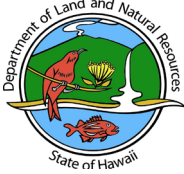


DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
FINANCE**

**Tuesday, March 2, 2021
12:00PM**

State Capitol, Via Videoconference, Conference Room 308

**In consideration of
HOUSE BILL 1015, HOUSE DRAFT 2
RELATING TO DISPOSITION OF WATER LICENSES BY THE BOARD OF LAND
AND NATURAL RESOURCES**

House Bill 1015, House Draft 2 proposes to clarify the conditions and manner in which the Board of Land and Natural Resources (Board) may dispose of water by license. **The Department of Land and Natural Resources (Department) strongly supports this Administration measure.**

The purpose of this measure is to implement the water disposition process via Section 171-58, Hawaii Revised Statutes (HRS), in a more feasible and practicable manner. This bill serves to clearly define dispositions for the use of water by the Board as licenses for water rather than conveyance of any property right or interest in water via a lease. The intent is to avoid the potential commodification of an important public trust resource. Additionally, the term "license" is consistent with language contained in the Hawaii State Constitution. The measure also proposes to require consultation with the Commission on Water Resource Management on any proposed license to ensure that the disposition is consistent with water resource management requirements.

This bill would allow for the Board to issue a water license through direct negotiation, provided that reasonable efforts are made to determine whether there is no competition for the water license. The public auction requirement for the disposition of water currently in Section 171-58, HRS, has resulted in burdensome constraints to the disposition process, especially in instances where there is a high likelihood that there would only be a single bidder. Additionally, the public auction requirement has created uncertainty for smaller agricultural water users.

Further, Section 171-58, HRS, requires that water for disposition be appraised at fair market value in order to determine the upset rent for the public auction. However, water purveyors generally charge for the delivery of water, not water itself, which is a public resource. Therefore, appraisers have no methodology to value water. This bill would establish factors to be considered in the valuation of water use, providing appraisers guidance and clarity. The intent is to provide a

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

framework to determine a fair rent for projects that provide a public benefit. This would assist in furthering the State's sustainability goals such as local food production or renewable energy.

Additionally, as watershed management plans may have various priorities, the current statute is unclear as to the focus of watershed management plans developed for disposition of water. This bill would provide clarity regarding the development and implementation of a watershed management plan that is required of the licensee. The bill also proposes to focus on preserving the availability of water resources from forested watersheds. This is an appropriate goal as it would serve to offset the impact of the water diverted under the license on the resource.

Thank you for the opportunity to comment on this measure.



HB1015 HD2
RELATING TO DISPOSITION OF WATER LICENSES BY THE BOARD OF LAND AND
NATURAL RESOURCES

Ke Kōmike Hale o ka ‘Oihana ‘Imi Kālā
House Committee on Finance

Malaki 2, 2021

12:00 p.m.

Lumi 308

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on HB1015 HD2, which would authorize the direct negotiation of 30-year water licenses, subject to notice, valuation, and consultation guidelines and requirements, but without the public transparency that might otherwise be provided through the public auction process. **OHA respectfully offers recommended amendments to 1) provide the public with a meaningful opportunity to review and comment on directly negotiated water dispositions which may impact the significant public interest in our water resources for up to 30 years at a time; and 2) establish clear Board of Land and Natural Resources (BLNR) approval requirements that can help to safeguard against potentially inappropriate dispositions.** OHA further notes and agrees with concerns regarding the need for additional procedural and substantive protections in the issuance of water licenses as contemplated under this measure.

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

While BLNR has a well-established obligation to uphold the public trust in water, a number of court rulings over the last twenty years have demonstrated how it has not consistently upheld these duties – particularly with respect to large-scale water diverters, and notwithstanding significant long-lasting impacts to Native Hawaiian communities, cultural practitioners, and natural and cultural resources and ecosystems protected under the public trust. The BLNR’s continual “holdover” of water revocable permits, which have failed to implement the minimum public trust considerations articulated by the Hawai‘i Supreme Court, further inform continued concerns regarding the BLNR’s inconsistent stewardship of the public trust in water, including with regard to the potential outcomes of any direct negotiation authority it may be granted for long-term water licenses.

Nonetheless, OHA acknowledges and appreciates that the existing valuation and public auction processes currently applicable to the issuance of water licenses may need updating, to reflect the unique character of our water resources, infrastructure, and public trust doctrine; to incorporate new information regarding the sustainability of our water sources as well as the cultural and ecological purposes that they serve, particularly in the era of climate change; and to encourage the greater accountability required of water licenses with respect to the public trust.

Accordingly, in recognition of the potential benefits as well as the significant and well-founded concerns that may arise from the direct negotiation authority and potentially broad discretion this measure would provide to the BLNR, OHA respectfully urges the Committee to consider two additional procedural safeguards; these safeguards will help to ensure that the BLNR's exercise of authority to issue water licenses is appropriate and consistent with the public trust.

First, by providing for a meaningful public notice and input process before BLNR approval of a directly negotiated license or of a public auction for the issuance of a license, by adding a new subsection (i) after page 9, line 10, to read as follows:

“(i) Prior to the board’s final approval of a directly negotiated water license or of a public auction for a water license, the department shall provide public notice of the proposed license agreement by posting on the websites of the department and the office of the lieutenant governor. The notice shall also be mailed or electronically delivered to all persons who have made a timely written request of the department for notice of water license proposals; the commission on water resource management; the department of Hawaiian home lands; and the Office of Hawaiian Affairs. The notice shall provide the opportunity to submit comments in writing to the department regarding the proposed water license for a period of no less than thirty days following the date of publication. Comments received shall be submitted to the board with the board’s consideration of the proposed water license or auction. The public notice shall include the identity of the licensee, if the license is to be disposed of by direct negotiation, and the location and description of the licensed water source, and shall include information regarding how a copy of the proposed license or draft staff submittal containing the essential terms and conditions of the proposed license to be presented to the board can be obtained or inspected. The notice shall also include:

- (1) The length of the license agreement and license rental for a directly negotiated license, or the upset price if the license is to be disposed of

- by public auction, as appraised pursuant to paragraph (c) (2) and section 171-17;
- (2) The amount of water diverted or extracted, the proposed use of water allowed under the license, and the amount of water available from the surface or ground water source;
 - (3) The known stream flow data of each stream to be affected by the license and the interim or permanent instream flow standard for the stream;
 - (4) Information regarding how water diversion or extraction and use will be monitored by the department or a third party for compliance with license terms, or a statement that compliance will not be monitored;
 - (5) The estimated avoided cost to the licensee of obtaining the water from practical alternative sources, or a statement that such information is not known;
 - (6) The estimated net economic benefit to the licensee, or a statement that such information is not known;
 - (7) The estimated value contributed by the licensee for watershed management pursuant to subsection (e), or a statement that such information is not known;
 - (8) The estimated public benefit provided from the use of water pursuant to section 174C-2, or a statement that such information is not known;
 - (9) A concise summary of any potential adverse impacts to ecological, cultural, recreational, and aesthetic values of the licensed source, including with respect to each stream that may be affected by the license, or a statement that such information is not known; and
 - (10) A description of how the public can view any hydrologic, ethnographic, environmental review, and any other reports used in the development of the proposed license."

Second, given the foundational importance of water to our islands, including with respect to our environmental, cultural, and societal integrity, resilience, and sustainability; the numerous examples of historical water dispositions that have failed to uphold the public trust in water, in favor of highly influential corporate interests; and the ever more important need to safeguard the public trust in water during the post-COVID, climate change era, in dispositions that may last a generation or longer; OHA respectfully urges the Committee to also require that any final directly negotiated water license or proposed public auction for a water license be approved by a supermajority of the BLNR, or five of its seven members, by amending page 2, line 7, to read as follows:

“restrictions under the law; provided that [~~any~~]
the final approval of a directly negotiated water
license or of a public auction for a water
license shall be approved by no less than two-
thirds of the membership to which the board is
entitled; and provided further that:”

Finally, OHA notes and agrees with concerns raised by other testifiers on this measure, regarding the need for additional procedural and substantive safeguards in the issuance of water licenses, including: the need to consider the **uncertainties of climate change** and its impacts on our water resources in the setting of maximum license lengths; the need to **ensure baseline flows in licensed streams** that are not protected by updated interim instream flow standards; and the need to ensure that license appraisals by the Department of Land and Natural Resources **do not unduly compromise the pro rata portion of license revenues that would otherwise be due to the Department of Hawaiian Home Lands, to help fulfill its mission of returning native Hawaiians to the land and to facilitate its contributions to our State’s affordable housing goals.**

Mahalo nui for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

JOSH GREEN
LT. GOVERNOR
STATE OF HAWAII



WILLIAM J. AILA, JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

TYLER I. GOMES
DEPUTY TO THE CHAIRMAN

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

P. O. BOX 1879
HONOLULU, HAWAII 96805

TESTIMONY OF WILLIAM J. AILA, JR, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE HOUSE COMMITTEE ON FINANCE
HEARING ON MARCH 2, 2021 AT 12:00 PM VIA VIDEOCONFERENCE

**HB 1015, HD2, RELATING TO DISPOSITION OF WATER LICENSES BY THE
BOARD OF LAND AND NATURAL RESOURCES**

March 2, 2021

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

The Department of Hawaiian Home Lands (DHHL) submits comments on this bill that clarifies the conditions and manner in which the Board of Land and Natural Resources may dispose of water by license. DHHL appreciates the amendments proposed by the bill to harmonize the language of “licenses” in section 213 of the Hawaiian Homes Commission Act of 1920 (HHCA) and Article XII, section 1 of the State Constitution with provisions of HRS 171-58. DHHL also agrees with the amendments added by the House Committee on Consumer Protection and Commerce in HD2 clarifying that the disposition of water licenses does not apply to any instream, in-watershed use of water for wetland kalo cultivation done in a traditional manner. However, these minor aspects of the bill are insufficient to address DHHL’s concerns.

One of the original sources of funding for implementation of the HHCA was 30% of the revenue from water licenses. That provision has survived till this day, in section 213 of the HHCA and Article XII, section 1 of the State Constitution. While this provision has survived, the amount of funding has decreased significantly over time. DHHL believes this is due primarily to a failure to broadly apply the statute, as well as a failure to determine a reliable pricing mechanism for water leases / licenses.

At our request, a bill was introduced (HB 501) that would have addressed the fundamental and inescapable problem of both the current statute and this HD2. That fundamental and inescapable problem is that the statute and this bill utilize reliance on an appraisal to determine a fair market value. However, because water in Hawai`i is a public trust, there is no trading market in water in Hawai`i where prices are set and no “fair market value” can be said to exist.

In one regard this HD2 offers the appearance of addressing this problem, but only further obfuscates the issue. By adding language that an appraiser *may* consider a laundry list of items to determine “fair market value,” but providing no meaningful

guidance on how those items may affect “fair market value”, an impression is given that consideration of these factors affect whatever price the appraiser determines. Such a practice would allow the Board of Land and Natural Resources to ostensibly justify the price that is set without making it clear or transparent how that price was chosen.

Absent a market mechanism or a clear and transparent method for setting the price, the setting of the upset price is essentially a policy decision. Indeed, the testimony on these measures (this bill and HB 501) before the House Committee on Water and Land made this clear. Lobbyists advocated for water pricing to support particular industries, illustrating the ingrained interests which seek to benefit from the private use of public trust resources without regard to other policy considerations, including the state’s obligations to DHHL.

DHHL believes that this committee should ask at this time whether this policy decision on water pricing be made by an appraiser, given an unclear set of guidelines? Should the policy decision be set by a Department of Land and Natural Resources staff member? Should it be by the Board of Land and Natural Resources, asked to weigh the financial benefit to their own watershed protection efforts against support they may have for agriculture, ranching, or hydropower? Or, as HB 501 suggested by setting a blank percentage of avoided costs, should the policy decision on how to price water leases be set by the Legislature itself?

In another aspect, this bill makes the problem of determining a “fair market” value even worse than under current statute, by allowing the issuance of such dispositions to avoid public auction entirely, instead using direct negotiation. Currently, the only potential market mechanism that might exist for competing bidders to signal their willingness to pay is via a public auction. This would eliminate this possibility, essentially at the sole discretion of the Board of Land and Natural Resources.

Absent the provisions in HB 501, this bill would present further, additional challenges to the Board of Land and Natural Resources fulfilling their fiduciary duties under the HHCA and State Constitution.

Thank you for your consideration of our testimony.

COUNTY COUNCIL

Arryl Kaneshiro, Chair
Mason K. Chock, Vice Chair
Bernard P. Carvalho, Jr.
Felicia Cowden
Bill DeCosta
Luke A. Evslin
KipuKai Kualii



OFFICE OF THE COUNTY CLERK

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

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

March 1, 2021

**TESTIMONY OF FELICIA COWDEN
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON**

**HB 1015, HD2, RELATING TO DISPOSITION OF WATER LICENSES BY THE
BOARD OF LAND AND NATURAL RESOURCES**

House Committee on Finance
Tuesday, March 2, 2021

12:00 p.m.

Via Videoconference
Conference Room 308

Dear Chair Luke and Members of the Committee:

Thank you for this opportunity to provide testimony in OPPOSITION to HB 1015, HD2, Relating to Disposition of Water Licenses by the Board of Land and Natural Resources. My testimony is submitted in my individual capacity as a Member of the Kaua'i County Council.

The diversion of waters, drying of streams, and non-compensation of water usage to those entitled to the Public Trust resources have been an area of considerable contention on Kaua'i for decades.

This Bill specifies it is for water used in non-consumptive purposes, which means it is returned to the same stream from which it is drawn. On Kaua'i, Wai'ale'ale Stream, Waikoko Stream diversions to Hanamā'ulu, the Waimea River diversion to Kekaha ADC ditch system are examples of consumptive use. All wells are consumptive. These are the water diversions that are in conflict.

By avoiding the inclusion of consumptive uses of water, HB 1015, HD2, does not serve the needs for which the bill was written, at least for Kaua'i, thus legal challenges are likely to continue. It is important to develop policy to manage the consumptive use of water in this bill.

Mahalo for considering my testimony. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via E-mail to cokcouncil@kauai.gov.

Sincerely,

FELICIA COWDEN
Councilmember, Kaua'i County Council

AMK:lc



SIERRA CLUB OF HAWAI'I

HOUSE COMMITTEE ON FINANCE

March 2, 2021 12PM Room 306

In OPPOSITION to HB1015 HD2:
Relating to Disposition of Water Licenses by the Board of Land and Natural
Resources

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

On behalf of our 27,000 members and supporters, the Sierra Club of Hawai'i **opposes the passage of HB1015 HD2**, which seeks to authorize the Department of Land and Natural Resources to directly negotiate for water licenses without protections for stream ecosystems, public trust resources, Native Hawaiian traditional and customary practices, or the public interest.

This bill proposes the following changes to HRS §171-58:

1. Direct negotiation: allow direct negotiation as an alternative to public auction.
2. Appraisal process: clarifies the factors to be considered in the valuation of water.
3. Watershed management plans: clarify the focus of watershed management plans.

This bill facilitates the conveyance of public water from public streams for private uses. It does so without ensuring our streams -- and the constitutionally protected uses of them -- are well protected. While we recognize the potential utility of direct negotiations in some limited situations, we are only willing to consider this option in the context of strong, specific, enforceable protections for public trust resources. DLNR has demonstrated that we cannot count on them to put the interests of the streams and the public before the interests of large, corporate diverters when authorizing stream diversions on public land. That is why strong legislation is crucial.

The Sierra Club opposes this bill without significant improvement, including:

Impose Strict Stream Protections

HRS §171-58 and the proposed bill fail to prevent streams from excessive diversions. The Board of Land and Natural Resources currently allows A&B to remove all of the water from 13 streams on Maui 80% of the time.¹ These diversions can leave these streams bone-dry for more

¹ J. Parham, et al., [The Use of Hawaiian Stream Habitat Evaluation Procedure to Provide Biological Resource Assessment in Support of Instream Flow Standards for East Maui Streams](#), Division of Aquatic Resources and Bishop Museum, page 28, Nov. 2009.

than half the year. This is completely unacceptable. To ensure this does not happen, this bill must be amended to include a restriction on the maximum amount of water that can be diverted from streams.

Our recommendation is to set a limit so that the amount diverted from a stream is never more than what is necessary to sustain native stream habitats. Both the Division of Aquatic Resources and Commission on Water Resource Management have repeatedly concluded that the minimum viable flow necessary to provide suitable habitat conditions for recruitment, growth, and reproduction of native stream animals is **64% of median base flow**.² The Legislature should require the BLNR to follow the scientific consensus of its experts on staff.

10-year license terms

Shorter license terms allow for more responsive management of public trust resources. One beneficiary of direct negotiations, the Kaua'i Island Utility Co-op, is asking for guaranteed access to the public's stream water for 60 years, using its West Kaua'i Energy Project as justification. A 60-year license term is outrageous and irresponsible for any project. And for the West Kaua'i Energy Project it is suspicious. The proposed power purchase agreement for the West Kaua'i Energy Project is only 25 years long.³ So what reason could KIUC possibly have for pushing to have guaranteed access to that water through 2080? Are they planning to resell the water rights the way Alexander & Baldwin did with Mahi Pono in 2018?

Due to humanity's collective failure to address climate change over the last 50 years, there is immense uncertainty about the future of natural resources -- especially freshwater resources, and especially on Kaua'i. Sadly, our generation does not have the luxury to be reckless with our resources. The most prudent course of action is to keep the duration of all water licenses short so that managers can adapt to changing conditions as needed. We propose 10 year license terms.

No Transfer, Sale, or Sharing of Licenses

In 2018, A&B negotiated a sale worth \$62 million dollars⁴ with Mahi Pono, a wholly owned subsidiary⁵ of a Canadian company that holds rights to water in California, Singapore, and

<https://files.hawaii.gov/dlnr/cwrm/activity/iifismaui1/dar-hshep.pdf> (Finding that "the diversions were engineered to capture low to moderate stream flows and results in 100% removal of water approximately 70 to 80% of the time.")

² Petition to Amend Instream Flow Standards for 27 Streams, Findings of Fact, Conclusions of Law, Decision and Order, Commission on Water Resource Management, FOF #573, pg 150. June 18, 2018. <https://files.hawaii.gov/dlnr/cwrm/cch/cchma1301/CCHMA1301-20180620-CWRM.pdf>

³ Kaua'i Proposes Hybrid-Solar Facility, Brian McInnis, Pacific Business News, Jan. 7, 2021. <https://www.bizjournals.com/pacific/news/2021/01/07/kauai-proposes-hybrid-solar-facility.html>

⁴ Form 8-K for Alexander & Baldwin, filed with the Security and Exchange Commission, Dec. 2018. <https://www.sec.gov/Archives/edgar/data/1545654/000119312518354682/d664171d8k.htm>

⁵ "Mahi Pono is a joint venture between Pomona Farming LLC, a California-based agricultural group, and the Public Sector Pension Investment Board (PSP Investments), one of Canada's largest pension investment managers." <https://www.mahipono.com/about>

Australia.⁶ The sale split the ownership of A&B's East Maui Irrigation Company 50-50 with Mahi Pono, and most importantly the temporary permits from DLNR that EMI holds to divert millions of gallons of water everyday from the east Maui watershed. A&B pocketed \$62 million dollars because it guaranteed Mahi Pono a minimum of 30 million gallons of water a day for eight years from the east Maui watershed. This is public trust water that A&B had no right to profit from in this way.

The Board of Land and Natural Resources did nothing to stop this improper sale of water or to prevent future direct negotiations like this from occurring again. That is why this Legislature should step up and amend this bill to prevent future exploitation of public trust water resources in this way. The law should prohibit the transfer, sale, or sharing of any license or water pursuant to a license without the prior express approval of the Board of Land and Natural Resources.

Know the Stream Before Diverting it

Before issuing any license, BLNR should know the basics of how much water flows in a stream and how much is proposed to be diverted. This is common sense – which sadly has not been applied in many of the decisions made about stream diversions over the years.

This bill should be amended to require that prospective licensees install commonly used monitoring devices, such as stream gauges, on streams being considered for diversion.

The bill should also require that prospective water licenses specify the maximum amount of water that is proposed to be taken and that the appraisal process require evaluation of the amount of water diverted in proportion to the total water available.

In addition, no license should be granted unless the diverter measures how much water it takes from each stream daily. We cannot give up public trust resources without a proper accounting of how much water is actually being diverted from each stream. This is accomplished by requiring stream gauges and proper monitoring prior to issuing water licenses.

Finding of No Significant Impact

The bill should be amended to require that BLNR study the impacts of proposed diversions and make an explicit finding that the proposed diversion will not adversely impact the ecological, cultural, recreational, and aesthetic values of the stream before a license is issued.

The list of harm caused by excessive stream diversions is long:

Stream-dependent cultural practices like fishing, and recreational activities like hiking are undermined.

Downstream, invasive species take over once wet vibrant taro lo'i; excessive stream diversions interrupt the fundamental functioning of our hydrological cycle and aquatic life cycles.

⁶ "PSP spends A\$480m on water rights," Daniel Kemp, AgriInvestor, Dec. 2019.
<https://www.agriinvestor.com/psp-spends-a490m-on-water-rights-and-acquires-adveg-almond-portfolio/>

Underground aquifers are not replenished, and native marine life cannot reproduce because too much water is being diverted from the tops of our streams.

We should never accept adverse impacts to stream ecosystems as an unavoidable consequence of their commodification and diversion. If a proposed diversion of water is found to likely have a significant impact, then a license to divert water through it should not be decided by direct negotiation.

Exemption for All Traditional and Customary Practices

The Sierra Club supports exempting from HRS §171 all traditional and customary practices like wetland taro cultivation because since time immemorial these practices have proven to be truly sustainable.

HB1015 is an opportunity to ensure that any new process for issuing water licenses addresses the historical harms and ongoing concerns of diverting our public trust resources for private profit. This bill needs substantive criteria that actually protect our streams. We encourage this committee to look at the relevant language in HB464.

Thank you very much for this opportunity to provide testimony in opposition to HB1015 HD2.

Mahalo,



Marti Townsend
Chapter Director

HB-1015-HD-2

Submitted on: 2/27/2021 1:53:19 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

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

Comments:

Aloha!

Free access to Hawaii's limited water supply must be shared by all. This Bill is unfair to small users and local Hawaiians. Turn it down!



Young Progressives Demanding Action
P.O. Box 11105
Honolulu, HI 96828

March 2, 2021
12:00 PM

TO: House Committee on Finance
RE: Testimony in Opposition to HB1015 HD2

**TESTIMONY IN OPPOSITION TO HB1015 HD2 RELATING TO DISPOSITION OF WATER LICENSES
BY THE BOARD OF LAND AND NATURAL RESOURCES**

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

My name is Jun Shin. I am a Junior at the University of Hawai'i at Mānoa, and currently serve as an at-large board member for the Young Progressives Demanding Action (YPDA). YPDA advocates for public policies that reflect the values of young people throughout the State of Hawai'i. YPDA is in **OPPOSITION** to **HB1015 HD2**, Relating to Disposition of Water Licenses By the Board of Land & Natural Resources.

Water is a public trust resource, protected and regulated under the law for the people of Hawai'i. The public trust doctrine prioritizes customary, traditional practices and the health of our native streams and coastal life over private interests seeking to profit off of the public's water. It is crucial for the government to actively make sure that Native Hawaiian cultural practitioners and other disenfranchised groups like the kalo farmers of East Maui get access to the water that they deserve. These communities and the natural environment do not enjoy the political and economic advantages that corporations have at their disposal.

Unfortunately, in practice, the public trust doctrine has not been upheld by the State. For far too long, the Board of Land and Natural Resources (BLNR) has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'āina but limited resources, and protects public trust resources, which many lives depend on. This bill does not do that, it continues the handouts to large corporations to exploit our public streams.

Here are some ideas on how we can remake this process:

-Allow small users and those practicing traditional and customary rights to skip the public auction process and allow for direct negotiations. Large scale corporate diverters should continue in the public auction process, they are financially fit to handle this process.

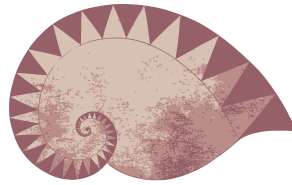
-Administer licenses for no more than 10 years. Given the uncertainty of climate change, the BLNR should revisit license agreements more frequently to adapt to the current circumstances.

-Actually protect our public trust resources. Streams should not be allowed to be diverted until it's dry. Protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies. Diverters should also disclose how much water they are diverting, so they can actually be held accountable by the board and the community.

If the State of Hawai'i makes these improvements in how we govern our precious water resources, we can make sure there is enough water for drinking water, agriculture, renewable energy, traditional and customary rights, etc. Young Progressives Demanding Action is in **OPPOSITION** to **HB1015 HD2**. Please **HOLD** this bill if these changes are not incorporated into future versions.

E Ola I Ka Wai, Water is Life!

Jun Shin,
Board Member At-Large
Young Progressives Demanding Action (YPDA)
Cell: 808-255-6663
Email: junshinbusiness729@gmail.com
CC: action@ypdahawaii.org



Pono Hawai'i Initiative

Patrick Shea - Treasurer • Lena Mochimaru - Secretary
Nelson Ho • Summer Starr

Monday, March 2, 2021

Relating to HB1015 HD2
Testifying in Oppose

Aloha Chair and members of the committee,

The Pono Hawai'i Initiative (PHI) **opposes HB1015 HD2, Relating to Disposition of Water Licenses by the Board of Land and Natural Resources (BLNR). This measure amends the way in which the BLNR issues water licenses for the diversion of public streams.**

HB1015 HD2 creates a framework to further exploit our native ecosystems and will continue to allow for large corporations to spend little while draining our water ways. We need more transparency and protections not less and this bill helps the wrong people.

For these reasons, we urge the Committee to **strongly oppose HB1015 HD2.**

Mahalo for the opportunity to testify,

Gary Hooser
Executive Director
Pono Hawai'i Initiative

HB-1015-HD-2

Submitted on: 2/28/2021 8:50:59 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
David Bruce Leonard	Earth Medicine Institute	Oppose	No

Comments:

Aloha ~ Please oppose HB1015. Waiwai means wealth but it also implies the health of society. We need to bring power, health, and wellness to the people this government is designed to serve, not to power brokers and corporate lobbyists. Thank you.

HB-1015-HD-2

Submitted on: 2/28/2021 10:30:59 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Crawford	Kipahulu Ohana, Inc.	Oppose	No

Comments:

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

As taro farmers in East Maui, we are writing to urge your opposition to HB1015. As currently written, the proposed bill would help large, wealthy water diverters continue to take advantage of our public trust resources, while disadvantaging smaller, traditional and customary users. We believe that small diverters should be able to negotiate directly to reduce the burden, but larger diverters should go through the public auction process for fairness and transparency. And limits should be set on maximum diversions to ensure in-stream flow based on monitoring, and a reasonable period to revisit large licenses given the changing circumstances of climate change.

Mahalo for your consideration.

Sincerely,

Mike Minn, President Glenna Ann Lind, Secretary/Treasurer

Scott Crawford, Executive Director John C. Lind, Jr., Project Director



PO Box 1177 Koloa HI 96756
808.652.5286 hawaiiSEED.org

February 28, 2021

In Opposition to HB1015

Relating to Disposition of Water Licenses by The Board of Land and Natural Resources

Aloha Chair Luke, Vice Chair Cullen, and House Finance Committee Members,

Hawai'i SEED OPPOSES HB1015 HD2, to amend the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

The legislature should ensure the new process:

- **Allows small users and those practicing traditional and customary rights to skip the public auction process** and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.
- **Administers licenses for no more than 10 years.** Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.
- **Protects our public trust resources.** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance. Mahalo nui for your continued support and persistence in the protection of our precious streams.

Sincere Mahalo,

Jeri Di Pietro, President
Hawai'i SEED

HB-1015-HD-2

Submitted on: 2/28/2021 5:37:05 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Hanalei Fergerstrom	Na Kupuna Moku O Keawe	Oppose	No

Comments:

NA KUPUNA MOKU O KEAWE

Hanalei Fergerstrom, Spokesperson

Na Kupuna Moku O Keawe

P.O. Box 951

Kurtistown, Hawaii 96760

808 938-9994

hankhawaiian@yhoo.com

Regarding HB1015 WATER LICENSES **OPPOSITION**

This bill is similar to other bills like extending leases on public lands. The inherent problem is that the State is a trustee of lands Ceded to them. Those resources are the lawful property of the Hawaiian Kingdom crown and Government. First seized by the provisional government then ceded to the United States as part of an annexation that never really happened. Then ceded back to the new State of Hawaii via the admissions act with trust conditions.

The State being trustee of the Ceded Lands Trust, dubbed, Public Lands. It is the obligation of the Trustee to protect the corpus of the trust. The long term leases of these resources is tantamount to the selling off of trust properties.

This bill takes from the public, resources that belong to the public and puts them in to private hands. This deprives the public from access to those public resources. Essentially putting another party (private) between the source and the beneficiary.

It is repeated constantly that WATER is free...and what we pay for is the delivery. This being true, then this bill is like putting a TOLL in the delivery system.

Dated: February 28, 2021

Respectfully,

// Hanalei Fergerstrom



The Maui Pono Network, a political action committee, opposes HB 1015, HD1 with its apparent and potential damage to the people and the Aina of Maui County. Our opposition includes:

- This bill supports private use without sufficient analysis of protection to the ecosystems and its public use.
- This would also amount to a giveaway of water to corporate interests due to lack of proper monitoring of water.
- If water is diverted, it should not disrupt the hydraulic and aquatic life cycles. Yet we do not know in Maui County.

We appreciate the opportunity to express our opposition. Please do not pass HB 1015 without significant amendments.

Mahalo

Paul Deslauriers

Director, Maui Pono Network

HB-1015-HD-2

Submitted on: 3/1/2021 8:35:35 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Walter Ritte	aina momona	Oppose	No

Comments:

Aina Momona is in opposition of 1015. The current system allows for community involvement is working. No direct negotiations. Exemption for traditional uses is needed.



Testimony Before the House Committee on Finance

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

Tuesday, March 2, 2021; 12:00 noon
Conference Room #308

House Bill No. 1015 HD2 - Relating to Disposition of Water Licenses by the Board of Land and Natural Resources.

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

Kauai Island Utility Cooperative (KIUC) is a not-for-profit utility providing electrical service to more than 33,000 commercial and residential members. Over the past 10 years, KIUC has made great strides in achieving the state mandate of 100% renewable generation by the year 2045. In 2020, KIUC's energy mix included more than 60% renewable generation, leading the state. Also in 2020, KIUC operated the Kauai electric grid at 100% renewable generation on 280 separate days for a total of 1,497 hours.

Hydropower contributed 14% of our renewable production in 2020. The West Kauai Energy Project (WKEP), a solar + pumped storage hydro facility currently in development, would meet up to 25% of Kauai's energy demand once operational; bringing us to 80% renewable generation as early as 2024. This project also would fund rehabilitation and maintenance of significant irrigation infrastructure owned by the State of Hawaii on the west side of Kauai for the life of the project, and would deliver water to farmers on state-owned lands at multiple points along the system.

Hydropower is essential to KIUC meeting the State's 100% renewable mandate with the ability to deliver reliable and affordable electricity to our members. However, the development and operation of a hydroelectric facility, which often includes rehabilitation to irrigation infrastructure like diversions, ditches, and reservoirs, is extremely capital intensive. Such development depends on the ability for the electric rate to bear the burden of that up-front capital cost over time. Limiting the amount of time for those capital costs to be recovered will significantly and negatively impact the feasibility of such projects, resulting in a loss for clean energy, rate stability, and agricultural infrastructure. These benefits can only be realized with continued access to adequate water resources – that is, long-term (i.e., 50 years or more) water licenses or leases. In its application to the Hawaii Public Utilities Commission, KIUC is seeking approval for a 50-year power purchase agreement for WKEP in order to bring the full benefits of this project to all stakeholders involved – including the State of Hawaii - at a rate that may be reasonably borne by KIUC's ratepayers.

KIUC believes that the Board of Land and Natural Resources should retain the ability to exempt certain capital-intensive projects like WKEP from the 30-year maximum license term currently proposed in the bill. It is important to note that even with such an exemption, the Commission on Water Resource Management can amend the instream flow standard at any time to react to changing environmental conditions. Any water license, regardless of term length, would be subject to amended instream flow standards adopted by the Commission on Water Resource Management throughout the term of the license.

Should such a restriction on license terms be approved, expansive and innovative projects like WKEP, which will not only significantly contribute to KIUC's renewable portfolio but will also deliver considerable benefits to the state and the community via rehabilitation of irrigation assets and delivery of water to farmers, may not be financially feasible.

We encourage you to consider an amendment to this bill that would allow for longer license terms under certain circumstances, such as those surrounding the West Kauai Energy Project.

Thank you for your consideration.



House Committee on Finance

Hawai'i Alliance for Progressive Action (HAPA)

OPPOSES HB 1015

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

On behalf of the Hawai'i Alliance for Progressive Action (HAPA) I am writing today to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

HAPA is a statewide environmental, social and economic justice organization that engages over 10,000 local residents throughout Hawai'i annually.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'āina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

- Allows small users and those practicing traditional and customary rights to skip the public auction process and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.
- Administers licenses for no more than 10 years. Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.
- Protects our public trust resources. Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.

While we recognize that there are a range of diverters across the state that are currently seeking direct negotiations in water licenses, 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.

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 Wailua 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. Since 2002, they have applied for annual renewal of their RP, but dragged their heels in taking the steps necessary to convert the RP to a lease. Now finally the BLNR is reviewing a draft EA for a proposed 65 year lease.

KIUC has been lobbying heavily for the ability to directly negotiate a 65 year lease despite concerns about the uncertainty of how climate change will impact our water resources. Several long-term (50-100 year) USGS studies have already documented an overall downward trend in stream baseflows in Hawai'i.^{1 2 3}

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 tenants, including a business offering tubing tours within the ditch system. That same ditch system which delivers drinking water to the Grove Farm owned and operated 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.

Efforts to secure a 65 year lease will not only unfairly benefit KIUC, but the large land owner, Grove Farm which receives the diverted water downstream.

Draft Instream Flow Standards for Wailua are Contested:

In 2018 the State Commission on Water Resource Management came to Kaua'i to review the staff draft IFS recommendations for Wai'ale'ale and Waikoko Streams, which recommend approximately 30% restoration. Hundreds of community members, cultural practitioners, a local hydrologist all provided testimony advocating for more water in the streams. Commissioners began to deliberate how much to increase the proposed restoration. However before Commissioners could articulate an actual proposed amount to restore, KIUC's attorney

¹ <https://pubs.usgs.gov/sir/2004/5080/>

² <https://pubs.usgs.gov/fs/2004/3104/>

³ <https://pubs.er.usgs.gov/publication/70203173>

requested a contested case halting the discussion and the IFS process. Following KIUC, Earthjustice filed for contested case on behalf of Hui Ho'opulapula Nā Wai o Puna. Grove Farm later filed to join the contested case but was denied due to a lack of standing.

This is important because negotiations for a 65 year lease with KIUC are based on these contested draft instream flow standards, not the final IFS. The BLNR has used these draft standards as the basis of the proposed 65 year lease.

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Mahalo for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Anne Frederick", is centered within a light gray rectangular box.

Anne Frederick,
Executive Director

FARMERS VOICE HAWAII

A Voice for Farmers in Hawai'i

OPPOSITION TO HB 1015 **RE: Allowing direct negotiation for water leases.**

March 1, 2021

Faith Chase
Farmers Voice Hawai'i
faith@farmersvoicehawaii.com

I am testifying in opposition to HB1015. The corruption at this level of government must stop. The notices, lawsuits and almost 20 years of testimony have become absurd and idiotic. The Board of Land and Natural Resources (BLNR) is a corrupt body of decision makers. All those who work with and remain supportive of this body and do not advocate on behalf of subsistence farmers are accomplices to the dying of a people and environment. **The BLNR and said Chair Suzanne Case continue to favor corporate control over public trust resources. It is an atrocious continuation of the entitled behaviors of settler mindset that has continued to contribute to the genocide of Hawai'i's people,** specifically aboriginal Hawaiians who deserve the return of the water and damages resulting from over a decade of water theft.

This Bill and its accompanying Senate bill are laughable at best. You should all be ashamed of yourselves.

It's not your water.

In closing, I have none left for you, Faith



Testimony before the
House Committee on Finance

March 2, 2021

H.B. No. 1015 – RELATING TO DISPOSITION OF WATER LICENSES BY THE BOARD OF
LAND AND NATURAL RESOURCES

OPPOSITION
with COMMENTS and
PROPOSED AMENDMENTS

By Albert Perez
Executive Director
Maui Tomorrow Foundation, Inc.

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

The Maui Tomorrow Foundation OPPOSES HB 1015 HD2 in its current form. We are pleased to provide COMMENTS and PROPOSED AMENDMENTS.

1. Watersheds

- a. HB 1015 HD2 proposes to amend HRS 171-58 (e) to require that the BLNR adopt minimum standards for any watershed management plan, which is a good idea, but then immediately suggests that “prevention of degradation” is an acceptable minimal standard, rather than **restoration** of forested watersheds. Many watersheds on Maui have already been degraded from the native forest that helped draw water from the passing winds and helped store the water in the soil - what native Hawaiians call “growing the water.” Any adequate watershed management plan must contain a schedule of measures to restore that native forest ecosystem.

- b. The current draft requires that a watershed management plan be approved before any new license for water is issued - another good idea. It also requires BLNR to “prescribe the minimum content” of a watershed plan. These two steps obviously must occur before the water license is issued. However, the current draft of the bill does not require or provide for any *opportunity for stakeholders to review and comment* on the minimum content rules, and then again on the watershed management plan, *before* the license is issued. There must also be an *enforcement mechanism* that citizens can use to challenge a subsequent failure to comply with the plans.

2. Appraisal of Fair Market Value.

- a. HB 1015 HD2 creates a new subsection 171-58 (c) (1) that requires an “independent” appraisal of fair market value of the water, and lists 7 factors that “may be considered, if appropriate” in determining the fair market value of the license. However, it is silent about any criteria the Board should use in selecting such an appraiser. The bill should require some professional certification standard.
- b. That said, it’s not clear how you can determine the “fair market value” of water, which is a public trust resource that is not allowed to be sold.
- c. New subsection 171-58 (c) (2) gives BLNR the sole discretion to resolve any dispute from the licensee over the license’s (waters’) value. The bill should make clear that the BLNR is bound by the appraisal, unless it adjusts the value using one or more of the 7 factors listed that “may” be considered.
- d. The bill does not explicitly allow the license fees to be adjusted during the 30-year license period. It is imprudent to prevent the price from being changed if market or environmental conditions change over the 30 years of the license term.

Mahalo for your consideration,

Albert Perez, Executive Director
Maui Tomorrow Foundation



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

COMMENTS ON HOUSE BILL 1015 H.D. 2
March 2, 2021, 12:00 p.m.
Room 308, State Capitol
415 South Beretania Street

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

Earthjustice is a non-profit law firm with decades of experience litigating cases to protect the public trust in Hawai'i's natural resources. One of Earthjustice's primary practice areas is restoring stream water to communities across Hawai'i that have cultural, subsistence, and environmental interests in healthy streams flowing mauka to makai.

Earthjustice supports efforts by the Department of Land and Natural Resources ("DLNR") to improve its decades-old water leasing program. However, House Bill (H.B.) 1015 H.D. 2 does not directly address or remedy the most critical problem plaguing the program, namely, the Board of Land and Natural Resources' ("Board's") ongoing failure to uphold its constitutional duty to protect instream water uses, including the exercise of traditional and customary practices.¹ Accordingly, Earthjustice recommends the following amendments to H.B. 1015 H.D. 2 to protect the public trust in water, and to strengthen the procedural mechanisms in place to ensure that the Board complies with its duties as trustee of our water resources. **Without further amendment, Earthjustice opposes passage of H.B. 1015 H.D. 2.**

1. **License Terms Should Be Limited to Ten Years**

Earthjustice understands from prior hearings that DLNR's intent in proposing a 30-year license term is to allow for flexibility under changing climate conditions. Earthjustice supports and echoes DLNR's expressed concern with how changing climate conditions will affect the availability of water in Hawai'i streams. Recent studies indicate that streamflow levels may already be decreasing. However, a 30-year license term is still too long to allow DLNR to respond to changing climate conditions or other environmental and public trust concerns in a timely manner. Accordingly, Earthjustice supports **ten-year license term** as a more flexible and responsive time frame for responding to a changing water landscape, including alternative

¹ The constitutionally protected public trust uses of water are: (1) the maintenance of waters in their natural state; (2) domestic water use; (3) the exercise of Native Hawaiian traditional and customary rights; and (4) the Department of Hawaiian Homeland's reservations of water. *Kauai Springs, Inc. v. Planning Comm'n of County of Kauai*, 133 Hawai'i 141, 172, 324 P.3d 951, 982 (2014).

water sources that may become available as the State expands its use of recycled water and implements other water conservation measures.

2. Water Licenses For Which There is No IFS Should Be Capped at 50% of Streamflow

The primary mechanism established by the State Water Code to protect public trust instream uses of water is the establishment of instream flow standards (“IFS”) by the Commission on Water Resource Management (“Commission”). An IFS is the minimum amount of water that must be left flowing in a specific location at a specified time of year (*e.g.*, dry and wet season flows to be measured at a designated spot). *See* HRS § 174C-3. However, plantation-era diversions were built long before enactment of the Water Code in 1987, and the Board has continued to authorize diversions of water in streams where the Commission has yet to set an IFS. Most often, the Board rubberstamps the previous diversion level without adequately accounting for the adverse effects on protected public trust uses, in part because it expects the Commission to protect instream uses through the IFS process. The Board, however, has independent duties to protect the public trust in water under the Hawai’i Constitution, including for those streams where an IFS or interim IFS has been set.²

Earthjustice recommends that substantive protections be added to protect public trust uses of water resources that depend on the natural flow of the resource. Specifically, pending completion of the IFS-setting process, any water permit or license should allow no more than 50% of streamflow to be diverted. This precautionary protection upholds the state’s constitutional public trust duties and will protect streams that were historically drained dry on islands across the state until the Commission is able to complete the IFS-setting process.

3. Water Licenses Should Be Limited To Streams For Which There Is Accurate Information On Streamflow Levels and Alternative Water Sources

An ongoing problem with water dispositions is that DLNR lacks accurate information on existing stream flow and diversion levels, and thus cannot make the required determination under Hawai’i’s public trust doctrine that diversion will not adversely affect protected instream water uses. Worse yet, the Board has refused to make accurate water gaging and reporting a condition of year-to-year revocable permits, even though such water metering is extremely affordable both to install and operate and should be a minimum requirement for being able to use public trust water resources.

² Specifically, before approving private diversions the Board must “consider the cumulative impact of existing and proposed diversions on trust purposes and [] implement reasonable measures to mitigate this impact, including the use of alternative sources.” *In re Waiāhole Ditch Combined Contested Case Proceeding*, 94 Hawai’i 97, 143, 9 P.3d 409, 455 (2000). The Board has consistently failed to conduct this inquiry with respect to Kaua’i Island Utility Cooperative’s year-to-year revocable permit allowing diversion of more than two-thirds of stream water from Wai’ale’ale and Waikoko Streams.

Accordingly, water licenses or leases disposing of water for longer than one year should be limited to streams for which a diverter has provided accurate streamflow and diversion information for at least the previous twelve months. Accurate flow information should include meters registering both instream flow and diversion amounts on a daily basis (most often at 15-minute intervals). This information should also be required for alternative water sources that the water diverter may have available to satisfy any reasonable-beneficial water use needs.

4. Exemption For Instream Use Of Water For Taro Cultivation

Earthjustice supports an exemption from the statute for traditional taro cultivation. Taro cultivation, like other traditional and customary practices, is a protected instream use under the State Water Code, *see* HRS § 174C-101(c), (d), and should likewise receive protection under the water licensing statute. Under no circumstances should exemptions be made for large water diverters— such as Kaua’i Island Utility Cooperative, Mahi Pono, and Hawai’i Electric Light Company— who take water at much larger scales and clearly have the financial resources available to comply with basic accountability measures, including participation in the public auction process.

Thank you for the opportunity to present comments on this bill.

Leinā’ala L. Ley



Attorney
Earthjustice

HOUSE COMMITTEE ON FINANCE
ATTN: CHAIR SYLVIA LUKE & VICE CHAIR TY J.K. CULLEN
Testimony on HB1015, HD2

Relating to Disposition of Water Licenses by the Board of Land and Natural Resources
March 2, 2021, 12:00 p.m.
Via Videoconference

Dear Chair Luke, Vice Chair Cullen, and Members of this Honorable Committee,

The Wai‘oli Valley Taro Hui (the Hui) strongly supports subsection (h) of HB1015, HD2, and offers other comments.

As kalo farmers, the subject of water use is critical to us and all of our ‘ohana. Our Hui, of about a dozen small family farmers, has been growing kalo on the same ‘āina in Wai‘oli Valley for many generations. We support and enhance the ma uka to ma kai biocultural resources primarily in the Wai‘oli Stream Watershed, protect the natural and cultural resources that enable traditional and customary Native Hawaiian practices, maintain habitat for endangered Hawaiian waterbirds, and engage the greater Kaua‘i community through educational outreach programs and initiatives relating to kalo farming and community-based stewardship of water resources.

Although our community has always been close, we did not formally organize as a nonprofit until 2019 after devastating floods made it painfully clear that our entire community and way of life was at risk. As a part of the disaster relief effort, the Department of Land and Natural Resources (“DLNR”) informed us that portions of our centuries-old lo‘i kalo irrigation system, which predates modern zoning laws and even this water licensing provision, was located on conservation land. So, we are now subject to HRS 171-58, even though our farms have operated in essentially the same way for centuries.

After those 2018 floods, our mānowai (traditional, Native Hawaiian break-away dam), po‘owai (dam at the head of the ‘auwai), and entire ‘auwai (ditch) systems were completely devastated. Our stream changed course and some described what we experienced as a thousand-year flood event. As wetland kalo farmers, water from Wai‘oli Stream is our lifeline. Almost three years after the 2018 floods, and despite significant kōkua from the State of Hawai‘i, County of Kaua‘i, and University of Hawai‘i at Mānoa’s Richardson School of Law, we are still in basic recovery mode. The County helped to fix our mānowai in the Summer of 2020, but recent flooding has caused damage that will require further repairs. For the last two years, we have been working closely with the Law School’s Environmental and Native Hawaiian Rights Clinics (the Clinics). They helped us to apply for and secure an easement for our irrigation system and a revocable permit for our water use, but a longer term water license remains elusive.

Since the 2018 floods, our Hui has been working tirelessly to ensure that our cultural practice of kalo cultivation can survive this transition to a modern legal system. We completed consultation with the Department of Hawaiian Home Lands, a draft watershed plan, are working with the Water Commission on an interim instream flow standard amendment, and are partnering with others on a draft environmental assessment. To say that this process is complicated and confusing is a gross understatement — we would never have gotten this far without the hard work and support of so many, including the Clinics’ students, fellows, and attorneys, DLNR staff, our elected officials, and many others. These requirements are not something your ordinary farmer or cultural practitioner can navigate.

Despite having been on the frontlines of these issues for the last several years, we consider ourselves relative newcomers to HRS 171-58. These issues are highly controversial and complex, and we acknowledge the expertise of advocates such as the Office of Hawaiians Affairs, Earthjustice, the Sierra Club, and others. We are heartened by the fact that during this session, parties with disparate interests have been working together to craft language that will address some of HRS 171-58's key issues in a way that most folks can support. Our advocacy for subsection (h) is grounded in two years of working to comply with HRS 171's many requirements. And, we mahalo the Committee on Consumer Protection & Commerce for making our requested amendment to HB1015, which provides an exemption for the instream, in-watershed use of water for wetland kalo cultivation. This amendment is pono and honors centuries of Native Hawaiian biocultural knowledge.

In Wai'oli, we use a traditional mānowai to take some water from Wai'oli Stream. That water flows through our 'auwai, into our taro patches, then back to either Wai'oli Stream or the lower reaches of Hanalei River. Wetland kalo farmers need throughflow — water flowing through our taro patches — but we do not “consume” water like most offstream users because it returns to the stream. All of our use is within the watershed where our water supply originates. So, any seepage, for example, also goes back to feed our water cycle in the larger Hanalei Bay Watershed.

For these reasons, Hawai'i's Constitution (including Article XI sections 1 and 7 and Article XII, section 7), Water Code (HRS 174C-101), and court decisions (*Waiāhole*), grant special protection and respect to traditional instream, in-watershed cultivation of kalo. Our water use is fundamentally different than most of the “big users” regulated under HRS 171-58, such as EMI/Mahi Pono's use of East Maui water where water is taken out of the watershed, distributed across the island, and never returns to its ahupua'a of origin.

Given these important distinctions, we humbly ask this committee to retain subsection (h) in HB1015, HD2, which exempts traditional wetland kalo cultivation from HRS 171. In light of the complexity of these issues, we encourage further discussion on other parts of this bill that are now drawing criticism.

Please pass out HB1015, HD2 with subsection (h). Doing so would benefit both our Hui of small farmers, and the many, many kalo and poi eaters around Kaua'i and the larger Hawai'i nei who are counting on us to feed their families. Mahalo for your time and consideration.

Reid Yoshida
President, Wai'oli Valley Taro Hui
Kaua'i, Hawai'i
waiolivalleytarohui@gmail.com

HB-1015-HD-2

Submitted on: 3/1/2021 11:49:57 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kahealani Keahi	Hui Makaʻāinana a Kalawahine	Oppose	No

Comments:

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

*My name is Kāhealani Keahi. I am the President of Hui Makaʻāinana a Kalāwahine, a Native Hawaiʻian Community organization of Kalāwahine Hawaiʻian Homestead and a kalo farmer in Makiki Valley. I am writing today to **OPPOSE HB1015 HD2**. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.*

It is important that we continue to protect our watersheds from water diversions that harm our ʻāina and way of life as kanaka and protectors of our waters. We believe that this bill will do harm to our watersheds and way of life if passed.

Mahalo for your time and commitment in doing what is pono for our ʻāina, people, and precious wai.

Ke aloha ʻāina,

Kāhealani Keahi



March 1, 2021

COMMITTEE ON FINANCE

Representative Sylvia Luke, Chair

Representative Ty J.K. Cullen, Vice Chair

March 2, 2021 at 12:00 p.m.

VIA VIDEO CONFERENCE

Conference Room 308

State Capitol

415 South Beretania Street

Re: TESTIMONY IN STRONG OPPOSITION OF HOUSE BILL 1015 HD2 - RELATING TO DISPOSITION OF WATER LICENSES BY THE BOARD OF LAND AND NATURAL RESOURCES.

Aloha Chair Luke and Members of the Finance Committee,

Please accept these comments submitted by the Center for Biological Diversity (“Center”) in **strong opposition of HB 1015 HD2**, which would allow the Board of Land and Natural resources (“BLNR”) to directly negotiate backroom water license deals with major diverters without any public oversight or necessary stream protections.

The Center is a non-profit 501(c)(3) membership corporation dedicated to the protection of fragile and impacted ecosystems and the native species that depend on them for survival. Through science, policy, and environmental law, the Center is actively involved in species and habitat conservation issues throughout Hawai‘i. The Center has more than 88,000 members with a direct interest in safeguarding Hawai‘i’s wildlife, streams, and public trust resources.

This bill is problematic for a myriad of issues. First, HB 1015 HD2 allows for the conveyance of public water from public streams for private uses without any scientifically valid stream protections. **Both HRS §171-58 and this bill do not limit the amount of water that may be diverted from a stream at a level that is necessary to sustain native stream habitats.** No water licenses should allow a stream to run dry. Unfortunately, as seen in east Maui, that is exactly what is allowed to happen by BLNR. This is at the expense of already struggling native flora and fauna. All water licenses should include protections so that no more than 64% of a stream’s base flow can be diverted. This is the minimum amount of water that must flow,

according to both the Commission on Water Resource Management and Division of Aquatic Resources, to provide suitable habitat conditions for native species to recruitment, grow, and reproduce in Hawaiian streams.

Second, this bill proposes to change HRS §171-58 by allowing for 30-year water leases. **Thirty years is an unacceptable amount of time for a water diversion to continue without any public review or valid stream monitoring or protections.** Decades long stream diversions are inappropriate and, in this instance, environmentally and culturally unsound.

Third, water is held in a public trust and should not be regulated by backroom sweetheart deals. **Direct negotiation is not appropriate without full public transparency and diverter accountability.** Without early public notice and provisions for monitoring and enforcement of diversion limits, this bill could have devastating impacts on streams that both species and communities depend on. Large diverters like Kaua'i Island Utility Cooperative, do not deserve an exemption from basic requirements like lease term limits and public accountability requirements. These are the bare minimum required for BLNR to meet its constitutional mandates and protect public trust resources. On the other hand, **traditional and customary practices, such as wetland kalo farming, do deserve an exemption under HRS §171.**

Finally, **water licenses must be limited to steams for which accurate information on existing stream flow and requested diversion levels exists.** Without this necessary information, BLNR cannot adequately analyze whether a diversion will adversely affect protected instream water uses as required under Hawai'i's public trust doctrine. A large diverter must provide accurate streamflow and diversion information. At minimum, accurate water gaging and reporting must be required for use of public trust water resources.

For these reasons and more the Center requests that this committee defer HB 1015.

Mahalo for this opportunity to provide testimony,

/s/ Maxx Phillips

Maxx Phillips, Esq.

Hawai'i Director and Staff Attorney

Center for Biological Diversity

1188 Bishop Street, Suite 2412

Honolulu, Hawaii 96813

(808) 284-0007

MPhillips@biologicaldiversity.org

HB-1015-HD-2

Submitted on: 3/1/2021 11:56:41 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeff Mcknight	DPH Environmental Caucus	Oppose	No

Comments:

I am writing to oppose HB 1015 HD 2. This bill amends the way that the Board of Land and Natural Resources (BLNR) issues water licenses for the diversion of public streams.

This bill highlights the two major narratives about the use of public resources in Hawai'i.

The first narrative seeks to convert as many of the public resources in Hawai'i as possible into private profits. Those who pursue that narrative seek legislation and executive action that maximize access to and exploitation of public resources. That goal is often pursued in ways that are opaque and leave little opportunity for public input to the decision-making. That process can readily exceed the carrying capacity of natural systems to the point of exhaustion, such as granting licenses for water diversion that lead to dried up streams.

The second narrative seeks to preserve a robust natural inventory from which extraction is conducted in a manner ensuring the sustainability of those resources. Maintaining a healthy flow of water in all streams is one manifestation of the second narrative.

In this battle of the narratives, BLNR is far too often meshed into the second narrative. BLNR grants access to public waters at far below their market value to large corporations, while also allowing corporations to draw down the available water to the point of exhaustion. This depletion violates the obligations of BLNR to protect and preserve natural resources.

Mahalo for the opportunity to testify,

HB 1015 HD2

RELATING TO DISPOSITION OF WATER LICENSES BY THE BOARD OF LAND AND NATURAL RESOURCES

HOUSE FINANCE COMMITTEE

March 2, 2021

12:00 p.m.

Room 308 Videoconference

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

The **Native Hawaiian Legal Corporation (NHLC) OPPOSES HB1015 HD2** for falling short of the amendments necessary to support the proper management, protection, and use of Hawai‘i’s public trust resources with respect to the licensing and appraisal of public stream diversions.

While NHLC can appreciate a desire to provide the Board of Land and Natural Resources (BLNR) with greater flexibility and discretion in its ability to appraise and issue water licenses to the extent its decision-making reflects and safeguards the public trust in water, the breadth of that discretion must not come at the expense of sufficient protections over our streams and their public use. Native Hawaiian farmers and cultural practitioners in particular are deserving of prudent stewardship of stream and coastal resources and other constitutionally protected public trust purposes. While the provision exempting “instream, in-watershed uses of water for wetland kalo cultivation done in a traditional manner” is an important step in the right direction, the utter lack of meaningful stream protections elsewhere in the bill undercut the spirit and objective of that exemption as well as the affirmative public trust duties BLNR is constitutionally obligated to discharge.

NHLC recognizes that the manner in which water licenses are currently issued is flawed and does not account for the differences between large versus small water diverters, or commercial versus traditional and customary subsistence farmers and gatherers, or protracted versus short-term water licenses, or uses that result in significant versus minimal environmental and cultural impacts – distinctions that are consequential and incompatible with a one-size-fits-all licensing process. To this end, NHLC recommends that the bill be amended to reflect priorities we have been advocating for for years while being responsive to the legitimate concerns of small waters users whose minimal impacts and limited financial resources do not require more robust stream protection measures absolutely appropriate for large, commercial users whose environmental and cultural impacts are significant, long-term, and too often cause irreparable harm:

- Exemptions to the public auction process should be limited to small users and those exercising constitutionally-protected traditional and customary rights.
- License terms should be limited to no more than 10 years given the uncertainty of climate change and the need to adapt to ever-changing circumstances.
- Protections to ensure streams are not diverted dry by requiring the gaging and metering of diverted streams to ascertain accurate streamflow and diversion data

necessary for BLNR to make determinations consistent with Hawai‘is public trust doctrine.

NHLC believes that additional provisions and amendments to HB1015 HD2 are necessary to ensure that BLNR’s discretion in issuing water licenses is used appropriately and in furtherance of the public trust. Indeed, trust is eroded when well-intentioned bill amendments are used to serve ends that place native ecosystems and communities at risk of avoidable harms and further exploitation.

In that spirit, **NHLC joins in community opposition to HB 1015 HD2** and the widely shared sentiment that unjust licenses lacking public transparency and affording little if any stream protections aren’t worth supporting.

Mahalo nui for this opportunity to testify.



Summer L.H. Sylva

Executive Director
Native Hawaiian Legal Corporation

LATE

HB-1015-HD-2

Submitted on: 3/1/2021 12:07:14 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bridget Hammerquist	Friends of Maha'ulepu	Oppose	No

Comments:

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

Please accept this testimony in strong opposition to HB1015 HD2 on behalf of the more than 1000 members of Friends of Maha'ulepu. On Kauai, KIUC teams up with Grove Farm to divert nearly 40 million gallons daily from 2 State land streams (Wai'ale'ale and Waikoko) and at least 7 other streams in the East Wailua watershed that happen to flow over Grove Farm Property. Many of these streams are diverted multiple times, with diversions that are designed to take 100% of the stream base flow (all the water when it's not raining). The Department of Land and Natural Resources continues to shirk their duty to protect one of our most precious public trust resources, water. In 1989 the State required all land owners to register all diversions being use or on their property. Clearly then, the State recognized that the water flowing in a stream in a public trust resource, wheterh on State or private land. Land owners were asked to identify the location of streams and the number of diversions in use, the purpose for the water diverted and were asked to submit photographs and information on the diversions. Since then, the State Department of Land and Natural Resources and adopted a policy of administering diversions on State lands only. HRS 171-58 clearly applies to all surface and ground water in the State. The Hawaii State Constitution Article XI Section I and Section VII mandates that every State agency protect water, with obvious recognition of water, or most precious public trust resource. Since 1990 the State of Hawaii, DLNR, has regulated only 13 ground and surface water diversion permits. In all the years that have elapsed since 1990 DLNR has never inforced the provisions of 171-58. This proposed amendment of that statute not only fails to protect the resource but it makes it easier for big corporations to strong arm the State and continue taking large volumes of water with little or no accoutablity and a serous departure from the environmental scurtiny intended for water, the environmental impact statement (EIS). That standard should only be lowered to compliance with HRS 343 for small users whose water consumption is minimal compared to the sustainability of the source. Pleas require the authors of the bill to keep in place the safeguards that HRS 171-58 currently mandates for large commercial users, most of home, like Grove Farm and KIUC, remove the water, diverting it many miles and never returning it to its stream of origin.. At a minimum, any effort to amend HRS 171-58 should prevent large corporations like Grove Farm who diverts millions of gallons daily and has never applied to the State for a permit to continue diverting our State water without any permit from DLNR long after sugar cultivation has ended and there is no longer an agricultural need for the quantities being

diverted. Without permits, Grove Farm and other take ground and surface water without any regulation at all.

- **Allow small users and those practicing traditional and customary rights to skip the public auction process** and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.
- **Administers licenses for no more than 10 years.** Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.
- **Protects our public trust resources.** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.

Our water will only become more valuable with the passage of time. Please take the steps necessary to make DLNR do their job and protect this precious resource.

Mahalo nui loa,

Bridget Hammerquist, President
Friends of Maha`ulepu, a 501(c)(3)
Kia`i Wai o Wai`ale`ale, Co-founder
[Donate](#)
friendsofmahaulepu.org
kiaiwaiialeale@gmail.com
(808)742-1037



**OPERATIVE PLASTERERS' AND CEMENT MASONS'
INTERNATIONAL ASSOCIATION LOCAL #630, AFL-CIO**

2251 North School Street • Honolulu, HI 96819
Phone No.: (808) 841-0491 • Fax No.: (808) 847-4782



Uploaded via Website

TO: THE HON. SYLVIA LUKE AND MEMBERS OF THE HOUSE FINANCE
COMMITTEE

SUBJECT: COMMENTS ON HB 1015 HD2

Hearing

DATE: Tuesday March 2, 2021
TIME: 12:00PM
PLACE: House Conference Room 308 via
videoconference

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

The Operative Plasterers' and Cement Masons' International Association Local 630 is a trade union of over 800 plasterers and cement masons. Plasterer members of the union finish the interior and exterior walls and ceilings of buildings and apply plaster on masonry, metal, and wire lath or gypsum. While cement mason members are responsible for all concrete construction, including the pouring and finishing of slabs, steps, wall tops, curbs and gutters, sidewalks, and paving. Local 630 is committed to serve and represent the interest of its members in all matters related to the construction industry.

On behalf of Local 630 'ohana and its Business Manager-Financial Secretary Peter Iriarte, I, Ikaika Anderson, **SUBMIT COMMENTS** on HB 1015 HD 2.

Local 630 is concerned with the potential of granting long-term licenses for periods up to 30 years and without a definitive limit to the amount of water that is diverted. We also share the concerns of the state Department of Hawaiian Home Lands (DHHL). Although the HD 2 provides that DHHL and the Department of Land and Natural Resources will "jointly develop a reservation of water rights" to ensure preservation of Hawaiian Homestead needs, we prefer DHHL beneficiaries' needs being definitively addressed prior to passage.

Thank you for the opportunity to share the mana'o of Mr. Iriarte on behalf of the members of Local 630 on HB 1015 HD2.

David Kimo Frankel
1638-A Mikahala Way
Honolulu, HI 96816

February 27, 2021 for the March 2, 2021 hearing

TESTIMONY IN OPPOSITION TO HB 1015 HD 2

Chair Luke and members of the Finance Committee,

HB 1015 fails to provide any meaningful protection to our streams. It lacks necessary criteria.

The legislature established substantive criteria that protect agricultural lands and that limit the state Land Use Commission's discretion in HRS §§ 205-2, 205-4.5, 205-17 and 205-44. Similarly, the legislature established criteria to protect coastal resources and limit the discretion of agencies managing our coastal zone. *See* HRS §§ 205A-26, 205A-44 and 205A-26.

But there are no meaningful criteria in HRS chapter 171 that require any protection of our streams. The result has been that BLNR has authorized Alexander & Baldwin to take all the water from 13 east Maui streams – draining them completely dry – 80% of the time. A stream is a dynamic ecosystem. Taking all the water from a stream causes significant ecological damage, as even A&B's biologist has admitted. Draining a stream dry lacks any balance.

The Water Commission's blanket "status quo" standards enacted decades ago have been condemned by the Hawai'i Supreme Court. Yet, the over-worked commission has not yet established meaningful instream flow standards for most of the state's streams. In the meantime, BLNR continues to authorize the de-watering of streams, regardless of the harm to aquatic species, recreational users and people who live downstream.

Adding insult to injury, much more than half of the water being taken out of east Maui streams is wasted. In the first quarter of 2020, of 27.79 million gallons of water taken out of east Maui streams: Maui County used only 1.06 million gallons for domestic water needs and .38 million gallons went to the Kula Ag Park; Mahi Pono used only 2.5 million gallons. More than 22 million gallons had no identified end use and were wasted. In the second quarter of 2020, of 22.6 million gallons of water taken out of east Maui streams, Maui County used only 1.8 million gallons for domestic water needs and .41 million gallons went to the Kula Ag Park; Mahi Pono used only 3.64 million gallons. More than 15.6 million gallons had no identified end use and were wasted. In 2017, 2018, 2019, the vast majority of the water was unaccounted for and was wasted. Rather than order Mahi Pono to line and cover its reservoirs (to reduce waste), BLNR instead re-defined "waste" to exclude water lost due to evaporation and seepage. Streams are drained dry for no purpose.

HB 1015 should not be passed until it incorporates substantive criteria that protect our streams.

Aloha,

David Kimo Frankel

HB-1015-HD-2

Submitted on: 2/27/2021 12:02:25 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Christopher Boscole	Individual	Oppose	No

Comments:

Oppose. For far too long, the Board of Land and Natural Resources has basically handed out access to public water to large corporations for pennies and allowed them to drain many streams dry to the detriment of the native ecosystem and communities that rely on them. This bill could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

HB-1015-HD-2

Submitted on: 2/27/2021 12:03:24 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

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

Comments:

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

I am writing today to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'Ä• ina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

- **Allows small users and those practicing traditional and customary rights to skip the public auction process** and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.*
- **Administers licenses for no more than 10 years.** Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.*
- **Protects our public trust resources.** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.*

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Let's support local farmers over corporate entities. Let's show some Aloha.

Sincerely,

Lewis Glenn

HB-1015-HD-2

Submitted on: 2/27/2021 12:06:36 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
keoki raymond	Individual	Oppose	No

Comments:

HB1015 favors the monied and priviledged few at the expense of Ka Aina and the people who reside upon her. It is a continuation of an injustice that must be replaced with a fairer more inclusive process. Keoki Raymond Board member Lae Ula O Kai Canoe Club

School

Friends of Old Maui Hogh

HB-1015-HD-2

Submitted on: 2/27/2021 12:07:18 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Katarina Ruiz	Individual	Oppose	No

Comments:

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

I am writing today to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

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Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,

Katarina

HB-1015-HD-2

Submitted on: 2/27/2021 12:11:38 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

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

Comments:

Protect our water rights and please vote no on HB1015. We cannot permit the squandering of one of Hawaii's most precious resources for the almighty dollar.

HB-1015-HD-2

Submitted on: 2/27/2021 12:15:01 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Harvey Arkin	Individual	Oppose	No

Comments:

I am writing today to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

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Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,

HB-1015-HD-2

Submitted on: 2/27/2021 12:16:00 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Carla Hess	Individual	Oppose	No

Comments:

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

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Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,

Carla Hess, RN Wailuku

HB-1015-HD-2

Submitted on: 2/27/2021 12:26:56 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
George Hudes	Individual	Oppose	No

Comments:

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

I am writing today to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

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Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely, George M Hudes

HB-1015-HD-2

Submitted on: 2/27/2021 12:40:25 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dee Green	Individual	Oppose	No

Comments:

Aloha

I OPPOSE HB1015 HD2. This bill changes how the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

The native ecosystem and communities that rely on them have been negatively impacted for a very long time by the Board of Land and Natural Resources who have handed out access to public water to large corporations for pennies and have allowed them to drain many streams dry.

The legislature should ensure and allow individuals practicing traditional and customary rights to skip the public auction process. And the legislature should protect the public trust resources. Protections must be put in place to ensure that Streams are not be allowed to be diverted dry.

We can do better to ensure that there is enough water for everyone to survive and prosper.

Thank you

HB-1015-HD-2

Submitted on: 2/27/2021 1:00:11 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dylan Ramos	Individual	Oppose	No

Comments:

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

I am writing today to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

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Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,
Dylan Ramos
96816

HB-1015-HD-2

Submitted on: 2/27/2021 1:01:26 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Laura Gray	Individual	Oppose	No

Comments:

I oppose this bill because it will not give us protection from water divergence that is not in the public interest. We need more protections not less. Mahalo, Laura Gray R.N.

HB-1015-HD-2

Submitted on: 2/27/2021 1:05:10 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth Clapper	Individual	Oppose	No

Comments:

Please do not approve of this bill. Water should not be monopolized by big corporations!!

HB-1015-HD-2

Submitted on: 2/27/2021 1:07:14 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
TOM DIGRAZIA	Individual	Oppose	No

Comments:

Rewrite the rules to protect the aina and not corporate, old boy interests.

HB-1015-HD-2

Submitted on: 2/27/2021 1:14:12 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael deYcaza	Individual	Oppose	No

Comments:

As written this bill would allow corporations to exploit our public streams. Please amend to allow small users and those practising traditional and customary rights to skip the auction process and negotiate directly while large corporate diverters continue in the auction process(where hopefully the taxpayers will benefit maximally).

HB-1015-HD-2

Submitted on: 2/27/2021 1:17:48 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Madolin Wells	Individual	Oppose	No

Comments:

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

I am writing today to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'Ā• ina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams.

Sincerely,

Madolin Wells, Kihei, Maui

HB-1015-HD-2

Submitted on: 2/27/2021 1:32:29 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
L. Kay Zovanyi	Individual	Oppose	No

Comments:

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

I am writing today to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'Ä• ina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

- **Allows small users and those practicing traditional and customary rights to skip the public auction process** and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.*
- **Administers licenses for no more than 10 years.** Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.*
- **Protects our public trust resources.** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.*

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely

L. Kay Zovanyi

HB-1015-HD-2

Submitted on: 2/27/2021 1:39:33 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
jennifer valentine	Individual	Oppose	No

Comments:

I am writing today to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'Ä• ina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

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- **Administers licenses for no more than 10 years.** Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.*
- **Protects our public trust resources.** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.*

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,

Jennifer Valentine

HB-1015-HD-2

Submitted on: 2/27/2021 1:49:52 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Constance Keoahunui Uale Warrington	Individual	Oppose	No

Comments:

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

*I am writing today to **OPPOSE HB1015 HD2**. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.*

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the ‘Ä• ina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

- **Allows small users and those practicing traditional and customary rights to skip the public auction process** and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.*
- **Administers licenses for no more than 10 years.** Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.*
- **Protects our public trust resources.** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.*

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,

Constance Keoahunui Uale Warrington

HB-1015-HD-2

Submitted on: 2/27/2021 1:53:00 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
JarraeTehani Manasas	Individual	Oppose	No

Comments:

Aloha, I am writing to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams. BLNR has handed out access to public water to large corporations for basically nothing and allowed them to drain many streams dry to the detriment of the native ecosystem and communities that rely on them. Clearly this bill helps the wrong people, the legislature should ensure a new process for users to obtain a water licenses that:

1. Allows small users and those practicing traditional and customary rights to skip the public auction process and allow for direct negotiations.
2. Administer licenses for no more than 10 years.
3. Protects our public trust resources.

Mahalo for your time and consideration.

HB-1015-HD-2

Submitted on: 2/27/2021 2:10:22 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
penny levin	Individual	Oppose	No

Comments:

Aloha;

I strongly oppose HB1015 HD2 and its counterpart SB1169. For too long, the streams, traditional and customary rights water users, taro farmers and riparian small growers have had to go through an arduous permit process while the water companies owned by the largest landholders have a fast track bid process to which communities have no ability to compete for to manage the waters of their own streams and districts. It is the reason why, decade after decade, the only recourse has been expensive and lengthy contested cases for the return of fair balance to our streams.

Along with many others, I call on DLNR to allow small users and those practicing traditional and customary rights an easy permit process that is handled directly with and by DLNR staff without a bid process.

For the very reason that water is a Public Trust resource, I also call on DLNR to require large, corporate scale users (new and existing) to go through a permit process that also requires the submittal and evaluation of an EIS for the impacts of large water requests. Such permits should be limited to no more than 10 years and should not be allowed to be extended or rolled over. In addition, they should be reviewed every 5 years to allow for reductions in total water allocations as necessary where drought or other climate warming considerations become a factor in maintaining healthy stream conditions. The health of our nearshore reefs and fisheries, and of our upland watersheds, are only as good as the health of our streams.

Our streams are our life, and a public trust. They should never be allowed to be de-watered under any circumstance and protections should be put in place to prevent this. As such, minimum stream flows and maximum diversions should be determined and closely monitored. A monitoring program that uses community members or organizations within each ahupuaa as the foundation of its work rather than overburdening already limited staff and agency resources is a necessity, so that response time is improved. Those of us on the neighbor islands cannot wait on the rare inter-island visits by DLNR staff to do such work. There are too many diversions on each island for this to have any measure of success. Contested cases have also demonstrated that water use reports from large diverters are often distorted and under

reported. It is time for DLNR to stop accepting such reports and create a demonstrably accurate and consistent monitoring program.

Times have changed and DLNR needs to change with it. The agency and all of us will be successful at caring for and managing the use of our precious waters when we do this together.

Mahalo

Lanny Sinkin
Attorney at Law (Federal Practice)
P. O. Box 944
Hilo, Hawai'i 96721-0944
(808) 936-4428
lanny.sinkin@gmail.com

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

I am writing to oppose HB 1015 HD 2. This bill amends the way that the Board of Land and Natural Resources (BLNR) issues water licenses for the diversion of public streams.

This bill highlights the two major narratives about the use of public resources in Hawai'i.

The first narrative seeks to convert as many of the public resources in Hawai'i as possible into private profits. Those who pursue that narrative seek legislation and executive action that maximize access to and exploitation of public resources. That goal is often pursued in ways that are opaque and leave little opportunity for public input to the decision-making. That process can readily exceed the carrying capacity of natural systems to the point of exhaustion, such as granting licenses for water diversion that lead to dried up streams.

The second narrative seeks to preserve a robust natural inventory from which extraction is conducted in a manner ensuring the sustainability of those resources. Maintaining a healthy flow of water in all streams is one manifestation of the second narrative.

In this battle of the narratives, BLNR is far too often meshed into the second narrative. BLNR grants access to public waters at far below their market value to large corporations, while also allowing corporations to draw down the available water to the point of exhaustion. This depletion violates the obligations of BLNR to protect and preserve natural resources.

I support the position of those who argue for the following legislation:

- ***Allow small users and those practicing traditional and customary rights to skip the public auction process and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.***
- ***Administers licenses for no more than 10 years. Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.***
- ***Protects our public trust resources. Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.***

BLNR should be leading the way toward a sustainable future through properly balancing public and private interests. The decision-making process for permits to divert public waters should be conducted transparently, with public input encouraged and facilitated, particularly where large diversions are being considered..

HB-1015-HD-2

Submitted on: 2/27/2021 2:28:32 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Judith White	Individual	Oppose	No

Comments:

I oppose this measure as written, as it favors large corporations over small users.
Please do not pass!

respectfully,

Judith White

HB-1015-HD-2

Submitted on: 2/27/2021 2:35:38 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bianca Isaki	Individual	Oppose	No

Comments:

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'Ä• ina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

- **Allows small users and those practicing traditional and customary rights to skip the public auction process** and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.
- **Administers licenses for no more than 10 years.** Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.
- **Protects our public trust resources.** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance

HB-1015-HD-2

Submitted on: 2/27/2021 2:35:50 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
tlaloc tokuda	Individual	Oppose	No

Comments:

the state Department of Land and Natural Resources granted to A&B in July 2000. BLNR has repeatedly renewed the permits over the past two decades, and the plaintiffs alleged that in doing so BLNR had violated the law concerning temporary permits.

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

For far too long, the Board of Land and Natural Resources (BLNR) has handed out access to public water to large corporations for pennies, kept renewing these agreements and allowed them to drain many streams dry—to the detriment of the native ecosystem, denied cultural practitioners the ability to plant kalo and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

Who wrote this bill? This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'Ä• ina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

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- **Administers licenses for no more than 10 years.** Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.
- **Protects our public trust resources.** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream

monitoring and studies, as well as diverters disclosing how much water they are diverting.

Please considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance. If you can't incorporate these changes then this bill should not pass out of committee! Please kill this very bad bill (as it stands!).

Mahalo for your consideration,

Tlaloc Tokuda

Kailua Kona, HI 96740

HB-1015-HD-2

Submitted on: 2/27/2021 3:01:50 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Milena Kari	Individual	Oppose	No

Comments:

I am writing today to OPPOSE HB1015 HD2 regarding water licenses for the diversion of public streams.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people, helping large corporations to exploit our public streams.

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,

Milena Kari

HB-1015-HD-2

Submitted on: 2/27/2021 3:08:48 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

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

Comments:

I am writing today to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'Ä• ina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

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Thank you for considering these important changes. If done correctly, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

HB-1015-HD-2

Submitted on: 2/27/2021 3:16:02 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nathan Leo Braulick	Individual	Oppose	No

Comments:

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

I am writing today to **OPPOSE HB1015 HD2**. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. **HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.**

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'Ä• ina but limited resources, and protects public trust resources on which many lives depend. **This bill does not do that, it continues the handouts to large corporations to exploit our public streams.** To that end, the legislature should ensure the new process:

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Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,

Nathan Leo Braulick

2333 Kapiolani Blvd.

Honolulu, HI 96826

HB-1015-HD-2

Submitted on: 2/27/2021 3:42:36 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

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

Comments:

I oppose HB1015.

HB-1015-HD-2

Submitted on: 2/27/2021 3:46:48 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Harlib	Individual	Oppose	No

Comments:

KEEP GREEDY CORPORATE HANDS OFF OUR WATER!

I am writing today to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'Ä• ina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

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Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

HB-1015-HD-2

Submitted on: 2/27/2021 3:50:40 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
GORAN RAD	Individual	Oppose	No

Comments:

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

I am writing today to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

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Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,

Goran Rad

Kauai Resident and Licensed Real Estate Agent

HB-1015-HD-2

Submitted on: 2/27/2021 4:06:32 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

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

Comments:

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

I am writing today to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

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Mahalo for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,

HB-1015-HD-2

Submitted on: 2/27/2021 4:20:15 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

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

Comments:

Dear Chair Luke, Vice Chair Cullen, and members of the Finance Committee,

I couldn't more STRONGLY OPPOSE HB1015 HD2 if I tried.

How can anyone who truly cares about the Hawaii's environment and the hard-working people dedicated to preserving their heritage with their small farms vote to pass such a bill?

This bill is a gift to large corporations! You may as well throw in the keys to the kingdom.

And voting "Aye with Reservations" will not stop the fox from guarding the henhouse. Why even bother with Reservations?

The big question is why does the State of Hawaii continually, to this day, give the Big Five types of businesses everything they want while knowing how much it hurts small traditional farmers and the environment?

This is the wrong bill for this decade.

Sincerely,

Denise Boisvert

Waikiki

HB-1015-HD-2

Submitted on: 2/27/2021 4:28:45 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Adrian Bontje	Individual	Oppose	No

Comments:

Strongly opposed!!!!

HB-1015-HD-2

Submitted on: 2/27/2021 4:39:25 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

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

Comments:

Aloha members of the Finance Committee,

I am writing to OPPOSE HB1015 HD2.

It is hard enough for owners of small farms to get sympathy from the state government regarding their need to have water rights for their traditional crops, but this bill could easily make it even more difficult to compete with larger corporations that have the budgets and expense accounts to get the attention they want from decision makers in their quest for water licenses. I'm not saying anything ever happens behind closed doors...but this bill could make certain opportunities and temptations present themselves, and hurt the little guys even more.

Please do not let that possibility happen; there is no need to pass this bill as written. Thank you for kind consideration.

Kim Jorgensen

Waikiki

HB-1015-HD-2

Submitted on: 2/27/2021 4:47:22 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

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

Comments:

Thank you for the opportunity to testify in strong opposition to HB1015.

HB-1015-HD-2

Submitted on: 2/27/2021 6:14:35 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Momi Ventura	Individual	Oppose	No

Comments:

Alohamai My Name Is R.Momi Ventura I Currently Have No Home. My Family And I Am Very Concerned With This Bill. For Far To Long The Board Of Natural Resources Has Unbelievably And Basically Handed Out Public Water To Large Corporations For Pennies, And Have Allowed Them To Drain Too Many Streams Dry - To The Detriment Of The Native Ecosystems And Communities That Rely On Them. This Has Always Been Hardships On The Hawaiian People. And My Ohana Is Hawaiian. We've Lost The Stream Animals That We Fed On For Generations And Centuries Untouched Until Profit Only Crops Killed Everything That Was Precious To Them. God Help Us Regain What Was Lost. Thank You For Your Time And Consideration.

HB-1015-HD-2

Submitted on: 2/27/2021 7:20:07 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nathan Yuen	Individual	Oppose	No

Comments:

Dear Chair Luke, Vice Chair Cullen, and members of the Finance Committee,

I strngly oppose HB1015 HD2. This bill changess the way the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'Ä• ina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

Allows small users and those practicing traditional and customary rights to skip the public auction process and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.

Administers licenses for no more than 10 years. Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.

Protects our public trust resources. Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,

Nathan Yuen

HB-1015-HD-2

Submitted on: 2/27/2021 7:27:21 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nanea Lo	Individual	Oppose	No

Comments:

Hello,

My name is Nanea Lo. I'm from Papakāleia, O'ahu currently living in Māhalele blessed to be living in my ancestral homelands. I'm writing to oppose HB1015.

For far too long, the Board of Land and Natural Resources has basically handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them.

•

These bills could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

Oppose this bill now.

me ke aloha 'Āina,

Nanea Lo

HB-1015-HD-2

Submitted on: 2/27/2021 7:28:38 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

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

Comments:

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

Don't dry up the water for small users and people practicing traditional and customary rights!

I am writing today to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'Ä• ina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

- ***Allows small users and those practicing traditional and customary rights to skip the public auction process*** and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.
- ***Administers licenses for no more than 10 years.*** Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.
- ***Protects our public trust resources.*** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,

Cory Harden

HB-1015-HD-2

Submitted on: 2/27/2021 7:47:54 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Laura Ramirez	Individual	Oppose	No

Comments:

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

*I am writing today to **OPPOSE HB1015 HD2**. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.*

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

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Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,

Laura Ramirez and the Bettencourt family

HB-1015-HD-2

Submitted on: 2/27/2021 7:55:17 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie Austin	Individual	Oppose	No

Comments:

Please do not support this bill !

HB-1015-HD-2

Submitted on: 2/27/2021 7:58:01 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

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

Comments:

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

I am writing today to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

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- **Protects our public trust resources.** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.*

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,

Jessica dos Santos

HB-1015-HD-2

Submitted on: 2/27/2021 8:11:29 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joan Gannon	Individual	Oppose	No

Comments:

Hi Joan here from West Hawaii apposing HB1015 HD2. This billamends the way in which the Board of Land and Natural Resources issues water licenses for diversion of public streams. It is good for rich corporations. Bad for small users and the environment in general.

Thank You

Joan Gannon

HB-1015-HD-2

Submitted on: 2/27/2021 8:54:41 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joan Heartfield PhD	Individual	Oppose	No

Comments:

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

I am writing today to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'Ä• ina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

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- **Administers licenses for no more than 10 years.** Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.*
- **Protects our public trust resources.** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.*

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely, Joan Heartfield, PhD

HB-1015-HD-2

Submitted on: 2/27/2021 8:58:43 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

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

Comments:

I strongly oppose this bill being passed. It's sneaky and unfairly takes the side of bog business.

This bill will lead to too much development, urban sprawl and it will help destroy the green open spaces we all love on Maui. It also is disgusting how much water the bog hotels say they need for their pools, slides and golf courses.

HB-1015-HD-2

Submitted on: 2/27/2021 10:38:27 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cecilia Rose Reilly	Individual	Oppose	No

Comments:

Aloha, i have grown up in Hawai'i and lived here most of my life. The water is an extremely important issue that's been mismanaged for decades to the point of detrimental harm and degradation. This bill is not written to empower existing laws of protection, but to undermine them further; leading to more stress and harm on our communities and ecosystems. Please throw out this legislation and move on. Mahalo, C. Rose Reilly

HB-1015-HD-2

Submitted on: 2/28/2021 1:07:32 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Pete Wilson	Individual	Oppose	No

Comments:

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

I am writing today to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'Ä• ina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

- **Allows small users and those practicing traditional and customary rights to skip the public auction process** and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.*
- **Administers licenses for no more than 10 years.** Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.*
- **Protects our public trust resources.** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.*

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,

Peter Wilson

Pahoa HI

HB-1015-HD-2

Submitted on: 2/28/2021 1:11:56 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kristin Speltz	Individual	Oppose	No

Comments:

Aloha. I am your Kaimuki constituent. I am writing to oppose HB1015. This bill amends the way BLNR issues water licenses for the diversion of public streams. An amendment is a great idea, but not as the bill is currently written. Please read on for my explanation.

Public water has been handed out to large corporations for minimal amounts of money. Many of these corporations have drained our communities' streams dry. The result is devastating to the native ecosystem and especially for people who farm in our communities. This is not the way our ancestors used the land. HB1015 will enable the continued exploitation of our land. It is our responsibility to stop this injustice!

As it's written, this bill helps the wrong people. However, changing the process for users to get water licenses is a great opportunity to:

1. Make sure the process is fair
2. Ease the burden of small users with commitment to the 'aina, but limited resources
3. Protects public trust resources

As written, this bill does not do this. It allows large corporations to exploit public streams.

Consider ensuring a new process that allows:

- Small users to skip the public auction process and allow for direct negotiation. Large scale corporations can continue with public auction
- Licensing for no more than 10 years. Climate change is real. Licensing agreements should be revisited more frequently. This will allow for necessary adaptations for current circumstances
- protection of public trust resources
 - stream cannot be allowed to be diverted dry; protections to prevent this should be in place (i.e., maximum amount of water that can be diverted, disclosures of how much water is being diverted, etc.)

It is our responsibility to protect the finite resources entrusted to us. It is our responsibility to ensure community farmers who intend to feed our people get the chance to do so. It is our responsibility to ensure that corporations do not get hand-outs (for any reason)--that they are using resources responsibly and never cut out or cut off community users.

Thank you for your time. I have faith that you will make the right decision for the people of Hawai'i. Malama pono.

HB-1015-HD-2

Submitted on: 2/28/2021 5:48:31 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Anne Massie	Individual	Oppose	No

Comments:

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

I am writing today to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'Ä• ina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

- **Allows small users and those practicing traditional and customary rights to skip the public auction process** and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.*
- **Administers licenses for no more than 10 years.** Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.*
- **Protects our public trust resources.** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.*

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,

Anne Massie

HB-1015-HD-2

Submitted on: 2/28/2021 6:55:20 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael j Corcoran	Individual	Oppose	No

Comments:

our water resources should neve be given away to any corporation our resources are too valuable and needed by our people and need to be protected

HB-1015-HD-2

Submitted on: 2/28/2021 7:29:29 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrew Grandinetti	Individual	Oppose	No

Comments:

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

I am writing today to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'Ä• ina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

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Protects our public trust resources. Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,

Andrew Grandinetti

HB-1015-HD-2

Submitted on: 2/28/2021 7:31:16 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joan Lander	Individual	Oppose	No

Comments:

I oppose HB1015 HD2

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

I am Meala and I am writing today to OPPOSE HB1015 HD2. This bill helps the Board of Land and Natural Resources issue water licenses for the diversion of public streams without the fair benefit to small farms and lo'i rehabilitation water usage taken into consideration.

Whether to the center of the waterway, or to the highwater mark, there is that wiggle room that belongs to the public. We determine who has the right to speak for us. We elect who should apply oversight to private lands, to have access when applicable to water that runs with the land. Oversight that harm is not done to neighbors upstream and downstream. Action, that water in Hawaii is held in trust for the people.

Do not allow these large corporations to run helter skelter compromising our land and water rights, bastardizing the definition of Ola i ka wai.

Balance the scales to support traditional and customary rights where optimum respect is a crucial part of best practices. I have seen many dried stream beds in my life time, one had an 'ō'ō, (digging stick) stuck in the middle of a dry diverted stream. I could see the owner walking away broken hearted in my minds eye. These are the stories that inspires one to do the right thing.

Mālama Pono,
Meala Bishop,
Ko'olaupoko, O'ahu, Hawai'i

HB-1015-HD-2

Submitted on: 2/28/2021 8:13:52 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
M. Llanes	Individual	Oppose	No

Comments:

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

*I am writing today to **OPPOSE HB1015 HD2**. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.*

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting. One need only look at Maui for proof of this.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the ‘Ä• ina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

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- **Administers licenses for no more than 10 years.** Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.*
- **Protects our public trust resources.** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.*

I have a personal connection to the stream that feeds Ka'ala in Waianea and want to make sure that this stream and all others are used in Hawaiian traditional ways for the sake of Native Hawaiians and those non kanaka that truly malama the 'aina.

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,

MeleLani Llanes

HB-1015-HD-2

Submitted on: 2/28/2021 8:39:19 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michele Halligan	Individual	Oppose	No

Comments:

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

I am writing today to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

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Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,

Michele Halligan

HB-1015-HD-2

Submitted on: 2/28/2021 8:40:51 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

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

Comments:

This bill currently favors corporate water users, allows for lengthy leases, and does not protect water quality or quantity.

1. the length of the leases must be shortened, perhaps to 5 years to allow time to make adjustments for climate change and environmental impacts. 30 years is obscenely long and gives no control over the resource for about half a generation! Prepare for change.
2. Base diversion amount on monitoring studies that also protect aquatic native species. NO STREAM should be allowed to be totally diverted.
3. Diversion volumes must be monitored and reported and adjusted more frequently. Strengthen monitoring for leases.
4. Water pricing needs to be adjusted so that diverters do not profit highly from water resale! This is a precious common resource. Again a 30 year lease is absurd to water valuation, especially since the threats of drought are seen every year now.
5. Fairly address and provide affordable opportunities for traditional practices, such as taro growing.
6. Keep the public auction process for larger corporate entities.

Mahalo.

HB-1015-HD-2

Submitted on: 2/28/2021 8:51:49 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin Chang	Individual	Oppose	No

Comments:

I am submitting opposition with the understanding that this bill will not improve our water situation in ways that develop more fair access to small and traditional indigenous agriculture, nor does it improve the approach we have to manage and utilize water in ways that replenish and sustain the ecosystems that are important to Hawai'i.

Mahalo

Kevin

HB-1015-HD-2

Submitted on: 2/28/2021 8:52:35 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
James Ryan	Individual	Oppose	No

Comments:

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

I am writing today to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'aina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

- Allows small users and those practicing traditional and customary rights to skip the public auction process and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.
- Administers licenses for no more than 10 years. Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.
- Protects our public trust resources. Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.
- To protect the availability of precious water resources to local residents and local agricultural growers, prohibitions or high tariffs should be placed on diverters that ship the water to the mainland or other countries. Hawaiian water should stay in Hawaii.

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,

Mahalo nui for your continued support and persistence in the protection of our precious streams

Ola i ka wai,

James Ryan, Waikoloa

February 24, 2021

Michael A & Nana-Honua Manuela
C/O PO Box 823
Volcano, HI 96785-0823

Dear Legislators of the State of Hawaii, District of Columbia,

We are Michael A & Nana-Honua Manuela and our political national status is a Repatriated Hawaiian Subject and an American Citizen, born under occupation in the Hawaiian Islands, who is Expatriating from the United States of America and seeking Naturalization with the Military Government of Hawaii through Civil Affairs. It has come to our attention that the current status of Hawaii is that Hawaii is a under prolonged military occupation due to a State of War with the United States of America. On January 17, 2021 Colonel Lilikoi, S.K., of the Occupied Forces Hawaii Army C.A./M.G./J.A.G. and Lt. Beaumont, R. of the US Navy, Commander Special Warfare Unit in the Hawaiian Islands, signed a military field document, attached, acknowledging that a State of War exists between Hawaii & the United States of America. This is the first step toward a Peace Treaty and the liberation of Hawaii by the de-occupation of Hawaii by the US Military.

We believe it is incumbent upon you all as US Citizen legislators to recognize your status as United States enemy nationals imposing US Constitutional law in the occupied country of Hawaii. See excerpt from FM27-10, Law of Land Warfare, Chapter 2, section 1, paragraph 25 Enemy Status of Civilians, attached. It is time for each of you individually to decide whether to continue in status quo or find an avenue to become a Hawaiian National Subject and cease to be a US Citizen. This is the way to continue to serve the Public Trust of Hawaii in a pono manner.

You may contact us or Colonel Lilikoi, S. K. of Occupied Forces Hawaii, ARMY/CA/MG/JAG I CORPS at 808-430-8781 or collilikoihofharmy@gmail.com to inquire about Expatriation, Repatriation or seeking Asylum & Naturalization as a Hawaiian National Subject in the country of Hawaii. You should also contact US Navy JAG with questions regarding your US political national status.

Sincerely,

Michael A Manuela Mikinvolcano@gmail.com
808-937-1902

Nana-Honua Manuela Nanainvolcano@gmail.com
808-315-3272

OCCUPIED FORCES HAWAII

ARMY

17 JAN 2021

Col. LILIKOI, S.K.
COMMANDER

I CORPS M.Q.
CIVIL AFFAIRS, MILITARY GOVERNMENT,
JUDGE ADVOCATE GENERAL.

HAWAIIAN ISLANDS

LTJG. BEAUMONT, R.
COMMANDER

U.S. NAVY,
SPECIAL WARFARE UNIT

UNITED STATES OF AMERICA

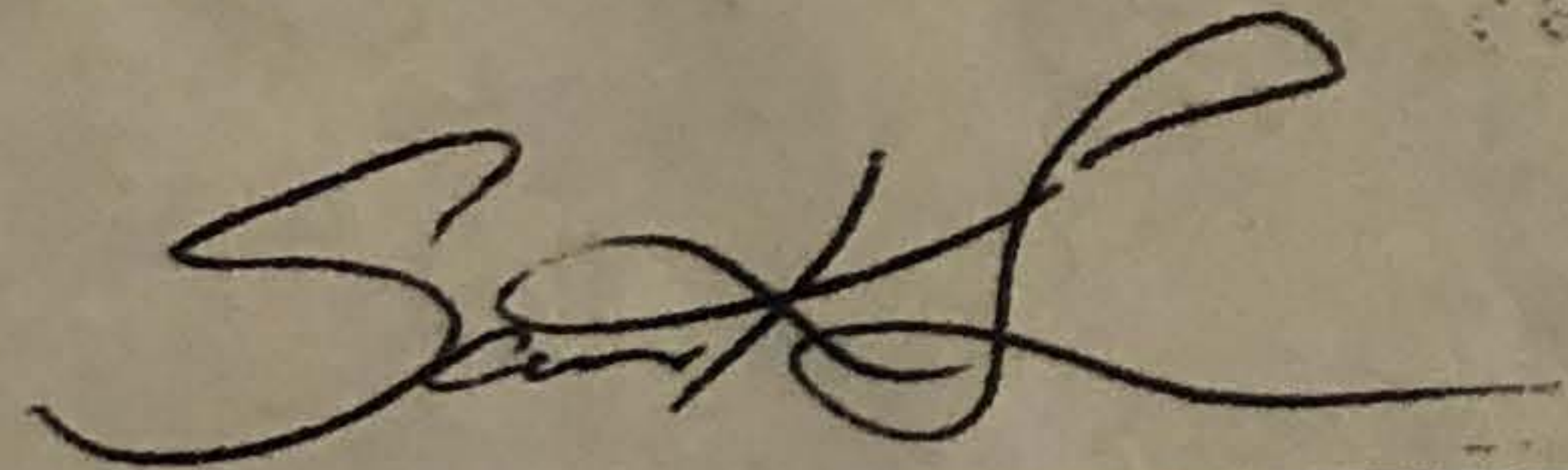
RE: DECLARATION OF A STATE OF WAR,
BETWEEN:

HAWAII

AND

UNITED STATES OF AMERICA

Delivered: 2245 hrs Hawaiian time.
Waikahikahi, Hawaii
19 degrees 27 minutes North
155 degrees 11.5 minutes West



Colonel, LILIKOI, S.K.
O.F.M. ARMY



LTJG., BEAUMONT, R.
U.S. NAVY

a State which resorts to war in violation of the Charter will not render its acts of aggression or breach of the peace any the less unlawful by formally declaring war.

24. Constitutional Provision

Article 1, section 8, clause 11, of the United States Constitution provides that "The Congress shall have power * * * to declare War." The law of war may, however, be applicable to an international conflict, notwithstanding the absence of a declaration by the Congress. (See pars. 8 and 9, concerning the situations to which the law of war has application.)

25. Enemy Status of Civilians

Under the law of the United States, one of the consequences of the existence of a condition of war between two States is that every national of the one State becomes an enemy of every national of the other. However, it is a generally recognized rule of international law that civilians must not be made the object of attack directed exclusively against them.

26. Effect on Enemy Aliens

Enemy aliens located or resident in United States territory are not necessarily made prisoners or interned *en masse* on the breaking out of hostilities. Such persons may be allowed to leave the United States if their departure is consistent with national interest (*GC*, art. 35; par. 274 herein). If the security of the United States makes it absolutely necessary, enemy aliens may be placed in assigned residence or internment (*GC*, art. 42; par. 281 herein). Measures of control are normally taken with respect to at least persons known to be active or reserve members of a hostile army, persons who would be liable to service in the enemy forces, and persons who it is expected would furnish information or other aid to a hostile State. (See ch. V, sec. IV, concerning the treatment of aliens in the territory of a party to the conflict.)

27. Expulsion

In modern practice at the outbreak of hostilities the expulsion of the citizens or subjects of the enemy is generally decreed from seaports, the area surrounding airbases, airports, and fortified places, areas of possible attack, and the actual or contemplated theaters of operation. When expulsion is decreed, the persons expelled should be given such reasonable notice, consistent with public safety, as will enable them to arrange for the collection, disposal, and removal of their goods and property and for the settlement of their personal affairs. Such persons do not, however, benefit from the provisions of Articles 41 through 45, *GC* (pars. 280-284).

February 24, 2021

Michael A & Nana-Honua Manuela
C/O PO Box 823
Volcano, HI 96785-0823

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Sincerely,

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808-937-1902

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OCCUPIED FORCES HAWAII

ARMY

17 JAN 2021

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I CORPS M.Q.
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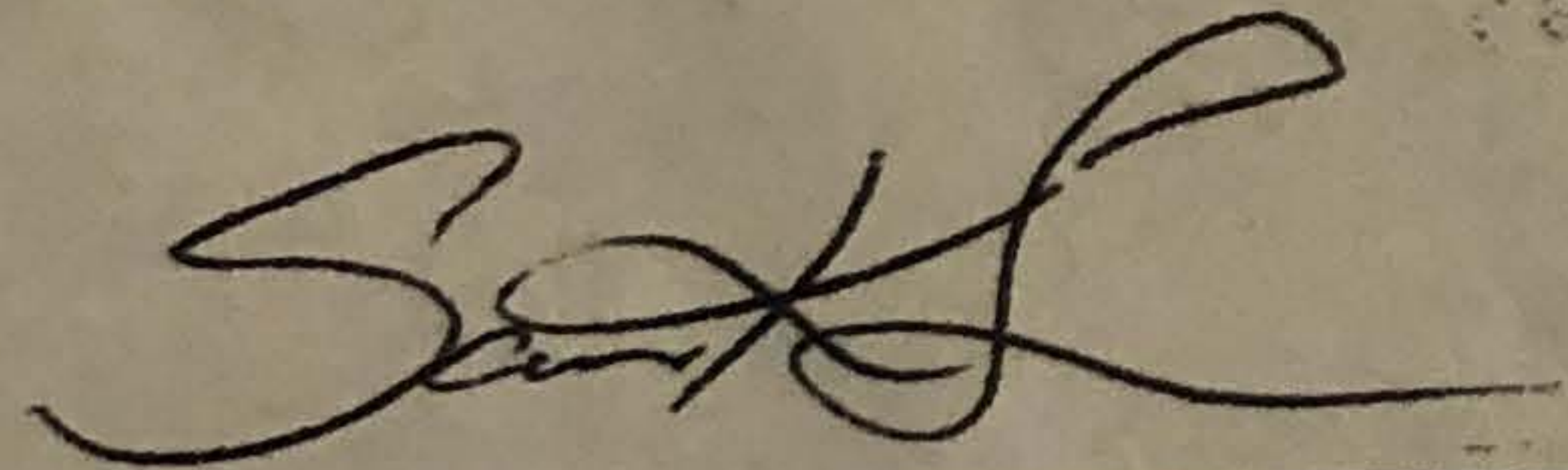
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HB-1015-HD-2

Submitted on: 2/28/2021 10:18:30 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Heidi Lea	Individual	Oppose	No

Comments:

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

I am writing today to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'Ä• ina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

- **Allows small users and those practicing traditional and customary rights to skip the public auction process** and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.*
- **Administers licenses for no more than 10 years.** Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.*
- **Protects our public trust resources.** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.*

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,

Heidi Lea

HB-1015-HD-2

Submitted on: 2/28/2021 10:32:05 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lory Ono	Individual	Oppose	No

Comments:

Ioha Chair Luke, Vice Chair Cullen, and members of the Finance Committee,

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Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Mahalo!

HB-1015-HD-2

Submitted on: 2/28/2021 10:52:33 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dave Kisor	Individual	Oppose	No

Comments:

It's interesting that Speaker Saiki brought this up for someone who evidently doesn't want their name known, who I suspect may be up for reelection. That tactic should not be allowed.

These water giveaways by the BLNR are unconscionable.

HB-1015-HD-2

Submitted on: 2/28/2021 10:56:42 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
jeanne lindgren	Individual	Oppose	No

Comments:

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

*I am writing today to **OPPOSE HB1015 HD2**. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.*

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

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- **Protects our public trust resources.** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,

Jeanne M. Lindgren

2122 Hillcrest St

Honolulu, HI 96817

HB-1015-HD-2

Submitted on: 2/28/2021 10:56:48 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Carl J. Berg	Individual	Oppose	No

Comments:

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'Ä• ina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

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- ***Administers licenses for no more than 10 years. Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.***
- ***Protects our public trust resources. Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.***

HB-1015-HD-2

Submitted on: 2/28/2021 11:34:47 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Laurel Quarton	Individual	Oppose	No

Comments:

I am writing to ask you to oppose HB1015 HD2 because it fails to ensure the following conditions:

- ***Allow small users and those practicing traditional and customary rights to skip the public auction process and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.***
- ***Administer licenses for no more than 10 years. Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.***
- ***Protect our public trust resources. Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.***

Thank you for restructuring this Bill to protect and administer our precious Public Trust resource.

Laurie Quarton

Kauai

HB-1015-HD-2

Submitted on: 2/28/2021 12:44:19 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Carol Beardmore	Individual	Oppose	No

Comments:

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

I am writing today to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

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Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Mahalo nui loa

Carol Beardmore

HB-1015-HD-2

Submitted on: 2/28/2021 12:47:13 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ruta Jordans	Individual	Oppose	No

Comments:

Please OPPOSE HB1015 HD2.

Water is the life-blood of Hawaii! Please use this bill to protect it. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'Ā• ina but limited resources, and protects public trust resources on which many lives depend. The legislature has the opportunity with this bill to:

- ***Allow small users and those practicing traditional and customary rights to skip the public auction process*** and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.
- ***Administer licenses for no more than 10 years.*** Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.
- ***Protect our public trust resources.*** Put protections in place to prevent streams from being diverted dry, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.

HB-1015-HD-2

Submitted on: 2/28/2021 1:03:02 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Elijah Frank	Individual	Oppose	No

Comments:

I oppose this bill. Water belongs to the rivers and streams first and then the people not private corporations. DLNR needs stronger protections to ensure water is properly used in accordance with our State constitution.

Elijah Frank

HB-1015-HD-2

Submitted on: 2/28/2021 1:05:10 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Raul Nohea Goodness	Individual	Oppose	No

Comments:

I oppose HB1015.

30 year water leases are far too long for direct negotiation. There needs to be consideration for use of water within the ahupuaa it comes from, as well as use for cultivation of kalo and other native staples.

Water leases need to be contingent on use, and a long-term water lease allows for a leasee to change the water use after getting approval.

HB-1015-HD-2

Submitted on: 2/28/2021 1:10:33 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Gerald Taber	Individual	Oppose	No

Comments:

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

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Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,

Gerald Taber

Theresa Keohunani Taber

HB-1015-HD-2

Submitted on: 2/28/2021 2:02:33 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Greg Puppione	Individual	Oppose	No

Comments:

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Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,

Greg Puppione

HB-1015-HD-2

Submitted on: 2/28/2021 2:11:46 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joanna Maile Pokipala Resurrection	Individual	Oppose	No

Comments:

East Maui Water post #1091109

& the Annual Water Theft Bill -

HB1015/SB1169 changes the Board's process to allow direct negotiation for water leases. However, as these bills are written right now, they help the wrong people.

For far too long, the Board of Land and Natural Resources has basically handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. These bills could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This year is another year of hardwork to end corporate control, narratives & management. Please help us do that by opposing this bill.

Mahalo,

Maile Resurrection

HB-1015-HD-2

Submitted on: 2/28/2021 2:16:12 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melia Leslie	Individual	Oppose	No

Comments:

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

*I am writing today to **OPPOSE HB1015 HD2**. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.*

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'Ä• ina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

- **Allows small users and those practicing traditional and customary rights to skip the public auction process** and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.*
- **Administers licenses for no more than 10 years.** Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.*
- **Protects our public trust resources.** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.*

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,

Melia Leslie

HB-1015-HD-2

Submitted on: 2/28/2021 2:20:46 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Vickie Parker Kam	Individual	Oppose	No

Comments:

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

My name is Vickie Parker Kam from district 42 and I am writing today to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

Currently, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'Ä• ina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams.

I am hoping the legislature will consider these new processes:

- Allows small users and those practicing traditional and customary rights to skip the public auction process.
- Administers licenses for no more than 10 years.
- Protects our public trust resources.
- Thank you for considering these important changes.

Mahalo for the opportunity to testify.

Vickie Parker Kam

vlpkam96707@gmail.com

96707

HB-1015-HD-2

Submitted on: 2/28/2021 2:29:30 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Puanani Rogers	Individual	Oppose	No

Comments:

I stand in strong opposition to this measure HB 1015 as well as SB 1169. We are in a contested case presently against KIUC for diverting our Wai`ale`ale waters and who apply for a permit and got another year or years on a revocable permit. We are not happy and will continue to fight this water battle to correct the wrongs against us and our precious resource, our wai.

Please do not take any action on giving our water away to developers and foreigners on all of our islands until all legal cases are resolved so a better decision can be made if we wait and those matters are settled.

Bring this back to the table and let's hold a hearing with the people...a summit meeting so to speak on water on our islands. Please vote this measure down or refer it and give the people a chance to voice their concerns.

Mahalo a nui,

Puanani Rogers, Pelekikena o Women's Patriotic League - Kaua`i

4702 Mailihuna Road, Kapaa, Hi 96746

HB-1015-HD-2

Submitted on: 2/28/2021 2:40:29 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mark A. Koppel	Individual	Oppose	No

Comments:

Aloha House Members,

I STRONGLY OPPOSE HB1015

MARK KOPPEL

UMAUMA, HI

I Agree with all of the following testimony. This bill is outrageous.

Mahalo,

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

I am writing to oppose HB 2015 HD 2. This bill amends the way that the Board of Land and Natural Resources (BLNR) issues water licenses for the diversion of public streams.

This bill highlights the two major narratives about the use of public resources in Hawai'i.

The first narrative seeks to convert as many of the public resources in Hawai'i as possible into private profits. Those who pursue that narrative seek legislation and executive action that maximize access to and exploitation of public resources. That goal is often pursued in ways that are opaque and leave little opportunity for public input to the decision-making. That process can readily exceed the carrying capacity of natural systems to the point of exhaustion, such as granting licenses for water diversion that lead to dried up streams.

The second narrative seeks to preserve a robust natural inventory from which extraction is conducted in a manner ensuring the sustainability of those resources. Maintaining a healthy flow of water in all streams is one manifestation of the second narrative.

In this battle of the narratives, BLNR is far too often meshed into the second narrative. BLNR grants access to public waters at far below their market value to large corporations, while also allowing corporations to draw down the available water to the point of exhaustion. This depletion violates the obligations of BLNR to protect and preserve natural resources.

I support the position of those who argue for the following legislation:

Allow small users and those practicing traditional and customary rights to skip the public auction process and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.

Administers licenses for no more than 10 years. Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.

Protects our public trust resources. Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.

BLNR should be leading the way toward a sustainable future through properly balancing public and private interests. The decision-making process for permits to divert public waters should be conducted transparently, with public input encouraged and facilitated, particularly where large diversions are being considered..

HB-1015-HD-2

Submitted on: 2/28/2021 2:42:50 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
richard akama	Individual	Oppose	No

Comments:

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

*I am writing today to **OPPOSE HB1015 HD2**. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.*

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the ‘Ā• ina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

- ***Allows small users and those practicing traditional and customary rights to skip the public auction process*** and allow for direct negotiations, while large-scale corporate diverters continue in a public auction where they are more fit financially.
- ***Administers licenses for no more than 10 years***. Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.
- ***Protects our public trust resources***. Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters, disclosing how much water they are diverting.
- *The water belongs to the people and the kingdom of Hawaii, how dare you rewrite the state constitution and steal the water that is much needed to the farmers and nature.*

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,

Richard Akama

HB-1015-HD-2

Submitted on: 2/28/2021 3:03:41 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrew Foy	Individual	Oppose	No

Comments:

I oppose this bill because it makes it easier for the Hawaii BLNR to divert and give away Hawaii's most precious resource: fresh water. This bill will help corporations and entities that have historically abused, overused, and hoarded their water licenses - corps like KUIC, Mahi Pono, and A&B.

HB-1015-HD-2

Submitted on: 2/28/2021 3:06:59 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

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

Comments:

3.1.21

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

I am writing today to OPPOSE HB1015 HD2.

This bill amends the way in which the BLNR issues water licenses for the diversion of public streams. BLNR already grants access to public waters at far below their market value to large corporations, while also allowing corporations to draw down the available water to the point of exhaustion. This depletion violates the obligations of BLNR to protect and preserve natural resources.

I once took part in a contested case when Albert Hee attempted to divert water for a power station on the Honoli'i river. The river is habitat for several native fish at risk for extinction, confirmed in the hearing by staff in DLNR. The stream is also critical at its mouth for one of the only recreational surf breaks in East Hawaii, after the other breaks were lost due to lava inundation. If this bill were in place then, we would have lost this stream as habitat and a source of vital recreation.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'Ä• ina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

- **Allows small users and those practicing traditional and customary rights to skip the public auction process** and allow for direct negotiations, while large

scale corporate diverters continue in public auction where they are more fit financially.

- **Administers licenses for no more than 10 years.** Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.
- **Protects our public trust resources.** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.

Thank you for considering these important changes.

Sincerely, Deborah Ward, currently serving as Chair of Hawaii Island Group of Sierra Club
P. O. Box 918 Kurtistown HI 96760

HB-1015-HD-2

Submitted on: 2/28/2021 3:20:22 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

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

Comments:

Aloha Senators,

Please, OPPOSE this very bad water legislation.

HB-1015-HD-2

Submitted on: 2/28/2021 3:33:56 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

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

Comments:

Aloha Lawmakers,

Please, **OPPOSE** this very bad water legislation.

HB-1015-HD-2

Submitted on: 2/28/2021 3:36:31 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Geraldine Best	Individual	Oppose	No

Comments:

I **STRONGLY OPPOSE** HB1015 which amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams (water). Unfortunately the Board of Land and Natural Resources has allowed large corporations to drain streams much to the detriment of perserving and maintaining the native ecosystem and the communities that relay upon them. The Hawaiians have long been believers and practitioners of conservation/preservation of the many natural resources that surrounded us. They've carefully planned the uses of resources to better provide resources for their survival. Chief among the resources is **WATER**. Recent decisions by the Board of Land and Natural Resources has denigrated the value of maintaining the preciousness of water to our every day living along with preserving the natural balance in nature. Their **UNWISE** decisions have caused the diversion of water from vital living streams that help feed our communities to parching them to be used by big land owners for their own selfish uses. The continuance of **IRRESPONSIBLE** means by which the preservation of our natural resources---water---is **CRIMINAL** and denigrates the importance of upholding our cultural values in preserving nature's greatest natural resource ---**WATER**.

It is therefore recommended that a right balance be struck in the use/application of respectful and transparent methods of water usage by protecting our public trust resources---**WATER**. This means that the process for uses of obtaining water licenses has to be changed to make sure the process is fair, transparent and protects the "Keepers of the Flame" (Water Preservers) from disrespecting the values of preserving our water resources. Legislating a new process by which small users and those practicing traditional and customary rights to skip the public auction process is one way to upgrade this licensing process. Another way would be to administer licenses for no more than ten(10) years. This would allow for change considerations that may develop over this period of time. There has to be **STIPULATIONS** in the amended document to **PRESERVE** and **MAINTAIN** balanced water rights for all along with preserving the long held traditions of conservation that Hawaiians have observed/practiced through the generations. We can**NOT** afford to be blatantly irresponsible when making decisions concerning water usage. HB1015, as proposed, **BLANTANTLY IGNORES** responsible stewardship of our most natural resource...**WATER**. I **STRONGLY OPPOSE HB1015** for the above stated reasons.

HB-1015-HD-2

Submitted on: 2/28/2021 3:44:47 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Eduardo A. Gandolfo	Individual	Oppose	No

Comments:

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

I am writing today to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'Ä• ina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

- **Allows small users and those practicing traditional and customary rights to skip the public auction process** and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.*
- **Administers licenses for no more than 10 years.** Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.*
- **Protects our public trust resources.** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.*

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

HB-1015-HD-2

Submitted on: 2/28/2021 4:12:02 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

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

Comments:

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

*I am writing today to **OPPOSE HB1015 HD2**. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.*

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'Ä• ina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

- **Allows small users and those practicing traditional and customary rights to skip the public auction process** and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.*
- **Administers licenses for no more than 10 years.** Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.*
- **Protects our public trust resources.** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.*

Mahalo for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Ms. Barbara Barry

Maui

HB-1015-HD-2

Submitted on: 2/28/2021 4:46:55 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sandra Fujita	Individual	Oppose	No

Comments:

I oppose **HB1015 HD2.**

HB-1015-HD-2

Submitted on: 2/28/2021 4:54:12 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Christopher Dean	Individual	Oppose	No

Comments:

When considering all bills, I think it will help to flip your perspective from market concerns, to that of the sanctity and preservation of life. Nature is not a commodity, it's nature. Please, always be vigilant to the ever present entrepreneur, who seeks profit off of the exploitation of nature. This is clearly an attempt to gain more access to natural resources for the purpose of profit. If you're thinking, what's wrong with that? Well, I encourage you to seek the answer.

HB-1015-HD-2

Submitted on: 2/28/2021 5:21:58 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Will Caron	Individual	Oppose	No

Comments:

Aloha members of the committee,

I am writing today in strong **opposition** to HB1015 HD2, which amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams. Simply put, this bill helps the wrong people.

Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helping to ease the burden on small users with a commitment to the 'Ä• ina but limited resources, and protecting the public trust resources on which many lives depend.

This bill does not do that. Instead, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

- **Allows small users and those practicing traditional and customary rights to skip the public auction process** and allow for direct negotiations, while large scale corporate diverters continue with public auction.
- **Grants licenses for no more than 10 years.** Given the uncertainty of climate change, the board should revisit license agreements more frequently to adapt to the current circumstances.
- **Protects our public trust resources.** Hawai'i streams should never be allowed to be run dry by anyone, much less by corporate, for-profit interests. Protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

HB-1015-HD-2

Submitted on: 2/28/2021 6:15:25 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Makaneole	Individual	Oppose	No

Comments:

Please vote NO HB 1015- over the years it is so very sad to see our rivers and streams drying up. We need a system so the public is informed and has opportunities for input on how our valuable water is utilized- mountain to makai.

HB-1015-HD-2

Submitted on: 2/28/2021 6:59:43 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

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

Comments:

I strongly oppose this bill.

HB-1015-HD-2

Submitted on: 2/28/2021 7:51:11 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Uma Nagendra	Individual	Oppose	No

Comments:

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

I am writing today to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the ‘Ä• ina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

- **Allows small users and those practicing traditional and customary rights to skip the public auction process** and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.*
- **Administers licenses for no more than 10 years.** Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.*
- **Protects our public trust resources.** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.*

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,

Uma Nagendra

HB-1015-HD-2

Submitted on: 2/28/2021 7:52:21 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Thomas Brandt	Individual	Oppose	No

Comments:

Oppose.

HB-1015-HD-2

Submitted on: 2/28/2021 8:40:57 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Carolyn Eaton	Individual	Oppose	No

Comments:

Aloha, my name is Carolyn Eaton and I am an Oahu voter. I strongly oppose this measure to allow the BLNR to deal the use of stream water to large organizations to the detriment of our streams. The public interest is served when BLNR grants licenses for stream use in the public interest to relatively small-volume users who seek to make a living. The people of the State deserve that our precious stream water is distributed transparently and fairly. Thank you for your work.

HB-1015-HD-2

Submitted on: 2/28/2021 8:43:46 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tane Datta	Individual	Oppose	No

Comments:

I oppose this bill

HB-1015-HD-2

Submitted on: 2/28/2021 9:47:51 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Paulette J. Roberson	Individual	Oppose	No

Comments:

The DLNR was created under the HRS #26-15 & must follow HAR Title 13 to manage and navigate the Hawaiian islands' archipelagos for the public trust for the current and future generations of Hawaii Nei. Alexander & Baldwin is one of Hawaii's historic "Big 5" companies who's profit motivated ethos is to usurp Hawaii's natural resources for its private economical benefit, political power and monetary gain. This ethos is not unlike most corporations in the USA and our capitalist economic system.

The continued favored-entity relationship between the DLNR and Alexander & Baldwin has lasted and will continue with the approval of this 'statute' which has derived during the formation of the Hawaii Republic to usurp the ahupua'a land management system in place on the Hawaii islands archipelagos since inhabitation by the Polynesian System of Societal Governing norms and pre-western contact.

The ahupua'a land management system in existence utilizes the natural rain water gravity flow from mountain top to ocean to feed & nourish the land elevation lo'i (terrace) farming of food crops, mountain meadows and island forests to sustain human communities and animals of these island's archipelagos. The ahupua'a land management system is real and recognizable operational system as referenced in educational books and in Hawaii legal documents as itemized the the "Native Hawaiian Rights Handbook" recognized by scholars, politicians, educational institutions, Private & Non-Profit Hawaii organizations, national arts consortiums and the Hawaii State Government. The Hawaii State Government is mandated to oversee Crown Lands, Hawaii Trust Lands and Public Lands created and recognized during the formation of the State of Hawaii as part of the United States of America.

I oppose the approval of this Statute because it continues the favored-preferred relationship between the DLNR and Alexander & Baldwin who's both end objective further endangers and dismisses the obvious natural rain water gravity law of nature (and ahupua'a land management system) that has preserved and perpetuated the Hawaii islands archipelagos since before man walked on these lands. The diversions, damming and prohibition of "water use" along the islands' natural above and underground rain water vain by a "favored-preferred" user is illegal in the objective of the HRS #26-15 and HAR Title 13 by which the DLNR is obliged to honor.

I am a Native Hawaiian (akamai) wahine and I find today is the day to hold accountable those individuals and entities who DO NOT 'intellectually' take seriously those words put in print in HRS #26-15 and HAR Title 13 and then, SERIOUSLY, SAVE our Hawaii Islands Archipelagoes from ecological ruin by narrow minded humans who SEE our island resources as ONLY their private property to benefit themselves. The REALITY is that our Hawaii islands archipelagos are 'finite' and there is NO RECOVERY when our resources are GONE. Living on these islands in the middle of the Pacific Ocean 3,000 miles away from the US mainland is 'finite' and is limited. The lessons of the Hawaiian cultural governing entities was always to "prohibit the overuse of resources" and practice replenishment.

Mahalo for soliciting my testimonial input.

Paulette Ka'ala Roberson

HB-1015-HD-2

Submitted on: 2/28/2021 10:13:19 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Furst	Individual	Oppose	No

Comments:

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

I am writing today to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'Ä• ina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

- **Allows small users and those practicing traditional and customary rights to skip the public auction process** and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.*
- **Administers licenses for no more than 10 years.** Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.*
- **Protects our public trust resources.** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.*

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,

Richard Furst

HB-1015-HD-2

Submitted on: 2/28/2021 10:59:19 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

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

Comments:

I am a subsistence farmer, and mother, My name is Kamalani and I am the Grand-daughter of Uncle Harry Mitchell, legendary farmer who fought for the rights of our kupuna (ancestors), family, and community.

In the 1860's, my Kupuna petitioned King Kalakaua not to allow Henry Baldwin to divert our streams. Mr. Baldwin was given permission as long as he did not hurt the kalo farmers. East Maui farmers have been in endless battle challenging unlawful commercial diversions consisting of ditches, tunnels, pipes, and flumes that stretch for over 50 miles on crown lands from Nahiku to Huelo & beyond.

The language in this bill continues to glorify the imperialistic ways of corporate control on Maui. The current leasee and licensee, are both out of state corporations with no descendants as stakeholders in thier company. Their dirty coproate hands can be found caught up with Australian Water Fights, including the selling of our resources, and pohaku, while supporting private prisons that are overpopulated. These corporate comapanies that are linked and have direct ties to the leasee and licensee, are also involved with negligence, mis-management, and deaths related to elderly homes. In the last half of 2020, the Public Sector Pension Investment Board (PSP) also known as Mahi Pono, Maui's claimed new largest Agricultural land owner with no clear title, bought a total of more than 600,000 shares of CoreCivic and the Geo Group, two of the largest providers of private prisons, jails and immigration detention centres in the United States, according to documents filed with the U.S Securities and Exchange Commission. It is appalling that we have to find and dig to find the dark secrets of these corporations who have greenwashed our community with narratives, stolen our resources, mis-managed our watershed, and continue to use our Maui name as a part of their products and sold for proft.

This water fight has been stressful not only to the residents, and farmers but to our streams ecosystems and marine resources. Diverting up to 450 million gallons per day interrupts the natural flow while diminishing all life from the mountain to the sea including the loss of native stream and shoreline fish. Our limu cannot grow, our shoreline fishes cannot spawn without the mix of fresh and ocean water. This deprives our families and traditional food sources. Most importantly is the threat to loss of culture as streams are so dry, we cannot teach our next generation traditional ways of life.

This fight is by far one of the largest “privately owned” water diversion contested cases in the United States. The kua’aina of East Maui challenged these unlawful actions before courts and agencies asking simply that the state uphold existing laws and fulfill its trust obligations. Since 2000, A&B has had access to the water and 33,000 acres of state land through four DLNR revocable permits, which are supposed to be for temporary, month-to-month use of state property.

Since 2001, when we the farmers filed their initial challenge, the four permits have been in a “holdover” status with DLNR. In 2001, A&B also applied for a long-term lease, however, no lease has been approved to date, with the department’s board instead renewing the holdover permits annually. On January 8, 2016, Circuit Judge Rhonda Nishimura declared the four A&B permits invalid; saying the company’s continuous, uninterrupted use of public land on a holdover basis for more than a dozen years was not temporary.

The court ruling prompted A&B to begin lobbying legislators, and the company also assisted in writing this bill. HB2501 was passed in their favor. A&B’s latest attempt to reverse and undercut a circuit court order invalidating its continued diversion of billions of gallons of water every year from East Maui. Na Moku Aupuni O Ko`olau Hui, a non-profit organization comprised of residents of the ahupua`a of Ke`anae and Wailuanui, and other native Hawaiian residents of East Maui seek to restore stream-flow to streams diverted for the past 130 years.

East Maui Irrigation (“EMI”), a subsidiary of A&B now co-owned by Mahi Pono, operates this system consisting of at least four parallel levels of water ditches that run from east to west across the Ko’olau, Maui mountain range intersecting streams within the area and diverting stream flow to Central Maui. Although the current average daily water delivery through this system is 160 million gallons daily (mgd), it is capable of capturing and, during storm events, captures as much as 445 mgd. To place this volume in perspective, all domestic water uses on O’ahu total about 160 mgd.

This system diverts approximately 68 billion gallons of East Maui Stream water a year. While some of the water diverted goes to domestic and other uses, the vast majority irrigates to the farm fields, including industrial grounds, and golf courses, run and operated by mahi pono, of PSP, a Canada based pension fund, and EMI, another A&B subsidiary. I ask for your kokua (help) in returning life’s most precious resource. *This battle is a fight for the Constitutional rights of East Maui Farmers, we are humbly asking to return the water.* Crown lands belong to the Hawaiian people, and its resources are being depleted.

Let the water flow, and let our stakeholders, descendents, konohiki, and kuaaina, work with our County to fulfill the kuleana of water deliver to our upcountry residential, commercial, and agricultural water users so that our lifestyles, traditions, culture, and natural resources return in abundance.

HB-1015-HD-2

Submitted on: 2/28/2021 11:02:34 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew Swalinkavich	Individual	Oppose	No

Comments:

I OPPOSE THIS.

HB-1015-HD-2

Submitted on: 2/28/2021 11:45:18 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kristen Alice	Individual	Oppose	No

Comments:

I oppose this bill.

HB-1015-HD-2

Submitted on: 2/28/2021 11:50:05 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ashley Gutierrez	Individual	Oppose	No

Comments:

To Whom it may concern,

*I am writing today to **OPPOSE HB1015 HD2**. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.*

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'Ä• ina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

- ***Allows small users and those practicing traditional and customary rights to skip the public auction process and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.***
- ***Administers licenses for no more than 10 years.*** *Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.*
- ***Protects our public trust resources.*** *Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.*

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,

Ashley Gutierrez

HB-1015-HD-2

Submitted on: 3/1/2021 6:45:03 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

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

Comments:

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

I am writing in opposition to HB1015 HD2, Relating to Disposition of Water Licenses by the Board of Land and Natural Resources.

Water use issues are contentious - and with good reason. Ultimately, streams are public trust resources, and must be managed in a way that ensures the health of our watersheds and ecosystems, and is fair to parties - large and small - who seek to use the water for farming, electricity production, and cultural practices. This is no mean feat.

As the bill stands, it could have the effect of enabling exploitation of public water, potentially leading to backroom deals for large, wealthy diverters with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

The legislature has the opportunity to craft policy that acknowledges water is a finite resource that must be managed responsibly, protects the health of our aina, and ensures the needs of small and large water users are met. I urge you to please amend the bill as follows:

- **Administer licenses for no more than 10 years.** Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.
- **Protect our public trust resources.** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.
- **Allow small users and those practicing traditional and customary rights to skip the public auction process** and allow for direct negotiation, while large scale corporate diverters continue in public auction where they are more fit financially.

Thank you for considering these changes.

Sincerely,

Brooke Jones

HB-1015-HD-2

Submitted on: 3/1/2021 7:06:06 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

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

Comments:

I am highly in opposition of this Bill. Water is a Public Trust doctrine and Therefore must be protected for the Kanaka Maoli and not sold as part of any agreement. Management of our Resources should not be made by a state Agency that uses its authority for greed and profit.

HB-1015-HD-2

Submitted on: 3/1/2021 8:02:35 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

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

Comments:

Aloha Representatives,

My 'ohana and I are in strong opposition to this bill. Please defer HB 1015. Mahalo,

Fern

HB-1015-HD-2

Submitted on: 3/1/2021 8:40:34 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
James McCay	Individual	Oppose	No

Comments:

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

I am writing today to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams but not for the greater good.

Protection of water must be for all not just corporations and profit-focused.

Ola i ka wai,
James

HB-1015-HD-2

Submitted on: 3/1/2021 9:05:47 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Quan Tu Nguyen	Individual	Oppose	No

Comments:

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

*I am writing today to **OPPOSE HB1015 HD2.***

The Board of Land and Natural Resources has a long history of granting access to public water to large corporations and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill does not serve the interests of the people of Hawai'i, only the interests of a select few who are attempting to profit off of the depletion of natural resources, which is nothing new on our islands. Requiring public hearing for users to obtain water licenses is the only way make sure the process is fair, helps ease the burden on small users, and maintains a commitment to the 'Ā• ina and protects public trust resources on which many lives depend. This bill seeks to abolish that commitment; it seeks to perpetuate the favoring of large corporations and helps them exploit our public streams. To that end, the legislature should ensure the new process:

- **Allows small users and those practicing traditional and customary rights to skip the public auction process** and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.*
- **Administers licenses for no more than 10 years.** Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.*
- **Protects our public trust resources.** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.*

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,

Quan Nguyen

HB-1015-HD-2

Submitted on: 3/1/2021 9:10:02 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sherri Thal	Individual	Oppose	No

Comments:

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

I am in opposition to HB1015 HD2. This bill would amend the way the BLNR deals with issuing licenses to divert public streams for private usage. It would make the licensing system opaque and difficult for public involvement in the decision making process of licensure.

Small use practioners would have a very hard time competing with large corporations for licenses, thus preventing our Native Host Culture their rights to Ceded public trust resources. Large corporations have, in the past, misused the stream resources and have left them depleted and sometimes completely dry.

This bill would be very dangerous to our most coveted public resource, our water. Hawaiian ecosystems rest solidly dependent on our streams running freely, and the issuance of permits in the way of HB1015 could easily stop their flow.

I support the position of those who argue for the following legislation:

- Allow small users and those practicing traditional and customary rights to skip the public auction process and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.
- Administers licenses for no more than 10 years. Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.
- Protects our public trust resources. Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.

The BLNR could be leading the way toward a healthy and sustainable future by properly understanding and balancing private and public interests. This bill as it reads now does not support this idea. Please oppose HB1015 HD2.

Mahalo for your time and consideration of this dire matter. Water is life!

Aloha,

Sherri Thal, Kea'au, HI 96749

HB-1015-HD-2

Submitted on: 3/1/2021 9:25:53 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
ROBERT DUERR	Individual	Oppose	No

Comments:

I savehawaiiwaters@gmail.com STRONGLY OPPOSE HB1015. BLNR and DLNR should not have the ability to hire an appraiser of their choosing to determine "fair market value" without oversight, transparency and due process. When analyzed BLNR is not an "independent" board. It is mostly a hand picked coalition of like minds doing the bidding of DLNR's agenda and policies. The bigger issue is how can the Hawaii State land leasing agency police the natural resources it is pledged to promote and protect? This BLNR and DLNR conflict of interest is insurmountable with the consequence that neither land leasing nor natural resources can succeed and both are harmed.

On the matter of water leasing and appraisal I defer to the DHHL William Aila.

Testimony for HB1015:

“In one regard this HD1 offers the appearance of addressing this problem, but only further obfuscates the issue. By adding language that an appraiser *may* consider a laundry list of items to determine “fair market value,” but providing no meaningful guidance on how those items may affect “fair market value”, an impression is given that consideration of these factors affect whatever price the appraiser determines. Such a practice would allow the Board of Land and Natural Resources to ostensibly justify the price that is set without making it clear or transparent how that price was chosen. Absent a market mechanism or a clear and transparent method for setting the price, the setting of the upset price is essentially a policy decision. Indeed, the testimony on these measures (this bill and HB 501) before the House Committee on Water and Land made this clear.”

Department of Hawaiian Home Lands HB1015, HD1

CPC, 2-11-2021

Page 2

HB-1015-HD-2

Submitted on: 3/1/2021 9:26:33 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Raelyn Reyno Yeomans	Individual	Oppose	No

Comments:

Strong opposition

HB-1015-HD-2

Submitted on: 3/1/2021 9:57:41 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

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

Comments:

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

I, Jade Alohalani Smith, oppose HB1015 to the changes of the BLNR Board's process to allow direct negotiation for water leases.

As the Aha Moku O KaupÅ• Representative and our Water Committee, we ask you urgently oppose the devastating change to our Public Trust Resources and Hawaiian Cultural Rights for customary traditional Practices that takes the water away from the People and put it into Businesses for greedy depletion and control. We need more transparency. This process would devastate the smaller traditional and customary users. The people should be able to negotiate directly to assist in decisions. Also, larger diverters should go through the public auction process for fairness and transparency. And limits should be set on maximum diversions to ensure in-stream flow based on monitoring, and a reasonable period to revisit large licenses given the changing circumstances of climate change.

Our Anciet Resource Systems of 1000's of years was successful because it was the "people" (not businesses) that had an unbreakable system to keep all the Islands in an abundance and prosperity. Today, we see the reverse when DLNR resumed our prosperous System. Please help the people by opposing this devastating Bill. We need real change for prosperity by the people of Hawaii Nei.

Thank you for your time to review my opposition. Be safe and well.

Sincerely,

J. Alohalani Smith

Aha Moku O KaupÅ• Representative

HB-1015-HD-2

Submitted on: 3/1/2021 10:09:02 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Zack Stoddard	Individual	Oppose	No

Comments:

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

I am writing today to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'Ä• ina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

- **Allows small users and those practicing traditional and customary rights to skip the public auction process** and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.
- **Administers licenses for no more than 10 years.** Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.
- **Protects our public trust resources.** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

HB-1015-HD-2

Submitted on: 3/1/2021 10:18:44 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cheryl Ho	Individual	Oppose	No

Comments:

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

I am writing today to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further by allowing diverters to get away with unjust licenses that lack public transparency and have little protections for the streams.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to demonstrate a commitment to the 'Ä• ina but limited resources, and protects public trust resources on which many lives depend. It allows corporations to exploit our public streams. To that end, the legislature should ensure the new process:

- **Allows small users and those practicing traditional and customary rights to skip the public auction process.** Diverters continue in public auction where they are more fit financially.*
- **Administers licenses for no more than 10 years.** Given the uncertainty of climate change, the Board should consider special circumstances.*
- **Protects our public trust resources.** Streams should not be allowed to be diverted dry and protections should be put in place so that the amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water is being diverted.*

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper.

Sincerely,

Mahalo nui for your continued support and persistence in the protection of our precious streams

Ola i ka wai,

K. A



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

I am writing today to *strongly* OPPOSE HB1015 HD2.

Though I live on O‘ahu, I have followed the stories of streams on Maui and Kaua‘i being diverted by corporations. **lifeblood of those whose are struggling to farm the lo‘i and other ‘Ä• ina.**

This bill continues the handouts to large corporations to exploit our public streams. Instead, the legislature should

- ***Allows small users and those practicing traditional and customary rights to skip the public auction process. Large***
diverters continue in public auction where they are more fit financially.
- ***Administers licenses for no more than 10 years. Given the uncertainty of climate change, the Board should consider***
circumstances.
- ***Protects our public trust resources. Streams should not be allowed to be diverted dry. Protections should be in place to***
water allowed to be diverted through stream monitoring and studies. Bodies who divert should be required to

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper.

Respectfully submitted,

Cheryl Ogawa Ho, Kumu Hula



HB-1015-HD-2

Submitted on: 3/1/2021 10:42:25 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melissa Akoni	Individual	Oppose	No

Comments:

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

*I am writing today to **OPPOSE HB1015 HD2**. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.*

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'Ä• ina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

- **Allows small users and those practicing traditional and customary rights to skip the public auction process** and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.*
- **Administers licenses for no more than 10 years.** Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.*
- **Protects our public trust resources.** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.*

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Na'u me ka ha'aha'a,

Melissa Akoni

HB-1015-HD-2

Submitted on: 3/1/2021 10:48:03 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

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

Comments:

As a former landowner in East Maui where the stream next to my house was drained dry, this bill concerns me.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the ‘Āina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

- ***Allows small users and those practicing traditional and customary rights to skip the public auction process*** and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.
- ***Administers licenses for no more than 10 years.*** Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.
- ***Protects our public trust resources.*** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.

HB-1015-HD-2

Submitted on: 3/1/2021 10:54:03 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

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

Comments:

I, Maelani Lee, oppose this Bill. Water is not for sale and the water rights belong to heirs of the land according to genealogy. Any water rights for Makaha Valley, Keawa'ula, Wailupe, Waikiki, Honouliuli, lanai, Makua, all belong to me and my family as heirs, filed with the Bureau of conveyance, and I will never sell or divert my water for other land owners or businesses. I oppose this bill in its entirety.

mahalo,

Queen Maelani Lee

Queen of Hawai'i

HB-1015-HD-2

Submitted on: 3/1/2021 10:54:33 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Koohan Paik	Individual	Oppose	No

Comments:

I am writing to oppose HB 2015 HD 2. This bill amends the way that the Board of Land and Natural Resources (BLNR) issues water licenses for the diversion of public streams.

This bill highlights the two major narratives about the use of public resources in Hawai'i.

The first narrative seeks to convert as many of the public resources in Hawai'i as possible into private profits. Those who pursue that narrative seek legislation and executive action that maximize access to and exploitation of public resources. That goal is often pursued in ways that are opaque and leave little opportunity for public input to the decision-making. That process can readily exceed the carrying capacity of natural systems to the point of exhaustion, such as granting licenses for water diversion that lead to dried up streams.

The second narrative seeks to preserve a robust natural inventory from which extraction is conducted in a manner ensuring the sustainability of those resources. Maintaining a healthy flow of water in all streams is one manifestation of the second narrative.\

In this battle of the narratives, BLNR is far too often meshed into the second narrative. BLNR grants access to public waters at far below their market value to large corporations, while also allowing corporations to draw down the available water to the point of exhaustion. This depletion violates the obligations of BLNR to protect and preserve natural resources.

I support the position of those who argue for the following legislation:

- ***Allow small users and those practicing traditional and customary rights to skip the public auction process and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.***
- ***Administers licenses for no more than 10 years. Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.***
- ***Protects our public trust resources. Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including***

setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.

BLNR should be leading the way toward a sustainable future through properly balancing public and private interests. The decision-making process for permits to divert public waters should be conducted transparently, with public input encouraged and facilitated, particularly where

HB-1015-HD-2

Submitted on: 3/1/2021 10:58:09 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
david hill	Individual	Oppose	No

Comments:

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

*I am writing today to **OPPOSE HB1015 HD2**. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.*

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

HB-1015-HD-2

Submitted on: 3/1/2021 11:05:22 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

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

Comments:

I oppose hb1015

HB-1015-HD-2

Submitted on: 3/1/2021 11:11:35 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
LorrieAnn Santos	Individual	Oppose	No

Comments:

I have fought to protect Hawaii's public waters far too long, from my young adult years in Waiahole, through my makua years fir Na Wai Eha and still today in my kupuna years. HB 1015 and its companion bill SB 1169 must be strongly opposed.

Exploitation of our fragile native ecosystems, communities and people must STOP! Enough is enough. No more water diversions or licenses that divert public waters! Public waters must be protected for future generations.

Lorrie Ann Santos, MPA

45-415 Lolii Street, Kaneohe

808-258-5811

Testimony from Shay Chan Hodges

TO THE HOUSE FINANCE COMMITTEE ON IN OPPOSITION TO HB 1015 RELATING TO DISPOSITION OF WATER LICENSES BY BLNR March 2, 2021, 12pm

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

I am writing to urge your opposition to HB1015.

The proposed bill would help large, wealthy water diverters continue to take advantage of our public trust resources. The bill lacks public transparency and provides little protections for the streams they are diverting.

The bill as currently written does not make sure the permit process is fair, does not ease the burden on small users with a commitment to the 'āina but limited resources, and does not protect public trust resources on which many lives depend.

This bill continues the handouts to large corporations to exploit our public streams.

One of these corporations, **PSP, is the Public Sector Pension Investment Board**, one of Canada's largest pension fund managers, which invests the retirement funds of Canada's public service, armed forces, police, and reserve force. **According to Hawaii Department of Commerce and Consumer Affairs documents, PSP is the sole member of Mahi Pono Holdings LLC which, in turn, is the sole member of Mahi Pono LLC.** As you may know, Mahi Pono was recently approved by the Board of Land and Natural Resources for four revocable permits in East Maui alone, at a rate of \$19,863.47 per month for up to 45 million gallons per day.

On its website, PSP states that it manages a portfolio in more than 100 industries and 85 countries. PSP's investments include industries like **long-term elder care, housing rentals, and private prisons** in the US, Canada, and the UK. These investments have been in the news lately due to **issues raised about negligence at long-term homes, tax avoidance in the UK, poor treatment of renters, and imprisonment and separation of immigrant families** – and highlight the need for ensuring that Hawaii's laws protect the public trust when powerful and well-resourced entities are seeking to profit from it.

- PSP has been under scrutiny for a year due to the high rate of COVID deaths as a result of **understaffing at Revera**, elder care homes in Canada that are a wholly owned subsidiary of PSP. (1/12/21, Jacobin: **The Pension-Fund Profiteers Are Making a Killing From Long-Term Care**: <https://www.jacobinmag.com/2021/01/pension-fund-profiteers-long-term-care-canada-health-care>)
- A report from the Australian Centre for International Corporate Tax Accountability and Research analyzed Revera's U.K. operations and states that "It appears [Revera has] set up **structures there to avoid tax on significant profits** that they make on

the U.K. care-home business that they're invested in." (2/17/21, Huffington Post, Canada: **Canadian LTC Operator Revera Faces 'Troubling' Tax Avoidance Allegations In U.K.:** https://www.huffingtonpost.ca/entry/revera-tax-avoidance-report-united-kingdom_ca_6026e093c5b6741597e1e04c, 2/24/21, The Times: **Care home operator Revera 'avoided UK taxes:** <https://www.thetimes.co.uk/article/care-home-operator-revera-avoided-uk-taxes-s6r35fdgj>)

- Just last week, the Toronto Star reported on PSP's \$888 million investment in Pretium in the United States, one of the **largest owners of single family rental properties in the United States, which does not appear to be a good landlord:** (2/20/21, Toronto Star: **Why a Canadian Crown corporation is banking on the downfall of the American Dream, The Federal Public Pension Investment Board made a \$888M bet on a rental industry critics say is harming tenants,** <https://www.thestar.com/business/2021/02/20/why-a-canadian-crown-corporation-is-banking-on-the-downfall-of-the-american-dream.html>)
- The Toronto Star also reported on PSP's recent investment in two of the largest providers of **private prisons and immigration detention centers in the US – CoreCivic and Geo** – which were harshly criticized for jailing immigrants, particularly parents who were separated from their children. (2/22/21: <https://www.thestar.com/business/2021/02/22/canadas-largest-public-sector-pension-recently-invested-millions-in-two-us-private-prison-giants-less-than-two-years-after-cpp-got-out-of-the-sector.html>)
- Interestingly, last year, Civil Beat reported about packed prisons/dangerous COVID conditions for **1,200 Hawaii prisoners at a facility run by CoreCivic:** (<https://www.civilbeat.org/2020/04/hawaii-prisoners-still-packed-into-arizona-prison-despite-virus-concerns/>)

Given the current interest in Hawaii's resources by outside investors who may not have the best interests of our community at heart, I urge you to take the necessary steps to protect our trust resources – particularly water -- by enacting commonsense safeguards such as:

1. Allowing small users and those practicing traditional and customary rights to skip the public auction process and allowing for direct negotiations, **while requiring large scale corporate diverters to continue to bid for leases in public auction to ensure transparency and accountability.**
2. **Administering licenses for no more than 10 years.** Given the uncertainty of climate change and the volatile economic landscape, the Board should revisit license agreements more frequently to adapt to the current circumstances and ensure stewardship of resources.
3. **Protecting our public trust resources.** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.

Thank you for considering these important changes.

--Shay Chan Hodges, Maui, Hawaii

HB-1015-HD-2

Submitted on: 3/1/2021 11:19:30 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Anne Thurston	Individual	Oppose	No

Comments:

As this bill is written it will not benefit the public. The Board of Land and Natural Resources has been handing out access to public water to large corporations and allowing them to drain many streams dry. This has severe consequences for the local ecosystems and for the communities that rely on them. The bill, the related Senate bill, would further facilitate this exploitation and could lead to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

It is time to stop the rape of these islands. Let's wake up to the severe risks before it is too late.

HB-1015-HD-2

Submitted on: 3/1/2021 11:25:27 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tawn Keeney	Individual	Oppose	No

Comments:

Above all, the public trust for water must be sustained. In a time when rainfall in my home district of Hamakua on the Big Island has lessened by 30% from what it was 40 years ago, we must be vigilant regarding protection of that public trust in the availability of water in our streams. Diversion of water must be carefully monitored and the state must maintain the flexibility to act in the best interest of the Public. The term of lease should be no more than 10 years.

Respectfully, Tawn Keeney MD

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

I am writing today to OPPOSE HB1015 HD2. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the ‘āina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

Allows small users and those practicing traditional and customary rights to skip the public auction process and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.

Administers licenses for no more than 10 years. Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.

Protects our public trust resources. Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,



Brittney K. B. Hedlund

HB-1015-HD-2

Submitted on: 3/1/2021 11:30:55 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Debbie Lee-Jackson	Individual	Oppose	No

Comments:

I am a taro farmer on kuleana land. My water source that my family has been using for hundreds of years to water these taro patches has already been compromised by years of water diversion. What i see here is movement towards complete corporate takeover of our Public Trust. It is wrong. There is enough water for everyone. Please do not allow the continued taking and hoarding of Public Trust water. Water belongs to everyone.

Debbie Lee-Jackson

HB-1015-HD-2

Submitted on: 3/1/2021 11:40:48 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
jaerick medeiros-garcia	makahanaloa fishing association	Oppose	No

Comments:

We are in opposition, all you law makers know it not right. 140 members in our association we are all stewards of the Aina we are trying so hard to protect our waterways and shorelines to keep our resources healthy and sustainable. This wouldn't help at all you all know that my 8 year old twins know that this would be corruption at its worst.

HB-1015-HD-2

Submitted on: 3/1/2021 11:42:39 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

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

Comments:

Oppose

HB-1015-HD-2

Submitted on: 3/1/2021 11:46:56 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Julie Stowell	Individual	Oppose	No

Comments:

I am writing in opposition to HB 2015 HD 2.

In Hawaii, water is a public trust. It should be protected from exploitations, especially from large corporations that care little about the damage inflicted to the environment, as long as it doesn't threaten the quarterly dividend.

Seems leadership desires to have their island and eat it too. The spirit of this law violates the obligations of BLNR to protect and preserve natural resources.

This bill seeks to have it both ways. It highlights the two differing narratives about the use of public resources in Hawai'i.

On the one hand leadership seeks to capture as many of the public resources in Hawai'i as possible to create taxable, private profits. Those who pursue that narrative seek legislation and executive action that maximize access to and exploitation of our public resources, to the detriment of the communities they are pledge to serve. They often operate without transparency and leave little opportunity for public input, or the voice of the community to be included in a meaningful way. To often the community is victimized through biased political processes designed to exclude them in the decision-making.

The second perspective is at odds with the first, seeking to preserve natural resources from extraction conducted to ensure sustainability. And this is the real travesty. Once again leadership using claims of sustainability to rape the resources and the rights of community.

Shame on you BLNR, you should be leading the way toward a truly sustainable future.

HB-1015-HD-2

Submitted on: 3/1/2021 11:49:56 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Punohu Keahi	Individual	Oppose	No

Comments:

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

*Aloha, my name is Punohu Keahi, I am a student at Hānaula Middle School, a Hawaiian Focused Charter School, and I am writing today to **OPPOSE HB1015 HD2**. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.*

*I am a senior in high school doing my senior project on protecting our watersheds and as a Kalo farmer in Makiki Valley, and a community member of Kāhala Homestead with a detention basin in our very own kahawai, as this bill will further desecrate our 'āina and aquifers, I oppose **HB1015 HD2**. E ola i ka wai, Kia'i Wai!*

HB-1015-HD-2

Submitted on: 3/1/2021 11:52:32 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
George White	Individual	Oppose	No

Comments:

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

I am writing today to **OPPOSE HB1015, HD2**. This bill amends the way in which the Board of Land and Natural Resources (BLNR) issues water licenses for the diversion of public streams.

For far too long, the BLNR has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015, HD2, could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'Ä• ina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure that the new process:

- **Allows small users and those practicing traditional and customary rights to skip the public auction process** and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.
- **Administers licenses for no more than 10 years.** Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.
- **Protects our public trust resources.** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Respectfully -

George White

HB-1015-HD-2

Submitted on: 3/1/2021 11:53:18 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Bambara	Individual	Oppose	No

Comments:

am writing to oppose HB 2015 HD 2. This bill amends the way that the Board of Land and Natural Resources (BLNR) issues water licenses for the diversion of public streams.

This bill highlights the two major narratives about the use of public resources in Hawai'i.

The first narrative seeks to convert as many of the public resources in Hawai'i as possible into private profits. Those who pursue that narrative seek legislation and executive action that maximize access to and exploitation of public resources. That goal is often pursued in ways that are opaque and leave little opportunity for public input to the decision-making. That process can readily exceed the carrying capacity of natural systems to the point of exhaustion, such as granting licenses for water diversion that lead to dried up streams.

The second narrative seeks to preserve a robust natural inventory from which extraction is conducted in a manner ensuring the sustainability of those resources. Maintaining a healthy flow of water in all streams is one manifestation of the second narrative.

In this battle of the narratives, BLNR is far too often meshed into the second narrative. BLNR grants access to public waters at far below their market value to large corporations, while also allowing corporations to draw down the available water to the point of exhaustion. This depletion violates the obligations of BLNR to protect and preserve natural resources.

I support the position of those who argue for the following legislation:

- **Allow small users and those practicing traditional and customary rights to skip the public auction process** and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.
- **Administers licenses for no more than 10 years.** Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.
- **Protects our public trust resources.** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.

HB-1015-HD-2

Submitted on: 3/1/2021 11:53:25 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Deron Akiona	Individual	Oppose	No

Comments:

A'ole

HB-1015-HD-2

Submitted on: 3/1/2021 11:57:29 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

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

Comments:

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

*I am writing today to **OPPOSE HB1015 HD2**. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.*

This bill, if passed as is, has the distinct potential to allow large companies to continue damaging and hoarding resources on Kauai, to the detriment of the common citizen.

Sincerely,

Alison Lewis

HanapĀ“pĀ“

HB-1015-HD-2

Submitted on: 3/1/2021 11:59:41 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kanoelani Steward	Individual	Oppose	No

Comments:

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

I am writing today to OPPOSE HB1015 HD2. Through "direct negotiation" and a term of "no more than thirty years," it seems that these amendments would help larger (private) corporations without the need of public accountability, especially if those corporations are able to obtain licenses without public input. The term length for these licenses should be decreased because the amount of water being taken from streams should be revisited more often because of our changing climate and to assure that this public trust resource is being protected and prevented from being dried up. Please consider these mana'o as water is of the utmost importance to us all.

Aloha nui,

Kanoelani Steward

HB-1015-HD-2

Submitted on: 3/1/2021 12:00:01 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
AdaJo Haunani Rossi	Individual	Oppose	No

Comments:

I oppose this bill SB1015 and any other bill that supports the diversion of our precious resource waters on Kauai.

This bill and any other is not a FAIR process in protecting our streams.

By allowing this bill to pass, large corporations in Hawaii will only drain our streams for their own personal gain.

We need to protect our most valuable resource and not allow corporations to dictate how our water is used for their own personal gain.

I ask that you all oppose this bill and any other that supports it.

Thank you for your consideration.

Haunani Rossi

Kauai, Hawaii

LATE

HB-1015-HD-2

Submitted on: 3/1/2021 12:13:40 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

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

Comments:

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

*I am writing today to **OPPOSE HB1015 HD2.***

This bill helps the wrong people.

We need legislation , instead, that:

- **Allows small users and those practicing traditional and customary rights to skip the public auction process** and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.
- **Administers licenses for no more than 10 years.** Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.
- **Protects our public trust resources.** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.

Please do not continue to try to serve large companies at the detriment of the people.

Sincerely,

Kealii Kanahele

HB-1015-HD-2

Submitted on: 3/1/2021 1:23:38 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nako'olani Warrington	Individual	Oppose	No

Comments:

I OPPOSE HB1015 HD2.

HB-1015-HD-2

Submitted on: 3/1/2021 3:24:44 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Hope Kallai	Individual	Oppose	No

Comments:

Aloha e Homorable Legislators- I oppose this bill and urge you to vote no on it.

This bill clarifies nothing. It muddies the water with geek speak and entirely misses the fact that this legislation only considers non-consumptive use of water, not consumptive.

All non-consumptive uses are "small water users" as the borrowed state water is used and returned.

Consumptive uses and extraction by wells are what should be getting scrutiny, and tighten up, not non-consumptive uses.

This bill cannot be passed as written.

Mahalo for understanding

Hope Hamilton Kallai

HB-1015-HD-2

Submitted on: 3/1/2021 4:20:26 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ingrid Peterson	Individual	Oppose	No

Comments:

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

*I am writing today to **OPPOSE HB1015 HD2**. This bill amends the way in which the Board of Land and Natural Resources issues water licenses for the diversion of public streams.*

I believe in the fair distribution of our public resource of fresh water, I believe in supporting small farmers and ranchers in the interest of helping to diversify our economy, and I believe the climate crisis must be taken into account with license agreements lasting no more than 10 years as conditions may change in ways that are hard to predict.

For far too long, the Board of Land and Natural Resources has handed out access to public water to large corporations for pennies and allowed them to drain many streams dry—to the detriment of the native ecosystem and communities that rely on them. HB1015 could enable this exploitation further, potentially leading to secret backroom deals for large, wealthy diverters to get away with unjust licenses that lack public transparency and have little protections for the streams they are diverting.

This bill helps the wrong people. Changing the process for users to obtain water licenses is a great opportunity to make sure the process is fair, helps ease the burden on small users with a commitment to the 'Ä• ina but limited resources, and protects public trust resources on which many lives depend. This bill does not do that, it continues the handouts to large corporations to exploit our public streams. To that end, the legislature should ensure the new process:

- **Allows small users and those practicing traditional and customary rights to skip the public auction process** and allow for direct negotiations, while large scale corporate diverters continue in public auction where they are more fit financially.*
- **Administers licenses for no more than 10 years.** Given the uncertainty of climate change, the Board should revisit license agreements more frequently to adapt to the current circumstances.*

- **Protects our public trust resources.** Streams should not be allowed to be diverted dry and protections should be put in place to prevent this, including setting a maximum amount of water allowed to be diverted through stream monitoring and studies, as well as diverters disclosing how much water they are diverting.

Thank you for considering these important changes. If done right, there is enough water for everyone to prosper, it is just a matter of striking the right balance.

Sincerely,

Ingrid Peterson, Windward O'ahu resident since 1963 who has voted in every election since I turned 18.

HB-1015-HD-2

Submitted on: 3/1/2021 7:36:36 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Keke Manera	Individual	Oppose	No

Comments:

Water theft is exactly what's happening here and been happening here in Hawaii and it needs to stop! People think they can do back door deals and not get called out on it. We see and we know. I as well as my entire ohana oppose this bill. STOP STEALING WATER!

HB-1015-HD-2

Submitted on: 3/1/2021 8:15:44 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

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

Comments:

Aloha House Members:

Please stop giving our water away to big corporations and start caring for the little Farmers.

Mahalo,

Mavis Oliveira-Medeiros

Earle Medeiros, Sr.

Earle Medeiros, Jr.