

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  
WATER, LAND, & HAWAIIAN AFFAIRS**

**Friday, February 8, 2019  
8:30 AM  
State Capitol, Conference Room 325**

**In consideration of  
HOUSE BILL 1326  
RELATING TO WATER RIGHTS**

House Bill 1326 proposes to allow holdovers of revocable water permits to continue until the pending application for a lease is resolved. The measure also proposes to 1) require prompt execution of contested case proceedings for one year holdovers, 2) allow holdovers to continue pending completion of contested case proceedings, and 3) remove repeal and reenactment provisions relating to Section 171-58(c), Hawaii Revised Statutes (HRS). **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 Land Division (LD), Division of Forestry and Wildlife (DOFAW), and the Commission on Water Resource Management (CWRM) are working in collaboration with the Attorney General (AG) and the Department of Hawaiian Homelands (DHHL) 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.

The Department appreciates concerns that the measure allows for the potential holdover of revocable permits for an indefinite period of time, provided the lease is actively pursued. However, the Board of Land and Natural Resources (Board) also retains the discretion to cancel a revocable permit if the permittee fails to act in good faith to obtain a lease. Any decision to cancel would be heard by the Board in an open, sun-shined meeting offering the public an opportunity to testify on the matter. Additionally, given the proposed amendments in section 3 of this measure, it appears that Act 126, Session Laws of Hawaii 2016, already provided for continued holdover for the revocable permits beyond the initial three year period. Furthermore,

**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

the provisions in the measure relating to contested cases would serve to ensure the due process interests of all parties.

Thank you for the opportunity to comment on this measure.

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 WATER, LAND, & HAWAIIAN AFFAIRS

FEBRUARY 8, 2019  
8:30 A.M.  
CONFERENCE ROOM 325

HOUSE BILL NO. 1326  
RELATING TO WATER RIGHTS

Chairperson Yamane and Members of the Committee:

Thank you for the opportunity to testify on House Bill 1326 relating to water rights. This bill allows 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 1-year holdovers and allows holdovers to continue pending completion of contested case proceedings. Finally, it removes repeal and reenactment provisions relating to section 171-58(c), Hawaii Revised Statutes. 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.





**HB1326**  
**RELATING TO WATER RIGHTS**

House Committee on Water, Land, & Hawaiian Affairs

February 8, 2019

8:30 a.m.

Room 325

The Office of Hawaiian Affairs (OHA) Beneficiary Advocacy and Empowerment Committee will recommend that the Board of Trustees **OPPOSE** HB1326, which would remove the sunset date of Act 126, extending its substantially unconditioned “holdover” authority indefinitely. **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 years, if not decades or longer.**

Act 126 (2016) effectively forgave the BLNR and A&B for failing 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 also overrode a more recent 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 drawing into question the “holdover” of 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 the environmental review requirement, as well as on the other requirements of the long-term water lease ostensibly sought by A&B,<sup>1</sup> the legislature set Act 126 to sunset in three years; and 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 statement<sup>2</sup> for the diversion of East Maui’s streams.**

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<sup>1</sup> 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.

<sup>2</sup> 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 this environmental review requirement, 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. **Accordingly, by removing the sunset date for Act 126, this measure would only reward A&B for its continued disregard of its legal responsibilities, and potentially allow it to continue receiving "holdovers" of its revocable permits for an indefinite length of time, with no environmental review of its diversions' impacts to the natural and cultural resources and sites of East Maui's watersheds and coastal regions.**

In addition, while the legislature specifically required "holdovers" to be "consistent with the public trust," the BLNR's subsequent issuance of revocable permit holdovers has only illustrated its continued lack of understanding as to 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 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 any specific agricultural plan 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. Moreover, the BLNR has further 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 indefinitely, and without any concrete and enforceable standards or conditions, would only encourage the BLNR to continue abdicating its public trust responsibilities in its "holdovers" of A&B's East Maui revocable permits.**

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

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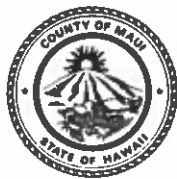
If an action would clearly result in significant impacts, the environmental assessment step can be skipped, and an environmental impact statement can be commenced without an assessment.

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 for diversions to serve Upcountry Maui, there would be no legal barrier to meeting Upcountry Maui's water needs should Act 126 be allowed to sunset. **Moreover, A&B failed then and continues to fail now to demonstrate why the approximately 53 millions of gallons of water per day that it can already divert from its own privately-held East Maui watershed lands is not more than sufficient to fulfill its obligations to Maui County and Upcountry residents.** With regards to maintaining the "integrity" of the ditch system, it was and remains unclear why this would require the wholesale diversion of entire streams – which were and would continue to be authorized under the "holdover" authority provided by Act 126, and extended indefinitely under this measure.

Finally, OHA understands and appreciates that updated interim instream flow standards (IIFS) for 27 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. 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. **However, to now completely remove the sunset date on Act 126 without meaningful conditions, would only serve to reward A&B for its continued flaunting of its responsibilities under our environmental review laws, and result in the continued and indefinite abdication of the public trust in a substantial majority of East Maui's streams.**

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

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  
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February 6, 2019

The Honorable Ryan I. Yamane, Chair  
Committee on Water, Land and Hawaiian Affairs  
The State House  
State Capitol, Room 420  
Honolulu, Hawaii 96813

Dear Chair Yamane:

Subject: House Bill (HB) 1326 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 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.

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 Hawaiian 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. Thyne", is written over a faint, illegible printed name.

DAVID C. THYNE  
Fire Chief



# 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 WATER, LAND & HAWAIIAN AFFAIRS

### HOUSE BILL 1326

### RELATING TO WATER RIGHTS

February 8, 2019

Chair Ryan Yamane, Vice Chair Chris Todd 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 1326, 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 experiences 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.

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 SB1326.



STATEMENT OF MAHI PONO, LLC  
TO THE HOUSE COMMITTEE ON WATER, LAND, AND HAWAIIAN AFFAIRS

Friday, February 8, 2019  
8:30am  
State Capitol, Conference Room 325

HB 1326  
RELATING TO WATER RIGHTS

Chair Yamane, Vice Chair Todd, and members of the Committee on Water, Land, and Hawaiian Affairs:

Mahi Pono respectfully submits testimony in support of HB 1326 to allow for the holdover of revocable water permits to continue until the pending application for a water lease is completed and approved.

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 decision, which it did in June of 2018. This decision represents the conclusion of a lengthy contest, wherein the Commission restored streamflow to 10 Maui streams, while at the same time recognizing the need for stream water in the development of diversified agriculture. Mahi Pono both supports and intends to honor this 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.

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

**HB-1326**

Submitted on: 2/7/2019 11:03:25 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chris Manfredi	Hawaii Coffee Association	Support	No

Comments:

**HB-1326**

Submitted on: 2/7/2019 9:58:30 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Helmut Klauer	A'a Li'i Farm	Oppose	No

Comments:

**HB-1326**

Submitted on: 2/7/2019 11:00:27 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

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

Comments:

Please support HB 1326. Please consider the future of Agriculture in our State, the future of which is hinged on access to affordable water.

**HB-1326**

Submitted on: 2/7/2019 2:48:02 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cathy Goeggel	Animal Rights Hawai'i	Oppose	No

Comments:

**HB-1326**

Submitted on: 2/7/2019 10:07:21 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John C. Cross	Ka'u Soil and Water Conservation District	Support	No

Comments:

I have been involved with Water Permits and water development in the Ka'u district for decades. The permit holders are actively trying to convert their RP's to long term leases and need this bill passed to provide the time needed to get all the required actions performed.



**HB-1326**

Submitted on: 2/7/2019 9:59:56 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John & Rita Shockley	FREE ACCESS COALITION	Oppose	No

Comments:

Aloha!

The continuation of water diversion without clear usage and transparent facts about what the diverted water will be used for needs to be clearly stated before any extension should be approved.

**HB-1326**

Submitted on: 2/7/2019 10:22:21 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Vince Kana`i Dodge	`Ai Pohaku	Oppose	No

Comments:

Dear legislators

HB1326 will

- indefinitely extend temporary water permits
- for an unlimited amount of water
- for unknown purposes, and ;
- provides no standards or criteria for ensuring that stream ecosystems are protected from excessive water diversions.;

This is theft of the public trust.

it must stop!

Do not pass HB1326 or any bill that steals from our Aina and our children's future

Instead enforce existing requirements for corporations like A & B to fulfill their obligation to prepare full environmental impact statements on all the streams and communities that they divert water from and start fining them heavily for negligence of their responsibilities

Water is not free - water is life!

aloha nui!

vince Kanai Dodge



February 6, 2019

Representative Ryan I. Yamane, Chair  
Representative Chris Todd, Vice Chair  
House Committee on Water, Land & Hawaiian Affairs

**Testimony in Support of HB 1326 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.)**

**Hearing Friday, February 8, 2019, 8:30 a.m., in Conference Room 325**

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**, which proposes to amend Hawaii Revised Statutes (HRS), Section 171-58 to allow an extension of time for holdovers of revocable water permits (Revocable Permits) until the pending application for a lease is resolved; and to require that any contested case proceedings requested on one-year holdovers are undertaken in an expedited manner, and that in such case, the holdover would be allowed to continue pending completion of such proceedings.

**HB 1326.** 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, subject to 1) an annual determination by the State Board of Land & Natural Resources (BLNR) that said holdover is consistent with the public trust, and 2) the lease continues to be actively pursued. The language proposed in the bill regarding contested cases would also ensure that when any contested case proceedings are brought during the renewal period, they are undertaken in an expedited manner and that the status quo is maintained while said proceedings are pending.

### **Factual Background.**

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

pursuant to HRS Chapter 171, the BLNR 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 was enacted into law by the Legislature in 2016, aptly enabling the BLNR 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 the 2016 amendments to HRS Section 171-58(c)(1), the BLNR 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 BLNR approved the last of the three authorized years of holdovers for all but one of the 13 affected revocable water permittees<sup>1</sup> 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 processes<sup>2</sup>, all or each one of which, may likely take more than a year to complete. It is therefore imperative that the BLNR be authorized to allow permits to be continued 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 case proceedings would also ensure that when any contested case proceeding is brought for a one-year holdover, it is undertaken in an expedited manner and that the status quo of the holdover is maintained while the contested case proceeding is pending.

**LURF’s Position.** LURF believes the drafters 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 one involving a number of permittees,

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

<sup>2</sup> 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

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 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 statutory provision as currently written, this Committee should take appropriate action to address the problem and pass this bill to allow BLNR to take narrow exception and authorize a holdover annually until the pending application for the disposition of water rights previously authorized is resolved, particularly when the lease continues to be actively pursued and such authorization will best serve the interests of the State.

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

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



Board of Directors:

## House Committee on Water, Land & Hawaiian Affairs

Gary L. Hooser  
*President*

### Hawai'i Alliance for Progressive Action OPPOSES HB 1326

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

Aloha Chair Yamane, Vice Chair Lowen & 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. 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*

Paul Achitoff

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 further incentivizes this bad practice.

Nancy Aleck

Laura Harrelson

Kaleikoa Ka'eo

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.

Michael Miranda

Walter Ritte Jr.

Pua Rossi-Fukino

Karen Shishido

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.

Leslie Malulani Shizue Miki

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. 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 perpetuates this water hoarding by allowing for the indefinite extension 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.

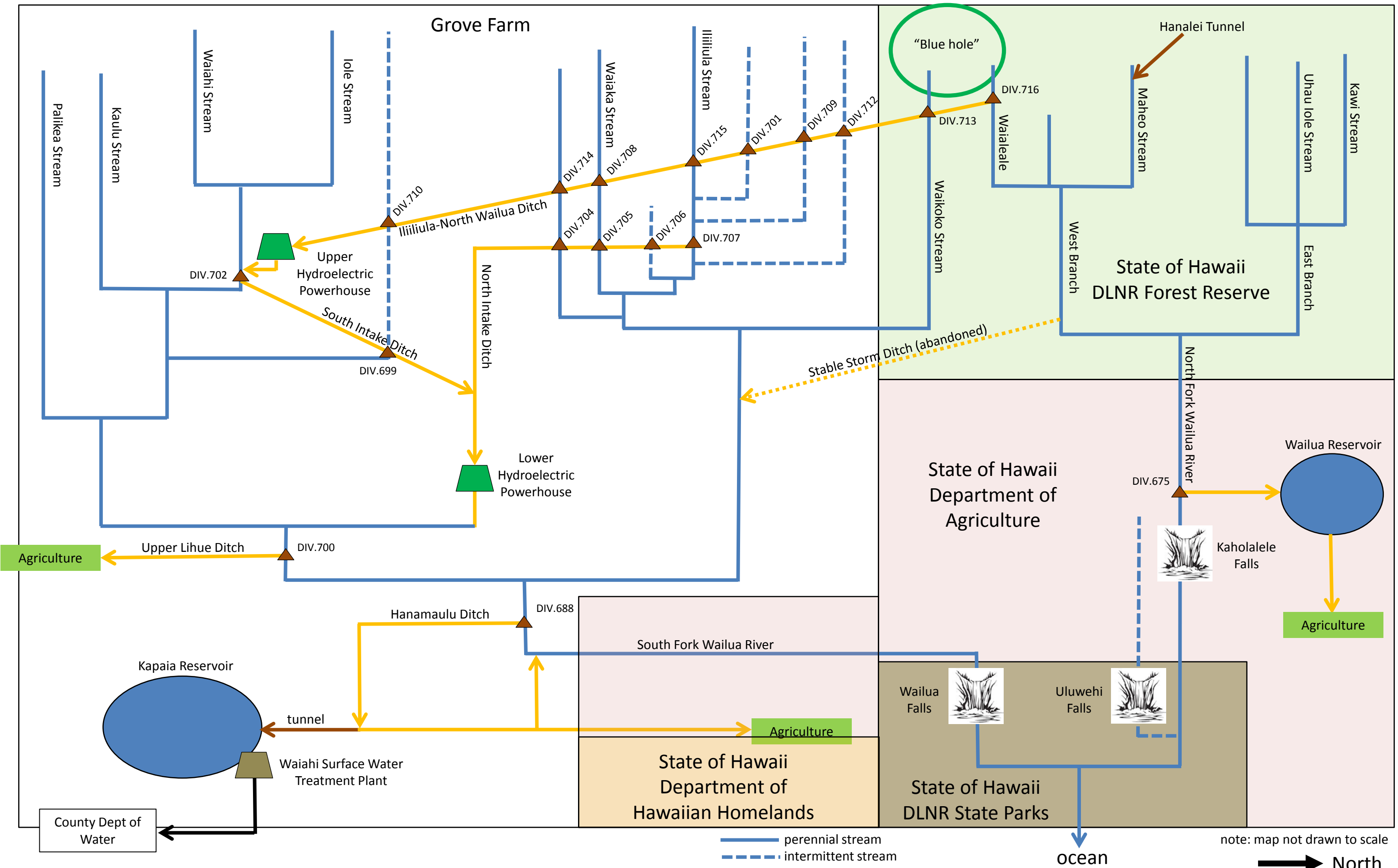
I urge you to oppose HB 1326 and stop the generational theft of our precious water resources.

Mahalo for your consideration.

Respectfully,



Anne Frederick,  
Executive Director







## Maui County

February 7, 2019

HEARING BEFORE THE  
HOUSE COMMITTEE ON WATER, LAND, & HAWAIIAN AFFAIRS

TESTIMONY ON  
HB 1326: RELATING TO WATER RIGHTS

Room 325  
February 8, 2019, 8:30 AM

Aloha Chair Yamane, Vice Chair Todd, 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.



**Testimony to the House Committee on  
Water, Land and Hawaiian Affairs  
Friday, February 8, 2019 8:30 a.m.  
State Capitol Conference Room 325**

**RE: SUPPORT FOR HB 1326 – Relating to Water Rights**

Dear Chair Yamane, Vice-Chair Todd, 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.

The Kaua'i Chamber of Commerce supports this bill and encourages its passage.

There are several water diversions on Kauai and throughout the state that will be negatively impacted if the deadline for awarding of leases is not extended during this session.

It is critically important that these important decisions regarding proper use of our water resources to meet the cultural, social and economic needs of our community be given adequate time for proper due diligence. This bill provides for additional time if the applicants are actively working through the process.

Mahalo for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Perriello".

Mark Perriello  
President & CEO  
Kaua'i Chamber of Commerce  
(808) 245-7363



**Chair Yamane**  
**Vice Chair Todd**  
**House Committee on Water, Land, & Hawaiian Affairs**

**Friday, February 8, 2019**  
**8:30 AM**

**TESTIMONY IN OPPOSITION OF HB1326 RELATING TO WATER RIGHTS**

Aloha Chair Yamane, Vice Chair Todd, Members of the House Committee on Water, Land, & Hawaiian Affairs,

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 about 1,000 Hawai'i residents, mostly of Honolulu who seek to build a Hawai'i that is just, equitable, and sustainable. YPDA is in **opposition to HB1326 relating to water rights**.

YPDA is concerned about this measure, because it would indefinitely extend temporary water permits to Alexander and Baldwin (A&B). This allows them to take as much water as they would like from East Maui streams. Water diversion has existed since the plantations, and we believe it is time to end that exclusionary practice. We believe this because it will not only bring life back to our native streams while helping the people, but because water is protected under Article XI, Section 7 of the State of Hawai'i's Constitution.

Article XI, Section 7 states, "The State has an obligation to protect, control and regulate the use of Hawaii's water resources for the benefit of its people." Communities need that water and need their government to protect them. There is enough water to share. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy, and large-scale agriculture but right now, access to the greater public continues to remain a problem that needs fixing. YPDA urges you to **oppose HB1326 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](mailto:junshinbusiness729@gmail.com)

**HB-1326**

Submitted on: 2/6/2019 7:07:00 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mike Moran	Kihei Community Association (KCA)	Oppose	No

Comments:

Aloha Senator

We oppose this bill for a number of reasons, including lack of any specificity

How much water? Length of time permitted? What for? What, just trust this corporation based on the past poor record? Who is protecting the water for the people? Who is accountable?

Please say NO!

Mike Moran for KCA

**HB-1326**

Submitted on: 2/7/2019 6:16:24 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michelle Galimba	Mountain House Agricultural Water Co- operative	Support	No

Comments:

Aloha Chair Yamane, Vice Chair Todd and Honorable Members,

I support the intent of HB1326 to continue to allow permit-holders to continue working with the various State agencies to solidify water leases. As you can imagine this is not a simple process and involves consultation with multiple state and even county agencies.

Our water cooperative in Ka'u continues to make slow but steady progress in working with the DLNR, DHHL and other stakeholders in resolving the permit to lease process so that water can continue to flow to our ranchers and farmers and would welcome the provisions of this bill.

Thank you,

Michelle Galimba

Mountain House Ka'u Agricultural Water Cooperative



Testimony Before the House Committee  
On Water, Land and Hawaiian Affairs

Fax: 1-800-535-3859

Friday, February 8, 2019; 8:30 am  
Conference Room #325

House Bill No. 1326- Relating to Water Rights

To the Honorable Ryan L. Yamane, Chair; Chris Todd, 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:*

*Kauai Backcountry Adventures*, supports this bill and encourages its passage.

There are a number of water diversions on Kauai and throughout the state that will be negatively impacted if the deadline for awarding of leases is not extended during this session.

It is critically important that these decisions regarding proper use of our water resources to meet the cultural, social and economic needs of our community be given adequate time for proper due diligence. This bill provides for additional time as long as the applicants are actively working through the process. It also allows for minimal disruption for any users of the water. Not only is there a significant economic impact, but major social issues will arise if this bill is not passed.

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read 'Kelley Carswell-Haneberg', is written over the typed name.

Kelley Carswell-Haneberg  
President

Kauai Backcountry Adventuress



**HB-1326**

Submitted on: 2/6/2019 9:29:49 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Mulinix	Our Revolution Hawaii	Oppose	No

Comments:

Aloha Chair Yamane, Vice Chair Todd and members of the committee,

I strongly urge you to oppose HB 1326.

My name is Dave Mulinix and I live in Kahaluu. I have many farmer friends across the State and I know the importance of their having access to clean abundant water for their crops. The ongoing theft of water and stream-flow diversion in the State has a negative impact small local farmers.

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 Waialeale 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 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

Dave Mulinix

Our Revolution Hawaii





Testimony Before the House Committee on  
Water, Land and Hawaiian Affairs

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

Friday, February 8, 2019; 8:30 am  
Conference Room # 325

**House Bill No. 1326 – Relating to Water Rights**

To the Honorable Ryan L. Yamane, Chair; Chris Todd, 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.

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.

Testimony on HB 1326

Page 2

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.



February 6, 2019

**Testimony Before the House Committee on  
Water, Land and Hawaiian Affairs**

**Friday, February 8, 2019; 8:30 am  
Conference Room # 325**

**House Bill No. 1326 – Relating to Water Rights**

To the Honorable Ryan L. Yamane, Chair; Chris Todd, Vice-Chair, and Members of the Committee:

The purpose of this letter is to strongly support House Bill No. 1326 – Relating to Water Rights.

Grove Farm Company, Inc. is one of the larger landowners on Kaua'i, with 37,000 acres of land for development, conservation, sustainable energy, diversified agriculture, education, commercial, and industrial uses.

There are a large number of water diversions on Kaua'i and throughout the state that will be negatively impacted if the deadline for awarding of leases is not extended during this session. Ultimately, this will impact the many users and public uses of these historic plantation era water systems including farmers, ranchers, the Waiahi Surface Water Treatment Plant (primary source of drinking water for 15,000 Kaua'i residents), the State of Hawaii Department of Transportation (DOT), Department of Hawaiian Home Lands (DHHL), the Agribusiness Development Corporation (ADC), commercial, industrial and civic center users.

It is critical that these important decisions regarding proper use of our water resources to meet the cultural, social and economic needs of our community be given adequate time for proper due diligence, rather than rushing to a hasty conclusion. This bill provides for additional time provided that the applicants are actively working through the process.

We strongly urge you to strongly support this critical piece of legislation. Without it, the ramifications will be great and could be extremely costly, in financial terms, in reduced public uses of water, and environmental impacts from the potential water/stream flows.

Thank you for your consideration.

Sincerely,

Warren H. Haruki  
President & CEO

3-1850 Kaumualii Highway Lihue, HI 96766-8609

**P** 808.245.3678 **F** 808.246.9470

[www.grovefarm.com](http://www.grovefarm.com)

Donald E. Heacock  
Kauai Organic AgroecoSystems  
PO Box 1323  
Lihue, Kauai, Hawaii 96766  
Email: [koadonheacock@yahoo.com](mailto:koadonheacock@yahoo.com)  
Cell: 808-645-0532

Representative Chair Yamane  
and Vice-chair Todd

6 February 2019

**Subject: HB 1326 Relating to Water Rights: I am in strong  
opposition to this bill**

Aloha Chair Yamane, Vice Chair Todd and members of the  
committee,

My name is Don Heacock and I have been the Kauai District Aquatic  
Biologist for the past 40 years. During this time I studied many  
streams and rivers on Kaua'i and throughout the State and have seen  
the many negative impacts of severe or total stream diversion,  
including:

- 1) Blockage of upstream migration of native 'o'opu, 'opae and hihiwai;
- 2) Mass mortalities on native 'o'opu nakea and 'o'opu nopili below the  
diversions caused by extremely high water temperatures (100  
degrees F) and lethal low dissolved oxygen levels (<0.01ppt);
- 3) Entrainment of downstream migrating native 'o'opu and 'opae,  
either adults or larvae, into diversion weirs and out of the streams  
where their productive and reproduction capacities are lost, resulting  
in loss and wastage of these public trust fishery resources.

I strongly urge you to oppose HB 1326 because this bill will continue  
to allow complete, 100%, diversion of water from streams and rivers  
in Hawaii, making it inconsistent to both the intent and letter of the  
law in both the Hawai'i State Water Code and the Federal Clean  
Water Act. Additionally, this bill will result in violating the rights of  
downstream waster users with appurtenant water rights by not  
leaving adequate water in the stream for their public trust needs.

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 used as a mechanism to avoid environmental and cultural review, perpetuate the wholesale dewatering of our streams, and is inconsistent with our Hawaii State Constitution in protecting these Public Trust Water Resources, including the public trust native fishery resources that are ecologically, economically and socioculturally important

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, traditional and customary Hawaiian practices, and sustainable agriculture.

Please protect Hawai'i's Public Trust Water Resources, and strongly oppose HB 1326.

Mahalo for your help with this vitally important issue.

Aloha,

Donald E. Heacock



## **Board of Directors 2018 - 2020**

President  
Joshua Uyehara

Vice-President  
Warren Mayberry

Secretary  
Dawn Bicoy

Treasurer  
Laurie Yoshida

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Alan Takemoto  
Adolf Helm  
Leslie Campaniano  
Dan Clegg  
Joshua Uyehara  
Warren Mayberry

President Emeritus  
Alan Takemoto

Executive Director  
Bennette Misalucha

## TESTIMONY FROM BENNETTE MISALUCHA, EXECUTIVE DIRECTOR

In Support of HB1326  
Relating to Water Rights

Committee on Water, Land and Hawaiian Affairs  
Friday, 02-08-19 8:30AM in House conference room 325

Dear Chair Yamane and Committee Members:

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

HB1326 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, provided that the holdover is consistent with the public trust doctrine and that a lease continues to be actively pursued.

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



**HB-1326**

Submitted on: 2/6/2019 8:56:11 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

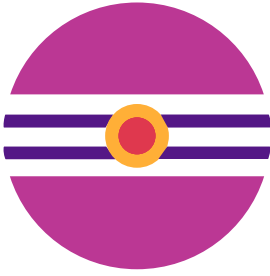
<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Hanalei Fegerstrom	Na Kupuna Moku O Keawe	Oppose	No

Comments:

Na Kupuna Moku O Keawe OPPOSES Hb 1326. Water should never be held from one in favor of another. Unlimited amounts, unlimited time period, no particular reason. You're crazy....

Insted work on the Stream restoration Act so the waterf lows where it is suppoed to go....into the natural streams.

Na Kupuna Moku O Keawe is a traditional Kupuna Organization with representatives from all six major district of Hawaii Island. Hanalei Fegerstrom....Authorized Spokesperson



## **Saiva Siddhanta Church**

Kauai's Hindu Monastery  
107 Kaholalele Road  
Kapaa, Hawaii 96746-9304•USA  
Phone: (808) 822-3012

February 7, 2019

### **Committee on Water, Land and Hawaiian Affairs**

Rep. Ryan I. Yamane, Chair  
Rep. Chris Todd, Vice Chair

### **Testimony on HB1326, Relating to Irrigation Friday, February 8, 2019, Conference Room 325, 8:30 AM**

Chairperson Yamane and Members of the Committee:

We **strongly support HB1326**. We are a founder member of the East Kauai Water Users' Cooperative Board of Directors which maintains 22 miles of ditch and several reservoirs in and around Kapaa. It also service more than 1,000 acres of State lands located in Kalepa and potentially could service nearly the entire 6,500 acres of Kalepa.

We urgently request the committee to approve this legislation. On September 20, 2016, the East Kauai Water Users Cooperative was given three years by the Department of Land and Natural Resources to apply for and receive a water license for the system.

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, as which point the system would revert to DLNR. We need the flexibility of extending the RP long enough to complete the transfer to DOA.

This will ensure the long-term preservation of this valuable system—estimated by State consultants to be worth “more than two hundred million dollars”—in service of local farmers and ranchers.

Saiva Siddhanta Church

A handwritten signature in black ink that reads "Sadasivanatha Palaniswami".

Sadasivanatha Palaniswami  
Vice-President, Saiva Siddhanta Church



BEFORE THE HOUSE COMMITTEE ON WATER, LAND AND HAWAIIAN AFFAIRS  
February 8, 2019

House Bill No. 1326  
Relating to Water Rights

Aloha Chair Yamane, Vice Chair Todd and Members of the Committee,

KPAC submits the following testimony in **STRONG OPPOSITION** of House Bill 1326 which will allow holdovers of revocable water permits to continue until the pending application for a lease is resolved.

The State can no longer afford to support multi-million dollar private corporations like Alexander and Baldwin at the expense of our environment and sustainable food production that includes subsistence and traditional approaches like growing kalo which is always in high demand.

Respectfully submitted,

M. Healani Sonoda-Pale  
Chair, KPAC



## HOUSE COMMITTEE ON WATER, LAND & HAWAIIAN AFFAIRS

February 8, 2019      8:30 a.m.      Room 325

**In OPPOSITION of HB 1326** Relating to Water Rights

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Aloha Chair Yamane, Vice Chair Todd and Committee Members,

On behalf of the Hawaii County Democratic Party (HCC), we **oppose passage of HB1326**, relating to Water Rights

**HB1326 cannot be allowed to pass, or it must be severely amended to protect/restore streamflows and downstream small farmers.**

For generations the wholesale diversion of water has left stream beds dry across the islands. Water once used to support sugar plantations continues to be diverted by plantation owners turned real estate developers or has been passed from landowner to landowner without any assessment of water needs

HB 1326 perpetuates this water hoarding by allowing for:

- the indefinite extension of temporary water
- for an unlimited amount of water
- for unknown purposes
- without criteria for ensuring that stream ecosystems are protected from excessive water diversions

### **Why is the holdover of revocable permits a problem?**

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 environmental review analysis and a fair lease rent methodology for the use of the stream water. **The ongoing holdover of these RP's perpetuates the lack accountability and undermines of our public trust rights.**

Diverters have abused these temporary permits long enough.

**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.

Mahalo for this opportunity to provide testimony in **opposition of HB 1326.**

Jeff McKnight

Chair, Legislation Committee Hawaii County Democrats



**East Kauai  
Water Users' Cooperative**

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

February 7, 2019

**TO: Committee on Water, Land and Hawaiian Affairs**

Rep. Ryan I. Yamane, Chair  
Rep. Chris Todd, Vice Chair

**RE: Testimony on HB1326, Relating to Irrigation  
Friday, February 8, 2019, Conference Room 325, 8:30 AM**

Chairperson Yamane 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

## WLHtestimony

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**From:** healing line <helgaleenas@yahoo.com>  
**Sent:** Wednesday, February 6, 2019 6:47 PM  
**To:** WLHtestimony  
**Subject:** OPPOSE HB1326

Dear Chair Yamane, Vice Chair Todd and members of the committee,

I strongly urge you to oppose HB 1326.

For generations the wholesale diversion of water has left stream beds dry across the islands. Water once used to support sugar plantations continues to be diverted by plantation owners turned real estate developers or has been passed from landowner to landowner without any assessment of water needs

HB 1326 perpetuates this water hoarding by allowing for:

- the indefinite extension of temporary water
- for an unlimited amount of water
- for unknown purposes
- without criteria for ensuring that stream ecosystems are protected from excessive water diversions

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 draining of our streams.

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

**WATER IS LIFE.** Watersheds are sacred veins of our planet.

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

Thank you for your attention.

[helgaleena](#)

> We do not write because we want to;

> we write because we have to.

> > Somerset Maugham

**Helgaleena says:**

<http://en.gravatar.com/helgaleena>

<http://helgaleena.blogspot.com>

<https://rainydayreadspublishing.com/>

<https://paper.li/f-1322418561>

the Healing Line 608-255-0504 USA



**Kalepa Koalition**

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

February 7, 2019

TO: **Committee on Water, Land and Hawaiian Affairs**  
Rep. Ryan I. Yamane, Chair  
Rep. Chris Todd, Vice Chair

RE: **Testimony on HB1326, Relating to Irrigation**  
**Friday, February 8, 2019, Conference Room 325, 8:30 AM**

Chairperson Yamane 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.

Leslie P. Milnes, President  
Kalepa Koalition

Acharya Arumugaswami  
Member, Board of Directors





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

February 8, 2019

HEARING BEFORE THE  
HOUSE COMMITTEE ON WATER, LAND & HAWAIIAN AFFAIRS

**TESTIMONY ON HB 1326**  
RELATING TO WATER RIGHTS

Room 325  
8:30 AM

Aloha Chair Yamane, Vice Chair Todd, 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.** 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 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.

## WLHtestimony

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**From:** Paul McKimmy <paul.mckimmy@gmail.com>  
**Sent:** Thursday, February 7, 2019 2:06 PM  
**To:** WLHtestimony  
**Subject:** OPPOSE HB 1326

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.

**HB-1326**

Submitted on: 2/7/2019 12:49:19 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Oppose	No

Comments:

## **todd1 - Harrison**

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**From:** Jessamy Hornor <hawaii.chapter@sierraclub.org>  
**Sent:** Wednesday, February 6, 2019 3:25 PM  
**To:** WLHtestimony  
**Subject:** Testimony in OPPOSITION of HB1326 - WLH Friday, 1/8 8:30am room 325

Aloha Chair Yamane and members of the Water, Land, and Hawaiian Affairs Committee,

Please honor water as being in the public trust in Hawaii. This is key to our collectivewellbeing now and in the future. It is time to end water theft.

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 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! Impose reasonable limitations on the diversion of public water for private profit and ensure our stream ecosystems are fully restored.

Mahalo,

Jessamy Hornor

jessamyhornor@gmaila.com

## **todd1 - Harrison**

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**From:** Jennifer Mather <hawaii.chapter@sierraclub.org>  
**Sent:** Wednesday, February 6, 2019 4:08 PM  
**To:** WLHtestimony  
**Subject:** Testimony in OPPOSITION of HB1326 - WLH Friday, 1/8 8:30am room 325

Aloha Chair Yamane and members of the Water, Land, and Hawaiian Affairs Committee,

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.

Mahalo,  
Jen Mather

Jennifer Mather

jen.mather@gmail.com

## **todd1 - Harrison**

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**From:** Nathan Braulick <hawaii.chapter@sierraclub.org>  
**Sent:** Wednesday, February 6, 2019 4:12 PM  
**To:** WLHtestimony  
**Subject:** Testimony in OPPOSITION of HB1326 - WLH Friday, 1/8 8:30am room 325

Aloha Chair Yamane and members of the Water, Land, and Hawaiian Affairs Committee,

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 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! Impose reasonable limitations on the diversion of public water for private profit and ensure our stream ecosystems are fully restored.

Mahalo,

Nathan Braulick

braulick@gmail.com

## **todd1 - Harrison**

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**From:** Donald Erway Erway <hawaii.chapter@sierraclub.org>  
**Sent:** Wednesday, February 6, 2019 4:13 PM  
**To:** WLHtestimony  
**Subject:** Testimony in OPPOSITION of HB1326 - WLH Friday, 1/8 8:30am room 325

Aloha Chair Yamane and members of the Water, Land, and Hawaiian Affairs Committee,

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 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! Impose reasonable limitations on the diversion of public water for private profit and ensure our stream ecosystems are fully restored.

Mahalo,

Donald Erway Erway

der1way@earthlink.net



## **todd1 - Harrison**

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**From:** B.A. McClintock <hawaii.chapter@sierraclub.org>  
**Sent:** Wednesday, February 6, 2019 4:17 PM  
**To:** WLHtestimony  
**Subject:** Testimony in OPPOSITION of HB1326 - WLH Friday, 1/8 8:30am room 325

Aloha Chair Yamane and members of the Water, Land, and Hawaiian Affairs Committee,

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 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! Impose reasonable limitations on the diversion of public water for private profit and ensure our stream ecosystems are fully restored.

Mahalo,

B.A. McClintock

redahi@hawaii.rr.com

## **todd1 - Harrison**

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**From:** Patricia Blair <hawaii.chapter@sierraclub.org>  
**Sent:** Wednesday, February 6, 2019 4:21 PM  
**To:** WLHtestimony  
**Subject:** Testimony in OPPOSITION of HB1326 - WLH Friday, 1/8 8:30am room 325

Aloha Chair Yamane and members of the Water, Land, and Hawaiian Affairs Committee,

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 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 is an outrage!

This has to stop! Impose reasonable limitations on the diversion of public water for private profit and ensure our stream ecosystems are fully restored.

Mahalo,

Patricia Blair

patriciablair@msn.com

## **todd1 - Harrison**

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**From:** Yvette Celiz <hawaii.chapter@sierraclub.org>  
**Sent:** Wednesday, February 6, 2019 4:26 PM  
**To:** WLHtestimony  
**Subject:** Testimony in OPPOSITION of HB1326 - WLH Friday, 1/8 8:30am room 325

Aloha Chair Yamane and members of the Water, Land, and Hawaiian Affairs Committee,

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 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! Impose reasonable limitations on the diversion of public water for private profit and ensure our stream ecosystems are fully restored.

Mahalo,

Yvette Celiz

yvette0804@gmail.com

**HB-1326**

Submitted on: 2/6/2019 4:51:38 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Denise Boisvert	Individual	Oppose	No

Comments:

Dear Committee on Water, Land, and Hawaiian Affairs,

This is 2019 – another year, another insult to Hawaiian farmers and fishermen. Will the oppressive and tyrannical days of The Big Five over the lives and livelihood of Hawaiians never end?

- Why do farmers anywhere in Hawaii have to beg for water for their kalo and other crops?
- Why do fishermen on the islands have to beg for water to run again in sacred ancient streams so they may provide food for their families?

Alexander & Baldwin’s entire history is one of power, greed, exploitation, and privilege at the expense of independent farmers and fishermen and the environment.

This bill will not only continue to give A&B carte blanche for an unlimited amount of water for any use they want and for an indefinite amount of time, it will also allow other entities to do the same.

I strongly oppose Bill 1326. Approval of this bill would not only be environmentally criminal, but economically unfair to farmers and fishermen. Please show A&B that they are no longer in control.

Thank you for your consideration.

Respectfully,

Denise Boisvert

Waikiki

**HB-1326**

Submitted on: 2/7/2019 8:31:57 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carrie Brennan, N.D.	Individual	Oppose	No

Comments:

Aloha Chair Yamane, Vice Chair Todd and members of the committee,

I strongly urge you to oppose HB 1326.

Mahalo,

Carrie Brennan

**HB-1326**

Submitted on: 2/7/2019 8:31:36 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nanea Lo	Individual	Oppose	No

Comments:

**HB-1326**

Submitted on: 2/6/2019 9:06:05 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Judith White	Individual	Oppose	No

Comments:



**HB-1326**

Submitted on: 2/6/2019 9:08:59 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Natasha Boteilho	Individual	Oppose	No

Comments:

Dear Sir/Maam,

I urge you and ask that you oppose HB 1326. We need accountability for our water, not unlimited use to big corporations that continue to misuse of waters to benefit themselves. Stop this injustice, stop this permitting process that rape of water systems in Hawaii Nei, especially in Kauai and Maui. Water is life and must be shared equally amongst us for generations to come.

Natasha Boteilho

**HB-1326**

Submitted on: 2/6/2019 9:10:24 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Faith Kahale Saito	Individual	Oppose	No

Comments:

**HB-1326**

Submitted on: 2/6/2019 7:10:10 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robert Culbertson	Individual	Oppose	No

Comments:

Aloha Representatives,

I oppose this measure. I believe diverters of all sorts have abused these temporary permits for too long already.

Time to give back!

R. Culbertson

Paauilo, HI

**HB-1326**

Submitted on: 2/6/2019 9:18:43 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kim Jorgensen	Individual	Oppose	No

Comments:

Dear Representatives,

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 the ancestral streams.

Please be on the right side of history with your decision on Bill 1326, and don't pass it.

Sincerely,

Kim Jorgensen

**HB-1326**

Submitted on: 2/6/2019 9:00:53 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Margaret Dickison	Individual	Oppose	No

## Comments:

I have owned my property for 30 years. A&B has been taking water from my stream for all that time, never offering to pay for that water. I am not able to use my stream to grow kalo or irrigate for growing anything. This does not seem fair. If the new owners want to grow agricultural products on their land, they should set up their own water sources or do what we had to do and drill a well.

**HB-1326**

Submitted on: 2/6/2019 5:08:06 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Raelyn Reyno Yeomans	Individual	Oppose	No

Comments:

OPPOSE!

**HB-1326**

Submitted on: 2/6/2019 8:23:56 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Diane Kanealii	Individual	Oppose	No

Comments:

Subject Line: OPPOSE HB1326

Aloha Chair Yamane, Vice Chair Todd and members of the committee, I strongly urge you to oppose HB 1326.

My name is Diane Kanealii from Kawaihae, Hawaii Island. I ask that you oppose HB 1326 allowing for continued control of water by RP's , diversions, etc.

I live in one of the driest places in Hawaii and possibly In the U.S., 100% of the water on our ahupua'a has been diverted off of our lands for over 100 yrs. Our small Hawaiian Homes community has to buy water from a private developer at a premium cost which is slated to increase for over \$400% over the next 10 yrs. This is pure and simple theft. A single family home is billed an average of \$400-600 bi-monthly that means that in 10 yrs we will be paying between \$1,600-2,400 for the same time period. On top of that our use of water is restricted. We are not allowed to use any water for agriculture purpose, no growing food or native plants. We are a product of bad bills, bad decisions and corporate theft who prey on those who can least afford it.

With climate change knocking on our door, the way water is managed is crucial and needs to be equitable with no more RP's , no more diversions. The time has come for us all to wake up and do what is right.

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.

I also understand that the Kauai, KIUC has been diverting 100% of the base-flow 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. What is wrong with this picture?

If properly managed , there is enough water to share equitably. Hawai'i streams hold enough water to support native ecosystems, subsistence farming, cultural practices,

renewable energy, and agriculture.

Please don't perpetuate the generational theft of Hawai'i's precious waters, oppose HB 1326 and make things right, the power is in your pen.

Mahalo for your consideration.

Diane M.Kanealii,

Kawaihae, Hawaii



**HB-1326**

Submitted on: 2/6/2019 7:10:01 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eliei Starbright	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.

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.

**HB-1326**

Submitted on: 2/6/2019 9:33:39 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sherry Pollack	Individual	Oppose	No

Comments:

**HB-1326**

Submitted on: 2/6/2019 7:36:21 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Peggy McArdle	Individual	Oppose	No

## Comments:

Aloha. I strongly oppose HB1326. Restore Maui's water to the streams. The Hawaii State Constitution requires the protection of our natural resources. Water is the life of the land. Stop the corporate diversion of Maui's water. Mahalo.

**HB-1326**

Submitted on: 2/7/2019 8:16:04 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
alex beers	Individual	Oppose	No

Comments:

To whom it may concern,

Please vote NO on HB1326. This would not be a win for the people of Maui.

Mahalo,

Alex Beers

**HB-1326**

Submitted on: 2/7/2019 3:37:15 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kanani Kai	Individual	Oppose	No

Comments:

**HB-1326**

Submitted on: 2/6/2019 5:31:13 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kate Paine	Individual	Oppose	No

Comments:

Water is precious. This bill is WAY too liberal in parameters to protect everyone's stake in its distribution. The fact that it passed 1st reading and has so many lawmakers signed on is indicative that "influence," not long-term water distribution common sense, is at play. The lawmakers job is to protect resources or we all lose.

**HB-1326**

Submitted on: 2/6/2019 5:58:55 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jonathan Boyne	Individual	Oppose	No

Comments:

Aloha Chair Yamane, Vice Chair Todd 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.

Jonathan Boyne

96822

**HB-1326**

Submitted on: 2/6/2019 6:17:40 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chelle Galarza	Individual	Oppose	No

Comments:

OPPOSE HB1326

Aloha Chair Yamane, Vice Chair Todd and members of the committee,

I strongly urge you to oppose HB136.

Please do not perpetuate the generational theft of Hawai'i's precious resource, water.

HB 1326 blatantly undermines Hawai'i's public trust doctrine. RP's were intended to be temporary. They were to be used in order to provide time for diverters to prep their long-term lease applications, the hold over of revocable permits has been used as a mechanism to avoid cultural and environmental review and continue the wholesale dewatering of the streams

The water in Hawai'i's streams holds enough to support native ecosystems, cultural practices, subsistence farming, renewable energy, and large-scale agriculture. There is plenty of water to share equitably. Please oppose this bill.

Mahalo for your consideration.

Chelle Galarza



**HB-1326**

Submitted on: 2/6/2019 6:25:16 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John NAYLOR	Individual	Oppose	No

Comments:

Aloha,

It's time to free the streams!

**HB-1326**

Submitted on: 2/6/2019 6:29:57 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Teresa Gardner	Individual	Oppose	No

Comments:

Dear committee members-

I am writing today to urge you to oppose HB 1326.

As a farmer on Kauai who deals with water and the lack thereof on our island available for use by the people. There is enough water to share in Hawaii in our streams. To allow this unlimited amount of stream water to continue to be diverted for unknown purposes undermines the public trust rights.

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

Mahalo for taking action.

Teresa Gardner

Kilauea, HI

**HB-1326**

Submitted on: 2/6/2019 6:44:04 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lauren Ampolos	Individual	Oppose	No

Comments:

**HB-1326**

Submitted on: 2/6/2019 6:52:21 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ann Strong	Individual	Oppose	No

Comments:

**HB-1326**

Submitted on: 2/6/2019 8:05:57 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
jennifer karaca	Individual	Oppose	No

Comments:

**HB-1326**

Submitted on: 2/6/2019 10:41:38 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennifer Milholen	Individual	Oppose	No

Comments:

**HB-1326**

Submitted on: 2/6/2019 10:44:36 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Barry	Individual	Oppose	No

Comments:

Aloha Lawmakers,

Absolutely, NO WAY.

They don't even have a farm plan. Let's see what they want to grow and how they are going to do it.

No water till then. Period. Then with restrictions for monortoring of stewardship by an independent group like the local Farming families on the N shore or the Sierra Club.

Everyone that has a Farm on Maui has a Farm Plan. It's required. Even if it wasn't, there is No Way you should restore any stolen water to the valley for fantasmagorical ideas.

They don't know what to do. Who buys this much land without a plan? No one in their right mind.

We want to see what they are planning to cultivale, how much and where it is.

We know they know so be honest with Maui County and let's have the truth. What are they afraid of? Why won't they reveal their plan; If you are not all asking yourself the same question then you are NOT doing your job. Sorry to get so blunt but NUFF Already!

No touching the wai from the restored streams in E. Maui that has begun to restore the ecology in those former dry streams and re-supplied Kalo Farmers in the region.

If anything, restore more streams.

Absolutely NO support on this thievery Water Bill.

Mahalo,

Ms. Barbara Barry

Ha'iku



**HB-1326**

Submitted on: 2/6/2019 11:28:39 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Keith Ranney	Individual	Oppose	No

Comments:

**HB-1326**

Submitted on: 2/7/2019 12:07:52 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ben Robinson	Individual	Oppose	No

Comments:

Aloha!

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 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.

Keep Hawaii for Hawaii, and out of big money's hands. :)

Mahalos!

Ben

**HB-1326**

Submitted on: 2/7/2019 12:37:28 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
B.A. McClintock	Individual	Oppose	No

Comments:

Please oppose this horrible bill.

**HB-1326**

Submitted on: 2/7/2019 2:01:26 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Noelani Paresa	Individual	Oppose	No

## Comments:

Aloha. Please choose what really is pono in reference to the current and future state of our natural resources here on Maui. A&B, their subsidiaries, as well as mahi pono, should not be permitted to continue to manipulate the legislation, nor should they be allowed to continue the plantation era practice of overly diverted water. EIS and applications with factual plans i.e.crops/usage should still be applicable when water permits are requested, especially in the case of mahi pono. In addition, there should be legislation to protect our precious resources especially water and at least a 7 year plan with intent to practice conservancy. Thank you for your time. Noelani Paresa.

**HB-1326**

Submitted on: 2/7/2019 5:35:15 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Elaine Wender	Individual	Oppose	No

Comments:

**HB-1326**

Submitted on: 2/7/2019 3:44:00 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
DONNIE BECKER	Individual	Oppose	Yes

Comments:

\*\*\*\*WARNING\*\*\*\*\*

DO NOT ALLOW AND DEMAND ANY HOLD OVER WATER TO SOMEONE WHO IS NOT GROWING ANY FOOD FOR US IN HAWAII.....~!!!!

**HB-1326**

Submitted on: 2/7/2019 6:06:26 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Hope Kallai	Individual	Oppose	Yes

Comments:

Strongly OPPOSE HB1326

Aloha Chair Yamane, Vice Chair Todd and members of the committee,

I strongly urge you to oppose HB 1326, as proposed, as it undermines the Public Trust Doctrine and the safety net protecting Public Trust resources.

Month-to-month Revocable Permits(RP's) were only intended for the period of one year. Kauai Island Utility Corporation has renewed its month-to-month permit for the use of the waters of Wai`ale`ale and Waikoko for hydropower production for 15 years, dewatering 100% of the baseflow of these sacred streams.

KIUC has not even begun the required environmental studies. KIUC does not deserve an extension of these requirements in perpetuity.

This 15 year renewal of month-to-month RP 7340 to for the waters of Wai`ale`ale and Waikoko from the Lihue-Koloa Forest Reserve, without the required environmental studies has enabled massive diversion of 30 million gallons of Wailua water, without considering the devastating effects to dewatered, dessicated stream ecosystems and to traditional Hawaiian cultural and spiritual practices.

It is particularly problematic that KIUC has refused to begin the required studies and the HRS 171-58 process, stating that KIUC will do the studies after the 65 year lease is granted. Other water lease applicants have begun the environmental review process as required. Not KIUC.

HRS 171-58 is clear that the process and required environmental studies are required before issuance of this 65 year water use lease, not after.

Temporary, month-to-month permits cannot be extended in perpetuity, without scientific and cultural review

Revocable Permit holders must be brought into compliance with preparation of required studies and permits, or the permit revoked.

The status of progress on the required environmental studies and permit applications should be included in the annual reports to the Legislature and Land Board, (with the date of submittal and date of acceptance)

Conservation District Use Application and Permit

Environmental Assessment or Environmental Impact Statement

Watershed Management Study

Habitat Conservation Plan, with Incidental Take Permit

Revocable Permits should be revoked if not in compliance.

Water Diverters should not be allowed to continue to dewater streams forever without having the negative impacts considered.

Water lease payments of 30% to DHHL and 20% to OHA have not been received for the 15 year perpetuation of RP 7340.

As in the case of KIUC, RP's should not be issued to applicants who refuse to complete the lease conversion process.

The commercial dewatering of Wai`ale`ale, the most sacred stream in Hawai`i, without considering the cultural impacts, has to stop, now.

The dessication of a rainforest by the de-watering of all the streams draining Wailua in a forest set aside and dedicated to watershed protection has to stop now.

Reject HB 1326 as it undermines the Public Trust Doctrine and Water Code.

Thank you for standing up for our water rights and opposing HB 1326

Hope Hamilton Kallai

Kia`i Wai o Wai`ale`ale

Moloa`a, Kauai





February 7, 2019

HEARING BEFORE THE  
HOUSE COMMITTEE ON WATER, LAND, & HAWAIIAN AFFAIRS

TESTIMONY ON  
HB 1326: RELATING TO WATER RIGHTS

ROOM 325  
FEBRUARY 8, 2019, 8:30 AM

Aloha Chair Yamane, Vice Chair Todd, and Members of the Committee:

My name is Rodrigo Balala. We farm pineapple in Upcountry Maui. We are totally dependent on waters from East Maui and have no alternative water sources.

We need your support in passage of this measure to continue our farming operations and to invest in the future. Uncertainty about access to water creates risks for the future including attracting the next generation of farmers. Farming is our entire livelihood supporting our families.

Please support HB1326.

Thank you

**HB-1326**

Submitted on: 2/7/2019 8:11:08 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mae Nakahata	Individual	Support	No

Comments:

**HB-1326**

Submitted on: 2/7/2019 8:18:40 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Luella Nohea Crutcher	Individual	Oppose	No

Comments:

I Oppose this bill. It provides no standars of criteria for ensuring that the stream ecosystem is protected from ecessive water diversion, that would hurt the existing Taro loi or other agriculture projects. And allows indefinite temporary water permits for unlimited amount of water for unknown purposes.

**HB-1326**

Submitted on: 2/7/2019 8:30:42 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kylee Mar	Individual	Oppose	No

**Comments:**

This bill exacerbates existing DLNR challenges with lack of oversight and mismanagement.

This bill provides no accountability, no oversight, no criteria DLNR decisions actually protect our streams -- all of which are public -- and the rural communities that rely on them for basic necessities.

Lawmakers should look to [HB848](#) for how things should be done.

**HB-1326**

Submitted on: 2/7/2019 8:52:46 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Scott Crawford	Individual	Oppose	No

Comments:

Aloha Chair Yamane and members of the Water, Land, and Hawaiian Affairs Committee,

I strongly oppose to HB1326 as it is currently written. It is not right or just for the community and various users to indefinitely extend temporary water permits to Alexander and Baldwin, allowing them to take unlimited amounts of water from East Maui streams.

This would essentially result in a \$62 million bailout for Alexander & Baldwin (a corporation that has abused East Maui water rights for generations while paying no state taxes), and it would not protect our native streams and the communities that rely on them, basically endorsing DLNR's past gross mismanagement of public trust waters and land.

We need to have reasonable limitations on the diversion of public water for private profit, strike a fair balance of multiple users, and ensure our stream ecosystems are restored and sustained.

Thank you,

Scott Crawford

Hana resident

## WLHtestimony

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**From:** fern@hapahi.org  
**Sent:** Wednesday, February 6, 2019 5:17 PM  
**To:** WLHtestimony  
**Subject:** PLEASE OPPOSE HB 1326

Aloha Chair Yamane, Vice Chair Todd 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 Kaua'i, 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.

Fern

### **Fern Ānuenue Holland BSc.**

Marine Biologist & Environmental Scientist

Hawai'i Alliance for Progressive Action Program Associate

Kapa'a Kaua'i Hawai'i

Ph: (808) 634-6242

**HB-1326**

Submitted on: 2/7/2019 9:14:26 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mio Chee	Individual	Oppose	No

Comments:

## WLHtestimony

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**From:** Jed Somit <jedsomit@jedsomit.com>  
**Sent:** Wednesday, February 6, 2019 5:58 PM  
**To:** WLHtestimony  
**Subject:** HB 1326

Water is a crucial resource. Older water rights schemes reflected historical ways of allocating water, sometimes more on the basis of who had power than a thoughtful, considered approach to a limited resource.

HB 1326 does not move us towards a system of water use which allows repeated analysis of needs and supplies, as well as land ownership, in granting water use permits .

For that reason, I oppose HB 1326 and urge the Legislature to look at the entire problem, statewide, in depth, including a review of the new approaches to water use being considered and implemented in the western part of the Mainland.

Mahalo for considering my opinion.

Jed Somit  
Wailua Homesteads  
Kauai, HI



**HB-1326**

Submitted on: 2/7/2019 9:47:04 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeri Di Pietro	Individual	Oppose	No

Comments:

**HB-1326**

Submitted on: 2/7/2019 9:47:04 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeri Di Pietro	Individual	Oppose	No

Comments:

## WLHtestimony

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**From:** Mauiola Cook <mauiola3@gmail.com>  
**Sent:** Wednesday, February 6, 2019 6:23 PM  
**To:** WLHtestimony  
**Subject:** OPPOSE HB 1326

Anahola

8/15/18

To: Hawai'i Commission on Water Resource Management

Re: Opposition to HB 1326

Aloha

My name is Maui Ola Cook. I am a Teaching Artist, educator and student and practitioner of Hawaiian culture particularly in the field of hula. Originally from New England I have lived in the islands since 1978, on Kaua'i since 1986, mostly in Kalihiwai and for the last 5 years in Anahola.

In 2016 I had the opportunity to go on a field trip with representatives of KIUC and Kumu Hula Kehau Kekua. We looked at KIUC's hydroplants and other areas where they divert and use water.

On that trip I was saddened to see how dead the streams looked where KIUC had diverted water. There was hardly any water flowing at all. Yet right by the side of one of the dead streams you could see a healthy flow of water in the waterway that KIUC had created for their share of the water.

This is what I wrote on 2016 regarding what I saw at the hydroplants:

"Considering what I saw I am not impressed with what KE is doing with water. I think true stream restoration should be a priority for them and for us all. I am sure they could find good partnerships here in the island and in the state to help them work in the direction of stream restoration.

While the pumps we saw were picturesque and had historic appeal everyone seems to agree that they are not effective in terms of producing electricity. So, if the water is not being used effectively let's change that. Water is such a valuable and precious commodity I think it is wise to use it to the very best advantage. Restoring native habitat and ecosystems seems a much more worthwhile pursuit than producing a small amount of power."

At this time I would humbly and passionately ask the Commissioners to oppose HB 1326.

Our water is such a precious commodity. I sincerely hope the Commission will right the wrongs of a century of diversions and set KIUC's hydro diversions on a more just and sustainable path for the twenty first century.

Mahalo for coming to Kaua'i to hear our voices

Me ka ha'aha'a

Mauli Ola Cook

(aka Christine Anne Cook)

[mauliola3@gmail.com](mailto:mauliola3@gmail.com)

8086528173

PO 326, Kilauea 96754

## WLHtestimony

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**From:** melissa de waters <melissayd@yahoo.com>  
**Sent:** Wednesday, February 6, 2019 7:31 PM  
**To:** WLHtestimony  
**Subject:** Oppose HB 1326

Aloha Chair Yamane, vice chair Todd & 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.

Thank you for your time and attention,

Melissa Fedi  
Haiku, HI 96708

Sent from my iPhone

## WLHtestimony

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**From:** Claudia Herfurt <claudia@kuaistyle.com>  
**Sent:** Wednesday, February 6, 2019 8:18 PM  
**To:** WLHtestimony  
**Subject:** I STRONGLY OPPOSE HB1326

Aloha Chair Yamane, Vice Chair Todd 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

## WLHtestimony

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**From:** David Dinner <gentlewaver@gmail.com>  
**Sent:** Wednesday, February 6, 2019 8:25 PM  
**To:** WLHtestimony  
**Subject:** HB1326...OPPOSE

Dear Representative Yamane

I'm a Kilauea resident and have long been aware of the unfair water distribution on Kaua'i. It is far past the time to correct this inequity and I most definitely oppose this bill which would make this travesty a permanent condition. Mahalo.

Aloha  
David Dinner  
Kilauea, HI

Please oppose HB1326

Sent from my iPad



## WLHtestimony

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**From:** Haunani Rossi <haunani@aloha.net>  
**Sent:** Wednesday, February 6, 2019 8:40 PM  
**To:** WLHtestimony  
**Subject:** OPPOSE HB 1326

Aloha Chair Yamane, Vice Chair Todd and members of the committee,

I STRONGLY OPPOSE HB 1326

Water has historically been and continues to be a public trust resource in Hawaii. The trust status requires that the State of Hawaii both protect and ensure the maximum and beneficial use of water. In the planning and allocation of water resources it is important that our elected officials seek to protect public trust uses over private commercial uses.

Diverters who seek the use of water for private or commercial use must prove both the social and economic utility of their proposed use.

On Kauai Island, KIUC (Kauai Island Utility Cooperative) has failed for over 15 years to provide all necessary environmental and cultural reviews of the 100% base flow diversion of Wai'ale'ale Stream.

These Diverters need to be held accountable to our most precious resource: WATER

HB 1326 undermines Hawaii's Public Trust Doctrine.

Mahalo,  
Haunani Rossi  
Kauai Island

## WLHtestimony

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**From:** Noel Kent <noelk@hawaii.edu>  
**Sent:** Wednesday, February 6, 2019 8:48 PM  
**To:** WLHtestimony  
**Subject:** Oppose HB 1326

Chair Yamane: Our streams are absolutely vital to our future. They are a public trust. We can no longer allow private interests to divert them at their discretion and for their profit. We need legislation to protect our waters, not legislation to protect those who abuse them. Please vote against HB1326.

Noel Kent Professor UH Manoa

## WLHtestimony

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**From:** Patricia Fallbeck <patriciafallbeck@mac.com>  
**Sent:** Wednesday, February 6, 2019 9:14 PM  
**To:** WLHtestimony  
**Subject:** Water rights

I am concerned that HB 1326 does not share the water rights equitably between residents and commercial companies. The diversion of water should only be temporary in order to avoid damage to the ecosystem. Please wait for the next bill.

Sent from my iPhone

## WLHtestimony

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**From:** Eileen Kechloian <backonisland@gmail.com>  
**Sent:** Wednesday, February 6, 2019 10:09 PM  
**To:** WLHtestimony  
**Subject:** Oppose HB1326

Aloha Chair Yamane, Vice Chair Todd and members of the committee,

I adamantly oppose HB1326.

HB1326 clearly flies in the face of the Public Trust Doctrine. Diversions of water should not be allowed to continue without a definite time frame in which the applicant must 1). supply the State with accurate and precise quantification of water needed for each specified purpose 2.) provide the mandatory EIS including a cultural review.

No accountable agency or legislator would allow for an indefinite amount of time for compliance to their requests. The applicants have been given three years plus previously allotted time to provide the State with the required EIS and the information needed by the State to approve their leases.

After 15 years applicants, such as 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 an indefinite 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

## **WLHtestimony**

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**From:** mak221@aol.com  
**Sent:** Wednesday, February 6, 2019 10:20 PM  
**To:** WLHtestimony  
**Subject:** STRONG OPPOSITION TO HB1326

ALOHA:

The current water use situation is horrendous. Please don't make it more permanent. That would be outrageous.

Mahalo

WRITING IN STRONG OPPOSITION:

Mark Koppel  
Ninole

## WLHtestimony

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**From:** Millicent Cummings <millicentium@hotmail.com>  
**Sent:** Thursday, February 7, 2019 6:32 AM  
**To:** WLHtestimony  
**Subject:** HB 1326

Aloha Kakou!

I am giving this testimony regarding HB 1326 as a member of this community, a mother and also as a Kia`i Wai `o Wai`ale`ale. Based on all the information I have reviewed, I am of the opinion that it is nothing shy of criminal to continue allowing the voluminous diversion of water from Kaua`i's streams, (Without any return of the water to those streams), on a daily basis to produce a meager 1% or less of the daily power for Kaua`i.

HB 1326, would allow KIUC and others to continue diverting and, in some cases de-water those streams without ever needing to finalize a lease application. They still have not finished their EIS after being required to do so for the past 15 years. The Public Trust Doctrine would be completely undermined as HB 1326 ignores and undoes the minimal public trust resource protection with the enactment of Act 126 in 2016.

Thank you for listening and acting in accord with environmental science, common sense and the Kanaka Maoli people who have been warning us all about the dangers of continued, (And illegal), water diversion and storing of our Public Trust Water.

Mahalo! Sincerely,

Millicent Cummings  
February 7, 2019

## WLHtestimony

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**From:** Tom Coffman <tomcoffman@hawaii.rr.com>  
**Sent:** Thursday, February 7, 2019 6:55 AM  
**To:** WLHtestimony  
**Subject:** Opposed to HB 1326

In the post-plantation era, we have reached the point where we need to reexamine all land/water relationships in terms of strengthening the ahupua'a; e.g., protecting and maintaining the mauka forests; keeping streams clean, strong, and healthy; and contributing to healthy offshore waters, reefs, and a proper mix (muliwai) for fish ponds.

This bill reads like an attempt to lock ourselves into the narrow self-interests of the past in a self-defeating way.

Tom Coffman

## WLHtestimony

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**From:** MJ Duberstein <iliwai34@hawaii.rr.com>  
**Sent:** Thursday, February 7, 2019 8:52 AM  
**To:** WLHtestimony  
**Subject:** HR 1326

Aloha

I strongly oppose HR 1326.

It is a travesty that favors the rich once again in contrast to traditional growers & their rights.

My name is MJ Duberstein, I live in Kihei, & I have studied the history of water allocations in Hawai'i.

Please do the right thing.

Mahalo

Malama pono.

Malama aina.

MJ Duberstein

2/7/19

Sent from my iPhone



## Kia`i Wai `o Wai`ale`ale Testimony for HB 1326 WLH Committee

The following testimony is offered on behalf of an organization of concerned citizens on Kaua`i, members of a grassroots community group, Kia`i Wai `o Wai`ale`ale. As one of its members, I was born in Hilo, Hawaii before Statehood. My family moved to Kaua`i in 1964 when I was 16. The following testimony reflects the concerns of the members of Kia`i Wai `o Wai`ale`ale for the HB 1326. Wai`ale`ale and Waikoko are the most sacred streams on our island. They are the only two streams in the Wailua watershed accessible to the public. They are each deeply valued by many on Kaua`i, with significant cultural use and traditional practices. KIUC, Kaua`i Island Utility Cooperative, has operated two state diversions in the Wailua watershed, the first on Wai`ale`ale and the second at Waikoko, since 2001. Initially they operated the state diversions without any permit. Those diversions had previously been under lease, but the lease was given to a prior corporation and it expired under its own terms in 1996. KIUC finally 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, failing to take the steps necessary to convert the RP to a lease.

Their hydropower operation at Waiahi involves the diversion of at least 30 million gallons daily from the Wailua watershed, with some water diverted from streams on Grove Farm land, and none of the waters from Wai`ale`ale or Waikoko are returned to those streams which happen to be on State Forest Reserve and Conservation Land. This massive diversion of water, from Kaua`i's most sacred streams, without any return of the water to those streams, is carried out on a daily basis to produce 1% or less of the daily power need for Kaua`i. If operated at capacity, the two Waiahi hydros can produce only 1.5 Mw per day. Per KIUC's records, the two one hundred year old Waiahi hydros operate at less than 50% of capacity. KIUC has failed to commence an EIS. In its most recent RP renewal, KIUC told the Land Board that they would conduct environmental study of the impact to the diverted streams after their 65 year lease application was granted.

As currently proposed, how does HB 1326 encourage or require any water lease applicant to comply with HRS 171-58 or HRS 343. Their 15 year continued renewal of RP 7340 without any public meetings or assurance that public trust purposes have been satisfied is a travesty and a flagrant refusal to comply with State law. The waters diverted, under RP 7340, from Waikoko and Wai`ale`ale, involve the taking of at least 20 million gallons daily without return, and carrying the water five miles in the Ili`ili`ula ditch which also receives water from numerous other diversions on Grove Farm land. (see attached CWRM Wailua schematic) After five miles, the water enters the upper Waiahi hydro. RP 7340 "limits" the water's use to hydropower production. Over the past 15 years, however, KIUC has delivered the water to Grove Farm through plumbing and other diversions. Grove Farm has diverted the water into the Kapaia Reservoir and its agricultural tenants without having an RP or lease for their use of the water. There was sufficient water being diverted that Grove Farm built a surface water treatment plant at Waiahi in 2004 and has since sold water to Kauai Department of Water (KDOW) for \$2 million + annually. In addition Grove Farm requires KDOW to pay KIUC for all the power Grove Farm uses to operate its surface water treatment plant. KIUC has been benefitting from its relationship with Grove Farm and 15,000 Kauai water accounts are now paying for diverted stream water, most of whom are also KIUC coop members required to cover KDOW's payment of Grove Farm's power bill, while neither Grove Farm nor KIUC are paying

the State for all the waters they are diverting, not returning to streams of origin, with no prior assurance that public trust purposes have been protected or even considered.

We strongly object and oppose the passage of HB 1326, because it will enable KIUC and Grove Farm to continue depriving the State of the compensation required by law, while each benefits at the expense of the State, and their customers. The bill as written does not encourage or enforce compliance with the water code. It gives all water diverters an unlimited time to complete the lease required by HRS 171-58. In so doing, the State would eliminate the public trust protection of water.

Recently, KIUC received federal funding, \$60 million from USDA, part of which is to repair the Waiahi hydros. That funding as well as the endangered/protected species of Wai`ale`ale and Waikoko, should have prompted an EIS. Members of Kia`i Wai have publicly requested that KIUC conduct an EIS as required by HRS 171-58 and the applicable triggers of HRS 343 (an operation on State land and receipt of government funds).

Consequently, before this body considers any form of extension for an applicant's use of water taken from stream diversions, there should be a prior determination that the applicant has in fact initiated the appropriate environmental review and has followed the proper procedures under Hawaii law. We fully support an exemption for ranchers, farmers and other agricultural operations whose total water use from stream diversion does not exceed one million gallons daily, assuming the Commission on Water Resource Management finds an adequate source to support stream diversion in that amount.

In 2004, Grove Farm entered into a public private contract with the Kaua`i County Department of Water whereby Grove Farm developed a surface water treatment plant which they would operate and for which Kaua`i Department of Water would pay for infrastructure and monthly power bills in their part of the agreement to purchase 3 million gallons of water monthly while paying Grove Farm more than 2 million dollars a year for the past 15 years.

As currently drafted, HB 1326, would allow KIUC and others to continue diverting and, in some cases de-water those streams without ever needing to finalize a lease application. The Public Trust Doctrine and the protection of one of our most valuable Public Trust resources, water, would be completely undermined. HB 1326 ignores and undoes the minimal public trust resource protection with the enactment of Act 126 in 2016. Please protect our water and amend this bill to require proof of real compliance with the water code prior to any renewal, that must be only for a limited period once an applicant has established their compliance with HRS 171-58, assuming no exemption applies.

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Bridget Hammerquist

Date

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Bianca Isaki

Date

## WLHtestimony

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**From:** Tracy Lyman <tracy.lyman@yahoo.com>  
**Sent:** Thursday, February 7, 2019 8:16 AM  
**To:** WLHtestimony  
**Subject:** Water abuse

Good Day

It is of great concern how the big companies are allowed to run amuck over public resources with no accountability They have exploited the streams and damaged the eco systems  
The Dow streams are being devastated in ways we have yet to confirm Say no to the HB1326 Please consider HB848 as soon as possible Thank You for Your contribution to the community Aloha Tracy Lyman

Sent from my iPhone

## WLHtestimony

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**From:** Joan Levy <joanlevy47@icloud.com>  
**Sent:** Thursday, February 7, 2019 9:45 AM  
**To:** WLHtestimony  
**Subject:** Please OPPOSE HB1326

Aloha Chair Yamane, Vice Chair Todd and members of the committee:

I am a 26 year resident professional living in Kapaa.

OUR ENVIRONMENT HAS GOT TO STSRT TO CONE FIRST!!!

AHB 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.

Please oppose this bill as ND help us maintain regulations that suit the sustainable ok little of water on Kauai.

I don't understand how a temporary month to month provisional allowance can be allowed for 15 years.

KIUC which since it's inception has never operated as a true cooperative in the first place must required to do an environmental study on their water use - and then if satisfactory go to a long term provision.

Thank you,  
.Joan Levy, Kapaa

Sent from Joan Levy's iPhone

## WLHtestimony

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**From:** Ku Kahakalau <hawaii.chapter@sierraclub.org>  
**Sent:** Thursday, February 7, 2019 10:02 AM  
**To:** WLHtestimony  
**Subject:** Testimony in OPPOSITION of HB1326 - WLH Friday, 1/8 8:30am room 325

Aloha Chair Yamane and members of the Water, Land, and Hawaiian Affairs Committee,

Please except my testimony in strong lopposition 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.

Instead protecting our native streams and the communities that rely on them, this bill guarantees a \$62 million bailout for Alexander & Baldwin (a corporation that pays zero state taxes), and endorses DLNR's past gross mismanagement of public trust waters and land.

If you care at all about the future of our land and waters, immediately stop the diversion of public water for private profit and ensure our stream ecosystems are fully restored.

Mahalo, Ku Kahakalau, Ph.D.

Ku Kahakalau

kukahakalau@gmail.com

**HB-1326**

Submitted on: 2/7/2019 10:40:48 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John Gelert	Individual	Oppose	No

Comments:

Water must be appropriated as needed, not in a massive blank check giveaway like with A&B.

**HB-1326**

Submitted on: 2/7/2019 10:43:18 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeannine Johnson	Individual	Oppose	No

Comments:

I strongly oppose HB1326. There should be reasonable limitations on the diversion of public water for private profit to ensure our stream ecosystems are fully restored.

**HB-1326**

Submitted on: 2/7/2019 10:43:05 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robin Kaye	Individual	Oppose	No

Comments:

This is an egregious abandonment of the public trust doctrine. We need to be **more** controlling of our precious water resources, not less. This is a bad bill that should not pass.



**HB-1326**

Submitted on: 2/7/2019 10:44:39 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shannon Rudolph	Individual	Oppose	No

Comments:

Oppose!

**HB-1326**

Submitted on: 2/7/2019 10:49:01 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kuulani Muise	Individual	Oppose	No

Comments:

**HB-1326**

Submitted on: 2/7/2019 11:29:17 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Elisa Plauche	Individual	Oppose	No

Comments:

This bill has no stream ecosystem protection from the excessive water diversions it allows for with unending and unlimited water use for unknown purposes. Please protect our streams and vote no.

Elisa Plauche

Water, Land, and Hawaiian Affairs Committee

Rep. Yamane, Chairman

HEARING Friday, February 8, 2019 re. **HB1326**

Testimony in OPPOSITION to HB1326 by Rick Warshauer, Volcano

Chairman Yamane and Members,

I very strongly object to HB1326. It would indefinitely extend temporary water permits to Alexander and Baldwin, allowing them to take unlimited amounts of water from East Maui streams, as they have been doing for many decades. This has led to the sustained detriment of Hawaiian agriculture in windward areas and to native stream life. This extension of corporate rip off of publicly owned resources by today's derivatives of Territorial power mongers has got to stop. The public and courts have recognized the improper state and corporate management of these resources for years. Please do not continue this rip off by passing this bill in this form.

Please impose immediately effective restrictions on the diversion of public water for private profit and ensure our stream ecosystems are fully restored. Please make it clear to the BLNR that these rip offs must stop now. A&B has chosen to close their sugar operations and sell off the land, so let them stop feeding at the public trough. Kill the bill.

Mahalo

**HB-1326**

Submitted on: 2/7/2019 11:41:49 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ida Peric	Individual	Oppose	No

Comments:

Aloha Chair Yamane and members of the Water, Land, and Hawaiian Affairs Committee,

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 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.

Mahalo,

Ida Peric

**HB-1326**

Submitted on: 2/7/2019 11:51:14 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lauryn Rego	Individual	Oppose	No

Comments:

End corporate water theft. No blank checks for unlimited water use for unkown reasons for an unlimited amount of time.

**HB-1326**

Submitted on: 2/7/2019 12:17:54 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lillian Renfro-Robeau	Individual	Oppose	No

## Comments:

Aloha, my name is Lillian Renfro-Robeau and I'm writing in OPPOSITION to HB 1326. As written, this law allows access to unlimited amounts of water, which can be diverted from its natural course, for an indefinite amount of time. These waters should be allowed to flow their natural courses so they can be sustainably used by communities involved in sustainable, local agriculture. Mahalo for your time and consideration.

**HB-1326**

Submitted on: 2/7/2019 12:24:59 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Wiedner	Individual	Oppose	No

Comments:



**HB-1326**

Submitted on: 2/7/2019 12:46:52 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Norris Thomlinson	Individual	Oppose	No

Comments:

The historical water diversion has been an environmental disaster, and HB1326 would perpetuate the problems of corporations taking an unfair amount of water at the expense of ecological and human communities. Do not pass this bill unless it is heavily amended to protect these communities.

**HB-1326**

Submitted on: 2/7/2019 12:55:23 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Aria Juliet Castillo	Individual	Oppose	No

Comments:

## WLHtestimony

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**From:** John Teschner <johnteschner@gmail.com>  
**Sent:** Thursday, February 7, 2019 12:45 PM  
**To:** WLHtestimony  
**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

## WLHtestimony

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**From:** Karin Medigovich <karinmedigo@gmail.com>  
**Sent:** Thursday, February 7, 2019 12:48 PM  
**To:** WLHtestimony  
**Subject:** Opposed to HB1326 protect our island

The beauty and sustainability of this island is its natural water ways they must not be disturbed by any means! This holdover should not occur. Allow the water to return to its source. No holdovers. Thank you!

## WLHtestimony

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**From:** elnhiers@aol.com  
**Sent:** Thursday, February 7, 2019 1:01 PM  
**To:** WLHtestimony  
**Cc:** elnhiers@aol.com  
**Subject:** OPPOSE HB 1326

Please Protect our waterways, auwai, springs so we can continue Kalo Taro farming on our Lo'i Wetlands.  
Don't let our most precious resource be taken away or hindered!  
Mahalo Nui, Thank You,  
Elnora Hiers (Awai Kalili)  
Save our Lo'i! Protect our water!

Sent from AOL Mobile Mail  
Get the new AOL app: [mail.mobile.aol.com](mailto:mail.mobile.aol.com)

Malia K. Chun  
P.O. Box 680  
Kekaha, HI. 96752  
February 7, 2019  
Re: OPPOSE HB 1326

Aloha Chair Yamane, Vice Chair Todd and members of the committee,

I strongly urge you to oppose HB 1326.

My name is Mālia Kahale'inia Chun and I was born and raised in the moku of Puna and the ahupua'a of Wailuanuiahoano. I am a mother, educator and cultural practitioner. I have taken many work hours off to try to convey to each of you the cultural significance of the water source of Wailuanuiahoano and the sacred piko of our mokupuni, Wai'ale'ale and Kawaiipuha'a. The sacred waters of Wai'ale'ale and the life-giving gourd they fill, are revered throughout this pae'āina and are recounted in numerous mo'olelo, like the great epic of Kaua'i's first Mō'i Wahine, Ka'ililauokekoa. Our well known, hula admission chant, Kūnihi ka Mauna, which recounts part of Hi'iaka and Pele's journey throughout our islands is a great example of this. Myself, my 'ohana, my kupuna and my keiki have had the honor of spending countless hours visiting these waters for generations... to play, offer ho'okupu, mele, oli and gather mea kanu for lei and pohaku to carve into poi pounders and ulu maika. For over 2 centuries streamflow diversions have negatively impacted our natural environment, resources and our ability as cultural practitioners to perpetuate our culture.

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-nui for your time and consideration.  
E ola i ka wai a Kāne!



Malia Kahale'inia Chun

## WLHtestimony

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**From:** Henry Schumacher <kanekula56@gmail.com>  
**Sent:** Thursday, February 7, 2019 1:02 PM  
**To:** WLHtestimony

Leave the streams and rivers alone keep sacred and maintain the respect for the environment thankyou you are accountable. Have a wonderful life.

## WLHtestimony

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**From:** haroldyne ho <hlh1430@yahoo.com>  
**Sent:** Thursday, February 7, 2019 1:04 PM  
**To:** WLHtestimony  
**Subject:** Oppose HB1326

Please keep access to water as open to all as possible. This extension of what had been a well-meant bill is smelling of a means to close equal access to those who are not familiar with ways to circumvent the intention of the original bill. I strongly oppose doing that because I am patiently awaiting increased agriculture by small farmers who would produce the kinds of foods that we citizens of Hawaii need. We need to keep things as simple as possible and as clear and equal as possible to enable some new, energetic, well-intended entrepreneurs to establish and grow more local crops. Please see to it that they are able to do so. Please don't make us citizens think that money and power will manipulate our nutritional future.

Thank you,

Lei Ho  
1430 Lusitana St. #104  
Honolulu, HI 96813  
hlh1430@yahoo.com  
808-232-8050

[Sent from Yahoo Mail for iPad](#)



## WLHtestimony

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**From:** David O'Quinn <doquinn@mac.com>  
**Sent:** Thursday, February 7, 2019 1:06 PM  
**To:** WLHtestimony  
**Subject:** Oppose HB 1326

Chair: Ryan Yamane

Vice Chair: Chris Todd

Dear Committee Members,

I am asking that you either oppose House Bill 1326 as it stands or refine it with amendments. I am opposed to controlling water rights in general as water is a natural resource that was never intended to be hoarded or controlled by any entity. If dwindling water resources are diverted so that the land and/or small farmers have less than adequate water then we all suffer.

Mahalo,

David O'Quinn  
County of Kauai

## WLHtestimony

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**From:** chetanaa petra Zoeller <4chetanaa@gmail.com>  
**Sent:** Thursday, February 7, 2019 1:18 PM  
**To:** WLHtestimony  
**Subject:** opposing HB 1326 - strongly!

Aloha e Kakou,

Water is a public resource. We cannot let water being hoarded by a few.

Please oppose HB 1326 - we need to make sure that our streams and our small farmers have water and that we do not continue to disrupt the ecological balance. Water belongs to all, not a selected few!

Thank you,  
Petra Zoeller - registered voter in Wailuku, Maui

**CHETANAA PETRA ZOELLER, M.A., REALTOR® BROKER**

*Lic#: RB - 21276*

*UpCountry Realty [www.UpCountryMaui.com](http://www.UpCountryMaui.com)*

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(808) 283 6919 (Text and call)*

<https://www.linkedin.com/pub/chetanaa-petra-zoeller/18/68a/306>

*\*Referrals are the heart and soul of my business & highly appreciated!  
Ich spreche deutsch!*

**HB-1326**

Submitted on: 2/7/2019 1:19:15 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Polk	Individual	Support	No

Comments:

OPPOSITION TO HB1326.

This bill appears to allow current wter users to by-pass the requirements of long-term water leases, yet open the possibility of long term water use. Current water users can apply to renew their water diversion premit indefinitely, without regard to demonstrating need, analyzing the amount of water needed, and analyzing the public impact of their requested water diversion request.

The requirements for long-term diversion are there to protect public interests, while allowiing for the legitimater diversion for each specific need. It is important that those standards be maintained.

Please defer HB1326.

**HB-1326**

Submitted on: 2/7/2019 1:23:30 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
petra zoeller	Individual	Oppose	No

Comments:

Aloha e Kakou,

Water is a public resource. We cannot allow the continuation of water being hoarded by a few.

Please oppose HB 1326 - we need to make sure that our streams and our small farmers have water and that we do not continue to disrupt the ecological balance. Water belongs to all, not a selected few!

Thank you,

Petra Zoeller, MA - registered voter in Wailuku, Hawaii

**HB-1326**

Submitted on: 2/7/2019 1:29:56 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Phaethon Keeney	Individual	Oppose	No

Comments:

Please protect and restore downstream streamflows and small farmers. The people of Hawaii have laws to protect our water, and the holdover of short term revokable permits is a blatant attempt to circumvent this process of oversight and public input. The process of applying for a long term leases has built in mechanisms and requirements to protect our public trust rights, and we do not want to see business interests exploit a loophole in this process. Mahalo nui for standing up for our wai, the wealth of Hawaii, and the public trust with this vital resource.

**HB-1326**

Submitted on: 2/7/2019 1:31:25 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Diliaur Tellei	Individual	Oppose	No

Comments:

Dear Chair Yamane and members of the committee:

I strongly oppose this bill and urge you not to pass it, at least not unamended.

There's not enough oversight on short term leases and this allows abusive water diversions to continue. Please recommend to amend this bill and correct it to add oversight such that streamflows are restored and downstream farmers are protected. A few powerful groups should not have all the water, a precious resource.

Sincerely,

Diliaur Tellei

**HB-1326**

Submitted on: 2/7/2019 1:32:06 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rene Umberger	Individual	Oppose	No

Comments:

**HB-1326**

Submitted on: 2/7/2019 1:34:18 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John Bickel	Individual	Oppose	No

Comments:

I oppose this bill as it seems to benefit a few large landholders and not the whole of Hawai'i.



## WLHtestimony

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**From:** Doodie Downs <ernelle@gmail.com>  
**Sent:** Thursday, February 7, 2019 1:30 PM  
**To:** WLHtestimony  
**Subject:** I STRONGLY OPPOSE HB1326

The right to clean, accessible water is a basic human right, as important as air is to our survival. So if you are truly "strong on the environment" I ask for everyone's sake that you kill or amend this bill so it serves ALL Hawaii's people, and not just large corporate landowners. Please do the right thing as elected officials, committee members and stewards of our 'aina! We're depending on you!

Mahalo nui loa,  
Ernelle Downs  
PO Box 568  
Mountain View, Hawaii

## WLHtestimony

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**From:** Sandia <lanoviachica@gmail.com>  
**Sent:** Thursday, February 7, 2019 1:47 PM  
**To:** WLHtestimony  
**Subject:** HB1326

**HB1326 cannot be allowed to pass, or it must be severely amended to protect/restore streamflows and downstream small farmers.**

**I am a resident of Maui and feel strongly it is so important and moral to serve all Hawaiian residents, not just a select few**

S. Siegel

--

Sandia Siegel  
author of Enjoy the Ride  
[www.enjoytheride.us](http://www.enjoytheride.us)  
"Let's Donate Our Happiness"  
[info@enjoytheride.us](mailto:info@enjoytheride.us)

## WLHtestimony

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**From:** Nafisseh Soroudi <nafisseh@yahoo.com>  
**Sent:** Thursday, February 7, 2019 1:53 PM  
**To:** WLHtestimony  
**Subject:** OPPOSE HB1326

Aloha I am writing to let you know that my community and I strongly oppose HB1326 . **HB1326 cannot be allowed to pass, or it must be severely amended to protect/restore streamflows and downstream small farmers.**

**Kindly let me know your thoughts.**

**Nafisseh Soroudi**

**Kaua'i, HI**

## WLHtestimony

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**From:** jbklyman@yahoo.com  
**Sent:** Thursday, February 7, 2019 2:07 PM  
**To:** WLHtestimony  
**Subject:** HB1326

Aloha,

As I read HB1326 it appears to me that it has a loop hole that allows the “temporary” resolution to perpetuate indefinitely. For this reason I would oppose this bill. It needs to be amended to have a definitive time limit for the definition of Temporary, especially in the current political environment that is so bogged down with other issues that it may never get a good review for understanding its full extent. Please place a limit on this time frame, so it can not be abused by current landowners who have a vested interest to keep it in limbo.

Jim Klyman  
Keaau, HI

## **todd1 - Harrison**

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**From:** PearlVivian Wollin <pvwollin@hotmail.com>  
**Sent:** Thursday, February 7, 2019 2:09 PM  
**To:** WLHtestimony  
**Subject:** HB 1326

I am opposed to this bill. It is not for the small farmers, just the continuation of exploitation by large corporations. Enough of ceding your votes to those interests. Remember it was just such a fiasco that led to the deaths on Kaua'i's North Shore years ago.

**todd1 - Harrison**

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**From:** Mary Lacques <hokuokekai50@msn.com>  
**Sent:** Thursday, February 7, 2019 2:11 PM  
**To:** WLHtestimony  
**Subject:** Testimony in STRONG OPPOSITION to HB1326

Aloha Chair Yamane, Vice-Chair Todd and Members of the Committee,

I am writing to you today in STRONG OPPOSITION to this bill that would allow the continuation of corporate interests to control Hawai'i's public resources that, as you know, are held in the Public Trust. We cannot continue supporting corporations like Alexander & Baldwin at the expense of local and traditional food production which in turn, is detrimental to Hawai'i's fragile ecosystem. Please OPPOSE this bill.

Mahalo,  
Mary Lacques  
Hale'iwa

## **todd1 - Harrison**

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**From:** Nate Hix <nate.hix@gmail.com>  
**Sent:** Thursday, February 7, 2019 2:12 PM  
**To:** WLHtestimony  
**Subject:** Oppose HB1326

Water belongs to all residents, not just those that are fortunate enough to own land. Please vote down this bill.

Nate Hix

## **todd1 - Harrison**

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**From:** Joanna Weber <om528peace@t-online.de>  
**Sent:** Thursday, February 7, 2019 2:13 PM  
**To:** WLHtestimony  
**Subject:** I OPPOSE HB1326

For generations the wholesale diversion of water has left stream beds dry across the islands. Water once used to support sugar plantations continues to be diverted by plantation owners turned real estate developers or has been passed from landowner to landowner without any assessment of water needs

**HB 1326** perpetuates this water hoarding by allowing for:

- the indefinite extension of temporary water
- for an unlimited amount of water
- for unknown purposes
- without criteria for ensuring that stream ecosystems are protected from excessive water diversions

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.

This vote, to a great extent will test just how strong on the environment the members of this committee actually are.

Mahalo, Joanna Weber

76-789 'Ilo Place

Kailua-Kona, Hawaii 96740



**todd1 - Harrison**

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**From:** Lois <lbc@hawaiiantel.net>  
**Sent:** Thursday, February 7, 2019 2:12 PM  
**To:** WLHtestimony  
**Subject:** I oppose HB1326

Please manage our streams responsibly and stop allowing month-to-month renewals.

Lois Crozer  
Kailua

## **HB-1326**

Submitted on: 2/7/2019 2:16:01 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Maureen Datta	Individual	Oppose	No

Comments:

. **HB1326 cannot be allowed to pass, or it must be severely amended to protect/restore streamflows and downstream small farmers.**

For generations the wholesale diversion of water has left stream beds dry across the islands. Water once used to support sugar plantations continues to be diverted by plantation owners turned real estate developers or has been passed from landowner to landowner without any assessment of water needs

HB 1326 perpetuates this water hoarding by allowing for:

- the indefinite extension of temporary water
- for an unlimited amount of water
- for unknown purposes
- without criteria for ensuring that stream ecosystems are protected from excessive water diversions

**Why is the holdover of revocable permits a problem?**

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 environmental review analysis and a fair lease rent

methodology for the use of the stream water. **The ongoing holdover of these RP's perpetuates the lack accountability and undermines of our public trust rights.**

Diverters have abused these temporary permits long enough.

**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.

**HB-1326**

Submitted on: 2/7/2019 2:17:25 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tripler Ng	Individual	Oppose	No

## Comments:

Please do everything within your power to protect our local stream/water resources. From what I hear, the holdover of RPs are bad for Hawaii and quite frankly morally unjust. Hawaii is a beautiful place for a reason... we malama and share resources because it's the right thing to do. Please do the right thing and continue to help us protect our streams/resources from policies/people/business who could potentially abuse it. Therefore, I hope you will join me in opposing HB1326.

Mahalo,

Tripler Ng

## **todd1 - Harrison**

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**From:** SWelsh <welsh@hawaii.rr.com>  
**Sent:** Thursday, February 7, 2019 2:33 PM  
**To:** WLHtestimony  
**Subject:** Oppose Bill HB1326

To the lawmakers of Hawaii,

As a citizen of the Big Island and resident living on a river here in East Hawaii it is very important to see laws passed that encourage good waterway management. I do not believe Bill HB1326 has been properly vetted. As I see it, this bill does not give enough protection to our rivers and streams and puts too much power over our water resources into the hands of too few. Please vote no on this bill.

Mahalo!

Steve Welsh

HILO HAWAII

## **todd1 - Harrison**

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**From:** Kim Falinski <kimfalinski@gmail.com>  
**Sent:** Thursday, February 7, 2019 2:42 PM  
**To:** WLHtestimony  
**Subject:** OPPOSE HB1326

Hello,

I am a citizen, a hydrologist, and a lover of Hawaii. I support our farmers. Allowing corporations to lease water (of unknown amounts) indefinitely does not support Hawaii's best interests. **HB1326 must be severely amended to protect/restore streamflows and downstream small farmers, or not allowed to pass.**

More than most, I have seen the effects of drainage pathways, ditches, and water taken from streams around the state. The native fish should be allowed to climb mauka, the lo'i farmers should be able to have enough water to feed their families. The groundwater should provide cool, nutrient rich water to coral reefs. Continuing to take, without a declared purpose for a declared amount of time, at a fair price, is unethical.

Please consider this testimony against HB1326 seriously.

Aloha,  
Dr. Kim Falinski  
Water Resources Research Center, University of Hawaii at Manoa.

## **todd1 - Harrison**

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**From:** Robin J Bloom <robinjbloom33@gmail.com>  
**Sent:** Thursday, February 7, 2019 2:53 PM  
**To:** WLHtestimony  
**Subject:** Oppose HB1326

Attn: Committee Members,

### **HB1326 cannot be allowed to pass, or it must be severely amended to protect/restore streamflows and downstream small farmers.**

For generations the wholesale diversion of water has left stream beds dry across the islands. Water once used to support sugar plantations continues to be diverted by plantation owners turned real estate developers or has been passed from landowner to landowner without any assessment of water needs

HB 1326 perpetuates this water hoarding by allowing for:

- the indefinite extension of temporary water
- for an unlimited amount of water
- for unknown purposes
- without criteria for ensuring that stream ecosystems are protected from excessive water diversions

### **Why is the holdover of revocable permits a problem?**

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 environmental review analysis and a fair lease rent methodology for the use of the stream water. **The ongoing holdover of these RP's perpetuates the lack accountability and undermines of our public trust rights.**

Diverters have abused these temporary permits long enough.

**Take a 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.

I oppose HB1326

Robin Bloom

Sent from my iPhone



**HB-1326**

Submitted on: 2/7/2019 2:41:55 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brian Murphy	Individual	Oppose	No

Comments:

**Aloha Lawmakers,**

**I strongly OPPOSE HB1326**

**Please, protect the farmer's rights.**

**Water should belong to the people.**

**NO more "temporary " extentions! End 'em now!**

**Corporations should pay the people for the water, not the other way around.**

**Water should grow food for the people, sustainability for the islands, and nourish Hawaii's bounitful land and marine ecosystems.**

**Hawaii's water should NOT be used to grow exports for big corporations to pay their out-of-state investors high profits, while Hawaii imports 90 percent of almost everything.**

**Mahalo for your kind attention,**

Brian Murphy

Maui, Hawai'i

**HB-1326**

Submitted on: 2/7/2019 2:44:45 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mary Whispering Wind	Individual	Oppose	No

Comments:

**Aloha Lawmakers,**

**I strongly OPPOSE HB1326**

**Please, protect the farmer's rights.**

**Water should belong to the people.**

**NO more "temporary " extentions! End 'em now!**

**Corporations should pay the people for the water, not the other way around.**

**Water should grow food for the people, sustainability for the islands, and nourish Hawaii's bounitful land and marine ecosystems.**

**Hawaii's water should NOT be used to grow exports for big corporations to pay their out-of-state investors high profits, while Hawaii imports 90 percent of almost everything.**

**Mahalo for your kind attention,**

Mary Overbay

Maui, Hawai'i

**HB-1326**

Submitted on: 2/7/2019 2:52:42 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sarah Machado	Individual	Oppose	No

Comments:

Please do not pass this bill. Corporations should not be allowed to profit from our valuable streams. Hawaii needs to step up its local food production, but diverting water from farms and into plastic bottles is not going to help. Thank you for your time & consideration.

**HB-1326**

Submitted on: 2/7/2019 3:03:38 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Charles Prentiss	Individual	Oppose	No

Comments:

**HB-1326**

Submitted on: 2/7/2019 3:06:45 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

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

Comments:

This bill should not be passed, it need does not protect or restore streamflows and downstream small farmers as written currently!

## WLHtestimony

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**From:** Donald Stevens <warriorprotector808@gmail.com>  
**Sent:** Thursday, February 7, 2019 10:46 AM  
**To:** WLHtestimony  
**Subject:** HB1326 - Testimony in OPPOSITION, water is life!

Aloha Chair Yamane and members of the Water, Land, and Hawaiian Affairs Committee,

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 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! Impose reasonable limitations on the diversion of public water for private profit and ensure our stream ecosystems are fully restored.

Mahalo,

Donald Stevens

dstev55539@aol.com

Marilyn Mick  
Kathe LeBuse  
Greg Puppione  
Noelani Ahia  
Namphuong Quach  
Michael deYcaza  
Cindy Turner  
Barbara Nosaka  
Kau'i Pratt-Aquino  
Chris Drumright  
Michele Nihipali  
Jonathan Boyne  
Noelani Paresa  
Gail Jackson  
Deborah Mader  
Kelvin Chico  
William Simonsma  
Arnie Kotler  
Cheryl Burghardt  
Carol Kamekona  
Alison Fahland  
Edwina Pu  
Cameron Ahia  
Lauren Ampolos  
John Naylor  
Marjorie Bonar  
John Naylor  
Alan Espiritu  
Jeffrey Friedman  
Dawnalyn Fujiwara  
Diego panza  
noelle cullins  
John Norman  
Rob Weltman  
Jonah Cummings  
Annette Schmidt Schmidt  
Margaret Primaci  
Mark James  
Ed Pasqualin  
Tamara Perrin  
Edie Van Hoose  
Randy Baygood  
Debbie Sutton  
Jacqui Skill  
Kerry Long  
Clare Smith  
brian murphy

Jan Ferguson  
Cynthia Vakauta  
Kamana'o Galloway  
Laura Hagan  
Robin West  
R Vincent  
Michael Gach  
Joanna Pokipala  
Timothy Hills  
Mark Ferguson  
Olan Leimomi Fisher  
Ken Stover  
James Marcus  
Sharon Willeford  
Sulara James  
Arika Rains  
Robert Schmidt  
Meredith murphy  
Paul Cullen  
Ben Shafer  
Kathy Shimata  
Rosalind McKeivitt  
David Mulinix  
Anela Evans  
Keri Zacher  
Jessica dos Santos  
Piilani Mallory  
Rosalind McKeivitt  
Laurie Makaneole  
Marilyn McAteer  
Michelei Tancayo  
Beth Clapper  
Althea Shiotsugu  
Gwendolyn Eteessami  
John Whittemore  
Ashley Wilcox  
Sharon Daniels  
Malcolm Mackey  
Harriet Witt  
Kim Falinski  
Faith Saito  
Anne Allison  
KALYANI JOHNSON  
Vladimir Porac  
Maelani Lee  
ALFRED WOLF  
Bruce Lowrey



Trinette Furtado  
Steven Forman  
Ann Wallace  
warren roberts  
William Greenleaf  
Diane Fell  
E. Kalani Flores  
Barbara Barry  
Wailen Bartók  
Michael Daddario  
Gordon Lange  
Lauri Broad  
scott young  
Helena Cannella  
G Roy  
Alex Loria  
Davianna McGregor  
Paula Phillips  
Shay Hodges  
Courtney Turner  
Thomas Walsh  
Hoku Vasconcellos  
Thomas Allen "Toma" Craig  
Bridget Mowat  
Mark Deakos  
Laura Ramirez  
Laura Ramirez  
Angelika Hofmann  
Alana Dandrea  
Sherri Mora  
Christopher Egan  
Derek Escalera  
Annette Niles  
Rani Ribucan  
Samuel Small  
William Lansford  
Michelle Espero  
Holly Young  
barbara steinberg  
Summer Sylva  
Aaron Kogan  
Erin Carroll  
Rosie Goo  
Cathy Roberts  
Beverly Gomes  
Kely Rodrigues  
Forest Frizzell

Jennifer Holladay  
Miki Lene  
Kimiko LaHaela Walter  
Matt Lannis  
Lyn Scott  
Robert Busse  
Liz Doyle  
Lisa Husch  
Hardy Spoehr  
Linda Somera  
George Chyz  
Steve Freid  
Jette Slater  
Mary McClung Law  
Leomana Morondos  
Cindy Aban  
Natalie Toma  
Sallyjane Bodnar  
Elaine Bogard  
Jan Elliott  
Robin Gaffney  
Erin Starr  
jennifer day  
Linda Lyerly  
Suzanne Fields  
Wendy Macaheleg  
Zack Williams  
Lawrence Lassek  
STEVE SIPMAN  
Anna Gonzales  
David Salemme  
Nathan Yuen  
David Kopper  
Lehua Simon  
Nicole Huguenin  
Hugh Snyder  
Desiree Kekiwi-Higa  
Gary Passon  
Susan Dils  
Alex Beers  
Kathleen Sera  
David Sofio  
Brendan Welch  
Nanea Lo  
Denise Bagasol  
Sally Ann Bryant  
William Bagasol

Kahaka Patolo  
Grace Lee  
David Lee  
Keoni Jenny  
Kae Jenny-Spencer  
Wilmarie Eckart  
Jereme Funtila  
Shaw Tanner  
Dayle Delaires  
Louise Ross  
Steve LaFleur  
Terry Kimoeko  
Lori Feiteira  
Mariola Jezierska  
Linda Hastings  
Theresa Pestana  
Hilary Harts  
Rosalind McKevitt  
Joe Dalessandro  
Lorraine C. Zane  
Jeanne Dunning  
Tom McPherson  
Naia Echols  
Theresa Thompson  
Nancy Harter  
Melody Cosma-Gonsalves  
Katherine Lilledahl Lilledahl  
Doug Fetterly  
Rosalind McKevitt  
karen stickney  
Mindy Morizumi  
Sierra Knight  
Anna Louise Fontaine  
L. Pauahi Hookano  
Blake Kristofferson  
Rob Cantwell  
mapu kekahuna  
Gabriela Taylor  
crystal kekahuna  
hoolakahaku kekahuna  
keawehaku kahookele kekahuna  
Sean McNamara  
Vincent Dodge  
cheryl kekahuna  
Kanale kekahuna opiana  
Natalie Van Leekwijck  
Frances Salvato

Kainalu Steward  
Chenoa-Tania Haa  
Will Caron  
Diane Anderson  
Sally Kaye  
Kiana Rivera  
Melinda Sonoda-Pale  
Michal Stover  
Joan Matsukawa  
Kalaniakea Wilson  
Cecilia Reilly  
James Tolley  
Keoni Mahelona  
Fern Holland  
Jenny Hudson  
Stephanie Gilgoff  
Chasity Cadaoas  
dorothy kahookele  
Bonnie Marsh  
Kealoha Pisciotta  
Kailani Ross  
Brian McQuat  
Shannon Rudolph  
CarolAnn Barrows  
Christopher Nakahashi  
Donald Stevens  
Inara Powers  
Tracey Ann Sevenich  
Ernest Jepson  
Mark Hyde  
michael gilbert  
Greg Thomas  
Neola Caveny  
Cindy Parsons  
Catherine Yanagi  
M. T. Sherrow  
Malcolm Mackey  
Lee Cone  
Douglas Ward Mardfin  
Jody Smith  
Wendy Wells  
Keri Apking  
Sandee Pa  
Emily Thompson  
ANDREW ISODA  
Fred Spanjaard  
Dale Nelson-Floto

Monique DeSimone  
Linda Rose Slater  
Rosalind McKeivitt  
Maha Conyers  
Anne Lorenzo  
Dian Gruber  
Manu Kaiama  
Manu Kaiama  
Eliette Bozzola  
Dori Cole  
Claudia Gerbaulet  
Michael Mullens  
Rollene Billings  
Teri Corpuz  
Suellen Barton  
Dale Nelson-Floto  
Claudia Herfurt  
Tracy Mills  
marti buckner  
Darci Trettee  
Patrice Tullai  
Jeff Lancaster  
Christina Lizzi  
Rodney Evar  
Phillip Olsen  
Meredith Buck  
Francine Aarona  
Chris Harrington Pryor  
Louella Albino  
Petra Zoeller  
Nina Monasevitch  
thelma shimaoka  
Sharon Willeford  
Stacey Schrager  
Heather Graf  
Natalie Santiago  
Jeanyee Kuupuaaloha Teanio-Plaza  
terry mcauliff  
Daisy Draper  
Dr. L.M. Holmes  
Jen Tempchin  
Steven Slater  
Randy Ching  
Michael Gagne  
Richard Weiner  
Susan Vickery  
Jami Power

Julianne Jenny  
Abriana Kekawa  
Ali Miller  
Alex Dennis  
Bonnie Newman  
Irene Sutherland  
Jim Porowski  
Annette Wong  
Kristen Brown  
Ty Tengan  
Barb Svec  
Patricia Anderson  
Andrew Del Preore  
Madolin Wells  
Wailani Stoner  
E.E. Keliipuleole  
jean brew

## WLHtestimony

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**From:** Tlaloc Tokuda <tlalocct@hotmail.com>  
**Sent:** Wednesday, February 6, 2019 5:50 PM  
**To:** WLHtestimony  
**Subject:** OPPOSE HB1326

Aloha Chair Yamane, Vice Chair Todd 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 live in Kailua Kona. I have promoted KIUC on its remarkable achievements as a co-operative utilities. But it has come to my attention that KIUC is an environmental and cultural bandit when it comes to the Wai'ale'ale Stream! I am a good friend of Steven Holmes (who was a major player in bringing water and the public trust doctrine into our regulatory and legal domain.

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.

Tlaloc Tokuda  
73-4599 Kukuki St  
Kailua Kona 96740, HI

Tlaloc Tokuda  
ELIEL STARBRIGHT  
Donald Erway  
Millicent Cox  
Richard J Janik  
Anne Freeman  
Valerie Hafford  
Kalena McElroy  
William H. Chang  
S.Rodriguez  
Joseph Kohn MD  
Craig Clark  
Michele R. May  
Marta Greenleaf  
Joy Gorman  
Chris Santomauro  
Anne Thurston  
Sherry Pollock  
Robert Wilcox  
Jo and Ted Greenwald  
Ronald Russell  
Ryoko  
Donna Sue Shepherd  
Jeffrey Vesci  
Bradford Lum  
Jen Fordyce  
Jerry Naholowa'a  
Chuck Gray  
Judy Dalton  
Pamela Palencia  
Judy Hoepfner



**LATE**

**HB-1326**

Submitted on: 2/7/2019 4:01:47 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lindsay Terkelsen	Individual	Oppose	No

Comments:

This bill doesn't state any limit of water consumption. This could potentially mean that diverters can continue to take an unlimited amount of water for an indefinite length of time and for unknown uses. I strongly oppose this bill.

**LATE**

**todd1 - Harrison**

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**From:** Anita Glass <anika.nui@gmail.com>  
**Sent:** Thursday, February 7, 2019 3:06 PM  
**To:** WLHtestimony; Rep. David A. Tarnas; Lorraine Inouye  
**Subject:** OPPOSE HB1326

Aloha,

All Hawai'i Islands need to carefully allocate their water resources and the needs of residents and owners. Taking of "free" water must stop, and long term extensions of temporary permits must also come to conclusion. For diverse agriculture, recreation, and drinking, streams are needed that are being drained near dry. Each excessive use must be fought by community activists in costly court cases.

Please vote NOT to approve this House Bill. Failing that, put this House Bill on hold to be developed further or review better water regulation.

Mahalo

Anika Glass  
68-1863 Ua Noe ST  
Waikoloa, HI 96738  
808.937.2309

**todd1 - Harrison**

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**From:** Deborah Cole <cole.consulting@gmail.com>  
**Sent:** Thursday, February 7, 2019 3:24 PM  
**To:** WLHtestimony  
**Subject:** OPPOSE HB1326!



I am absolutely opposed to the ongoing theft of Hawaii's sacred waters from the rivers and streams and the people that enjoy their purity and sanctity to corporations that profit from that theft. I have seen the sacred waters of Wai'ale'ale stolen until the streambed is DRY just below the diversion ditch and all that were left were stagnant pools turning red with rot in the sun. This is an abomination that should be absolutely prohibited.

Waiwai (water - lots of water) literally translates to "wealth", and it is a crime against the people of Hawai'i (breath of water within the ocean) to steal it from them.

Please vote against HB1326.

Thank-you  
Debi

--

Deborah Cole  
(808) 635-0688

**todd1 - Harrison**

---

**From:** Neil Frazer <neilfrazer@icloud.com>  
**Sent:** Thursday, February 7, 2019 3:32 PM  
**To:** WLHtestimony  
**Subject:** Oppose HB1326



Aloha,

Please kill HB 1326 and give HB 848 a hearing.

Our food security depends on a diversity of producers. The big landowners should either turn to crops requiring less water, or learn to capture rainfall on their lands and use it wisely. There is no good excuse for taking water in large quantities from local streams. Traditional kalo culture "used" the water only briefly, then passed it on to downstream users.

Mahalo for your unselfish public service.

Sincerely,  
Neil Frazer

112 Haokea Drive  
Kailua, HI 96734

Representative Ryan A Yamane, Chair  
Committee on Water, Land and Hawaiian Affairs  
Thursday, February 7, 2019



## **Support for HB1326 relating to water rights**

Aloha Chair Yamane and members,

My name is Elisabeth Bluml and I am a 25 year resident of Maui County and an owner of Khandro Farms, an 18 year old working farm in lower Kula on Maui.

After much thought, I believe the new owners of the former A&B agricultural lands deserve a chance to prove if they will indeed do the diversified agriculture they have been talking to the community about. Food security for me, my family and my community is the reason I have my farm. Any opportunity to spread this to a much larger land area is vital to our survival with the climate changes happening now.

I think allowing them a three year extension to the extensions A&B had will give them this chance, and strongly support you modifying the bill to reflect a 3 year extension.

Please pass this bill with the recommended change.

Mahalo,

Elisabeth Bluml, Owner

Khandro Farms

1195 Omaopio Road, Kula, Maui, Hawaii

## **todd1 - Harrison**

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**From:** Edward Short <ekshort@yahoo.com>  
**Sent:** Thursday, February 7, 2019 1:12 PM  
**To:** WLHtestimony  
**Subject:** WATER: HB1326

Aloha,

Please restore water rights to the people and the flow of water to Hawaii's streams.

The interception of water on O'ahu's windward side to benefit former plantations on the Ewa plain, for instance, has deprived of water that would normally flow within windward streams. This has deprived windward farmers of water and destroyed stream ecosystems there.

Much of the water is no longer needed for their original purpose.

Plantations have folded their tents and moved elsewhere.

Water allocated to Urban use is a fraction of that is required for sugar cane.

Diversified Ag for the most part uses drip irrigation meaning that there is even less need for the water resources which once flooded large ares of arid land.

The former plantation land owners and growers should not be able to retain ownership of this commodity which belongs to the people.

Passing a Bill to retain the right to the water by those who currently have the right is not in the public interest.

The water should be returned to the people and the streams in which it once flowed.

Ed Short  
225 North Kalaheo Ave.  
Kailua, Hawaii 96734

## **todd1 - Harrison**

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**From:** Babette Black <fishandpoiwahine@gmail.com>  
**Sent:** Thursday, February 7, 2019 1:14 PM  
**To:** WLHtestimony  
**Subject:** OPPOSE HB 1326

Hawaiian ahupua'a should be respected for the health of our eco-system. Mauka to Makai is a natural flow of life. Remember the water issues that Waiahole/Waikane went through in the 70's. Keep Hawai'i, Hawaiian. Leave our wai and Aina alone. Let nature take its course.



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

**LATE**

Testimony of  
Aha Moku Advisory Committee

House Committee on Water, Land & Hawaiian Affairs

Friday, February 8, 2019  
8:30 a.m.  
Conference Room 325

**Relating to Water Rights**

House Bill 1326 allows holdovers of revocable water permits to continue until the pending application for a lease is resolved. It requires prompt execution of contested case proceedings for 1-year holdovers. It allows holdovers to continue pending completion of contested case proceedings and removes repeal and reenactment provisions relating to section 171-58(c), Hawaii Revised Statutes.

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, Niumalu, Kawaipapa, 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, Loiloa, 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 proposes an indefinite extension of temporary permits to divert stream water, for an unlimited amount of water, for reasons unknown, and provides no 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 Water, Land and Hawaiian Affairs to reject HB 1326.

Respectfully yours,

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







OFFICE OF THE MAYOR  
THE COUNTY OF KAUA'I

DEREK S. K. KAWAKAMI, MAYOR  
MICHAEL A. DAHILIG, MANAGING DIRECTOR



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

Before the  
House Committee on Water, Land and Hawaiian Affairs  
February 8, 2019; 8:30 am  
Conference Room 325

In consideration of  
House Bill 1326  
Relating to Water Rights

Honorable Chair Yamane, Vice Chair Todd, and Members of the Committee:

The County of Kaua'i supports the intent of HB1326 which proposes to allow holdovers of revocable permits to continue until the pending application for a lease is resolved. The measure further requires prompt execution of contested case proceedings for one-year holdovers, and permits holdovers to continue pending completion of contested case proceedings.

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 Water diversion which feeds one of their most important hydroelectric plants.

With the extension HB1326 proposes 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 to the island of Kaua'i.

Respectfully submitted,

Michael Dahilig  
Managing Director, County of Kaua'i



**LATE**

**House Water, Land & Hawaiian Affairs Committee  
Testimony HB 1326  
Allows holdovers of revocable water permits to continue until the pending  
application for a lease is resolved**

**February 8, 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** that allows holdovers of revocable water permits to continue until the pending application for a lease is resolved.

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 testify,

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

**LATE**

**HB-1326**

Submitted on: 2/8/2019 5:45:24 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Simon Russell	Hui O Malama Aina LLC	Oppose	No

Comments:

East Maui Farmer Opposes HB 1326

Aloha Kakahiaka Chair Yamane, Vice Chair Todd and Honorable Committee Members,

I am a 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.

I respectfully ask that this bill be deferred, pending further discussion with the communities statewide that will be affected by these decisions. Neighbor Islanders do not have the ability to turn out and testify given the short amount of notice given for this bill and the ealy nature of the hearing.

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

I believe that 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 recommendaitons that can be enacted into law, so our prescious water resources can be safeguarded for our future generations, and the Aina.

It is my strong recommendation that your committee look to recreate the watershed councils that existed for hundreds of years to manage the water resources of each island's watersheds. 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 what is actually happening inside the water rich areas of our state.

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

Me ka ha'aha'a

Simon Russell

Hui 'O MÄ• lama 'Ä€ina LLC



# Hui o Nā Wai 'Ehā

*Ola i ka wai* [www.HUIONAWAIEHA.ORG](http://www.HUIONAWAIEHA.ORG)

**LATE**

February 7, 2019

## Approved Hui Testimony Re: House Bill 1326 Related to Water Rights

Aloha e Members of the Water, Land and Hawaiian Affairs Committee. Hui o Nā Wai 'Ehā **strongly opposes** House Bill 1326 Related to Water Rights. Our mission is to support the restoration and protection of Maui's streams and advocate for pono stewardship of our most important public trust resource, wai.

We 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 diversions 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.

A&B / Mahi Pono should not receive a drop of water until they have the following 1) implemented and are complying with ALL Interim Instream Flow Standard (IIFS) 2) completion and approval of EIS 3) developed an agriculture and water use plan followed by a rigorous community engagement and vetting process 4) Withdrawing from all Water Use Permits (WUPA) for Nā Wai 'Ehā.

Hui o Nā Wai 'Ehā urges 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**.

Hui o Nā Wai 'Ehā was established in 2003 and our mission is to advocate for the restoration and stewardship of mauka to makai streamflow in Waikapū, Wailuku, Waiehu, Waihe'e Streams, to protect cultural and natural resources related to traditional and customary practices of Native Hawaiian kuleana kalo farmers and to engage the Maui community through water resources management education outreach programs and initiatives. Our organization's core value is centered around "Ola i ka wai", which speaks to the importance of protecting one of our most important natural resources, the life giving waters of Kāne. Hui o Nā Wai 'Ehā's goals and objectives are to (1) Facilitate upstream and downstream passage for native aquatic stream species ('o'opu, hīhīwai, 'ōpae). (2) Safeguard groundwater and aquifer recharge. (3) Revive native ecosystems such as upland watersheds, estuaries, wetlands, riparian native vegetation and nearshore fisheries. (4) Advocate for traditional and customary practices of Native Hawaiians such as lo'i kalo cultivation, nearshore fishing and gathering. (5) Support aesthetic values and outdoor community recreational activities along streams. (6) Promote education and research.

Me ka Mahalo,  
Hui o Nā Wai 'Ehā Board of Directors

### Hui o Nā Wai 'Ehā (Board Members)

Hökūao Pellegrino  
(President)

Koa Hewahewa  
(Vice President)

Lani Eckart-Dodd  
(Treasurer)

Lucienne de Naie  
(Secretary)

Duke Sevilla  
(Board Member)

Miki'ala Pua'a-  
Freitas  
(Board Member)

Ikaika Nakahashi  
(Board Member)

Kōnane Awo  
DelaNux  
(Board Member)

Mariana Löwy-  
Gerstmar  
(Board Member)

Ka'apuni Aiwohi  
(Board Member)

Kamalani Uehara  
(Board Member)

### Maui Tomorrow (Collaborator)

Albert Perez  
(Executive Director)

### University of Hawai'i Richardson School of Law (Collaborator)

Kapua Sproat  
(Director of Ka Huli  
Ao: Native Hawaiian  
Law Center)

### Legal Counsel

Isaac Moriwake  
(Earthjustice)

Pam Bunn  
(Alston Hunt Floyd  
& Ing)

Hui o Nā Wai 'Ehā (501c3) · 213 West Waikō Road, Wailuku, Maui, Hawaii 96793  
(808) 430-4534 · Huionawai4@gmail.com · [www.huionawaieha.org](http://www.huionawaieha.org) ·  

*The Mission of Hui o Nā Wai 'Ehā is to advocate for the restoration and stewardship of mauka to makai streamflow in Waikapū, Wailuku, Waiehu, Waihe'e Streams (Nā Wai 'Ehā), to protect cultural and natural resources related to traditional and customary practices of Native Hawaiians and to engage the Maui community through water resources management education outreach programs and initiatives.*

**LATE**

**HB-1326**

Submitted on: 2/7/2019 11:08:15 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
doorae shin	Good Food Movement	Oppose	No

Comments:

**LATE**

**HB-1326**

Submitted on: 2/7/2019 8:55:45 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Colehour Bondera	KANALANI OHANA FARM	Oppose	No

Comments:

Aloha Chair and Committee Members:

Please accept this testimony in strong opposition to the Bill.

Sincerely,

Colehour Bondera

KANALANI OHANA FARM





# SIERRA CLUB OF HAWAI'I

## MĀLAMA I KA HONUA. *Cherish the Earth.*

### HOUSE COMMITTEE ON WATER, LAND, AND HAWAIIAN AFFAIRS

February 8, 2019    8:30 AM    Room 325

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

**LATE**

Aloha Chair Yamane, Vice Chair Todd, and members of the WLH 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.

While we oppose excessive stream diversions, we support local agriculture and renewable energy. We find there is no need to pit stream protection against the local production of food and energy. Our watersheds are abundant. There is more than enough water for everyone to share and benefit -- more than enough water to ensure our streams are healthy, energy needs are met, and diversified agriculture prospers. The only reason we are here today in this setting is because corporate greed has once again pushed us all into an "all or nothing" scenario.

We strongly urge you to hold this bill because:

**1) It represents a \$62 million corporate bailout for Alexander & Baldwin Co.**

In the agreement of sale for the 40,000 acres of land in central Maui and parts of east Maui, A&B promises to pay \$62 million to Mahi Pono if a minimum of 30 million gallons of water a day is not delivered to Mahi Pono. Passing this bill would save A&B from paying Mahi Pono that money.

**2) It would reward abuse and incompetence**

Both A&B (now Mahi Pono) and Kaua'i Island Utility Cooperative have long taken more than their fair share of the streams they divert. They both have a horrible history of draining streams dry for their profits. And both entities have equally failed to follow the minimum expectations of the law to complete an environmental impact statement. Despite years of unlawful holdover permits -- and three years of legal holdovers granted by this Legislature -- we see zero progress on this basic, minimum expectation. Passing this bill rewards this chronic corporate abuse.

Aiding and abetting this bad behavior is the Board of Land and Natural Resources. For decades BLNR has repeatedly granted temporary permits for stream diversions by KIUC and

A&B without knowing how much water is in the stream, how much is diverted, how much is needed to preserve stream life, and how much is needed for diverters' intended purposes. It is outrageous that BLNR does not require this kind of information from A&B and KIUC. It is unconscionable that BLNR authorized the diversions anyway. Passing this bill rewards BLNR for failing to do its job.

### **3) It would further harm streams and those who rely on them**

The harm suffered by excessive stream diversion is real and current. Wai'ale'ale stream often runs dry because KIUC insists on diverting 100% of the streamflow to produce 1.5% of the island's electricity using archaic hydro-plants. In East Maui, despite public promises and official orders to restore taro-feeding streams, A&B's diversions remain in many places. Concrete, rebar, and PVC piping litter many streams from the old, neglected diversions in East Maui and East Kaua'i.

As a result of these diversions, cultural practices like fishing, and recreational activities like hiking are undermined. Downstream, taro lo'i are fallow and invasive species abound. More importantly, stream diversions interrupt the fundamental functioning of our hydrological cycle and aquatic life cycles. Underground aquifers are not replenished, and native marine life cannot reproduce because too much water is being diverted from the tops of our streams.

It is never appropriate to allow more than fifty percent of the water flowing in a stream to be taken from it – particularly when that use is in a different ahupua'a. Diversions must be limited in a manner that ensures that native species and their larvae can migrate upstream and downstream without interference. The holdover approach to stream diversions does not ensure these limitations, and so it should not be extended in any way.

HB1326 should not be passed 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

**LATE**

**HB-1326**

Submitted on: 2/7/2019 7:04:44 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Howden	PermacultureMaui	Comments	No

Comments:

I would like to further elucidate what I said in testimony submitted earlier today.

There has been so much distrust, largely because of the Legislature's affinity for all things HC&S.

Privileges were granted to HC&S which were in clear opposition to the letter and intent of the Hawai'i State Constitution, and which served to perpetuate a great injustice and injury to Native Hawai'ians.

We have an opportunity to move forward with a new organization which promises justice and openness and healing.

More words?

Try see.

Maybe some sort of truce and trial period, of at least 2-3 years.

Immediate change. Balanced and carefully drawn agreements among ALL parties. Opening the flow of water to rewater all streams mandated by the State Water Commission. Immediately.

Embracing truth.

Seeing if there's another path which can help unite us as community, as family.

**LATE**

**HB-1326**

Submitted on: 2/7/2019 7:02:57 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nathan Park	Environmental Caucus of the Democratic Party of Hawaii	Oppose	No

Comments:

Water diversion is in itself very harmful to our watersheds and to Native Hawaiians. Action needs to be taken immediately to repair the environmental and social damage that water diversion has caused. This bill impedes the effort to mitigate these damages. It claims that leases can be made or kept as long as usage is non-consumptive or pollutive, but outlines no criteria to ensure this is the case. The state should not lease out water to the highest bidder. Water cannot be managed like a mere commodity. It must be managed in a way that sustains the land and its citizens. I urge this bill be struck down.



February 7, 2019

To: Rep. Ryan Yamane, Chair  
Rep. Chris Todd, Vice Chair  
Members of the House Committee on Water, Land, and Hawaiian Affairs

**Re: Hearing on HB 1326 Relating to Water Rights**

February 8, 2019 at 8:30 a.m.

Hawai'i State Capitol

Conference Room 325

**TESTIMONY IN STRONG OPPOSITION TO HB 1326**

The Council for Native Hawaiian Advancement (CNHA), a Native Hawaiian serving organization, testifies in strong opposition to HB 1326 on the grounds that it would indefinitely extend temporary water permits to Alexander and Baldwin, allowing them to take unlimited amounts of water from East Maui streams.

The bill proposes an indefinite extension of temporary permits to divert stream water, in unlimited amounts, for undefined purposes, from public streams, while providing no clearly articulable criteria for ensuring that stream ecosystems will be protected from excessive water diversions.

Furthermore, this bill could also affect more than just the east Maui streams and could apply as well to water permits for the Kaua'i Island Utility Cooperative and diversions of water from Wai'ale'ale and Waikoko..

This bill guarantees a huge financial 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.

This must stop, and it is for this reason that we oppose this bill and instead seek reasonable limitations on the diversion of public water for private profit and more effective ways to ensure that our life-giving stream ecosystems are and will be fully restored.

Respectfully,

J. Kuhio Lewis  
Chief Executive Officer

**HB-1326**

Submitted on: 2/7/2019 4:41:19 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

**LATE**

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

Comments:

Dear WLH Committee Members, "I am writing in strong support of HB1326. The continuation of water leases authorized by previous legislation (HB2501 CD1) has worked to provide for a stable transition from sugar cane to the potential for a diversified agricultural model on Maui. I understand that all but one of the affected water lessees (HELCO is the exception) will not be able to complete the long-term water lease process within the allotted three-year statutory time frame.

HB 1326/SB 1116 (2019) enables holdovers of water revocable permits to continue until the pending application for a lease is resolved, subject to: 1) an annual determination by the BLNR that the holdover is consistent with the public trust; and 2) the lease continues to be actively pursued.

Tom Blackburn-Rodriguez

Go Maui, Inc.

808-283-4570

tominmaui@icloud.com

**LATE**



**MAUI TOMORROW**

Protecting Maui's Future

Testimony before the  
House Committee on  
Water, Land & Hawaiian Affairs

February 8, 2019  
H.B. No. 1326 – Relating to Water Rights  
OPPOSITION  
with COMMENTS and  
PROPOSED AMENDMENTS

By Albert Perez  
Executive Director  
Maui Tomorrow Foundation, Inc.

Aloha Chair Yamane, Vice Chair Todd, and members of the committee:

The Maui Tomorrow Foundation OPPOSES HB 1326 in its current form. 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

**LATE**

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 no deadline whatsoever. Given that the previous three-year deadline produced little action, it can be expected that no deadline will result in no action.

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.

|

**LATE**

**HB-1326**

Submitted on: 2/7/2019 7:13:58 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Thomas Bacon	Individual	Oppose	No

Comments:

Aloha Chair Yamane and members of the Water, Land, and Hawaiian Affairs Committee,

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. The permanent water permit process, with its more thorough reviews, is appropriate and necessary to ensure that the waters of Hawaii are used to serve all the people of Hawaii, especially traditional and cultural uses. Alexander and Baldwin have taken advantage of the waters to the detriment of downstream users for way too long.

There is enough water for all to share. Do not allow the exploitation to continue. If an entity wants a long-term or indefinite right to the water, ensure they go through a rigorous and thorough permanent water permit process. Do not back-date and support their prior abuses.

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.

This has to stop! Impose reasonable limitations on the diversion of public water for private profit and ensure our stream ecosystems are fully restored.

Mahalo,

Tom Bacon, East Maui farmer

**LATE**

**HB-1326**

Submitted on: 2/7/2019 7:58:17 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Louise Storm	Individual	Oppose	No

Comments:

This does not appear to be in the best interest of our state as a whole.

**LATE**

**HB-1326**

Submitted on: 2/7/2019 8:09:12 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Richard Furst	Individual	Oppose	No

Comments:

Aloha Representative Members of the House Committee on Water, Land, & Hawaiian Affairs,

My name is Richard Furst, and I am a resident of East Honolulu. I am writing to express my strong opposition to HB1326. This bill represents a wholesale diversion of public water resources to private corporate interests, and is the epitome of what anti-environmental legislation looks like.

For generations the wholesale diversion of water has left stream beds dry across the islands. Water once used to support sugar plantations continues to be diverted by plantation owners turned real estate developers or has been passed from landowner to landowner without any assessment of water needs.

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 environmental review analysis and a fair lease rent methodology for the use of the stream water. The ongoing holdover of these RP's perpetuates the lack accountability and undermines of our public trust rights.

**Diverters have abused these temporary permits long enough.**

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.

I respectfully demand that the WLH Committee either kill this bill or amend it in a manner that serves all Hawaii, and not just the large corporate landowners. It is time to step up and do the right thing for Hawai'i public interests and support water rights for the people.

Mahalo nui for your consideration.

Respectfully yours,

Richard Furst, AIA

Aina Haina

**LATE**

**HB-1326**

Submitted on: 2/7/2019 10:04:58 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cory Harden	Individual	Oppose	No

Comments:

Aloha legislators,

**Please vote down HB1326, or amend it to protect/restore streamflows and downstream small farmers.** Generations of wholesale diversion of water, leaving dry stream beds, needs to stop.

mahalo,

Cory Harden, Hilo



**LATE**

**HB-1326**

Submitted on: 2/7/2019 10:55:13 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nicole Chatterson	Individual	Oppose	No

Comments:

**LATE**

**HB-1326**

Submitted on: 2/8/2019 12:06:22 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
christine trecker	Individual	Oppose	No

Comments:

I strongly oppose HB1326 which prioritizes commercial interests over protecting Hawaii's stream ecosystems from excessive water diversion. The ongoing holdover of temporary revocable permits must be checked, and instead the focus should be on proposed diversions meeting the stringent criteria of the long term lease application process before being granted.

Thank you for the opportunity to testify.

**LATE**

**HB-1326**

Submitted on: 2/8/2019 3:23:06 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Konrad Craddock	Individual	Comments	No

Comments:

This bill should include a reasonable time limit for its authorization, after which the legislature would need to pursue re-authorization.

**LATE**

**HB-1326**

Submitted on: 2/8/2019 5:27:20 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Timothy Kaapuni	Individual	Oppose	No

Comments:

To the Committee on Water, Land & Hawaiian Affairs

My name is Timothy Kaapuni. I am a resident of Hilo, Hawaii and I'm submitting testimony opposing House Bill 1326 Relating to Water Rights.

H.B. 1326 should not be allowed to pass or it must be amended to protect and restore streamflows and downstream small farmers. There is enough water in to share equitably. Hawaii's streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy and agriculture. Please protect the rights to water of all of Hawaii's people. Please do not pass H.B. 1326.

Sincerely,  
Timothy Kaapuni  
Hilo, Hawaii

**LATE**

**HB-1326**

Submitted on: 2/8/2019 5:24:35 AM  
Testimony for WLH on 2/8/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Leilani Lindsey	Individual	Oppose	No

Comments:

Committee on Water, Land & Hawaiian Affairs  
Senator Ryan I. Yamane, Chair  
Senator Chris Todd, Vice Chair

Aloha nui,

My name is Leilani Lindsey-Kaapuni. I am a resident of Hilo, Hawaii and I'm submitting testimony in strong opposition to House Bill 1326 Relating to Water Rights.

For generations the wholesale diversion of water has left stream beds dry across Hawaii. Water once used to support sugar plantations continues to be diverted by plantation owners turned real estate developers, or has been passed from landowner to landowner without any assessment of water needs.

H.B. 1326 perpetuates this water hoarding by allowing for the indefinite extension of temporary water rights:

- for an unlimited amount of water
- for unknown purposes
- without criteria for ensuring that stream ecosystems are protected from excessive water diversions

H.B. 1326 should not be allowed to pass or it must be amended to protect and restore streamflows and downstream small farmers. There is enough water in to share equitably. Hawaii's streams hold enough water to support native ecosystems, subsistence farming, cultural practices, renewable energy and agriculture. Please protect the rights to water of all of Hawaii's people. Please do not pass H.B. 1326.

Sincerely,  
Leilani Lindsey-Kaapuni  
Hilo, Hawaii



**LATE**

**HB-1326**

Submitted on: 2/8/2019 6:38:32 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Erika Lechuga Disalvo	Individual	Oppose	No

Comments:

## todd1 - Harrison

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**From:** Puanani Rogers <rangien2010@yahoo.com>  
**Sent:** Thursday, February 7, 2019 4:25 PM  
**To:** WLHtestimony  
**Subject:** HB 1326 - Hearing 2/8/19  
**Attachments:** 20110921 Letter\_Brad Rockwell\_KIUC\_CIA Proposal\_Waiahi Hydropower System.pdf; 20110921 KIUC CIA Study Proposal Waiahi.pdf; OHA comments - KIUC Waiahi hydro cultural impact assessment 11.17.17.pdf

**LATE**

E welina mai kakou,

Greetings to all here seen and unseen.

My name is Puanani Rogers born and raised in the ahupua`a o Kealia on the island of Kauai. I am Kanaka Maoli.

Mahalo Ke Akua and to this House Committee for the bringing us all together today and rendering us the opportunity to share mana`o on this very grave issue regarding the diversion of water from sacred Mauna Wai`ale`ale.

The following is a letter recently prepared by an attorney for OHA that details the history of KIUC's flagrant and continued failure to comply with Hawaii law and protect the water as mandated by our State Constitution. As a member of Kia`i Wai `o Wai`ale`ale I wanted your Committee to have this detailed and well written history. HB 1326 would promote and encourage more of the same total disregard for protecting one of our most precious resources and I ask your Committee not to allow HB 1326 to pass."

Aloha Mr. Alm,

OHA staff were recently contacted by Ms. Ley and Ms. Hammerquist about OHA's participation in discussions on the holdover of a revocable permit to KIUC for the use of water from Wai`ale`ale and Waikoko Streams. As the primary OHA staff assigned to this issue, I am unable to join Friday's meetings on Kaua'i; however, OHA's Kaua'i Community Outreach Coordinator, Kaliko Santos, is able to attend the Friday morning session on behalf of our agency. In lieu of my participation on Friday, I am providing you with background information about OHA's past involvement on the closely related water lease application for these stream diversions.

In 2004, KIUC applied to the BLNR for a 65-year lease for the use of water from Wai`ale`ale and Waikoko Streams (then referred to as the "Blue Hole diversions"). OHA testified against the issuance of a lease to KIUC because the proposed BLNR action did not include an analysis of the diversions' impacts to Native Hawaiian cultural practices and stream life, a supporting environmental review analysis, and a fair lease rent methodology for the use of the stream water. Based on these concerns, OHA requested a contested case hearing from BLNR.

In 2006, OHA and KIUC entered into a memorandum of agreement (MOA) to address OHA's contested case request. The MOA required OHA to withdraw its contested case request once a number of terms were met, including that KIUC and OHA needed to agree upon the scope of an assessment of the cultural impacts from the proposed stream water use for KIUC's Waiahi hydropower system.

After a number of meetings and communications between OHA and KIUC from 2008 to 2011, the two parties came to an agreement on the scope of a cultural impact assessment, as proposed by Native Kaua'i LLC (see attached 9/21/11 letter and CIA study proposal). The Sept. 21, 2011 Native Kaua'i LLC letter and proposal were further incorporated and



included as an appendix to the “Stipulation for Withdrawal of Request for Contested Case Hearing,” filed with the DLNR Land Division on July 18, 2012 and presented to the BLNR on August 24, 2012.

Between 2013 and 2016, OHA staff received intermittent updates from KIUC about communication issues and delays in working with their consultant, Native Kaua’i LLC. In several responses to KIUC staff, OHA staff reiterated our agency’s position about the importance of fully identifying cultural impacts and of following the agreed upon assessment scope. In May 2017, OHA learned through our community contacts that KIUC was moving forward with its cultural impact assessment, with Cultural Surveys Hawai’i, Inc. as its new consultant.

In October 2017, OHA received a draft of KIUC's cultural impact assessment, which we then shared with our Kaua’i community contacts and invited their comments. OHA provided its comments on the draft cultural impact assessment by letter dated Nov. 17, 2017 ([attached](#)). In our letter, we noted numerous deficiencies in the draft cultural impact assessment, including its failure to follow the agreed upon scope from 2011 for a comprehensive analysis of the cultural impacts from the use/diversion of Wai'ale'ale and Waikoko Streams. OHA has not received a formal response to our comment letter, nor have we received an updated or finalized assessment.

Since 2004, it is our understanding that KIUC has been receiving annual revocable permits and permit holdovers to support its continuing use of stream water to operate the Waiahi hydropower system until it returns to BLNR with a renewed water lease application, which must be supported by a cultural impact assessment, per the terms of the KIUC-OHA MOA.

As provided above, the impact on Native Hawaiian cultural practices from KIUC's use/diversion of water from Wai'ale'ale and Waikoko Streams has been a major issue for OHA and we continue to have serious concerns about the inadequate assessment of cultural impacts thus far. I apologize for not being able to attend Friday's meetings, but please don't hesitate to contact me if you have any questions or would like to discuss this matter further.

Mahalo,  
Everett

**LATE**

Everett Ohta  
Pōhaku Kihi, Kānāwai Pili Nohona a me Nā Pono ‘Ōiwi (Counsel for Environmental Law and Native Rights)  
Phone: (808) 594-1988  
560 N. Nimitz Hwy, Suite 200  
Honolulu, Hawai'i 96817

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I do hope that you will give all of this your honest consideration and vote to kill this

Mahalo a nui loa and God bless everyone!

Puanani Rogers  
(808) 652-1249

**todd1 - Harrison**

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**From:** Susan Mulkern <susan@mulkernlandscaping.com>  
**Sent:** Thursday, February 7, 2019 8:22 PM  
**To:** WLHtestimony  
**Subject:** I Support HB1326



Dear Chair Yamane, Vice Chair Todd, and members of the committee,

I support HB 1326, 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.

Thank you for the opportunity to testify on this measure.

**LATE**

**todd1 - Harrison**

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**From:** Jonah Keohokapu <hi.waterprotector@gmail.com>  
**Sent:** Thursday, February 7, 2019 9:21 PM  
**To:** WLHtestimony  
**Subject:** Testimony in OPPOSITION to HB1326 - WLH 2/8 8:30am

Aloha Chair Yamane and members of the Water, Land, and Hawaiian Affairs Committee,

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 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! Impose reasonable limitations on the diversion of public water for private profit and ensure our stream ecosystems are fully restored.

Mahalo,

Jonah Keohokapu

jk96786@gmail.com

**LATE**

Antoinette Freitas  
Kaiena Bishaw  
Richard Spacer  
Sharleen Carlan  
Patricia Blair  
Emily Charles  
Makaala Kaaumoana  
Wallace Radford  
Devin Mannoia  
pahnelopi mckenzie  
Gary Davidson  
John Cole  
Carolyn Barkley  
Beth Hird  
Kuulei Kualaa  
Ashley Obrey  
Tom Aitken  
Eda Rassner  
Tracy Adams  
Catherine Velasquez  
Sierra Dew  
Kauluwehiokalani Eli  
John Naylor  
Nicole Collins  
Anthony Early  
Victor Pellegrino  
Walter Dudley  
Marilyn McAteer  
Gary Wiseman  
Colleen Tester  
Kinee Hanson  
Nathan Routt  
Hawane Rios  
Mark Williams  
Patricia Nazzaro  
Regina Floyd  
Yvonne Mahelona  
Javier Mendez  
Jen Bal  
Donna Lauritzen  
Michelle Brown  
Deanne Enos  
John Bacon  
Tamra Probst  
Noreen Dougherty  
Courtney Bruch

**LATE**

Maria De sosa  
Konaneakamahina de la Nux  
Keiko Gonzalez  
James Tolley  
Wendy Green  
Kiele Gonzalez  
Nick Drance  
Mardi Werner  
Robert Aldrich  
Illah Folsom  
Diane Ware  
John Norman  
Joe Simmons  
Rosanna Alegado  
Daniel Bishop  
Corinna Kekahuna  
Streams Paramananda  
Logan Johnasen Halas  
Maile Atay  
Lisa Kerman  
Barbara O'Connor  
Marlene Widmann  
Erin Wade  
JAN MAKEPA  
Kealii Makekai  
Erik Pendleton  
Richard Furst  
Nicole Busto  
julie watts  
Nancy Aleck  
Avi Okin  
Rachael Lund  
Robin Knox  
Derek Peterson  
LINDA GENTILUOMO  
Bridget Mowat  
Stan Walerczyk  
Rosalind McKevitt  
Shilpi Dandavati  
Marty Martins  
Curen Ohama  
Curen Ohama  
Rochelle Kapu  
Maria Walker  
Laulani Teale  
Ben Shafer  
Rachel Sherman

**LATE**

Jonah Keohokapu  
Nicole Anakalea  
Don McKelvey  
Norman Miyasato  
negus manna  
Karsten Zane  
Nina Kepano  
Nomi Carmona  
Alana Kaopuiki  
Kawaihua Pellegrino  
Jade Smith  
Keāliapa'aikeaouhou Pellegrino  
Kaua Pellegrino  
Angela Pellegrino  
Maile Lavea-Malloe  
Anna Chio  
Ashley Caris  
COLLEEN CURRAN  
Ashley Ostendorf  
Dennis Burns  
Adam Lottig  
Kristin Sherwood  
Michelle Kitashima  
Jazlynn Woods  
HanaSara Ito  
Sean Nagamatsu  
Lezley Jacintho  
Melody Smythe  
Leilani Lindsey-Kaapuni  
Leslie KALAMA  
Jeffrey Hill  
Bridgette Dillan  
Michelle Takemoto  
Nattalia Whalen  
scott mahoney  
Brent Wolfe  
Monika Huber  
Fiama Von Schuetze  
Elle Cochran

**LATE**

**HB-1326**

Submitted on: 2/7/2019 3:54:18 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tracy Adams	Individual	Oppose	No

Comments:

For decades, water rights have been an issue for subsistence farming, cultural practices and from an environmental impact viewpoint. Allowing holdovers of revocable permits is a problem because it continues to allow water diverters to perpetuate a lack of accountability and undermines the public trust rights.

Access to water is a right for all people, much like having air to breathe. We understand that water is the lifeline to the continuation of all life systems and it has been long enough that water has been held hostage by a privileged few. Its time has come to allow the streams to flow for all. There is enough to go around for streams to feed native ecosystems, subsistence farming, cultural practices, renewal energy, and larger scale agriculture. If Hawaii is to begin the process of feeding it's people, then water needs to be restored to the people.

Respectfully submitted,  
Tracy Adams

**todd1 - Harrison**

---

**From:** Diane Koerner <dianekoerner@yahoo.com>  
**Sent:** Thursday, February 7, 2019 3:37 PM  
**To:** WLHtestimony  
**Subject:** OPPOSE HB1326



Dear Committee Members:

I am writing to ask you to oppose HB1326, or at least "hit the pause button" and stop the process until a good bill can be worked out.

In its current form, HB1326 cannot be allowed to pass, or it must be severely amended to protect/restore streamflows and downstream small farmers.

For generations the wholesale diversion of water has left stream beds dry across the islands. Water once used to support sugar plantations continues to be diverted by plantation owners turned real estate developers or has been passed from landowner to landowner without any assessment of water needs.

HB 1326 perpetuates this water hoarding by allowing for:

- the indefinite extension of temporary water
- for an unlimited amount of water
- for unknown purposes
- without criteria for ensuring that stream ecosystems are protected from excessive water diversions

Please 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.

Thank you for your time,  
Diane Koerner  
GreenerHawaii.com  
420 Molo St., Kapaa, HI 96746  
808-651-7988



**todd1 - Harrison**

---

**From:** Tom Bartlett <tommakaiproperties@hotmail.com>  
**Sent:** Thursday, February 7, 2019 3:41 PM  
**To:** WLHtestimony  
**Subject:** HB 1326



We are no longer a sugar plantation industry. The water rights should be governed by a cross section board of Hawaii residents. The priority should be protecting water for the general public, ensuring environmental considerations, not large land owners. Drinking water needs to be protected. Secondly as the State has a priority for food crops, affordable access needs to be protected for that use.

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## **todd1 - Harrison**

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**From:** Laurent Zahnd <warriorprotector808@gmail.com>  
**Sent:** Thursday, February 7, 2019 3:42 PM  
**To:** WLHtestimony  
**Subject:** Testimony in OPPOSITION to HB1326 - WLH 2/8 8:30am



Aloha Chair Yamane and members of the Water, Land, and Hawaiian Affairs Committee,

You are facing a choice that will have serious consequences for your legacy.

Either you can choose to remain on the side of A&B and continue the 126 years of oppression and destruction of the local farming and culture, perpetrated by this company, guilty of many war crimes according to International law like the Human Rights conventions of Geneva and The Hague.

If you chose to keep supporting this criminal corporation, may your name be forever remembered as a part of the dark forces having no respect for Hawai'i, and may your kids and grand-kids carry the responsibility of your insane actions and pay the shameful consequences.

In the case where your heart and mind still have some sort of connection and ability to function together, you will make the right choice and for once renounce your appetite for financial greed to do what is right and good for those Islands, that are kindly sustaining your life and the ones of your beloved families and deserve your utmost respect and care.

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.

Your job, if you follow your oath of office, should be to find ways to fine A&B and seize their assets (that were illegally acquired and illegally managed), and serve the community and the environment, as the constitution requires you to do.

I'm asking you to check yourself for a minute, get off your pedestal and ask yourself what kind of human being have you become when following your appetite for power and personal stature. Is it what you want to be remembered for?

We are witnessing your every move and we won't forget to hold you accountable for the future consequences of your decisions.

Mahalo Nui Loa to those of you being worth representing us.

And good luck to the others on your judgement day, because God won't be as Aloha-minded as we are, and you won't be able to take your A&B gift bags up there.

Laurent Zahnd

Laurent Zahnd

laurent.zahnd@gmail.com

**todd1 - Harrison**

---

**From:** John Culliney <jculliney@gmail.com>  
**Sent:** Thursday, February 7, 2019 3:42 PM  
**To:** WLHtestimony  
**Subject:** Oppose HB1326



I am writing to state my opposition to HB 1326 regarding distribution of Hawai`i's stream waters to be monopolized by large corporations, essentially ignoring the needs of small farmers, the health of the riparian environment, and the general public. This perpetuates the rustling of a critical public resource by wealthy landholders that has continued for a century and a half in Hawaii and would not be tolerated today in most other parts of the United States. Please terminate this bill or amend it comprehensively to assure equitable distribution of water to all stakeholders in Hawai`i.

Sincerely yours,

John Culliney  
Volcano, Hawai`i

**LATE**

**HB-1326**

Submitted on: 2/7/2019 4:19:21 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Howard Fu	Individual	Oppose	No

Comments:

**HB-1326**

Submitted on: 2/7/2019 4:50:09 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
L.M. Holmes	Individual	Oppose	No

Comments:

No! These permits are unfair and a bad use of resources which belong to everyone, not large corporations.

To: Chairman of Water, Land and Hawaiian Affairs

February 7, 2019

RE: IN FAVOR OF HB1326



ALOHA KAKO CHAIR AND MEMBERS

I am a homeowner and resident of Maui County for 18 years. I know that there are only 3 days of food on the shelves of our local grocery stores. No barge, no food.

The new owners of the 41,000 acres of land have told the community they will help with diversified agriculture and a sustainable agricultural economy. I see this as the future here.

The bill needs to be changed a bit – it asks for an open ended amount of time to get the water leases straightened out. I think it's a good idea to give them the same time A&B had to do it – three years.

Please change the bill so show this three year period and vote yes on the bill

Mahalo,

Jeanne Reynolds

822 Olena Street

Wailuku 96793

**HB-1326**

Submitted on: 2/7/2019 5:45:19 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ashlie McGuire	Individual	Oppose	No

Comments:

Water is life and belongs to the land. It is not for a mainland company to siphon away from the people on the east side of Maui who rely upon its very existence. Do the right thing.

**LATE**

**HB-1326**

Submitted on: 2/7/2019 6:08:54 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Janet Graham	Individual	Oppose	No

Comments:

Thank you for the opportunity to explain why I oppose this bill.

The details of this bill demonstrate to me that we need to rethink our use of water in Hawaii so it is more equitable and sustainable. It is not a good idea to allow people who have been overusing this resource and drying up rivers to have longer term leases. The use of water needs to be thoughtful. Therefore, I ask you to oppose this bill or at least put it on hold.

Sincerely, Janet



To Chairman Ryan Yamane  
Vice Chairman Chris Todd  
Water, Land and Hawaiian Affairs Committee  
February 7, 2019  
RE - HB 1326 - for water use



## TESTIMONY IN FAVOR OF HB 1326

Aloha Chair Yamane and Committee Members,

My name is Sean Lester and I am a 29 year resident of Maui. I am a certified permaculture farmer and was raised on a farm.

For over 140 years on Maui, A&B has harvested a crop that was just a commodity. Isn't it time to see if this land can be repurposed?

As of about a month ago a new buyer has purchased all of the Alexander and Baldwin agricultural lands on Maui. They have inherited the old owner's challenges and a lot of people are questioning whether they will be any different from A&B. There is only one way to find out. The potential for an agricultural and cultural renaissance is worth a relatively short time - to get it right.

I believe the right thing to do is to give the new owners a chance. So the new owners have a chance to prove their mettle by modifying this bill to give them a 3 - one year extension set of rules. It's the smallest gamble with the largest potential for a future for Maui's people.

**1000 jobs** - let's give them time to prove it. Who's the last employer here to offer decades of new solid jobs? This is very important in an economy that is dominated by the visitor industry. Doesn't Maui deserve a more secure job base if a small amount of time will see if it's true?

Please vote in favor of this bill, with the amendment to give them three years to complete their work before the DLNR.

Mahalo,

Sean Lester PO Box 1010 Haiku, Hawaii



**LATE**

**HB-1326**

Submitted on: 2/7/2019 6:42:30 PM

Testimony for WLH on 2/8/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gillian Boss	Individual	Oppose	No

Comments: