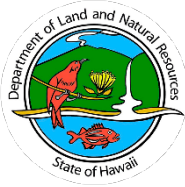


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

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FIRST DEPUTY

CIARA W.K. KAHAHANE
DEPUTY DIRECTOR - WATER

BRIAN J. NEILSON, ADMINISTRATOR
DIVISION OF AQUATIC RESOURCES

STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA
DIVISION OF AQUATIC RESOURCES
1151 PUNCHBOWL STREET, ROOM 330
HONOLULU, HAWAII 96813

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committee on
WATER AND LAND

Tuesday, March 25, 2025
9:40 AM

State Capitol, Conference Room 411 & Videoconference

In consideration of
HOUSE CONCURRENT RESOLUTION 128 / HOUSE RESOLUTION 124
REAFFIRMING THE STATE'S OBLIGATION TO UPHOLD THE CONSTITUTIONAL
RIGHTS OF ITS PEOPLE BY RECOGNIZING THE CRITICAL ROLE OF FRESHWATER
IN MAINTAINING HEALTHY NEARSHORE MARINE ECOSYSTEMS

House Concurrent Resolution 128 / House Resolution 124 reaffirms the State's obligation to uphold the constitutional rights of its people by recognizing the critical role of freshwater in maintaining healthy nearshore marine ecosystems. **The Department of Land and Natural Resources (Department) supports these resolutions.**

Clean nearshore waters are vital to both public health and the ecological integrity of Hawai'i's reefs, wetlands, and coastal fisheries. Freshwater from streams and groundwater that discharges to the ocean support native limu, nearshore coral communities, and important amphidromous species, and plays a foundational role in maintaining anchialine pools, loko i'a, and estuarine habitats. While the role of streams has been widely studied, recent research has increasingly demonstrated the significance of submarine groundwater discharge (SGD) in sustaining groundwater-dependent ecosystems (GDEs) across the islands.

These resolutions align with the Department's mission to protect, manage, and restore natural and cultural resources in collaboration with the people of Hawai'i. The Department commits to assisting in this effort by collaborating with other jurisdictional entities on a statewide effort to maintain healthy nearshore marine ecosystems by recognizing the critical role of freshwater in maintaining these ecosystems.

Within the Department itself, the Commission on Water Resource Management (CWRM) works with the Division of Aquatic Resources (DAR) to better understand biotic responses to restored freshwater

flows. In 2024, CWRM and DAR staff worked together to conduct more than 90 biota surveys of streams statewide, providing valuable insight into aphidromous species and their dependence on freshwater. Another recent example of this collaboration is the restoration of freshwater flow into Kalauha‘iha‘i Fishpond, supporting both ecological function and cultural revitalization. CWRM staff look forward to even greater collaboration with DAR to ensure that estuarine and nearshore reef health is considered when CWRM takes management actions regarding freshwater, including by setting instream flow standards and sustainable yields.

CWRM is engaged in ongoing efforts to develop and refine place-based, adaptive management approaches that improve understanding of how freshwater supports ecosystem function and traditional and customary practices. These efforts are designed to be iterative, informed by new data and community knowledge, and responsive to changing environmental conditions.

We appreciate the Legislature’s recognition of the essential role of freshwater in supporting healthy marine ecosystems and Native Hawaiian practices. These resolutions reinforce the need for coordinated, science-based management that honors the State’s public trust responsibilities.

Mahalo for the opportunity to provide testimony in support of this measure.

HR-124

Submitted on: 3/20/2025 5:47:53 PM

Testimony for WAL on 3/25/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Hawaii Reef and Ocean Coalition	Support	Written Testimony Only

Comments:

Hawaii Reef and Ocean Coalition **STRONGLY SUPPORTS** these resolutions!



Kūpeke Ahupuaʻa

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(808) 646-0793

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TESTIMONY IN **SUPPORT** OF HOUSE RESOLUTION 124 and HOUSE CONCURRENT
RESOLUTION 128 RELATING TO FRESHWATER & NEARSHORE MARINE ECOSYSTEMS
House Committee on Water & Land, Hawai'i State Capitol

Honorable Chair Hashem, Vice Chair Lamosao, committee members,

Kupeke Ahupuaʻa 501(c)(3) is an organization that belongs to the ahupuaʻa of Kupeke, East Molokai, with a primary purpose of providing holistic stewardship to Kupeke. We utilize the place-based traditional Hawaiian practice of kilo in the implementation of Konohiki land management decisions based on the ahupuaʻa system, collecting sensory data from the positioning of celestial bodies to the bottom of the ocean, and everywhere in between. Kupeke Ahupuaʻa includes forested watershed areas, the waterfall of 'ohi'alele, Kupeke stream, and Kupeke Loko I'a, a 33-acre fishpond and wetland at the base of the ahupuaʻa. The health of the fishpond relies on the balance of all components within the system, with freshwater inputs being a critical ingredient to the success of this formula. Fishponds function in a healthy manner when an adequate amount of freshwater is provided by the recharge of groundwater into our aquifer which enters nearshore areas through springs at the shore along the coastline.

Kupeke Ahupuaʻa supports this resolution as a simple measure that acknowledges the vital importance of freshwater to the function of our nearshore marine environment, ensuring healthy fish populations, coral reefs, and limu, all of which benefit the people of Hawai'i and our future generations, and how freshwater provides visible indicators of a healthy functioning makai sector of an ahupuaʻa.

Thank you for accepting this testimony,

La'a Poepoe
President, Kupeke Ahupuaʻa

Ka Pa'akai Consulting

1722 Kaiao St., Hilo, HI 96720
(808) 384-6363
kapaakaiconsulting@gmail.com

Piko o Wākea 2025
'Olepau, Nana – 21st Malaki 2025

Attn: House Committee on Water & Land, Hawai'i State Capitol

Testimony in **Support** of House Resolution 124 and House Concurrent Resolution 128 Relating to
Freshwater and Nearshore Marine Ecosystems

Honorable Chair Hashem, Vice Chair Lamosao, and committee members,

Mahalo nui for the opportunity to submit testimony in strong support of House Resolution 124 and House Concurrent Resolution 128, which reaffirm the State's obligation to uphold the constitutional rights of its people by recognizing the critical role of freshwater in maintaining healthy nearshore marine ecosystems.

We submit this testimony as an organization rooted in the values and practices of our kūpuna. Our mission is to preserve traditional knowledge, restore productive communities, and develop a thriving lifestyle for our nation. Through the safeguarding of heritage, the empowerment of our communities, and the development of sustainable practices, we are committed to enhancing the quality of life and ensuring a prosperous future for our people.

These resolutions speak directly to the heart of who we are and what we stand for. Hawai'i's freshwater resources are inextricably linked to the health of our nearshore marine ecosystems. The cultural and ecological connection between mauka and makai is not merely symbolic, it is biological, functional, and sacred. When freshwater flows are disrupted, whether by stream diversion, groundwater pumping, or pollution, the effects ripple through the ecosystem: invasive species proliferate, native limu disappear, and keystone species like 'o'opu and 'ōpae suffer population declines.

Our people have long known what science is now reaffirming: restoring freshwater flows is essential to restoring our nearshore fisheries, our traditional practices, and our food security. From the native hīhīwai that migrate between stream and sea, to the culturally significant limu and fish that inhabit our reefs and feed our 'ohana, our ecosystems depend on our ability to steward freshwater resources holistically. These ecosystems are the backbone of our identity, our economy, and our survival as kānaka.

Article XI, Section 1 and Section 7 of the Hawai'i State Constitution clearly establish the State's duty to protect water resources for the benefit of the people. The Ka Pa'akai o ka 'Āina decision further reinforces this responsibility, requiring government actions to consider the cumulative impacts on Native Hawaiian rights and practices.

We urge the Legislature to take bold and timely action by supporting HR124 and HCR128. These resolutions reaffirm constitutional commitments and provide a pathway to prioritize policies that:

- Restore and protect natural streamflow and spring discharge;
- Address water mismanagement and over-extraction;
- Include community voices in decision-making;
- Integrate traditional ecological knowledge with scientific insight.

Let us be clear: healthy nearshore ecosystems cannot exist without freshwater. And healthy communities cannot thrive without access to these ecosystems for gathering, fishing, ceremony, and learning.

We mahalo you for your leadership and your recognition that Hawai'i's future depends on our ability to mālama i ka wai and mālama i ke kai

Na'u me ka 'o ia i'o,

A handwritten signature in black ink, appearing to read 'Shauna Kēhaunani Springer', with a stylized flourish at the end.

na Shauna Kēhaunani Springer
Founder & Executive Director
Ka Pa'akai Consulting
Kea'au, Moku o Keawe, Hawai'i



Mālama Pūpūkea-Waimea
Post Office Box 188
Haleʻiwa, HI 96712

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Makai Watch Coordinator*

Federal Nonprofit Organization
501(c)(3) FEIN 27-0855937
www.pupukeawaimea.org
info@pupukeawaimea.org

March 21, 2025

To: Chair Hashem, Vice Chair Lamosao, and the House Committee on Water & Land

Re: **STRONG SUPPORT** of **HR124** and **HCR128** Relating to Freshwater; Nearshore Marine Ecosystems

Aloha Chair Hashem, Vice Chair Lamosao, and the House Committee on Water & Land,

We write in **STRONG SUPPORT** of **HR124** and **HCR128** to reaffirm the State's obligation to uphold the constitutional rights of its people by recognizing the critical role of freshwater in maintaining healthy nearshore marine ecosystems.

Mālama Pūpūkea-Waimea (MPW) is the grassroots, community non-profit that actively works to care for, educate about, and protect our fragile, near-shore marine ecosystems. Our mission is "working to replenish and sustain the natural and cultural resources of the Pūpūkea and Waimea ahupua'a for present and future generations through active community stewardship, education, and partnerships."

Freshwater flowing from rivers, streams, springs, and groundwater is absolutely critical to the health and vitality of our nearshore marine ecosystems. It shapes water quality, supports nutrient cycling, and creates the habitats that marine life depends on to thrive. We deeply value the powerful, irreplaceable connection between land and sea—one that sustains life, balances ecosystems, and ensures the future of our ocean resources.

Mahalo for your **SUPPORT** of **HR124** and **HCR128** to recognize the critical role of freshwater in maintaining healthy nearshore marine ecosystem.

Mahalo for the opportunity to provide testimony,
Jenny Yagodich

Jenny Yagodich

Director of Educational Programs &
Makai Watch Coordinator

The following are drawings made by keiki in our Ka Papa Kai – Marine Science for Youth program, grades 4, 5, and 6. They hope their art will help explain the importance of freshwater to the nearshore marine environment.



MARINE ANIMALS

need to feel

Fresh,

So let fresh



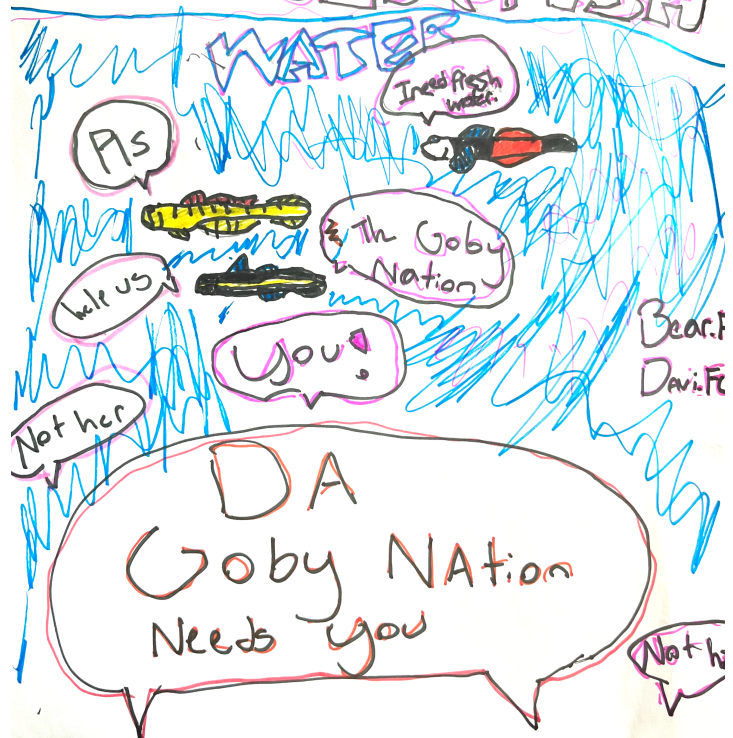
go in to the

Sea



The Ocean Needs FRESH Water

THE GOBIES NEED FRESH WATER





Environmental Caucus of The Democratic Party of Hawai'i

March 23, 2025

To: House Committee on Water and Land
Hon. Mark J. Hashem, Chair
Hon. Rachele F. Lamosao, Vice Chair

Subject: **HCR 128/HR 124** - Reaffirming the State's Obligation to Uphold the Constitutional Rights of Its People by Recognizing the Critical Role of Freshwater in Maintaining Healthy Nearshore Marine Ecosystems.

Hearing: Tuesday, March 25, 2025, 9:40 a.m. Conference Room 411 & Videoconference

Position: **Strong Support**

Aloha, Chair Hashem, Vice Chair Lamosao, and Members of the Committee!

The Environmental Caucus of the Democratic Party of Hawai'i **strongly supports HCR 128/HR 124**, which reaffirm the duty of State agencies to recognize and maintain freshwater sources that make our marine nearshore ecosystems viable.

The Resolutions quote two key provisions of the Hawai'i State Constitution that we must always remember: Article XI, Section 1 provides that: "For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawai'i's natural beauty and all natural resources, including land, water, air, minerals and energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State"; and Article XI, Section 7, which states: "The State has an obligation to protect, control and regulate the use of Hawai'i's water resources for the benefit of its people." For these key reasons, the Resolutions conclude by stating, "it is imperative to protect and restore freshwater flows to ensure the long-term health and resilience of Hawaii's nearshore marine ecosystems."

This is NOT merely restating the obvious. There are powerful interests that will take those water rights away unless this Legislature is vigilant. It is important to send a signal that the Legislature recognizes its obligation to do so.

Thank you very much for the opportunity to testify.

Alan B. Burdick and Melodie Aduja
Co-Chairs of the Environmental Caucus of the
Democratic Party of Hawai'i
Burdick808@gmail.com legislativepriorities@gmail.com



Testimony Before The
House Committee on Water & Land (WAL)
IN SUPPORT OF HR124 and HCR128
March 25, 2025, 9:40 a.m., Room 411 via Videoconference

We are Olan Leimomi Fisher and Malia Heimuli, Kua'āina Advocate and Limu Hui Coordinator, respectively, testifying on behalf of [Kua'āina Ulu 'Auamo \(or KUA\)](#). "Kua'āina Ulu 'Auamo" stands for "grassroots growing through shared responsibility," and our acronym "KUA" means "backbone." **Our mission is to connect and empower communities to improve their quality of life through the collective care for their biocultural (natural and cultural) heritage, serving as a "backbone organization" that supports creative and community-driven solutions to problems stemming from environmental degradation.** Hawai'i's biocultural resources continue to be negatively impacted by political, economic, and social changes, and the increasing dangers of climate change make fostering and empowering resilient communities acutely critical.

Currently KUA supports three major networks of: (1) over 40 mālama 'āina (caring for our 'āina or "that which feeds") community groups collectively referred to as E Alu Pū (moving forward together); (2) over 60 loko i'a (fishpond aquaculture systems unique to Hawai'i) and wai 'ōpae (anchialine pool systems) sites in varying stages of restoration and development, with numerous caretakers, stakeholders, and volunteers known as the Hui Mālama Loko I'a ("caretakers of fishponds"); and (3) the Limu Hui made up of over 50 loea (traditional experts) and practitioners in all things "limu" or locally-grown "seaweed." **Our shared vision is to once again experience what our kūpuna (ancestors) referred to as 'ĀINA MOMONA – abundant and healthy ecological systems that sustain our community resilience and well-being.**

KUA strongly supports HR124 and companion HCR128
as an incremental steps toward 'āina momona.

Mōhala i ka wai ka maka o ka pua.

Unfolded by the water are the faces of the flowers.

Flowers thrive where there is water, as thriving people are found where living conditions are good.¹

This measure reaffirms the state's obligation to uphold the constitutional rights of its people by recognizing the critical role of wai (freshwater) in maintaining healthy nearshore marine ecosystems. **All life is reliant on wai, including in kai (salt water) habitats.** It is common knowledge among Native Hawaiian and local experts and practitioners in all things limu, that the continued presence and quality of wai is critical to achieving 'āina momona in nearshore marine environments.

Limu relies on the presence of wai in nearshore habitats to be able to grow, reproduce, and ultimately sustain the countless other lifeforms that eat it, including i'a

¹ Pukui, Mary Kawena, 'Ōlelo No'eau: Hawaiian Proverbs & Poetical Sayings, #2178 (1983).

(marine life) like fish, 'ōpae (shrimp), honu (turtles), grazers like 'opihi (limpets) and wana (urchins), papa'i (crabs), and also manu (birds) and kānaka (people) alike. The continuation of Native Hawaiian traditional and customary knowledge and practices related to limu also depend on the connectivity of life-giving wai in our kai. Furthermore, restoring the health and abundance of our nearshore marine ecosystems is essential to community resilience in the face of increasing natural disasters, political changes, and food insecurity.

The communities we work with are committed to ensuring the long-term health of our biocultural resources that they have cared for and depended on for generations since time immemorial. **We believe our environment, the foundation of our very existence and “that which feeds” us all, requires long-term investment through a shared vision of achieving 'āina momona (abundance) once again.** To get there requires dedicating more resources for mālama 'āina (caring for our environment), including through these two resolutions, urging the state and counties to protect and restore more freshwater flows to nearshore marine environments, and likewise provide more education and outreach on the importance of wai for all habitats, including makai. Our decisions today will continue to shape the future that our keiki's keiki's keiki will one day inherit – we hope for a future of shared and harmonious abundance, and hope you do, too.

Mahalo nui loa for this opportunity to submit testimony. Please **PASS** HR124 and HCR128.

Aloha 'Āina Momona no nā kau ā kau.



Testimony Before The
House Committee on Water & Land (WAL)
IN SUPPORT OF HR124 and HCR128
March 25, 2025, 9:40 a.m., Room 411 via Videoconference

We are Olan Leimomi Fisher and Brenda Asuncion Lima, Kua'āina Advocate and Hui Mālama Loko I'a Coordinator, respectively, testifying on behalf of [Kua'āina Ulu 'Auamo \(or KUA\)](#). "Kua'āina Ulu 'Auamo" stands for "grassroots growing through shared responsibility," and our acronym "KUA" means "backbone." **Our mission is to connect and empower communities to improve their quality of life through the collective care for their biocultural (natural and cultural) heritage, serving as a "backbone organization" that supports creative and community-driven solutions to problems stemming from environmental degradation.** Hawai'i's biocultural resources continue to be negatively impacted by political, economic, and social changes, and the increasing dangers of climate change make fostering and empowering resilient communities acutely critical.

Currently KUA supports three major networks of: (1) over 40 mālama 'āina (caring for our 'āina or "that which feeds") community groups collectively referred to as E Alu Pū (moving forward together); (2) over 60 loko i'a (fishpond aquaculture systems unique to Hawai'i) and wai 'ōpae (anchialine pool systems) sites in varying stages of restoration and development, with numerous caretakers, stakeholders, and volunteers known as the Hui Mālama Loko I'a ("caretakers of fishponds"); and (3) the Limu Hui made up of over 50 loea (traditional experts) and practitioners in all things "limu" or locally-grown "seaweed." **Our shared vision is to once again experience what our kūpuna (ancestors) referred to as 'ĀINA MOMONA – abundant and healthy ecological systems that sustain our community resilience and well-being.**

KUA strongly supports HR124 and companion HCR128
as incremental steps toward 'āina momona.

Mōhala i ka wai ka maka o ka pua.

Unfolded by the water are the faces of the flowers.

Flowers thrive where there is water, as thriving people are found where living conditions are good.¹

This measure reaffirms the state's obligation to uphold the constitutional rights of its people by recognizing the critical role of wai (freshwater) in maintaining healthy nearshore marine ecosystems. **All life is reliant on wai, including in kai (salt water) habitats.** It is common knowledge among Native Hawaiian and local kia'i (protectors) of loko i'a, including academically-recognized scientists and other experts, that the continued presence and quality of wai is critical to achieving 'āina momona in nearshore marine environments. Productive loko i'a are not possible without consistent connectivity with clean, freshwater flows. As such, many historic and current loko i'a were originally built near freshwater springs, stream mouths, and estuaries. Many ponds have been lost or unable to function due to stream diversions.

¹ Pukui, Mary Kawena, 'Ōlelo No'eau: Hawaiian Proverbs & Poetical Sayings, #2178 (1983).

Hawai'i once had close to 500 flourishing loko i'a, sustaining the health and wellbeing of communities in numerous ways including culturally and spiritually, and contributing to the fabled 'āina momona of the past through holistically raised and harvested i'a (marine life) including fish, limu, and shellfish. The U.S. Organic Act of 1900 (the Act) abandoned the support of most semblances of Native Hawaiian governance, especially in regard to biocultural resource management. Restoring the health and abundance of our nearshore marine ecosystems is essential to community resilience in the face of increasing natural disasters, political changes, and food insecurity.

The communities we work with are committed to ensuring the long-term health of our biocultural resources that they have cared for and depended on for generations since time immemorial. We believe our environment, the foundation of our very existence and “that which feeds” us all, requires long-term investment through a shared vision of achieving 'āina momona (abundance) once again. To get there requires dedicating more resources for mālama 'āina (caring for our environment), including through these resolutions, urging the state and counties to protect and restore more freshwater flows to nearshore marine environments, and likewise provide more education and outreach on the importance of wai for all habitats, including makai. Our decisions today will continue to shape the future that our keiki's keiki's keiki will one day inherit – we hope for a future of shared and harmonious abundance, and hope you do, too.

Mahalo nui loa for this opportunity to submit testimony. Please **PASS** HR124 and HCR128.

Aloha 'Āina Momona no nā kau ā kau.

HR-124

Submitted on: 3/20/2025 6:04:38 PM

Testimony for WAL on 3/25/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Leimomi Khan	Individual	Support	Written Testimony Only

Comments:

Support for all of the reasons stated in the resolution.

Aloha Chair Hashem, Vice Chair Lamosao, and House Committee Members on Water & Land

Situated in Kapalilua (South Kona), Miloli'i Community-Based Subsistence Fishing Area includes the 18.6 mile coastline waters and submerged lands from the shoreline to the 100-fathom depth contour of the coastline. From Kīpāhoehoe to Manukā, the health of this nearshore marine habitat depends on clean groundwater that originates from the Southwest Mauna Loa Aquifer.

My fishing community recognizes the vital importance of freshwater to all life forms it feeds and crucial that it abundantly reach our nearshore coastal and marine ecosystems, clean and healthy. Kapalilua does not have surface streams, but subterranean estuaries and anchialine pools that have fed our people and nearshore and marine ecosystems for generations. The 'ōpae 'ula and healthy coral habitat are indicators of that.

I support this resolution in recognizing the vital importance of freshwater to our nearshore and marine ecosystems.

Mahalo for accepting my testimony,

U'ilani Naipo, Administrator

Miloli'i Community-Based Subsistence Fishing Area

HR-124

Submitted on: 3/22/2025 9:04:47 AM

Testimony for WAL on 3/25/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Brian F. Funai	Individual	Support	Written Testimony Only

Comments:

Support

HR-124

Submitted on: 3/22/2025 9:07:51 AM

Testimony for WAL on 3/25/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
William K. Chang	Individual	Support	Written Testimony Only

Comments:

I support HR 124