

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

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
JUDICIARY & HAWAIIAN AFFAIRS

Tuesday, March 29, 2022
2:00 PM

State Capitol, Conference Room 325, Via Videoconference

In consideration of
SENATE BILL 872, SENATE DRAFT 1
RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT

Senate Bill 872, Senate Draft 1 proposes to amend Section 174C-7, Hawaii Revised Statutes (HRS), to add an eighth member, the Chairperson of the Hawaiian Homes Commission or the Chairperson's designee, to serve as an ex-officio voting member on the Department of Land and Natural Resources' (Department) Commission on Water Resource Management (Commission) and exclude the Chairperson of the Department and Hawaiian Homes Commission from having water resource management experience. **The Department respectfully opposes this measure.**

The Department recognizes that the Department of Hawaiian Home Lands (DHHL) has a priority to ensure water reservations for Hawaiian home lands and other beneficiary rights. However, the Department believes adding a Hawaiian Homes Commission ex-officio seat on the Commission is unnecessary for these goals and may unduly complicate Commission decision-making.

The Commission is already set up to have representation to address broader concerns in the community – at least one member shall have substantial experience or expertise in traditional Hawaiian water resource management techniques and in traditional Hawaiian riparian usage such as those preserved by Section 174C-101, HRS. Each Commission member must have substantial experience in water resource management. To ensure the interests of Native Hawaiians are preserved, state law requires that all Commission members attend the Office of Hawaiian Affairs mandatory training relating to Native Hawaiian and Hawaiian traditional and customary rights, natural resources and access rights, and the public trust under Sections 10-41 and 10-42, HRS.

The Commission is committed to fulfill its mandate to incorporate and protect adequate reserves of water for current and foreseeable development and use of Hawaiian home lands as set forth in Section 221 of the Hawaiian Homes Commission Act, as provided in the State Water Code, Section

174C-101, HRS. The Commission’s 2019 Water Resource Protection Plan includes a priority task (Task 2.3.4) to establish additional water reservations for DHHL.

Significant progress has been made in recent years, with staff of the Commission working closely with staff of DHHL to facilitate beneficiary consultation to determine appropriate water reservations in Commission water allocation decisions. This established process will facilitate future DHHL water reservations.

Towards that end, the Commission has approved 28 reservations thus far for DHHL for both ground and surface waters across the six major Hawaiian islands totaling over 32 million gallons per day (mgd):

Island	Hydrologic Unit*	Reservation Amounts MGD	Effective Date
Kaua‘i	Wailua GWHU	0.708	9/18/18
	Anahola GWHU	1.470	9/18/18
	Kekaha GWHU	0.336	9/18/18
	Makaweli GWHU	0.405	9/18/18
	Waimea SWHU	6.903	6/20/17
	Wailua SWHU	0.513	10/16/18
O‘ahu	Waipahu-Waiawa GWHU	1.724	2/18/94
	Waimānalo GWHU	0.124	2/18/94
Lāna‘i	Leeward GWHU	0.067	9/18/18
Moloka‘i	Kualapu‘u GWHU	2.905	6/10/95
Maui	Honokōwai GWHU	0.770	9/18/18
	Kama‘ole GWHU	2.547	9/18/18
	Ke‘anae GWHU	0.003	9/18/18
	Kawaipapa GWHU	0.118	9/18/18
	Luala‘iula GWHU	0.063	9/18/18
	Honokōhau SWHU	2.000	5/18/21
Hawai‘i	Keauhou GWHU	3.398	8/17/15
	Hawi GWHU	0.148	9/18/18
	Māhukona GWHU	3.014	9/18/18
	Honoka‘a GWHU	0.396	9/18/18
	Hakalau GWHU	0.083	9/18/18
	Onomea GWHU	0.250	9/18/18
	Hilo GWHU	0.492	9/18/18
	Kea‘au GWHU	1.336	9/18/18
	‘Ōla‘a GWHU	0.025	9/18/18
	Nā‘ālehu GWHU	0.185	9/18/18
	Pāhoa GWHU	0.660	9/18/18
	Wailuku SWHU	1.600	3/17/20
TOTAL		32.242	

* GWHU= Ground Water Hydrologic Unit; SWHU = Surface Water Hydrologic Unit

To date, the Commission has not reserved water for any other entity except DHHL. There is strong adherence to the Commission’s duty to protect and ensure adequate reserves of water for current

and foreseeable development of DHHL lands. All reservations made since 2017 are based on the State Water Projects Plan, updated in 2017, which focuses exclusively on the water needs for DHHL. Reservations are currently in place for DHHL's potable water needs from ground water sources. Additional surface water reservations for DHHL's non-potable needs are being made in conjunction with the Commission's establishment of measurable interim instream flow standards across the State, as that process provides the necessary streamflow information (currently lacking for many streams) as well as information on existing offstream uses and other public trust uses against which DHHL needs must be balanced. Moreover, the Commission has also acted on and approved all completed DHHL well permit or water use permit applications. Most recently, at its March 15, 2022 regular meeting, the Commission acted to initiate the rulemaking process to reserve 2.629 mgd of groundwater for DHHL on the island of Moloka'i.

All Commission members have constitutional and statutory responsibilities to protect and preserve the rights of DHHL. The Hawaii Supreme Court has made it clear that in the context of water, the entire Commission has a responsibility to respect and protect native Hawaiian rights, including those of DHHL, and to carry out the State's public trust duties. This responsibility does not rest on a single member. It is also important to note that there is no prioritization of the four public trust purposes of water affirmed by the Hawai'i Supreme Court: (1) maintenance of waters in their natural state, (2) Native Hawaiian and traditional and customary rights, (3) domestic water use, and (4) DHHL's reservations of water. The Department would also like to point out that the exercise of the first three public trust purposes listed above is not exclusive to DHHL beneficiaries.

The Department believes that the inclusion of the Chairperson of the Hawaiian Homes Commission (HHC) or their designee on the Commission may result in conflicts of interest. DHHL is a party before the Commission with permit applications and reservation petitions, including important contested case hearings. If a Commission member is representing a particular organization, such as DHHL, and the organization appears before the Commission for administrative action, then there may be a question of whether the member has a conflict of interest as to that organization. Active participation by both the organization and the member representing the organization on the Commission would, on its face, appear to be a conflict. The Commission has a trust duty to the general public, whereas the HHC Chairperson has a trust duty to a specific subset of the general public. Inclusion of the HHC Chairperson as a voting member on the Commission may result in perceived or potential conflicts between the HHC Chairperson's trust duties to its beneficiaries versus the general public and other public trust purposes of water. It is Commission policy and practice to send all permit applications to DHHL for review, offering DHHL staff the opportunity to analyze, comment, and make recommendations on actions that may affect the rights of DHHL beneficiaries, including any impacts to traditional and customary practices and other public trust purposes.

Further, decision making with an even number of Commission members can result in deadlock, when votes can split 4-4. An odd number of Commission members is necessary for a clear majority vote. Too many members can be cumbersome. Water regulation is a complex specialty, and knowledge of water regulation is important for Commission action. Adding an ex-officio member without water regulation knowledge may not benefit Commission decisions.

Thank you for the opportunity to testify on this measure.

SB-872-SD-1

Submitted on: 3/28/2022 9:01:57 AM

Testimony for JHA on 3/29/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kaleo Manuel	DLNR-CWRM	Oppose	Remotely Via Zoom

Comments:

I am available for questions to DLNR. Please allow me Zoom access.



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

Testimony of
Hawaii State Aha Moku

Before the House Committee on
Judiciary and Hawaiian Affairs

Tuesday, March 29, 2022
2:00 p.m.
Conference Room 325 & via Videoconference

**In Consideration of
Senate Bill 872 SD 1**

Relating to the Commission On Water Resource Management

Senate Bill 872 SD 1 adds the Chairperson of the Hawaiian Homes Commission (DHHL) or the Chairpersons designee to serve as an ex officio, voting member on the Commission on Water Resource Management (CWRM).

The Hawaii State Aha Moku (Aha Moku) respectfully and reluctantly opposes this measure.

The Hawaii State Aha Moku System encompasses the eight main Hawaiian Islands and supports the traditional and generational knowledge of the people who are connected to each of the 46 moku and 606 ahupua'a. The system was brought forward from the 9th century, a time where sustainability and protection of resources ensured existence. It was a time where the focus of the people of the land was on survival. Water is survival.

Since Prince Kuhio created the Hawaiian Homes Commission Act in 1921, water has always been mandatory for Hawaiian Homesteaders. In 2014, the Hawaiian Homes Commission adopted a much-needed Water Policy Plan. "The Department of Hawaiian Homelands (DHHL) has various water responsibilities including the development of water sources, the operation and maintenance of water systems, planning for the use of water and advocating for the water rights of the Department, the HHC, and native Hawaiians." Water Policy, 2014.

To fulfill those responsibilities, DHHL participated in the Department of Land and Natural Resources (DLNR) planning process for the update of the State Water Projects Plan (SWPP), one of five plans that make up the Hawai'i Water Plan. The purpose of the SWPP is to provide a framework for planning and implementing water development programs to meet projected demands for State projects over a 20-year planning horizon.

It is true that the Aha Moku supported this measure in previous hearings. However, since then native Hawaiians have come forward to express that the State Water Commission already gives priority status to water reservations of the Hawaiian Homes Commission. There is a concern stated that if given an ex-officio status on the Water Commission, a person who should only give voice on Hawaiian Homes issues will be able to participate in executive sessions and vote on issues that concern water usage of other native Hawaiians. The percentage of native Hawaiians who are not lessees or on the waiting list is greater than those who are.

An example of this concern comes from Kealakekua Ahupua'a within the Kona Moku of Hawaii Island. Hawaiian Homes has asked for a reservation of water for a proposed Hawaiian Homes Lease on that ahupua'a. Generation native Hawaiian families do not know exactly where this DHHL subdivision will be on Kealakekua, there is fear that culturally significant areas and traditional practices will be adversely impacted. This fear is shared on other Islands as well. Additionally, the question of whether the Hawaiian Homes director or his/her designee will have the necessary qualifications to advise on significant water issues on and outside of Hawaiian Homes lands. These decisions will impact surrounding communities, including native Hawaiians. Aha Moku does not want to see a situation that would invite a "Hawaiian against Hawaiian" situation.

Further, CWRM already is committed to fulfill its mandate to incorporate and protect adequate water reservations for Hawaiian Homes.

Because of these additional fears that recently been brought forward, we ask that this House Committee on Judiciary and Hawaiian Homes not pass SB 872 SD1 until these fears of communities, including native Hawaiians be addressed.

Respectfully,

Kawaikapuokalani Hewett, Ka Mea Ho'okumu
808-382-6043
kahalelehua@outlook.com

Rocky Kaluhiwa, Kahu Nui O Pae'Aina
808-286-7955
Rockykaluhiwa1122@gmail.com

Leimana DaMate, Luna Alaka'i/Executive Director
808-640-1214
Leimana.k.damate@hawaii.gov

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 JUDICIARY & HAWAIIAN AFFAIRS
HEARING ON MARCH 29, 2022 AT 2:00PM VIA VIDEOCONFERENCE**

IN SUPPORT OF

**SB 872, SD1, RELATING TO THE COMMISSION ON WATER RESOURCE
MANAGEMENT**

March 29, 2022

Aloha Chair Nakashima, Vice Chair Matayoshi and members of the Committee:

The Department of Hawaiian Home Lands (DHHL) supports this bill that adds the Chairperson of the Hawaiian Homes Commission (HHC) or the Chairperson's designee to serve as an ex officio, voting member on the Commission on Water Resource Management (CWRM) and humbly requests that the effective date be changed to upon approval.

The HHC approved a proposal to add the Chairman of the Hawaiian Homes Commission or the Chairman's designee to the CWRM. Additionally, the HHC approved a Water Policy Plan in 2014 which includes the goal to "aggressively, proactively, consistently and comprehensively advocate for the kuleana of the beneficiaries, the DHHL and the HHC to water before all relevant agencies and entities." While DHHL has been working closely with CWRM, this bill would allow for greater advocacy for beneficiaries.

The Department of Land and Natural Resources notes in testimony that "The Hawaii Supreme Court has made it clear that in the context of water, the entire Commission has a responsibility to respect and protect native Hawaiian rights, including those of DHHL, and to carry out the State's public trust duties. This responsibility does not rest on a single member." It's important to point out that DLNR's testimony neglects to mention that the Court has made this clear in cases where the CWRM failed to fulfill its duties to DHHL, and that the presence of the Chairman or representative would help fulfill CWRM's duties.

Thank you for your consideration of our testimony.



Environmental Caucus of The Democratic Party of Hawai'i

To: The Honorable Mark M. Nakashima, Chair
The Honorable Scot Z. Matayoshi, Vice Chair
Committee on Judiciary and Hawaiian Affairs

Re: SB 872 SD 1 RELATING TO THE COMMISSION ON WATER RESOURCE
MANAGEMENT

Hearing: Tuesday, March 29, 2022, 2:00 p.m., Conference Room 325 & Via
Videoconference

Position: Strong Support

Aloha, Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee on Judiciary and
Hawaiian Affairs:

The Environmental Caucus of the Democratic Party of Hawai'i stands in strong support
of SB 872 SD 1. This measure would add the chairperson of the Hawaiian Homes Commission
or the chairperson's designee to serve as an ex officio, voting member on the Commission on
Water Resource Management. The effective date is 7/1/2050.

We believe that while the Commission of Water Resource Management is under a legal
obligation to incorporate and protect adequate reserves of water for current and foreseeable
development and use of Hawaiian home lands, to include the chairman of the Hawaiian homes
commission or the chairman's designated representative as an ex officio, voting member to the
commission on water resource management would directly advance and protect the interests of
the beneficiaries of the Hawaiian Homes Commission Act.

In our view, this bill would be highly beneficial; accordingly, we respectfully request that
this bill be passed by your committee.

Mahalo for the opportunity to testify,

Sincerely,

Melodie Akiya

Alan B. Burdick

Co-Chairs, Environmental Caucus of the Democratic Party of Hawai'i

Email: legislativepriorities@gmail.com

Cora Schnackenberg-Caparida
PO Box 417, Hoolehua, HI 96729
Email: cora.schnackenberg@yahoo.com

Hawaii State Legislature
Chair Nakashima,
Vice Chair, Matayoshi
Members of the House Committee on Judiciary,
Hawaiian Affairs

RE: I STRONGLY SUPPORT: SB872 SD1 DHHL assigned a seat at the Commission on Water Resource Management (CWRM)

Aloha! I am waitlisted on the DHHL agriculture list and the President of the Ahonui Homestead Association (AHA), which members of 84 are waitlisted (DHHL).

The Hawaiian word "Ahonui" means waiting patiently in line. AHA provides another alternative as "off-grid living" of getting DHHL waitlisted beneficiaries off the waitlist and onto their land through the "Kuleana Program" under DHHL. AHA named the project as Ualapue Kuleana Homestead (Subsistence) Project and Cultural Resource Management was approved by Hawaiian Homes Commissioners on February 19, 2020.

On Molokai water is very important so I support this new seat for Hawaiian Homes Commission to be part of the Commission on Water Resource Management (CWRM). This decision will assist future land designation for Hawaiian Beneficiaries to move forward on water issues/concerns.

The last CWRM meeting on 3/15/22, CWRM had difficulty securing "rulemaking" for water reservation for all districts for the island of Molokai as requested by DHHL. Ualapue area is supplied water by Maui County, Department of Water Supply. HOWEVER, DHHL (trust land) for Ualapue Kuleana Project for future homestead currently has NO WATER.

Approximately a year ago, Maui County, DWS requested Water Use Permit for double the amount of water they currently use. When Ahonui inquired if, water for homestead project was considered in their permit ASK to CRWM, the replied was NO. Ahonui Contested Maui County request. Shortly after, Maui County (DWS) withdrew Water Use Permit from CWRM. It appears that this process holds future homesteaders as hostage.

Please address this matter by passing SB872 SD1.

Mahalo,
Cora Schnackenberg
808- 646-0051

KEKAHA HAWAIIAN HOMESTEAD ASSOCIATION

KHHA is a non-profit 501(c) 3 corporation formed under laws of the State of Hawai'i.
PO Box 1292 Kekaha, HI 96752



March 28, 2022

Dear Chair Nakashima, Vice Chair Matayoshi, and members of the House Committee on Judiciary and Hawaiian Affairs

I STRONGLY SUPPORT SB 872, which adds the Chair of the Hawaiian Homes Commission (HHC) or the Chair's designee to serve as a voting member on the Commission on Water Resources Management (CWRM).

It is long past time that the interests of homesteaders under the Hawaiian Homes Commission Act have a direct role in managing the water resources on which they depend. For too long, the CWRM has made decisions that have been overruled by the Hawai'i Supreme Court when it comes to homesteader interests. While recent leadership has been more supportive, it is not a guarantee for the future. Ultimately, we need the Water Commission to stop making decisions for us and start making them with us.

Arguments by the DLNR that say that the HHC is a special interest, and inclusion of the HHC Chair is a conflict of interest, should be strongly and clearly rejected. Water for implementation of the HHCA is one of four protected public trust uses of water in Hawai'i; conflicts of interest arise from the privileging of private commercial users of water.

Please **PASS SB SB872 SD1**. Mahalo nui!

Sean Mokuonahiala Andrade

Puu Opae Farm and Irrigation Project - Chairperson

SB-872-SD-1

Submitted on: 3/28/2022 10:38:25 AM

Testimony for JHA on 3/29/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Donna Dean Sterling	Kahikinui Hawaiian Homestead Kahikinui, Maui	Support	Written Testimony Only

Comments:

Dear Chair Nakashima Vice Chair Matayoshi, and members of the House Committee on Judiciary and Hawaiian Affairs

I STRONGLY SUPPORT SB 872, which adds the Chair of the Hawaiian Homes Commission (HHC) or the Chair’s designee to serve as a voting member on the Commission on Water Resources Management (CWRM).

I am a Homestead Beneficiary at Kahikinui Maui and President of the Kahikinui Hawaiian Homestead Association for 21 years. We live under the kuleana pilot project of dhhl off grid, no water electricity partial paved road. Pass this bill have our beneficiary vote matter because here at Kahikinui we have 22,000 acres raw land. We could award 1 to 5 acres of good livable land to waitlisters. We need the support of CWRM and the only way to do this is to have a representative from dhhl or a designated person at the table. We did not get support from Leimana Demante of Aha Moku Advisory council. Give us this one seat the table. you share the issues with us turn things around it is right and mandated in the Act of 1921. We have water rights as homesteaders including a voice. Enough hog CWRM. Right now Oahu is not looking good for water because of the Red Hill Fuel issue. What if people in the years months ahead begin to move to outer islands away from poisonous water? We would need to address an increase of population of homesteaders moving to cleaner water. Give us a seat, we all have much to gain by engaging with homesteaders. Right now some of the legislature members are cleaning up their houses. Do what is right and pass this bill.

It is long past time that the interests of homesteaders under the Hawaiian Homes Commission Act have a direct role in managing the water resources on which they depend. For too long, the CWRM has made decisions that have been overruled by the Hawai`i Supreme Court when it comes to homesteader interests. While recent leadership has been more supportive, it is not a guarantee for the future. Ultimately, we need the Water Commission to stop making decisions for us and start making them with us.

Arguments by the DLNR that say that the HHC is a special interest, and inclusion of the HHC Chair is a conflict of interest, should be strongly and clearly rejected. Water for implementation of the HHCA is one of four protected public trust uses of water in Hawai`i; conflicts of interest arise from the privileging of private commercial users of water.

Please **PASS SB SB872 SD1**. Mahalo nui!

Donna Dean Sterling

SB-872-SD-1

Submitted on: 3/28/2022 10:46:41 AM

Testimony for JHA on 3/29/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sylvia Dolena	Pele Lani Farm LLC	Support	Written Testimony Only

Comments:

Please support SB872

Dear Chair Nakashima Vice Chair Matayoshi, and members of the House Committee on Judiciary and Hawaiian Affairs

I STRONGLY SUPPORT SB 872, which adds the Chair of the Hawaiian Homes Commission (HHC) or the Chair's designee to serve as a voting member on the Commission on Water Resources Management (CWRM).

It is long past time that the interests of homesteaders under the Hawaiian Homes Commission Act have a direct role in managing the water resources on which they depend. For too long, the CWRM has made decisions that have been overruled by the Hawai'i Supreme Court when it comes to homesteader interests. While recent leadership has been more supportive, it is not a guarantee for the future. Ultimately, we need the Water Commission to stop making decisions for us and start making them with us.

Arguments by the DLNR that say that the HHC is a special interest, and inclusion of the HHC Chair is a conflict of interest, should be strongly and clearly rejected. Water for implementation of the HHCA is one of four protected public trust uses of water in Hawai'i; conflicts of interest arise from the privileging of private commercial users of water.

Please PASS SB SB872 SD1. Mahalo

Sylvia Dolena



House Committee on Judiciary & Hawaiian Affairs

Hawai'i Alliance for Progressive Action (HAPA) Supports: SB872 SD1

Tuesday, March 29th, 2022 2p.m. Conference Room 325

Aloha Chair Nakashima, Vice Chair Matayoshi and Members of the Committee,

On behalf of the Hawai'i Alliance for Progressive Action (HAPA) I am submitting testimony in support of SB872 SD1 which adds the chairperson of the Hawaiian Homes Commission (HHC) or the chairperson's designee to serve as an ex officio, voting member on the Commission on Water Resource Management (CWRM).

HAPA supports SB872 SD1 and agrees it is long past time that interests of homesteaders under the Hawaiian Homes Commission Act (HHCA) have a direct role in the management of their water resources.

For too long, the CWRM has made decisions that have been overruled by the Hawai'i Supreme Court when it comes to homesteader interests. While recent leadership has been more supportive, it is not a guarantee for the future. Ultimately, CWRM should stop making decisions for homesteaders and start making them with them.

Statements by the Department of Land and Natural Resources that argue that the HHC is a special interest, and inclusion of the HHC Chair is a conflict of interest, should be strongly and clearly rejected. Water for implementation of the HHCA is one of four protected public trust uses of water in Hawai'i; conflicts of interest arise from the privileging of private commercial users of water.

Please support SB872 SD1.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'Anne Frederick', written in a cursive style.

Anne Frederick
Executive Director

SB-872-SD-1

Submitted on: 3/25/2022 8:25:30 AM

Testimony for JHA on 3/29/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Edward Halealoha Ayau	Individual	Support	Written Testimony Only

Comments:

Aloha nui,

I am a 4th generation homesteader, former Acting District Supervisor of the DHHL Molokai District Office and former DHHL Water Specialist and I wholeheartedly support the need to provide DHHL a seat on the State Water Commission given the federal priority rights established for DHHL through the Hawaiian Homes Commission Act.

Please assist the State of Hawaii to live up to its agreement with the United States to manage the Hawaiian Homelands Program responsibly. This is a step in that direction, mahalo.

Ola i ka wai,

Edward Halealoha Ayau

(808) 646-9015

SB-872-SD-1

Submitted on: 3/27/2022 11:46:19 AM

Testimony for JHA on 3/29/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shannon Rudolph	Individual	Support	Written Testimony Only

Comments:

Strongly Support

SB-872-SD-1

Submitted on: 3/27/2022 2:58:07 PM

Testimony for JHA on 3/29/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tara Rojas	Individual	Support	Written Testimony Only

Comments:

Dear Chair Nakashima Vice Chair Matayoshi, and members of the House Committee on Judiciary and Hawaiian Affairs,

I STRONGLY SUPPORT SB 872, which adds the Chair of the Hawaiian Homes Commission (HHC) or the Chair's designee to serve as a voting member on the Commission on Water Resources Management (CWRM).

It is long past time that the interests of homesteaders under the Hawaiian Homes Commission Act have a direct role in managing the water resources on which they depend. For too long, the CWRM has made decisions that have been overruled by the Hawai'i Supreme Court when it comes to homesteader interests. While recent leadership has been more supportive, it is not a guarantee for the future. Ultimately, we need the Water Commission to stop making decisions for us and start making them with us.

Arguments by the DLNR that say that the HHC is a special interest, and inclusion of the HHC Chair is a conflict of interest, should be strongly and clearly rejected. Water for implementation of the HHCA is one of four protected public trust uses of water in Hawai'i; conflicts of interest arise from the privileging of private commercial users of water.

Please PASS SB SB872 SD1.

Mahalo nui!
Tara Rojas

SB-872-SD-1

Submitted on: 3/28/2022 9:16:45 AM

Testimony for JHA on 3/29/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jim Scancella	Individual	Support	Written Testimony Only

Comments:

Dear Chair Nakashima Vice-Chair Matayoshi, and members of the House Committee on Judiciary and Hawaiian Affairs

I STRONGLY SUPPORT SB 872, which adds the Chair of the Hawaiian Homes Commission (HHC) or the Chair's designee to serve as a voting member on the Commission on Water Resources Management (CWRM).

Arguments by the DLNR that say that the HHC is a special interest, and inclusion of the HHC Chair is a conflict of interest, should be strongly and clearly rejected. Water for implementation of the HHCA is one of four protected public trust uses of water in Hawai'i; conflicts of interest arise from the privileging of private commercial users of water.

Please PASS SB SB872 SD1

Mahalo for your consideration,

Jim Scancella

SB-872-SD-1

Submitted on: 3/28/2022 9:43:06 AM

Testimony for JHA on 3/29/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Walter Ritte	Individual	Support	Written Testimony Only

Comments:

My name is Walter Ritte and I am a Homesteader at Ho'olehua Molokai.

I support the addition of the chairperson of the Hawaiian homes commission or the chairperson's designated representative as an ex officio, voting member to the commission on water resource management to advance the interest of beneficiaries of the Hawaiian Homes Commission Act.

This so long overdue!!!!

SB-872-SD-1

Submitted on: 3/28/2022 10:51:46 AM

Testimony for JHA on 3/29/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Diane Kanealii	Individual	Support	Written Testimony Only

Comments:

Dear Chair Nakashima Vice Chair Matayoshi, and members of the House Committee on Judiciary and Hawaiian Affairs

I STRONGLY SUPPORT SB 872, which adds the Chair of the Hawaiian Homes Commission (HHC) or the Chair's designee to serve as a voting member on the Commission on Water Resources Management (CWRM).

It is long past time that the interests of homesteaders under the Hawaiian Homes Commission Act have a direct role in managing the water resources on which they depend. For too long, the CWRM has made decisions that have been overruled by the Hawai'i Supreme Court when it comes to homesteader interests. While recent leadership has been more supportive, it is not a guarantee for the future. Ultimately, we need the Water Commission to stop making decisions for us and start making them with us.

Arguments by the DLNR that say that the HHC is a special interest, and inclusion of the HHC Chair is a conflict of interest, **should be strongly and clearly rejected**. Water for implementation of the HHCA is one of four protected public trust uses of water in Hawai'i; conflicts of interest arise from the privileging of private commercial users of water.

Mahalo for allowing me to testify in support of this bill

Please **PASS SB SB872 SD1**. Mahalo nui!

SB-872-SD-1

Submitted on: 3/28/2022 11:06:09 AM

Testimony for JHA on 3/29/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Roger Kanealii	Individual	Support	Written Testimony Only

Comments:

Dear Chair Nakashima Vice Chair Matayoshi, and members of the House Committee on Judiciary and Hawaiian Affairs

I STRONGLY SUPPORT SB 872, which adds the Chair of the Hawaiian Homes Commission (HHC) or the Chair's designee to serve as a voting member on the Commission on Water Resources Management (CWRM).

It is long past time that the interests of homesteaders under the Hawaiian Homes Commission Act have a direct role in managing the water resources on which they depend. For too long, the CWRM has made decisions that have been overruled by the Hawai'i Supreme Court when it comes to homesteader interests. While recent leadership has been more supportive, it is not a guarantee for the future. Ultimately, we need the Water Commission to stop making decisions for us and start making them with us.

Aloha Chair Nakashima Vice Chair Matayoshi, and members of the House Committee on Judiciary and Hawaiian Affairs

Arguments by the DLNR that say that the HHC is a special interest, and inclusion of the HHC Chair is a conflict of interest, should be strongly and clearly rejected. Water for implementation of the HHCA is one of four protected public trust uses of water in Hawai'i; conflicts of interest arise from the privileging of private commercial users of water.

Please **PASS SB SB872 SD1**.

Mahalo nui!,

Roger "Maha" Kanealii, Jr

SB-872-SD-1

Submitted on: 3/28/2022 11:09:40 AM

Testimony for JHA on 3/29/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, strongly support SB 872 SD1 Relating to the Commission on Water Resurce Management for the usage of the DHHL beneficiaries behalf and interest.