterprotector@gmail.com>
Sent: Monday, February 18, 2019 6:46 PM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Susan Rosier

808sue808@gmail.com



From: Winter Robinson <hi.waterprotector@gmail.com>
Sent: Monday, February 18, 2019 5:49 PM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Winter Robinson

winterrobinson20@yahoo.com

From: Erika Lechuga DiSalvo <erika.lechugadisalvo@gmail.com>
Sent: Monday, February 18, 2019 4:27 PM
To: FINtestimony
Subject: OPPOSE HB 1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

My name is Erika Lechuga DiSalvo and I live in Haiku Maui.

The people of Maui have a strong desire for stream flow to be restored across our island. It is time. For too long now the waters have been diverted and gifted to A&B. Their time has come and gone and I would like to see all of Maui's stream flows restored.

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

On Kauai, KIUC has been diverting 100% of the baseflow of Wai'ale'ale Stream for over 15 years without needing to quantify it's water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion.

On Maui, the public should not have to give A&B a \$62 million bailout for an unauthorized promise of public water they made to Mahi Pono.

There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.

Erika Lechuga DiSalvo
Haiku Maui

From: lionel@cruzio.com
Sent: Monday, February 18, 2019 4:23 PM
To: FINtestimony
Subject: OPPOSE HB1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

[Introduce yourself and where you live. Provide some specific info on why you oppose the ongoing theft of water and/or how streamflow diversion has impacted you or your community personally]

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

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There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.

--
Aloha,
Lee Eisenstein
Kahalui, HI.

From: Mitch <mitch@dahawaiianstore.com>
Sent: Monday, February 18, 2019 4:18 PM
To: FINtestimony
Subject: OPPOSE HB1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

My name is Mitch Brown and I live in Maui Meadows in Kihei, HI .Our water bills have continued to rise year over year and this is our chance to do something about it. Our new opportunity for Ag here on Maui will require lots of water and this is a chance to reestablish some of that flow to the original streams that provided the necessary water for this endeavor.

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

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On Maui, the public should not have to give A&B a \$62 million bailout for an unauthorized promise of public water they made to Mahi Pono.

There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.

Mitch Brown
3146A Makamae Pl
Kihei HI 96753

808.298.4998
mitch@daHawaiianStore.com
www.daHawaiianStore.com



From: agu garcia <agucito@hotmail.com>
Sent: Monday, February 18, 2019 4:16 PM
To: FINtestimony
Subject: OPPOSE HB 1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

My name is Agustin Garcia, I was born and raise on Kauai. Living on the east until moving to Kalaheo before starting high school. After graduating from Kauai High in 2006, I moved to California for school and have stayed here for work; given the opportunity, I would move back to Kauai in a heartbeat. My mom only sold her house in Kalaheo just last year, so I have been back home at least once a year since 2006 (many years I returned twice). I love and appreciate my home.

I am no longer a local resident but still hold Kauai close to my heart.

I side with the Hawaiians prior to The Great Mahele in that we cannot own land and our illusions we continue to play along wi th are only for the benefit of the few.

Many changes happen to benefit the few. I disagree and wish we took a more utilitarian approach.

HB 1326 benefits the few.

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

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There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration,

Agu

808-639-4057

finance8 - Joy

LATE

From: Margaret Melrose <melrosemargaret6@gmail.com>
Sent: Monday, February 18, 2019 3:34 PM
To: FINtestimony
Subject: Oppose HB1326 - diversion of water away from streams

I strongly oppose this. Regards Margaret Melrose

finance8 - Joy

LATE

From: Barry Allison <ballisonmaui@msn.com>
Sent: Monday, February 18, 2019 3:29 PM
To: FINtestimony
Subject: HB1326

My name is Barry Allison and have been on Maui for 32 years and a business owner for over 20 years and urge you to vote No on this bill or at least require a portion to be returned to natural flow.

Get [Outlook for Android](#)

LATE

From: Laurel Brier <browerr001@hawaii.rr.com>
Sent: Monday, February 18, 2019 2:45 PM
To: FINtestimony
Subject: in Opposition to HB 1326

Dear Chair Luke and committee members,

I am very much in favor of the work KIUC has done to provide renewable energy for Kauai but now it is time to prepare their long- term lease applications for the use of Waialeale River. A complete, transparent environmental and cultural review is needed. The water should be shared and KIUC accountable for their use of the river.

Thank you for your thoughtful consideration.

Laurel Brier
Anahola, HI



Virus-free. www.avast.com

From: Marta Greenleaf <greenleaf.maui@yahoo.com>
Sent: Monday, February 18, 2019 3:02 PM
To: FINtestimony
Cc: bgreenleaf.maui@yahoo.com
Subject: Oppose HB1326

OPPOSE HB1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

[Introduce yourself and where you live. Provide some specific info on why you oppose the ongoing

My name is Marta Greenleaf and I live on the island of Maui. Water has been a huge issue here for one hundred years. We have the opportunity at this point in time to secure water for our residents. Streamflow diversion has hurt the Native Hawaiians and reduced drastically, their ability to farm. There is more than enough water to share. Please respect the Public Trust Doctrine and the needs of our residents by voting NO on this bill.

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

On Kauai, KIUC has been diverting 100% of the baseflow of Wai'ale'ale Stream for over 15 years without needing to quantify it's water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion.

On Maui, the public should not have to give A&B a \$62 million bailout for an unauthorized promise of public water they made to Mahi Pono.

There is enough water to share equitably. Hawai 'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.

Marta Greenleaf

310 Hoopalua Dr

Makawao, Hawaii 96768

Sent from my iPad

LATE

From: Raymond Catania <may11nineteen71@gmail.com>
Sent: Monday, February 18, 2019 2:27 PM
To: FINtestimony
Subject: Oppose HB1326

Aloha Chair Luke, Vice Chair Cullen and committee members,

I strongly oppose HB1326 which opens Hawaii's streams to uncontrolled corporate use.

mahalo,

Raymond Catania 4215 Kole Place, Puhi 96766 may11nineteen71@gmail.com

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



HB1326proposedHD2
Relating to Water Rights
Hse FIN Hearing
Wednesday, February 20, 2019
2:00 pm
Conference Room 308

Testimony by: Larry Jeffs
Position: Support

Chair Luke, and Members of the Hse FIN Committee:

I am Larry Jeffs, owner and operator of Larry Jeffs Farms, LLC, which is part of our family-run business of farms on Oahu and Molokai, under the administrative umbrella of Sugarland Growers, Inc. We have more than 35 years of Hawaii farm experience on Molokai and Oahu. I am a volunteer director for the West Oahu Soil and Water Conservation District (SWCD).

Water is the lifeblood of all farmers and without affordable and accessible water there will be no farming. No farming, no locally grown produce and livestock.

This bill acknowledges the need for additional time to convert existing water revocable permits to long term leases. Act 126 (2016) established a three year period for this conversion. This bill acknowledges that this conversion is of complex nature and difficult to meet by small farmers and ranchers.

Your support of this bill will bring much needed stability to irrigation systems affected by this situation. It is needed to support farmers and ranchers who rely on water to produce food for Hawaii's people.

Thank you for the opportunity to present testimony

From: bob-marion@hawaiiantel.net
Sent: Monday, February 18, 2019 1:39 PM
To: FINtestimony
Subject: OPPOSE HB1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

We strongly urge you to oppose HB 1326.

We are long time residents of Kauai and members of KIUC. We feel strongly that KIUC needs to be held accountable for it's use of this public resource. It is not right for KIUC and Grove farm to monopolize these important public and cultural resources.

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long- term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

On Kauai, KIUC has been diverting 100% of the baseflow of Wai 'ale'ale Stream for over 15 years without needing to quantify it's water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion.

There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai 'i's precious waters, oppose HB 1326.

Mahalo for your consideration.

Robert and Marion McHenry

Princeville, Kauai

From: Meredith Cross <malibumer.nunn@gmail.com>
Sent: Monday, February 18, 2019 1:35 PM
To: FINtestimony
Subject: OPPOSE HB1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

My name is Meredith Cross. My family and I are not opposed to all diversions, but are for our aina and the rules that have been put in place to ensure that it is protected. Short term avoidance has turned into long term neglect for our island. We need to respect mother earth and only take what we need, not to mention respect for the indigenous community and their practices.

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

On Kauai, KIUC has been diverting 100% of the baseflow of Wai'ale'ale Stream for over 15 years without needing to quantify it's water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion.

There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.

Meredith Cross
Kapaa, HI

From: Respiratory&EnvironmentalDisabilitiesAssocHI <redahi@hawaii.rr.com>
Sent: Monday, February 18, 2019 1:06 PM
To: FINtestimony
Subject: Please OPPOSE HB 1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

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There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.

B.A.McClintock, Honolulu

LATE

From: lisa insalata <linsalata@gmail.com>
Sent: Monday, February 18, 2019 1:00 PM
To: FINtestimony
Subject: I oppose HB 1326

On Kauai, KIUC has been diverting 100% of the baseflow of Wai'ale'ale Stream for over 15 years without needing to quantify it's water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion.

There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.
Lisa Insalata



Lisa Insalata Weddings "Eat Drink and Be Married"
Office~808.826.7384 Cell~415.755.8302 P.O. Box 839 Hanalei, HI.
96714
Kauai-weddingplanner.com.



finance8 - Joy

LATE

From: mak221@aol.com
Sent: Monday, February 18, 2019 12:42 PM
To: FINtestimony
Subject: Writing in strong support of HB1326

Aloha esteemed Finance Committee members

I am writing in STRONG SUPPORT OF HB1326.

Water rights are crucial in many parts of the State. It is outrageous to leave them the way they are.

Mahalo,

Mark A. Koppel
31-392 Lepoloa Rd.
Ninole



From: Dave Kisor <panther_dave@yahoo.com>
Sent: Monday, February 18, 2019 12:39 PM
To: FINtestimony
Subject: Oppose HB 1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326. Access to water has been a major bone of contention in Hawai'i for many years and it always benefits developers and the old plantation system, leaving the rest of the general population who have other uses for that water high and dry. This isn't a localized problem, it's statewide and needs to be rectified.

I'm Dave Kisor, a resident of the Puna Makai District. We're having a water problem on this side of our island, where someone wants to tap 200,000 gallons per day and sell it off island. While the company claims it is unused, I do not believe the full extent has been mapped and quite possibly this is what future generations will need for their continued survival. We really do need more members in our state government who care more about their constituents than they do commercial interests. I'm trying to be nice, but reality can really suck sometimes!

Mahalo
Dave Kisor; Veteran USN/USNR; Geographer; retired USFS fire research technician

||||||| >^.^< |||||
Cats & computers. Bring them into your home and your life is no longer your own.
Don't get upset when things don't work, but rather be amazed when they do!
Life is an exercise in how well you handle disappointment!

From: Amber <kou_puuwai@hotmail.com>
Sent: Monday, February 18, 2019 12:38 PM
To: FINtestimony
Subject: Oppose HB 1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

On Kauai, KIUC has been diverting 100% of the baseflow of Wai'ale'ale Stream for over 15 years without needing to quantify it's water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion.

There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.

Amber H,
Wawae rd. Lawai, HI

Mahalo for taking action. E Ola I Ka Wai, Water Is Life!

In Solidarity,
The HAPA Team

LATE

From: Mrs. Woods <dbwoodsluv@hotmail.com>
Sent: Monday, February 18, 2019 12:37 PM
To: FINtestimony
Subject: Oppose HB 1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

[Introduce yourself and where you live. Provide some specific info on why you oppose the ongoing theft of water and/or how streamflow diversion has impacted you or your community personally]

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

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There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.

Denise Woods, RN Kauai

LATE

From: Yvette Celiz <yceliz@outlook.com>
Sent: Monday, February 18, 2019 12:36 PM
To: FINtestimony
Subject: OPPOSE HB1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

My name is Yvette Celiz and I am from Lahaina, Maui. I oppose the ongoing theft of water.

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

On Kauai, KIUC has been diverting 100% of the baseflow of Wai'ale'ale Stream for over 15 years without needing to quantify it's water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion.

There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.

Yvette Celiz
868 Niheu St.
Lahaina, HI 96761

LATE

From: Laurel Quarton <laurelq@hawaiiantel.net>
Sent: Monday, February 18, 2019 12:34 PM
To: FINtestimony
Subject: OPPOSE HB1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326. I have lived on Kauai for 36 years. In that short historical time I have seen, and am still seeing, changes which will destroy our island if they continue. Land and water misuse are at the basis of this self-destruction because they not only despoil the natural wealth of resources that Kauai offers, but they destroy the quality of life, and the harmony of life of the people living here. Please begin to think systemically and far-sightedly while there is still time.

You may recognize this letter below and it's contents as the reasons for opposing HB1326 are immutable. If you haven't yet read this letter from someone else, please do so now.

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

On Kauai, KIUC has been diverting 100% of the baseflow of Wai 'ale'ale Stream for over 15 years without needing to quantify it's water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion.

There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.

Laurel Quarton

Wailua, Kauai

LATE

From: Mark Sheehan <mark@marksheehan.com>
Sent: Monday, February 18, 2019 12:11 PM
To: FINtestimony
Subject: OPPOSE HB 1326

Dear Chairman,

This is a terrible bill. Please do not approve it. Our streams have been dewatered by water hoarders for generations.

I specifically oppose the seven-year extension of temporary water permits....for an unlimited period of time and without criteria for ensuring the stream ecosystems are protected from excessive diversions. This bill allows diverters and hoarders to continue to avoid proof of need and doing the EIS justification work they have put off for decades. Please talk to local people who are impacted by such diversions.

Mahalo,

Mark Sheehan

Haiku, Maui

283-2158

finance8 - Joy

LATE

From: Patricia Blair <patriciablair@msn.com>
Sent: Monday, February 18, 2019 12:08 PM
To: FINtestimony
Subject: I oppose HB 1326

Patricia Blair, Kailua
Sent from my iPad

LATE

From: Wendy Beckett <peterpanspal45@yahoo.com>
Sent: Monday, February 18, 2019 12:06 PM
To: FINtestimony
Subject: Oppose HB 1326

OPPOSE HB1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

[Introduce yourself and where you live. Provide some specific info on why you oppose the ongoing theft of water and/or how streamflow diversion has impacted you or your community personally]

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

On Kauai, KIUC has been diverting 100% of the baseflow of Wai'ale'ale Stream for over 15 years without needing to quantify it's water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion.

There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration.

Wendy Beckett
4215 Hoala Street, Apt 123
Lihue, HI 96766

LATE

From: Tlaloc Tokuda <tlalocct@hotmail.com>
Sent: Monday, February 18, 2019 12:05 PM
To: FINtestimony
Subject: OPPOSE HB1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

My name is Tlaloc Tokuda and i'm a member of HAPA and 350HI. I have followed 'Hawaii's public trust doctrine since the Supreme Court's Waiahole Ditch Water Contested Case.

HB 1326 blatantly undermines Hawaii's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

On Kauai, KIUC has been diverting 100% of the baseflow of Wai'ale'ale Stream for over 15 years without needing to quantify it's water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion.

There is enough water to share equitably. Hawaii's streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawaii's precious waters, oppose HB 1326.

Mahalo for your consideration.

Tlaloc Tokuda
73-4599 Kukuki St
Kailua Kona, HI 96740

LATE

From: Michelle Sayegh <mauideux@me.com>
Sent: Monday, February 18, 2019 12:03 PM
To: FINtestimony
Subject: VOTE NO ON HB1326

ALOHA

TO: Chair Luke, Vice Chair Cullen and members of the House Finance Committee

RE: HB1326 (AKA the corporate water theft bill)

PLEASE VOTE NO on HB1326

Water is a resource of the land and the people and YOU should do everything YOU can to make sure OUR WATERS continue to flow as naturally as best it can, as it was intended.

We demand the bill be amended to include the language for stream restoration as spelled out in HB848 which requires a **return of a percentage of diverted stream resources to its rightful place, STREAMS.**

Look into your hearts and listen to your voters not corporations!

Mahalo, Michelle Sayegh 26 year resident of Maui

"It's not what you are that holds you back~ it's what you think you are not"

Michelle Sayegh 808 385 7323

finance8 - Joy

LATE

From: Ruta Jordans <rutainkauai@gmail.com>
Sent: Monday, February 18, 2019 12:03 PM
To: FINtestimony
Subject: OPPOSE HB 1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

We should protect Hawai'i's water resources, while allowing stream diversions for diversified agriculture so long as it does not harm the health of the streams.

Please don't perpetuate the generational theft of Hawai'i's precious waters. Oppose HB 1326.

Ruta Jordans
1731 Mauna Ikena Road
Kapaa

LATE

Oppose HB 1326

We need to Protect Waters of Wai'ale'ale and Waikoko

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly urge you to oppose HB 1326.

I have lived in Wailua Homesteads for almost 40 years, and travel on Kuamo'o Road past 'Ōpaeka'a Falls daily. In the past I have always loved to see the water pouring over the falls, and would always stop after a flash flood to watch the HUGE torrent of water coming over, spectacular and amazing. Sadly I have now seen the Falls reduced to a bare trickle over dry rock. Heartbreaking. I see recently, a little more water has been allowed to come through, but we need to return to 100% and bring this amazing area, with all manner of endemic flora and fauna dependent upon these waters, back to its full life. Wai'ale'ale and Waikoko Streams are sacred resources for the community, island, and the Hawaiian people and lāhui. The proposed permit amount of 7.4 mgd unjustly allows KIUC to take most of the base flows from these sacred streams. For a stream of such cultural and environmental significance in a conservation district the bar must be set higher.

HB 1326 blatantly undermines Hawai'i's public trust doctrine. While RP's were intended to temporarily provide time for diverters to prepare their long-term lease applications, the hold over of revocable permits has been utilized as a mechanism to avoid environmental and cultural review and perpetuate the wholesale dewatering of our streams.

On Kauai, KIUC has been diverting 100% of the baseflow of Wai'ale'ale Stream for over 15 years without needing to quantify it's water use needs, or appropriately assess the environmental and cultural impacts of 100% base flow diversion. If KIUC is allowed to continue to divert these sacred waters, the standards should be fair and honest—based on evidence of exactly how much water is needed to operate KIUC's hydropower plant. Allowing KIUC to continue to divert more than half of this stream system to generate such a small amount of its overall energy does not fulfill the constitutional obligation to the public trust. KIUC's trajectory toward 100% clean energy is the strongest in the state, but this small amount of power from Waiahi is not worth the diversions of millions of gallons per day from Wai'ale'ale and Waikoko streams. The co-op must adopt more environmentally sustainable and culturally responsible ways to meet its clean energy goals.

There is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326.

Mahalo for your consideration and for the opportunity to provide comment on this important issue.

Mahalo nui loa,

Carol Beardmore
1051 Pu'u'ōpae Road
Kapa'a, HI 96746

finance8 - Joy

From: mdeycaza <mdeycaza@yahoo.com>
Sent: Monday, February 18, 2019 11:59 AM
To: FINtestimony
Subject: Oppose HB1326

LATE

Dear Committee members, please end this corporate welfare.
Best, Michael deYcaza, Waikiki

finance8 - Joy

From: Allan Rachap <allanjudy@gmail.com>
Sent: Monday, February 18, 2019 11:58 AM
To: FINtestimony
Subject: Oppose HB 1326

LATE

On Kauai, Grove Farm STEALS the public's water -
they then sells it back to the public via the DOW.
How dumb is it that the State facilitates this?

Allan Rachap
Koloa HI

--
Allan

From: Martha E. Martin <mauimarttha@gmail.com>
Sent: Monday, February 18, 2019 11:54 AM
To: FINtestimony
Subject: Oppose HB1326

Aloha Chair Luke, Vice Chair Cullen, and members of the committee,

I strongly oppose HB 1326 and ask you to oppose it.

Having lived on Maui 56 years, I have seen so much water diverted from streams that native plants and animals have died, taro farmers have been denied free flowing cold stream water needed to grow taro, the ocean coral reefs have weakened from lack of continuous inflow from natural streams, and the water table has dropped partly because less fresh ground water has reached it.

A corporation given continuous leases has used the water to grow sugar cane to export it.

Hawaii needs more food grown for local consumption, not export. No corporation should be granted endless leases to use ground water.

Maui streams need to have continuous water flow once more, our coral reefs healthy and strong, and our water table recharged.

Please oppose HB1326.

Mahalo,
Martha E. Martin
40 Kunihi Lane #226
Kahului, HI 96732

finance8 - Joy

LATE

From: John Naylor <jdancer@kula.us>
Sent: Monday, February 18, 2019 11:52 AM
To: FINtestimony
Subject: I OPPOSE HB 1326

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

I strongly oppose HB 1326.

Please don't perpetuate the generational theft of Hawai'i Nei's waters. Please oppose HB 1326.

Most sincerely,

John Naylor

Makawao

LATE

From: Jamie Tang <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 8:35 AM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Jamie Tang

pualani_2006@hotmail.com

LATE

From: Mille Kohl <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 8:11 AM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Mille Kohl

bcalmk@hawaiiantel.net



From: Maria Walker <maria.makaleha@gmail.com>
Sent: Wednesday, February 20, 2019 8:05 AM
To: FINtestimony
Subject: Please oppose HB 1326

Aloha Committee Members,

I am writing to express the strong opposition I and my family have to HB 1326. We live on Kaua'i next to Kapa'a stream, in the area of the Wailua and Wai'ala'ale watersheds, and see firsthand the negative impacts of stream diversion on our ecosystems. Allowing companies to continue to abuse the revocable permit system results in a continued disrespectful end run around the state's regulations that protect our environment and ensure that our heritage and cultural practices are respected and addressed.

We are blessed to have abundant water on Kaua'i, and I appreciate that KIUC is trying to pursue all avenues of renewable energy, but it does not need 100% of Wai'ala'ale's steam flow to do that to produce a tiny bit of power on an antiquated system. Most importantly, it has not even begun to do an environmental assessment after 15 years of revocable permits. It is incredibly insulting that Grove Farm is diverting Kaua'i's water and selling it back to the county-water is the foundation of the public trust that our state is empowered to protect. These are just examples from our island, I know that opposing HB 1326 will be beneficial to the entire state as our legislature works to close this loophole that is being abused by multiple large corporations.

I urge you most strongly to oppose this bill, and use your influence to help protect the waters that give us all life and are intrinsic to Hawai'i's cultural and environmental heritage.

Mahalo for hearing my testimony,
Maria Walker
PO Box 33
Kapa'a, HI, 96746
(808) 821-0732

LATE

From: Julisa Figueroa <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 7:45 AM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Julisa Figueroa

jfig1996@gmail.com

LATE

From: Noil Buscaglia <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 7:20 AM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Noil Buscaglia

noilthelion@gmail.com

LATE

From: Neesha Erlendsson <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 7:17 AM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Neesha Erlendsson

imafordgirl2@yahoo.com

From: Vanessa Bugarin <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 7:11 AM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Vanessa Bugarin

missvness@icloud.com

LATE

From: Jordan Patterson <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 7:03 AM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Jordan Patterson

jahiwa1139@gmail.com

LATE

From: Anela Iokia <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 7:00 AM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

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Mahalo,

Anela Iokia

anela.iokia@gmail.com



From: Christina Parker <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 6:43 AM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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Mahalo,

Christina Parker

christinaparker007@gmail.com

LATE

From: Sharon Tanaka <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 6:42 AM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Sharon Tanaka

haku1234@aol.com



From: Jasmine Morales <808diligence@gmail.com>
Sent: Wednesday, February 20, 2019 6:33 AM
To: FINtestimony
Subject: Please protect our precious water resources. Thank You!

Representative Sylvia Luke, Chair
Committee on Finance

Aloha Ms. Luke and Members of the Committee,

My name is Kamāla 'Āpana. I am a native Hawaiian that was born and raised on the beautiful island of Kauai. Clean, fresh water is considered the most valuable resource of kānaka. I humbly ask that you folks take time and reflect on the importance of our water rights as indigenous people of Hawai'i.

It is necessary for the department of land and natural resources to conduct and submit annual reports to the legislature at least twenty days before the convening of each regular session to include the requirements as indicated in the original document.

Mahalo Nui Loa for taking the time to actively listen to the hearts of our people that are trusting you folks to stand up for the greater good and protect our precious water resources.

With Much Aloha,
Kamāla 'Āpana

LATE

From: Mason Rose <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 6:27 AM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Mason Rose

hyonotic888@hotmail.com

LATE

From: Antonia Rios <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 6:26 AM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

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Mahalo,

Antonia Rios

misstoneloc@yahoo.com

LATE

From: Jo Amsterdam <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 5:33 AM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

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I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

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Mahalo,

Jo Amsterdam

joamsterdm@hotmail.com

LATE

From: Cynthia Allan <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 4:59 AM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

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Mahalo,

Cynthia Allan

callan1034@aol.com

LATE

From: Katherine Kitchen <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 4:30 AM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

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Mahalo,

Katherine Kitchen

kattkitchen@gmail.com

LATE

From: Carissa Shanahan <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 4:28 AM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

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Mahalo,

Carissa Shanahan

radris1127@gmail.com

LATE

From: Rikita Turner <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 2:33 AM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

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Mahalo,

Rikita Turner

rikita808@gmail.co

LATE

From: Ran Noveck <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 1:57 AM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

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Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,
Ran

Ran Noveck

rannoveckart@gmail.com

From: Luna Palma <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 1:56 AM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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Mahalo,

Luna Palma

lunapalma333@yahoo.com

LATE

From: Jordan Basuil <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 12:54 AM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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Mahalo,

Jordan Basuil

nad_jor90@yahoo.com

LATE

From: Sara Tekula <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 12:46 AM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

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Mahalo,

Sara Tekula

spectekula@gmail.com

LATE

From: Amy Bright <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 12:34 AM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

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Mahalo,

Amy Bright

amybright34@gmail.com

From: Blaine Risner <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 12:33 AM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

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Mahalo,

Blaine Risner

blainerisner@gmail.com

LATE

From: Marc Ito <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 12:28 AM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

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Mahalo,

Marc Ito

milosewin79@gmail.com

finance1 - Sean

From: Ashley Bare <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 10:27 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm



Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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Mahalo,
Ashley B

Ashley Bare

pandamiba@gmail.com

From: Shayna Garcia-Johnson <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 12:27 AM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

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Mahalo,

Shayna Garcia-Johnson

wizardpotter973@gmail.com

finance1 - Sean

From: Michelle Thompson <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 10:32 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm



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Mahalo,

Michelle Thompson

tunaluna88@yahoo.com



From: Mark Lavender <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 12:23 AM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

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Mahalo,

Mark Lavender

mdlavender@gmail.com

LATE

From: Tiani Terazono <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 12:23 AM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

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Mahalo,

Tiani Terazono

tianitera@gmail.com

From: Tea Mik <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 12:22 AM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

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Mahalo,

Tea Mik

soeaaski@gmail.com

LATE

From: Boaz Rosen <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 12:21 AM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

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Mahalo,

Boaz Rosen

boazrosen@gmail.com

From: Angel Deal <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 12:18 AM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

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Mahalo,

Angel Deal

angeldeal7@gmail.com

finance1 - Sean

From: Michelle Rodrigues <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 9:15 AM
To: FINtestimony
Subject: Testimony in OPPOSITION to HB1326 HD2 - protect our streams



Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

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Mahalo,

Michelle Rodrigues

rosemichellero@gmail.com

finance1 - Sean

From: Lino Delgado <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 9:21 AM
To: FINtestimony
Subject: Testimony in OPPOSITION to HB1326 HD2 - protect our streams

LATE

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Mahalo,

Lino Delgado

leanski@gmail.com

finance1 - Sean

From: Cecilia Reilly <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 9:23 AM
To: FINtestimony
Subject: Testimony in OPPOSITION to HB1326 HD2 - protect our streams



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Mahalo,

Cecilia Reilly

recoverthis99@gmail.com

finance1 - Sean

From: Tamara Shaffer <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 9:34 AM
To: FINtestimony
Subject: Testimony in OPPOSITION to HB1326 HD2 - protect our streams

LATE

Aloha Chair Luke and members of the Finance Committee,

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Mahalo,

Tamara Shaffer

tamara@marahawaii.com

finance1 - Sean

From: Christie Numazawa <cmn8868@hawaii.edu>
Sent: Wednesday, February 20, 2019 9:46 AM
To: FINtestimony
Subject: WaterTestimony

LATE

Representative Sylvia Luke, Chair
Committee on Finance

Aloha Ms. Luke and Members of the Committee,

My name is Christie. I was born and raised on Kauai and I am very concerned about the taking of millions of gallons of water from Wai`ale`ale and Waikoko Streams. The State diversions operated by KIUC have been under an RP status for more than 15 years. For that entire time, KIUC has never given the public Notice of any environmental studies. We learned from OHA that they have attempted to perform 2 Cultural Impact Assessments, both of which were rejected. There has been no notice to the public and no public involvement in any environmental review. As a Kanaka and cultural practitioner, I am aware and have observed significant impact to these 2 steams. As recently as Feb. 5, 2019, the Waikoko Stream was completely dewatered below the dam in violation of a Land Board decision made 12/14/2018 that directed KIUC to leave a minimum of 1.6 million gallons daily to flow in Waikoko Stream.

What KIUC is doing to 2 of our most sacred streams should not be allowed. I ask your help in not permitting this abuse of one of our most precious public trust resources, water. Our Supreme Court has said that no one should take water without first assuring public trust purposes are satisfied. In 15 years, KIUC has done nothing to make that determination. I work at KCC and I am actively involved with forest management plans and I am very concerned that the proposed bill, HB1326, totally undermines the protections intended by HRS 171-58, our State Constitution and ignores the Hawaii Supreme Court's decisions in the cases of Kauai Springs and Na Wai `Eha. There should be no further extensions of the RPs beyond what was in Act 126.

Sincerely,
Christie Numazawa
Kauai, Hawaii

--

Thank You,

Christie Numazawa

finance1 - Sean

From: Ella Aiwohi <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 9:43 AM
To: FINtestimony
Subject: Testimony in OPPOSITION to HB1326 HD2 - protect our streams



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Mahalo,

Ella Aiwohi

ella.aiwohi@gmail.com

finance1 - Sean

From: Samantha Pavlik <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 10:06 AM
To: FINtestimony
Subject: Testimony in OPPOSITION to HB1326 HD2 - protect our streams



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Mahalo,

Samantha Pavlik

samantha.pavlik@yahoo.com

finance1 - Sean

From: Arielle Simon <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 10:15 AM
To: FINtestimony
Subject: Testimony in OPPOSITION to HB1326 HD2 - protect our streams



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Mahalo,

Arielle Simon

sweetpeamaui@gmail.com

finance1 - Sean

From: Zoe Hans <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 10:29 AM
To: FINtestimony
Subject: Testimony in OPPOSITION to HB1326 HD2 - protect our streams

LATE

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Zoe Hans

zoemhans@gmail.com

finance1 - Sean

From: Timothy Lum <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 10:30 AM
To: FINtestimony
Subject: Testimony in OPPOSITION to HB1326 HD2 - protect our streams

LATE

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Timothy Lum

timothyclum@gmail.com

finance1 - Sean

From: Kassie Perales <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 10:41 AM
To: FINtestimony
Subject: Testimony in OPPOSITION to HB1326 HD2 - protect our streams

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Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Kassie Perales

kassie_perales@yahoo.com

finance1 - Sean

From: Randy Yokoyama <rjyoko@gmail.com>
Sent: Wednesday, February 20, 2019 10:54 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2



Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

finance1 - Sean

From: Skye Rhoden <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 10:55 AM
To: FINtestimony
Subject: Testimony in OPPOSITION to HB1326 HD2 - protect our strea

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Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Skye Rhoden

kaululanir@gmail.com

finance1 - Sean

From: Barak Maor <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 11:03 AM
To: FINtestimony
Subject: Testimony in OPPOSITION to HB1326 HD2 - protect our stre

LATE

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Barak Maor

barakmaor@yahoo.com

finance1 - Sean

From: Kimberly Estrada <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 11:14 AM
To: FINtestimony
Subject: Testimony in OPPOSITION to HB1326 HD2 - protect our streams



Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Kimberly Estrada

keblueheaven@mac.com

finance1 - Sean

From: Lehua Greenwell <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 11:49 AM
To: FINtestimony
Subject: Testimony in OPPOSITION to HB1326 HD2 - protect our streams



Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Lehua Greenwell

lehuab123@gmail.com

finance1 - Sean

From: Tanya Dreizin <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 12:11 PM
To: FINtestimony
Subject: Testimony in OPPOSITION to HB1326 HD2 - protect our str



Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

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Mahalo,

Tanya Dreizin

tdreizin@my.hpu.edu

finance1 - Sean

From: Bo Tetra <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 12:18 PM
To: FINtestimony
Subject: Testimony in OPPOSITION to HB1326 HD2 - pr



Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Bo Tetra

mcdonalds@gmail.com

finance1 - Sean

LATE

From: Kirsi Hakkinen <kirsih@gmail.com>
Sent: Wednesday, February 20, 2019 1:40 PM
To: FINtestimony
Subject: Vote NO on HB1326

Please VOTE NO on HB1326. I'm a Kailua resident with a young family and want to protect our streams and our children's future. Let's keep them in mind, and not bow to corporate interests, please!

Thank you for your consideration,

Kirsi Hakkinen
409 Kailua Road
Kailua, HI 96734

LATE

From: Karli Konodi <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 2:28 PM
To: FINtestimony
Subject: Testimony in OPPOSITION to HB1326 HD2 - protect our streams

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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Mahalo,

Karli Konodi

Karli Konodi

kkonodi@hawaii.edu

From: Alison Lewis <uforainier@gmail.com>
Sent: Wednesday, February 20, 2019 3:10 PM
To: FINtestimony
Subject: 1326



My husband and I are small plot farmers on Kaua'i. We do not support HB1326 in any of its forms, and we also do not know of any other small plot (traditional subsistence) farmers who do support it. We would like to see water use permits for corporations or businesses of ANY kind be limited severely in gallons per day as well as length of permit. To rectify the environmental and cultural damage done during industrial agricultural colonialism, all stream flow standards should be set to "No diversion" immediately. And worked forward from there. Do not let the "sickness" status of our stream ecosystems continue to be the "starting reference point." No corporation or business or utility company permit should be longer than two years. This will allow new/restored family subsistence kalo/mai'a/wauke lo'i water uses to constantly increase. THIS is what we small farmers, who love the WHOLE island ecosystem, want.

Alison Lewis
and
Tom Kanahele
Hanapepe, Kaua'i

From: John Dobovan <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 3:06 PM
To: FINtestimony
Subject: Testimony in OPPOSITION to HB1326 HD2 - protect our streams

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

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There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

John Dobovan

jd@kulahvenfarms.com

FIN-Jo

From: Emily Taaroa <punachicksfarm@yahoo.com>
Sent: Wednesday, February 20, 2019 10:59 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Valerie Correa <vcorrea71@hotmail.com>
Sent: Wednesday, February 20, 2019 10:31 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

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I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Jennifer Collotta <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 10:12 AM
To: FINtestimony
Subject: Testimony in OPPOSITION to HB1326 HD2 - protect our streams

Aloha Chair Luke and members of the Finance Committee,

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Mahalo,

Jennifer Collotta

jenncollotta@yahoo.com

FIN-Jo

From: Terry Weaver <terryweaver2000@yahoo.com>
Sent: Wednesday, February 20, 2019 5:25 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

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This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Nonie Soares <auntienonie57@gmail.com>
Sent: Tuesday, February 19, 2019 11:02 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Nancy McIver <cbhorserescue@aol.com>
Sent: Tuesday, February 19, 2019 10:11 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Richard Ha <richard@hamakuasprings.com>
Sent: Tuesday, February 19, 2019 8:36 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

If the farmer makes money, the farmer will farm.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Matthew Graham <grahamr@gmail.com>
Sent: Tuesday, February 19, 2019 8:33 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: James Robello <robelloj@gmail.com>
Sent: Tuesday, February 19, 2019 8:29 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

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This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Gail Jamison <gailj001@gmail.com>
Sent: Tuesday, February 19, 2019 6:47 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

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This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Noelani Ahia <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 4:27 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Noelani Ahia

jennahia@yahoo.com

FIN-Jo

From: Donald R Gerbig <drgmaui@hawaii.rr.com>
Sent: Tuesday, February 19, 2019 3:43 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Philippe Visintainer <philippe@coconutprotectors.com>
Sent: Tuesday, February 19, 2019 3:12 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

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I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Richard Furst <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 2:23 PM
To: FINtestimony
Subject: Testimony to OPPOSE HB1326 HD2- 2/20 2:00pm

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

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Mahalo,

Richard Furst

rfurst808@gmail.com

FIN-Jo

From: Ashley Medeiros <mail@kealiaranch.com>
Sent: Tuesday, February 19, 2019 1:56 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

WE NEED TO SUPPORT THE LOCAL FARMERS WHO ARE WORKING HARD TO SELF SUSTAIN OUR HAWAIIAN ISLANDS!!!!!!!!!!

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: lorie Farrell <lorie.farrell@gmail.com>
Sent: Tuesday, February 19, 2019 1:50 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Anastasia Vaccaro <stasiaev@gmail.com>
Sent: Tuesday, February 19, 2019 1:34 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Timothy Sams <tim.sams@beckshybrids.com>
Sent: Tuesday, February 19, 2019 1:04 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Shelly Anderson <orchidsinthemist@gmail.com>
Sent: Tuesday, February 19, 2019 12:46 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Jim Jacobs <jamesjeffreyjacobs@gmail.com>
Sent: Tuesday, February 19, 2019 12:26 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: cheryl vasconcellos <cvasconcellos@hanahealth.org>
Sent: Tuesday, February 19, 2019 12:08 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmers and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Steve Ensor <okwasup@aol.com>
Sent: Tuesday, February 19, 2019 12:03 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: daniel bolton <dan@boltoninc.com>
Sent: Tuesday, February 19, 2019 12:02 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Rodrigo Balala <rbalala@pineapplemaui.com>
Sent: Tuesday, February 19, 2019 11:37 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Carl LeVecke <clevecke@levecke.com>
Sent: Tuesday, February 19, 2019 11:34 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Isaac Miller <isaac.miller08@yahoo.com>
Sent: Tuesday, February 19, 2019 11:26 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Chloe Gaines <bigislandgaines@gmail.com>
Sent: Tuesday, February 19, 2019 11:07 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Kelvin McKeague <kelvin@huikumaoliola.com>
Sent: Tuesday, February 19, 2019 11:06 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Sharon Willeford <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 11:05 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Sharon Willeford

slwsurfing@gmail.com

FIN-Jo

From: Donald Lau <whtmzda@yahoo.com>
Sent: Tuesday, February 19, 2019 10:56 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Celia Haines <celia@maui.net>
Sent: Tuesday, February 19, 2019 10:53 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Wil Tehero <william_tehero@yahoo.com>
Sent: Tuesday, February 19, 2019 10:41 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Brian Watanabe <brian.t.watanabe@hawaii.gov>
Sent: Tuesday, February 19, 2019 10:37 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Harry Hashimoto <243hhh@gmail.com>
Sent: Tuesday, February 19, 2019 10:31 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Marc Beaulieu <marc.beaulieu@bayer.com>
Sent: Tuesday, February 19, 2019 10:27 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Margi Tanaka <margitanaka@midpac.edu>
Sent: Tuesday, February 19, 2019 10:27 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Brian McCracken <kapaabeach@gmail.com>
Sent: Tuesday, February 19, 2019 10:22 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Les Takayama <grayboy24@aol.com>
Sent: Tuesday, February 19, 2019 10:18 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Peter Yamashita <pk Yamashita@gmail.com>
Sent: Tuesday, February 19, 2019 10:17 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Frederick Lau <fred@marisgardens.com>
Sent: Tuesday, February 19, 2019 10:16 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Nelson Kunitake <nelsonkunitake@yahoo.com>
Sent: Tuesday, February 19, 2019 10:11 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Steve Lupkes <steve.lupkes@beckshybrids.com>
Sent: Tuesday, February 19, 2019 10:11 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Ray Echavez <echavez@hirabara farms.com>
Sent: Tuesday, February 19, 2019 10:10 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: David Bateman <dave@heavenlyhawaiian.com>
Sent: Tuesday, February 19, 2019 10:01 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Jacqueline Sanchez <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 9:46 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Jacqueline Sanchez

kahea@gmx.com

FIN-Jo

From: Ronald Weidenbach <hawaiifish@gmail.com>
Sent: Tuesday, February 19, 2019 9:41 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Adam Killermann <apkajar@gmail.com>
Sent: Tuesday, February 19, 2019 9:29 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Winifred Marcos <w1n1marc@gmail.com>
Sent: Tuesday, February 19, 2019 9:09 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Timothy Memea <tmemea@beihawaii.com>
Sent: Tuesday, February 19, 2019 9:00 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Nanea Lo <hi.waterprotector@gmail.com>
Sent: Tuesday, February 19, 2019 8:59 AM
To: FINtestimony
Subject: Testimony in OPPOSITION of HB1326 - FIN Wednesday, 2/20 2:00pm room 308

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Nanea Lo

Naneaclo@gmail.com

FIN-Jo

From: Jason T Okuhama <jokuhama@cblending.com>
Sent: Tuesday, February 19, 2019 8:26 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Melvin Matsuda <melvin@kahukubrand.com>
Sent: Tuesday, February 19, 2019 8:24 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Sandi Kato-Klutke <skatoklutke@gmail.com>
Sent: Tuesday, February 19, 2019 8:20 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Bonnie Self <bschoneb@gmail.com>
Sent: Tuesday, February 19, 2019 7:46 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Mark Phillipson <reelrelaxed@gmail.com>
Sent: Tuesday, February 19, 2019 7:43 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Ryan Miller <ryan.miller@beihawaii.com>
Sent: Tuesday, February 19, 2019 7:38 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Gregory Friel <gregf@haleakalaranch.com>
Sent: Tuesday, February 19, 2019 7:37 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Mae Nakahata <mnakahata@gmail.com>
Sent: Tuesday, February 19, 2019 7:23 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, clarifying revocable permit conditions.

This bill will allow farmers and ranchers continued access to water as the process for long term permits is determined. Law and values evolve but Hawaii's need for agriculture for increased levels of self sufficiency does not.. we all need sustenance. We have all seen empty shelves at the stores.. then it is too late to wish for local production. The measure today is to ensure that ag on the affected lands can continue when you and I need it to meet our needs.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Yuki Lei Sugimura <yukilei.sugimura@mauicounty.us>
Sent: Tuesday, February 19, 2019 7:15 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Louis Yang <louis20yang@yahoo.com>
Sent: Tuesday, February 19, 2019 7:10 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: David Fuertes <dcfuertes@aol.com>
Sent: Tuesday, February 19, 2019 7:02 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Jerry Nishek <jerry@kauainursery.com>
Sent: Tuesday, February 19, 2019 6:55 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Alan Tada <flowersforever@hawaiiantel.biz>
Sent: Tuesday, February 19, 2019 6:48 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Robert Paull <robertepaull@gmail.com>
Sent: Tuesday, February 19, 2019 6:13 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Troy Keolanui <troy@okfarmshawaii.com>
Sent: Tuesday, February 19, 2019 6:13 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Edward Kawamura <edward@kawamurafarm.com>
Sent: Tuesday, February 19, 2019 6:10 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Loreto Obra <lorie@rustyshawaiian.com>
Sent: Tuesday, February 19, 2019 5:53 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Sylvia Cenzano <sylvia@kolealea.com>
Sent: Tuesday, February 19, 2019 5:48 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: JASON KNOCHE <jasonknoche@gmail.com>
Sent: Tuesday, February 19, 2019 5:41 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Roy Asao <rasao777@aol.com>
Sent: Tuesday, February 19, 2019 5:31 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Benjamin Olson <olsonb74@yahoo.com>
Sent: Tuesday, February 19, 2019 4:53 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Alan Gottlieb <alan@prloffice.com>
Sent: Tuesday, February 19, 2019 3:08 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Tiffani Hull <yimti@yahoo.com>
Sent: Tuesday, February 19, 2019 2:37 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Frederick Mencher <fmencher@hawaii.rr.com>
Sent: Monday, February 18, 2019 10:45 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Ann M Fontes <afkauaigr1086@gmail.com>
Sent: Monday, February 18, 2019 10:32 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Iris Iwami <irisiwami@yahoo.com>
Sent: Monday, February 18, 2019 9:18 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Reid Yoshida <r-yoshida@hotmail.com>
Sent: Monday, February 18, 2019 9:09 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Jeffrey McCall <mccalljeffreyw@gmail.com>
Sent: Monday, February 18, 2019 9:04 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Dustin Alderks <dusty.alderks@gmail.com>
Sent: Monday, February 18, 2019 8:53 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: TinMyaing Thein <myaing2@pacificgatewaycenter.org>
Sent: Monday, February 18, 2019 8:51 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: donald sommer <desommer@yahoo.com>
Sent: Monday, February 18, 2019 8:46 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Alvin Tsuruda <waihale@hawaiiantel.net>
Sent: Monday, February 18, 2019 8:34 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Rodney & Karol Haraguchi <karol@haraguchiricemill.org>
Sent: Monday, February 18, 2019 8:32 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Randy Yokoyama <rjyoko@gmail.com>
Sent: Monday, February 18, 2019 8:19 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Jari Sugano <ncsugano@gmail.com>
Sent: Monday, February 18, 2019 8:08 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

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I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Phil Becker <y2kvet@hawaii.rr.com>
Sent: Monday, February 18, 2019 7:58 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Justin Teixeira <jtexfarms@gmail.com>
Sent: Monday, February 18, 2019 7:52 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

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I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Laila Jayyousi <kalua1@hotmail.com>
Sent: Monday, February 18, 2019 7:51 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

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I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Barry Kim <kimn001@hawaii.rr.com>
Sent: Monday, February 18, 2019 7:29 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Joni Kamiya <jonikamiya@gmail.com>
Sent: Monday, February 18, 2019 7:27 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Emily Taaroa <punachicksfarm@yahoo.com>
Sent: Wednesday, February 20, 2019 10:59 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Valerie Correa <vcorrea71@hotmail.com>
Sent: Wednesday, February 20, 2019 10:31 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Mark Phillipson <reelrelaxed@gmail.com>
Sent: Tuesday, February 19, 2019 7:43 AM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.

FIN-Jo

From: Jennifer Collotta <hi.waterprotector@gmail.com>
Sent: Wednesday, February 20, 2019 10:12 AM
To: FINtestimony
Subject: Testimony in OPPOSITION to HB1326 HD2 - protect our streams

Aloha Chair Luke and members of the Finance Committee,

I am writing in STRONG opposition to HB 1326 HD2 as proposed. This bill would extend temporary water permits to corporations, allowing them to take excessive amounts of water from Hawai'i's streams for another 7 years.

Corporations like Alexander & Baldwin and Kaua 'i Island Utility Cooperative received a three year extension of their month-to-month permits in 2016 for the purpose of finishing the environmental impact statements required 15 years ago and completing the long term lease application. They failed to accomplish this. It is absolutely unjust for these corporations to receive yet another extension.

This bill also guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), while failing to protect our native streams and the communities that rely on them, and endorsing DLNR's past gross mismanagement of public trust waters and land.

This has to stop! Please adopt HB848 instead which allows for reasonable stream water use while improving management of Hawai'i's watersheds and increasing accountability of public trust resources uses for corporate profit.

There is enough water for everyone to prosper, it is just a matter of striking the right balance. HB1326 is not the right balance.

Mahalo,

Jennifer Collotta

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FIN-Jo

From: Melvin Kunitake <melvin.kuni@gmail.com>
Sent: Wednesday, February 20, 2019 9:32 PM
To: FINtestimony
Subject: I Support HB 1326, HD 1, Proposed HD 2

Dear Chair Luke, Vice Chair Cullen, and members of the committee,

I support HB HB 1326, HD 1, Proposed HD 2, which will ensure that our farmer and ranchers who rely on diverted water for irrigation through revocable permits will be treated fairly and that any permit holdovers will be granted consistent with public trust principles.

This bill will allow farmers and ranchers access to water needed to grow food for our local communities. Without access to water, agriculture will fail.

I urge you to pass HB 1326, HD 1, Proposed HD 2.

Thank you for the opportunity to testify on this measure.