

NAME	ORGANIZATION/INDIVIDUAL	SUPPORT/OPOSE
CARTY S CHANG	DLNR	SUPPORT
SCOTT ENRIGHT	STATE DEPARTMENT OF AGRICULTURE	SUPPORT
ALAN GOTTLIEB	HAWAII CATTLEMENS COUNCIL	SUPPORT
BENNETTE MISALUCHA	HAWAII CROP IMPROVEMENT ASSOCIATION	SUPPORT
CHRIS MANFREDI	HAWAII FARM BUREAU	SUPPORT
CLYDE HAYASHI	HAWAII LECET	SUPPORT
DAVID S DE LUZ	BIG ISLAND TOYOTA	SUPPORT
DENNIS ONISHI	HAWAII COUNTY COUNCIL	SUPPORT
GLADYS QUINTO MARRONE	BIA HAWAII	SUPPORT
GRAIG BO KAHUI	LAIOPUA 2020	SUPPORT
HAWAII AGRICULTURAL PARTNERSHIPS	HAWAII AGRICULTURAL PARTNERSHIPS	SUPPORT
JACQUI HOOVER	HAWAII LEEWARD PLANNING CONFERENCE	SUPPORT
JEN JOHANSEN	CYANOTECH CORPORATION	SUPPORT
JOANNE KEALOHA	ILWU LOCAL 142	SUPPORT
KIMBERLY RIBELLIA	HI OPERATING ENGINEERS INDUSTRY STABILIZATION FUND	SUPPORT
LARRY JEFTS	LARRRY JEFTS FARMS LLC	SUPPORT
RONALD WEIDENBACH	HAWAII FISH COMPANY	SUPPORT
ROSEHILL & ASSOCIATES	ROSEHILL & ASSOCIATES	SUPPORT
STEVE COLON	HUNT DEVELOPMENT GROUP	SUPPORT
SOPHIA CABRAL-MAIKUI	HAWAII FOREST INDUSTRY ASSOCIATION	SUPPORT
TOM LODGE	HAWAII HUNTING ASSOCIATION	SUPPORT
WARREN WATANABE	MAUI COUNTY FARM BUREAU	SUPPORT
ALAN	NATIVE HAWAIIAN LEGAL CORPORATION	OPOSE
ANGELA BREENE	WAIHUENA FARM	OPOSE
AUTUMN NESS	GMO FREE MAUI	OPOSE
BRYNA STORCH	COMMERCIAL FARMER	OPOSE
DE MONT R.D. CONNER	HOOMANA PONO LLC	OPOSE
EDWARD & MAHEALANI WENDT	NA MOKU AUPUNI O KOOLAU HUI	OPOSE
HTS	HAWAII'S THOUSANDS FRIENDS	OPOSE
JAVIER MENDEZ-ALVAREZ	UH BIOLOGY ALUMNI ASSOCIATION	OPOSE
JEFFREY BRONFMAN	HAIKU AINA PERMACULTURE INITIATIVE	OPOSE
LAUREN ROTH VENU	ROTH ECOLOGICAL DESIGN INT	OPOSE
MAKAALA KAAUMOANA	HUI HOOMALU I KA AINA	OPOSE
MARJORIE ZIEGLER	CONSERVATION COUNCIL FOR HAWAII	OPOSE
MARTHA TOWNSEND	THE OUTDOOR CIRCLE	OPOSE
NEAL DESAI	NATIONAL PARKS CONSERVATION ASSOCIATION	OPOSE
PUANANI ROGERS	HOOKIPA NETWORK - KAUAI	OPOSE
STEVEN HOLMES	SIERRA CLUB	OPOSE
STUART COLEMAN	SURFRIDER FOUNDATION	OPOSE

OHA	OFFICE OF HAWAIIAN AFFAIRS	COMMENTS
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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: amel.s.chun@hawaii.gov
Subject: Submitted testimony for GM820 on Apr 15, 2015 14:45PM
Date: Friday, April 10, 2015 9:47:50 AM
Attachments: [GM820_LNR_04-15-15_WTL.pdf](#)

GM820

Submitted on: 4/10/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Carty S. Chang	DLNR	Support	Yes

Comments:

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DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
CARTY S. CHANG
Interim Chairperson**

**Before the Senate Committee on
WATER AND LAND**

**Wednesday, April 15, 2015
2:45 PM
State Capitol, Conference Room 224**

**In consideration of
GOVERNOR'S MESSAGE 820
SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE COMMISSION
ON WATER RESOURCE MANAGEMENT, GUBERNATORIAL NOMINEE, WILLIAM
BALFOUR, JR., FOR A TERM TO EXPIRE 6-30-2019**

The Department of Land and Natural Resources (Department) strongly endorses and supports the Governor's nomination of Mr. William Balfour, Jr. to serve on the Commission on Water Resource Management (Commission).

The Commission is required under Section 174C-7, Hawaii Revised Statutes, to select commissioners through an open, competitive process. An independent nominating committee composed of two (2) members selected by the Governor, one (1) by the Senate President and one (1) by the House Speaker solicits candidates typically by placing an ad in the papers across the State, in the monthly bulletin of the Commission, and on the Commission's website. The Nominating Committee reviews the applications, conducts interviews if desired and sends to the Governor the names of at least three individuals for consideration.

The nominees, by law, must have "substantial experience in the area of water resource management." In accordance with the nominating process, Mr. Balfour was selected by the Governor to serve as an interim commissioner starting in August 2009. He was subsequently nominated and confirmed to serve a full four-year term from July 2010 to June 2014. During his past tenure, he brought a thoughtful and rational management perspective to numerous complex water management decisions.

CARTY S. CHANG
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

W. ROY HARDY
ACTING 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

Mr. Balfour is a graduate of the University of Missouri (1957) with a Bachelor of Science degree in General Agriculture, and has completed post graduate study with the Hawaii Sugar Planters Association and Stanford University's Executive Management Programs.

Mr. Balfour has extensive experience overseeing and managing the water systems and sources for several of Hawaii's largest sugar plantations. He began his career with American Factors (AMFAC) in 1959 as Agricultural Research Director and held numerous managerial positions before becoming President and Manager of Oahu Sugar Company, a position which he held for 17 years. He also served as President and Manager of Lihue Plantation Company and Pioneer Mill Company before retiring from AMFAC in 1995. Mr. Balfour then went on to work for Alexander and Baldwin as Consulting General Manager for McBryde Sugar Company. In addition to his corporate work experience, Mr. Balfour brings to the Commission a small business perspective, having served for two years as President of Aloha Farms, a start-up banana farm operation. Mr. Balfour's impressive work history also includes public service as Director of Parks and Recreation for eight years and Civil Defense Administrator for two years in the City and County of Honolulu.

The State of Hawaii has and would continue to greatly benefit from the knowledge and experience Mr. Balfour would bring to the Commission. The Department strongly supports and urges the Senate to confirm the appointment of Mr. William Balfour, Jr. to the Commission on Water Resource Management.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: ken.h.kakesako@hawaii.gov
Subject: Submitted testimony for GM820 on Apr 15, 2015 14:45PM
Date: Tuesday, April 14, 2015 8:40:19 AM
Attachments: [GM 820 AGR 4-15-15 AGL.docx](#)

GM820

Submitted on: 4/14/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Enright	State Department of Agriculture	Support	Yes

Comments:

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DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lt. Governor



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

SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

**TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE SENATE COMMITTEE ON WATER AND LAND

April 15, 2015
2:45 P.M.
CONFERENCE ROOM 224

**GOVERNOR'S MESSAGE 820
SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE COMMISSION
ON WATER RESOURCE MANAGEMENT, GUBERNATORIAL NOMINEE, WILLIAM
BALFOUR JR., FOR A TERM TO EXPIRE 6-30-2019**

Chairperson Thielen and Members of the Committee:

Thank you for the opportunity to testify on Governor's Message 820 that submits for consideration and confirmation to the Commission on Water Resource Management, Gubernatorial Nominee, William Balfour, Jr., for a term to expire on June 30, 2019. The Department supports the confirmation of Mr. Balfour.

Mr. Balfour possesses extensive knowledge and experience with the water systems on Kauai and Oahu having overseen the irrigation systems for the Lihue Plantation Company, the East Kauai Irrigation system, and the Waiahole Irrigation System. His time spent as the Agricultural Research Director at Amfac have also given him an appreciation of the importance of water and the need to both conserve and use the resource efficiently. Furthermore, his previous time spent on the State Water Commission has given him an understanding of what his responsibilities would be.

We believe Mr. Balfour is qualified to serve and we are in support of his confirmation to the Commission on Water Resource Management.

Thank you for the opportunity to testify on this nomination.



From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: gottlieb@hawaii.rr.com
Subject: Submitted testimony for GM820 on Apr 15, 2015 14:45PM
Date: Saturday, April 11, 2015 1:40:57 PM
Attachments: [GM 820- Bill Balfour CWRM 2015.pdf](#)

GM820

Submitted on: 4/11/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Gottlieb	Hawaii Cattlemen's Council	Support	Yes

Comments:

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Hawaii Cattlemen's Council, Inc.

P O Box 437199 Kamuela HI 96743
Phone (808) 885-5599 • Fax (808) 887-1607
e-mail: HCattlemens@hawaii.rr.com

SENATE COMMITTEE ON WATER & LAND

GM 820

Submitting for consideration and confirmation to the Commission on Water Resource Management, Gubernatorial Nominee, **WILLIAM BALFOUR, JR.**, for a term to expire 6-30-2019.

Wednesday, April 15, 2015 2:45 pm, Room 224

Chair Thielen, Vice Chair Galuteria and Members of the Committee:

My name is Alan Gottlieb, and I am a rancher and the Government Affairs Chairperson for the Hawaii Cattlemen's Council. The Hawaii Cattlemen's Council, Inc. (HCC) is the Statewide umbrella organization comprised of the five county level Cattlemen's Associations. Our 130+ member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of approximately 25% of the State's total land mass.

The Hawaii Cattlemen's Council **strongly supports** GM 820 nominating Bill Balfour to the Commission on Water Resource Management.

I have personally known Mr. Balfour for 25 years. During that time I have always felt that Mr. Balfour was intelligent, well spoken, and very knowledgeable of the issues which affect the agricultural industry, and of the highest integrity. He is very knowledgeable about water issues in the State of Hawaii, and will be an excellent member of the Commission on Water Resource Management. Mr. Balfour is not one to mince words and he is not a wallflower. He is not afraid to speak about what is on his mind. On every issue I have ever seen him deal with, he has been tough but always fair.

Thank you for giving me the opportunity to testify in strong support of GM 820 nominating Bill Balfour to the Commission on Water Resource Management.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: bennette.misalucha808@gmail.com
Subject: Submitted testimony for GM820 on Apr 15, 2015 14:45PM
Date: Tuesday, April 14, 2015 3:56:42 PM
Attachments: [BALFOUR Testimony.pdf](#)

GM820

Submitted on: 4/14/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Bennette Misalucha	Hawaii Crop Improvement Association	Support	No

Comments:

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Hawaii Crop Improvement Association

Growing the Future of Worldwide Agriculture in Hawaii

TESTIMONY FROM BENNETTE MISALUCHA,
EXECUTIVE DIRECTOR

In

SUPPORT OF GM 820

Senate Committee on Water and Land

April 15, 2015, 2:45PM in conference room 224

HCIA 2014-2016 Board of Directors

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Grant Manning

Shay Sunderland

Mark Stoutemyer

Immediate Past President

Mark Phillipson

Executive Director

Bennette Misalucha

Aloha Chair Thielen, Vice Chair Galuteria and members of the Committee,

My name is Bennette Misalucha, Executive Director of the Hawaii Crop Improvement Association. HCIA is a Hawaii-based non-profit organization that promotes ag bio tech to help farmers and communities succeed. Through education, collaboration and advocacy, we work to ensure a safe and sustainable food supply, support responsible farming practices and build a healthy state economy.

HCIA humbly and respectfully supports the confirmation of William Balfour Jr. as a member of the Commission on Water Resource Management.

Mr. Balfour has had a long history of service to the community, in both the public sector as well as private industry. He has built a solid reputation for being fair, open-minded and of high moral integrity. The wealth of his past experience has been such a positive source that the Commission has been able to tap during the past many years. He is someone who is able to balance competing objectives with the goal of finding solutions that will best serve our beloved State's interests. He can be trusted to do what is right, as he has proven time and time again.

We humbly ask for the Committee's support of Mr. Balfour's continuing service to this community.

Mahalo for your kind consideration.

P.O. Box 126

Aiea, HI 96701

Tel: (808) 594-3611

director@hciaonline.com

admin@hciaonline.com

www.hciaonline.com

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: chris@hfbf.org
Subject: Submitted testimony for GM820 on Apr 15, 2015 14:45PM
Date: Tuesday, April 14, 2015 8:25:21 PM
Attachments: [GM 820 Balfour HFB WTL 4 15 15.pdf](#)

GM820

Submitted on: 4/14/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Chris Manfredi	Hawaii Farm Bureau	Support	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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

April 15, 2015

HEARING BEFORE THE
SENATE COMMITTEE ON WATER AND LAND

TESTIMONY ON GM 820
CONSIDERATION AND CONFIRMATION TO THE COMMISSION ON WATER
RESOURCE MANAGEMENT, GUBERNATORIAL NOMINEE, WILLIAM BALFOUR, JR.

Room 224
2:45 PM

Aloha Chair Thielen, Vice Chair Galuteria, and Members of the Committee:

I am Christopher Manfredi, President of the Hawaii Farm Bureau Federation (HFBF). Organized since 1948, the HFBF is comprised of 1,832 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interest of our diverse agricultural community.

HFBF **strongly supports** the nomination of William Balfour to the Commission on Water Resources and Management.

Mr. Balfour brings with him a deep understanding, decades of experience and practical knowledge of water systems including requirements necessary for agriculture.

Water use is an important component of the implementation of the State's policy to support agriculture. While farmers produce crops and other products we need to survive and thrive they are also in business to earn a living, to provide for their families and support their communities. Agricultural producers are a vital part of any discussion about water use. Mr. Balfour has the expertise that must be considered for responsible decision-making regarding water use policy. The state would be wise to honor those with long and successful careers in agriculture. Moreover, they should be encouraged to participate and appreciated for their service.

It is important that there be a person seated on the Commission that can articulate the requirements of the agricultural community. Mr. Balfour's background includes management of water systems for crop production. His knowledge, judgment, experience and opinions will be a valuable addition to the Commission.

Hawaii Farm Bureau thanks you for your strong support and asks that you vote to confirm Mr. William Balfour to the Commission on Water Resources and Management.

Mahalo!

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: chayashi@hawaiilecet.org
Subject: Submitted testimony for GM820 on Apr 15, 2015 14:45PM
Date: Wednesday, April 15, 2015 7:36:36 AM
Attachments: [15-04-15-GM820-Testimony- CTH.pdf](#)

GM820

Submitted on: 4/15/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Clyde Hayashi	Hawaii LECET	Support	Yes

Comments:

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TESTIMONY BY CLYDE T. HAYASHI
HAWAII LECET

THE SENATE
THE TWENTY-EIGHTH LEGISLATURE
REGULAR SESSION OF 2015

COMMITTEE ON WATER AND LAND

Senator Laura H. Thielen, Chair
Senator Brickwood Galuteria, Vice Chair

NOTICE OF HEARING

DATE: Wednesday, April 15, 2015
TIME: 2:45pm
PLACE: Conference Room 224
State Capitol
415 South Beretania Street

TESTIMONY ON GM 820

TO THE HONORABLE LAURA H. THIELEN, CHAIR, BRICKWOOD GALUTERIA, VICE CHAIR, AND MEMBERS OF THE COMMITTEE:

My name is Clyde T. Hayashi, and I am the Director of Hawaii Laborers-Employers Cooperation and Education Trust (LECET). Hawaii LECET is a labor-management partnership between the Hawaii Laborers Union, Local 368, and its unionized contractors.

Mahalo for the opportunity to testify in **SUPPORT** for GM 820, which submits for consideration and confirmation gubernatorial nominee, WILLIAM BALFOUR, JR., to the Commission on Water Resource Management, for a term to expire on 06-30-2019.

Mr. Balfour has valuable experience and knowledge in the area of water resource management, having served as the President and Manager for both the Waiahole Irrigation System and East Kauai Irrigation System. In addition, Mr. Balfour has served as President and Manager of Oahu Sugar Company, where among his accomplishments, he worked with the U.S. Navy, Department of Land and Natural Resources and Board of Water Supply in the proceedings that led to the designation of the Pearl Harbor Aquifer. Mr. Balfour also previously worked as the Irrigation Division Overseer and later Irrigation Superintendent for the Lihue Plantation Company.

Mr. Balfour also has extensive government experience, having worked for the City and County of Honolulu for 13 years, in positions such as the Director for the Department of Parks and Recreation and the Administrator for the Civil Defense Agency.



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I strongly believe Mr. Balfour will be an excellent addition to the Commission on Water Resource Management. His governmental experience and experience working with water resource management is invaluable and his willingness to continue to serve the community is commendable. For these reason, I humbly ask for your **SUPPORT** of William D. Balfour to the Commission on Water Resource Management.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: djr@teamdeluz.com
Subject: Submitted testimony for GM820 on Apr 15, 2015 14:45PM
Date: Tuesday, April 14, 2015 3:07:05 PM
Attachments: [041415 GM 820 William Balfour R VSS.doc](#)

GM820

Submitted on: 4/14/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
David S. De Luz, Jr.	Individual	Support	No

Comments:

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April 14, 2015

Senate Committee on Water and Land
State Capitol
Honolulu, Hawaii 96813

**Re: GM 820, Commission on Water Resource Management, Gubernatorial Nominee,
MR. WILLIAM D> BALDOUR, JR.**

Dear Chair Thielen, Vice Chair Galuteria and Committee Members,

Thank you for this opportunity to present my **VERY STRONG** support for William D. Balfour, Jr.'s nomination to the Commission on Water Resource Management. I would appreciate your positive consideration of the confirmation of Governor Ige's nomination of Mr. Balfour to this extremely important commission. Mr. Balfour's experience and background in this very crucial and complicated matter of water resource management is quite comprehensive. In addition, Mr. Balfour's legacy knowledge and his "hands on" knowledge in water resource management is extensive.

I believe that Mr. Balfour is a very qualified candidate, who has the qualification, skills and experience that will be an asset to this Commission. Thank you again for your positive consideration and allowing me the opportunity to submit this testimony.

Sincerely,

A handwritten signature in black ink, appearing to read "David S. De Luz, Jr." with a stylized flourish at the end.

David S. De Luz, Jr.
Vice President of Special Projects

HILO

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Fax (808) 974-2271

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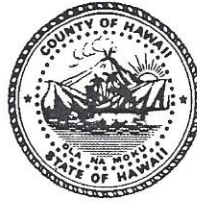
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74-5504 Kaiwi Street Kailua Kona, HI 96740

DENNIS "FRESH" ONISHI
Council Member
District 3



PHONE: (808) 961-8396
FAX: (808) 961-8912
EMAIL: donishi@co.hawaii.hi.us

HAWAI'I COUNTY COUNCIL
25 Aupuni Street, Hilo, Hawai'i 96720

April 13, 2015

The Honorable Laura H. Thielen, Chair
Senate Committee on Water and Land
Hawai'i State Capitol, Rm. 231
415 S. Beretania St.
Honolulu, HI 96813

RE: GM 820, Submitting for consideration and confirmation to the Commission on Water Resource Management, Gubernatorial Nominee, WILLIAM BALFOUR, JR., for a term to expire 6-30-2019.

Dear Chair Thielen, Vice Chair Galuteria and Members of the Committee,

Thank you for the opportunity to offer my support for the confirmation of William Balfour Jr., to the Commission on Water Resource Management.

Mr. Balfours background in agriculture and irrigation provides him the experience and knowledge to effectively serve as a Commissioner.

His experience with County government and the private sector will be valuable as he fosters a working relationship with both entities on administering the State Water Code and more so, protecting the water resources of Hawai'i.

I wholeheartedly support your favorable consideration of William Balfour Jr., to the Commission on Water Resource Management. Thank you for the opportunity to provide testimony.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis Onishi".

Dennis "Fresh" Onishi
Hawai'i County Council Member

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: gqm@biahawaii.org
Subject: Submitted testimony for GM820 on Apr 15, 2015 14:45PM
Date: Monday, April 13, 2015 3:48:14 PM
Attachments: [150415_WTL_GM820_WILLIAM_BALFOUR.pdf](#)

GM820

Submitted on: 4/13/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Gladys Quinto Marrone	BIA Hawaii	Support	Yes

Comments:

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BIA-HAWAII

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THE VOICE OF THE CONSTRUCTION INDUSTRY

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OAHU-MAUI-HAWAII-KAUAI

SARAH LOVE
BAYS LUNG ROSE & HOLMA

MAILING
P.O. BOX 970967
WAIPAHU, HAWAII
96797-0967

STREET
94-487 AKOKI STREET,
WAIPAHU, HAWAII 96797
P 808.847.4666
F 808.440.1198
E INFO@BIAHAWAII.ORG

WWW.BIAHAWAII.ORG

Testimony to the Senate Committee on Water and Land Wednesday, April 15, 2015

2:45 p.m.

State Capitol - Conference Room 224

RE: GOVERNOR'S MESSAGE 820, CONSIDERATION AND CONFIRMATION TO THE COMMISSION ON WATER RESOURCE MANAGEMENT, GUBERNATORIAL NOMINEE, WILLIAM BALFOUR JR

Chair Thielen, Vice-Chair Galuteria, and Members of the Committee:

My name is Gladys Marrone, Chief Executive Officer for the Building Industry Association of Hawaii (BIA-Hawaii), the Voice of the Construction Industry. We promote our members through advocacy and education, and provide community outreach programs to enhance the quality of life for the people of Hawaii. BIA-Hawaii is a not-for-profit professional trade organization chartered in 1955, and affiliated with the National Association of Home Builders.

BIA-Hawaii **supports** the consideration and confirmation of Gubernatorial Nominee, William Balfour Jr., to the Commission on Water Resource Management (CWRM).

Mr. Balfour brings a wealth of knowledge and experience from over 56 years in the agri-business community and public service for the people of Hawaii. He has served the City and County of Honolulu as Superintendent of the Department of Facilities Maintenance, Special Assistant at the Department of Parks & Recreation, Administrator at the Civil Defense Agency, and Director of the Department of Parks & Recreation. He also served on the Commission on Water Resource Management from 2010-2014.

Mr. Balfour has also held extensive leadership positions in the agriculture industry, from President and Manager of American Factor's (AMFAC) Pioneer Mill Company, Lihue Plantation Company, and Oahu Sugar Company to President of Aloha Farms. He has also served as Consulting General Manager for McBryde Sugar Co. and a consultant for Monsanto.

This history has given Mr. Balfour an intimate familiarity with Hawaii's unique and precious water resources. Included in this history are positions as Irrigation Division Overseer and Irrigation Superintendent of the Lihue Plantation Company, President and Manager of the East Kauai Irrigation System and the Waiahole Irrigation System.

Active management of our natural resources requires "**balance**" to preserve where necessary, while being prudent in how we chose to develop and sustain our natural resources for future generations.

We believe Mr. Balfour will bring the necessary **balance** to the public policy decisions that are made by the CWRM.

We appreciate the opportunity to provide our **support** for this nomination.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: bokahui@laiopua.org
Subject: *Submitted testimony for GM820 on Apr 15, 2015 14:45PM*
Date: Wednesday, April 15, 2015 9:15:04 AM

GM820

Submitted on: 4/15/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Craig "Bo" Kahui	Laiopua 2020-Executive Director	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: HawaiisAgriculturalPartnerships@msn.com
Subject: Submitted testimony for GM820 on Apr 15, 2015 14:45PM
Date: Saturday, April 11, 2015 6:15:38 AM

GM820

Submitted on: 4/11/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Hawaii's Agricultural Partnerships	4 Ag Hawaii ~ non profit 501 [c] [3]	Support	No

Comments: Agriculture and the people of Hawaii would be very well served to support Bill Balfour. He is a life long supporter of agriculture and tireless advocate for water issues and above all an honorable gentleman

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: jacqui_hlpc@yahoo.com
Subject: Submitted testimony for GM820 on Apr 15, 2015 14:45PM
Date: Tuesday, April 14, 2015 9:37:12 PM

GM820

Submitted on: 4/14/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jacqui Hoover	Hawaii Leeward Planning Conference	Support	No

Comments: We strongly support and humbly request your support for gubernatorial nominee, William Balfour, Jr., to sit on the Commission on Water Resource Management. With his years of experience in Hawaii's agricultural industry and previous service as a member of the CWRM, Mr. Balfour brings invaluable experience and expertise.

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From: [Jen Johansen](#)
To: [WTLTestimony](#)
Subject: Testimony GM 820 - Cyanotech Corp Supports Balfour Nomination
Date: Friday, April 10, 2015 3:06:58 PM

Aloha Senator Thielen & Senator Galuteria,

Cyanotech Corporation supports the confirmation of William Balfour to the Commission on Water Resource Management. We believe that his previous experience on the Commission and knowledge of water systems and agriculture provides a solid foundation for his ability to serve the State and its constituents.

We encourage you to confirm Governor Ige's nominee.

Thank you very much for your consideration and time spent serving as our State Leaders.

Sincerely,

Jen Johansen
Vice President of Quality & Regulatory Affairs

Cyanotech

73-4460 Queen Kaahumanu Hwy. Suite 102
Kailua-Kona, HI 96740
Main Phone: 808.326.1353
Direct Phone: 808.334.9407
Fax: 808.329.3597
www.cyanotech.com



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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: jkealoha@ilwulocal142.org
Subject: Submitted testimony for GM820 on Apr 15, 2015 14:45PM
Date: Monday, April 13, 2015 2:46:53 PM
Attachments: [2015 GM 820 William Balfour CWRM.docx](#)

GM820

Submitted on: 4/13/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Joanne Kealoha	ILWU Local 142	Support	No

Comments:

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The Twenty-Eighth Legislature
Regular Session of 2015

THE SENATE

Committee on Water and Land
Senator Laura H. Thielen, Chair
Senator Brickwood Galuteria, Vice Chair
State Capitol, Conference Room 224
Wednesday, April 15, 2015; 2:45 p.m.

**STATEMENT OF THE ILWU LOCAL 142 ON G.M. 820
WILLIAM BALFOUR, JR.
COMMISSION ON WATER RESOURCE MANAGEMENT**

The ILWU Local 142 supports G.M. 820 for the confirmation of William Balfour, Jr. for the Commission on Water Resource Management.

Mr. Balfour served on the Commission on Water Resource Management from July 2010 to July 2014. He is seeking another term on the Commission because of his established passion for Hawaii and its resources.

Mr. Balfour worked in the sugar industry for almost 40 years, half of those years as plantation manager at Pioneer Mill (Maui), Oahu Sugar Company, Lihue Plantation, and McBryde Sugar Company (Kauai). Mr. Balfour knows about land and about water, which is vitally needed for agriculture. Mr. Balfour also worked for the City & County of Honolulu at Parks Director for eight years and Civil Defense Administrator for two years.

In our many years of interaction with Mr. Balfour as a plantation manager, the ILWU has admittedly disagreed with him on numerous occasions. Yet throughout, we found him to be fair, approachable, and seeking solutions in the best interests of all. He understands the big picture. He understands the role that stewards of the land and other natural resources must play. He is committed to preserving Hawaii for future generations.

William Balfour is an agriculturist who sees the importance of growing our food for the sustainability of Hawaii and its people. He also very cognizant of how limited and precious our natural resources—particularly water—are and how differing viewpoints must find a way to co-exist. We firmly believe that Bill Balfour has the integrity to consider all the facts in order to make fair judgments.

The ILWU urges confirmation of William Balfour, Jr. for the Commission on Water Resource Management. Thank you for considering our testimony.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: kimberly@hoeisf.com
Subject: Submitted testimony for GM820 on Apr 15, 2015 14:45PM
Date: Tuesday, April 14, 2015 11:26:37 AM
Attachments: [Testimony on GM 820 Bill Balfour.pdf](#)

GM820

Submitted on: 4/14/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kimberly Ribellia	HI Operating Engineers Industry Stabilization Fund	Support	Yes

Comments:

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for a better tomorrow.*

Affiliated AFL-CIO
OPEIU - 8 - AFL-CIO (8)

April 14, 2015

Honorable Laura H. Thielen, Chair
Honorable Brickwood Galuteria, Vice Chair
And members of the Committee on Water & Land
415 South Beretania Street, Room 231
Honolulu, HI 96813

RE: Governor's Message 820 Relating to the Appointment of William Balfour, Jr. as a
Member of the Commission on Water Resource Management

Chair Thielen and members of the Committee,

My name is Kimberly Ribellia, Government Liaison, of the Hawaii Operating Engineers Industry Stabilization Fund (HOEISF), a labor management fund representing 4000 unionized members in heavy engineering site work and 500 general contractors specializing in heavy site and vertical construction.

HOEISF would like to submit its strong support of the Governor's appointment of Mr. Willim Balfour, Jr., at-large member, Commission on Water Resource Management.

Mr. Balfour has a strong background in land and water resource management in both the private and public sectors. His experience as a sugar plantation manager and Director of the Department of Parks and Recreation for the City & County of Honolulu has provided him a great depth of knowledge and appreciation for sensible and fair water resource management practices and policies. He will bring a unique perspective to the Commission as he will be one of the few nominees that has had real life experience in balancing the use of water and the conservation of this precious natural resource.

Thank you for this opportunity to testify in strong support of the Governor's nomination of Mr. William Balfour, Jr. as a member of the Commission on Water Resource Management.

Sincerely,

Kimberly L. Ribellia
Government Liaison
Hawaii Operating Engineers
Industry Stabilization Fund

From: [Joy Gold](#)
To: [WTLTestimony](#)
Cc: [Larry Jeffs](#)
Subject: GM820 William Balfour, Sen WTL Hearing Weds April 15
Date: Monday, April 13, 2015 10:54:21 AM
Attachments: [LJF_GM820_WBalfour_SenWTL.pdf](#)

Aloha,

On behalf of Larry Jeffs, owner and operator of Larry Jeffs Farms, LLC, please accept the attached testimony for:

GM820 William Balfour, Jr for Commission on Water Resource Management

Sen WTL Hearing

Weds. April 15, 2015

2:45 pm

Room 224

Please call me at 368-1146 if there are any questions about the testimony submittal.

Thank you,

Joy Gold

Joy Gold

Joy Gold Unlimited

1136 Union Mall, Ste. 403

Honolulu, Hawaii 96813

Phone: 808-526-3770 Mobile: 808-368-1146 Email: joy@joygoldunlimited.com

www.joygoldunlimited.com

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**LARRY JEFTS FARMS, LLC
PO BOX 27
KUNIA, HAWAII 96759
(808) 688-2892**

GM 820, William Balfour, Jr.
For Commission on Water Resource Management
Senate WTL Confirmation Hearing
Wednesday, April 15, 2015 – 2:45 pm
Room 224

Testimony by: Larry Jeffs

Position: Support

Chair Thielen, Vice Chair Galuteria and Members of the Senate WTL Committee:

I am Larry Jeffs, owner and operator of Larry Jeffs Farms, LLC, which is part of our family-run business of farms on Oahu and Molokai, under the administrative umbrella of Sugarland Growers, Inc. We have more than 35 years of Hawaii farm experience on Molokai and Oahu.

I have known Mr. Balfour for more than 20 years. I believe that his professional experience with City government in roles such as Director of Parks & Recreation, Administrator of the Civil Defense Agency, Director of Facilities Management, and his private sector agricultural experience provide him with a broad view and balance for the Commission on Water Resource Management.

His agricultural experiences, such as President and Manager of the Waiahole Irrigation System which is but one example of his experience with water systems, have given him a sincere appreciation of Hawaii's water systems, its fragility and need for thoughtful management of competing demands.

Your support of William Balfour, Jr. for confirmation to the Commission on Water Resource Management is strongly urged. I can be reached at 688-2892 if you have any questions. Thank you for the opportunity to provide testimony.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: hawaiifish@gmail.com
Subject: Submitted testimony for GM820 on Apr 15, 2015 14:45PM
Date: Sunday, April 12, 2015 12:27:28 PM

GM820

Submitted on: 4/12/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Ronald Weidenbach	Hawaii Fish Company	Support	No

Comments: Hawaii Fish Company strongly supports the nomination of Mr. Bill Balfour. He is a long term agriculture and business person, was Plantation Manager for Oahu Sugar for years, and when he “retired” went to work for the City & County where he has served in several City administrations. Mr. Balfour understands the water needs of agriculture and of the larger island community, and how to get things done. We need this level of broad knowledge and vision on the Water Commission to enable it work effectively to support the needs of agriculture and local food production. We strongly support this nomination.

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ROSEHILL & ASSOCIATES
Government, Community, and Public Affairs

Senate Committee on Water & Land

**Re: GM 820, Commission on Water Resource Management, Gubernatorial Nominee,
William Balfour, Jr.**

Hearing: Wednesday, April 15, 2:45pm, Conference Room 224

Chair Thielen, Vice Chair Galuteria and Committee members:

Thank you for the opportunity to testify in support of the nomination of William Balfour, Jr. to the Commission on Water Resource Management. My name is Linda Rosehill.

I have known Bill for 30 years and worked with him at AMFAC, particularly Oahu Sugar Company. He was previously on the Water Commission and has a wealth of knowledge on the water system.

Your favorable consideration to return him to the Commission is greatly appreciated.

From: [Kris Martin](#)
To: [WTLTestimony](#)
Cc: [Steve Colon](#); jacqui_hlpc@yahoo.com
Subject: Balfour Confirmation Support For The State Water Commission
Date: Monday, April 13, 2015 12:15:47 PM
Attachments: [image001.png](#)

Aloha,

By way of this email, please receive the support of Steve Colón, President, Development, Hawai`i Region, Hunt Companies, for the confirmation of Governor Ige's appointee, Mr. William Balfour, to serve on the State Water Commission.

Best regards,

Kris Martin | Hunt Development Group


68-1087 Ke Kailani Drive

Kamuela, HI 96743

Phone: 808.295.8382 | Kris.Martin@huntcompanies.com

 www.huntcompanies.com

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From: mailinglist@capitol.hawaii.gov
To: WTLTestimony
Cc: sophia@hawaiiforest.org
Subject: Submitted testimony for GM820 on Apr 15, 2015 14:45PM
Date: Tuesday, April 14, 2015 7:36:32 AM

GM820

Submitted on: 4/14/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
sophia cabral-maikui	Hawaii Forest Industry Association	Support	No

Comments: We at Hawaii Forest Industry Association supports William Balfour Jr. for the State Water Commission. He is very knowledgeable Ag person and a motivated to get the job done.

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: hawaiihuntingassociation@hawaiiantel.net
Subject: Submitted testimony for GM820 on Apr 15, 2015 14:45PM
Date: Monday, April 13, 2015 12:02:07 AM

GM820

Submitted on: 4/13/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Tom Lodge	hawaii hunting association	Support	No

Comments: Strongly support those that are in favor of home rule for our water resource management!

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To: [WTLTestimony](#)
Cc: warrenmcfb@gmail.com
Subject: *Submitted testimony for GM820 on Apr 15, 2015 14:45PM*
Date: Monday, April 13, 2015 8:12:58 PM

GM820

Submitted on: 4/13/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Warren Watanabe	Maui County Farm Bureau	Support	No

Comments:

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To: [WTLTestimony](#)
Cc: almurak@nhlchi.org
Subject: Submitted testimony for GM820 on Apr 15, 2015 14:45PM
Date: Wednesday, April 15, 2015 9:15:29 AM
Attachments: [2015 NHLC TestimonyAgainstWilliamBalfour.docx](#)

GM820

Submitted on: 4/15/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Alan	Native Hawaiian Legal Corporation	Oppose	Yes

Comments:

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BEFORE THE SENATE COMMITTEE ON WATER AND LAND

TESTIMONY OF CAMILLE KALAMA AND ALAN MURAKAMI

RE: GM 820 - Appointment of William Balfour

April 15, 2015

I testify AGAINST the confirmation of William Balfour to the Commission on Water Resources Management.

I am one of the attorneys of the Native Hawaiian Legal Corporation, which represents the petitioners before the CWRM to restore 27 East Maui streams. Accordingly, we have specific experience with Mr. Balfour's orientation and the degree of his knowledge of, and experience dealing with, water resources management.

Each CWRM member must "have substantial experience in the area of water resource management." HRS sec. 174C-7(b). Accordingly, although we don't harbor personal animosity against Mr. Balfour, we must, in good conscience, point out the specific reasons why he is neither:

- qualified to fill a position as a water resources trustee, nor
- historically demonstrated an understanding of the duty of exclusive loyalty he would owe to the public to manage this resource in the public interest as articulated in the Hawai'i Constitution or under the State Water Code.

For decades, Alexander and Baldwin (A&B) subsidiary East Maui Irrigation Company (EMI) largely dewatered these and scores of other East Maui streams from 33,000 acres of former Crown Lands managed by the state Board of Land and Natural Resources to irrigate the Hawaiian Commercial and Sugar (HC&S) plantation fields of Central Maui. Although the initial water leases called for EMI to avoid harm to downstream water users along these streams, over time, EMI largely ignored the legal rights of these downstream water users, many of which had **constitutional** rights to those waters to grow taro, gather from the streams, and fish along estuaries created by natural stream flows to the ocean along this coastline. In essence, the stream flow from these 27 streams supported traditional and customary practices dependent on free flowing water to support a traditional Hawaiian lifestyle.

Mr. Balfour is a graduate of Punahou School and the University of Missouri with a BS degree in General Agriculture. He also completed post graduate study with the Hawaii Sugar Planters Association and Stanford Executive Management Programs. Mr. Balfour worked in the Hawaii Sugar Industry for 39 years with 19 years as President and

Manager of Pioneer Mill Company, Oahu Sugar Company, Lihue Plantation Company and McBryde Sugar Company.

In none of the years of Mr. Balfour's career has he demonstrated an understanding of water *management*. Rather, he has been in charge of operations which largely *use* water for commercial purposes. Thus, while he might understand the principles of sugar field irrigation and the history of the sugar industry's near monopoly of stream water resources diverted for its irrigation use, that knowledge per se has little to do with overseeing the protection of trust resources like water and regulating its use amongst competing users. This understanding of resource protection and conservation is quite a different matter. Mr. Balfour's prior affiliation with management of sister sugar companies alone present troubling questions of potential bias.

Moreover, historically, the knowledge one might have as a manager of major water users like the plantations Mr. Balfour worked for preceded passage of the State Water Code, which the Legislature enacted in 1987. As such, Mr. Balfour's experience as a plantation manager largely escaped even dealing with water regulation issues under the principles of the public trust doctrine and the Code. All of the plantations he managed closed before passage of the Water Code. Hence, he had no experience responding to the CWRM's regulation of major water users. He has only worked to exploit water resources to serve private commercial plantations.

This bias was apparent during the years the CWRM dealt with responding to the petitions to restore flows to 27 East Maui streams. His positions while on the CWRM favored the accommodation of major water users like Alexander and Baldwin's subsidiary HC&S. In the East Maui water case before CWRM in 2010, Mr. Balfour was a critical member who ultimately established a **seasonal** interim instream flow standards (IIFS) for only 5 of 19 streams then under consideration. That decision left the remaining 14 streams with flow standards left at status quo and restored only a single stream on a year-round basis. In fact, he was the very Commissioner who moved to accommodate the request of HC&S for a seasonal IIFS. This virtual dewatering of streams in the hotter months of the year would not allow stream animals like 'opae, 'o`opu and hīhīwai to thrive, i.e., by allowing enough streamflow to enable these important stream animals to reproduce and complete their life cycles.

This May 25, 2010 decision contradicted clear law under the public trust doctrine, the Hawai'i Constitution, and the State Water Code designed to protect stream resources. To make matters worse, with no real scientific basis, he offered no explanation to reject the contrary recommendations of the CWRM staff and the DLNR's Division of Aquatic Resources to establish an annual (singular) IIFS. His contrary actions defied the oath he took to uphold and defend the state Constitution and the applicable CWRM duties

under the State Water Code. Haw. Const., Art. XII, §7; Art. XI, §7; Art. XVI, §4; HRS §174C-31. He also demonstrated his inability to separate his past associations with the sugar industry from the trust duty he then owed to the State of Hawai`i to protect stream resources. Under trust law his exclusive duty had to be to adhering to the law, not accommodating an industry in which he once served as a plantation manager.

In October 2010, Mr. Balfour voted to reject the contested case hearing request of NHLC's East Maui clients who sought to restore streamflow under these laws. Finally, the CWRM refused to put either its May or October decisions in writing, then claimed its decisions could not be appealed because it hadn't made a final decision in writing.

Predictably, on appeal, the appellate courts reversed the irrational decisions. Prior appeals of CWRM decisions in Windward O`ahu, Molokai`i, and Central Maui had already established clearly contrary judicial precedents - in at least 5 prior appellate court decisions reversing prior CWRM decisions. These precedents revealed the fallacy of the legal arguments on which the CWRM relied for its May and October 2010 decisions. The collective time and effort to appeal and the defend against the appeal of the CWRM's East Maui decisions, together with these prior appeals, cost all parties, including the State of Hawai`i, innumerable hours of time and costs, likely valued at millions of dollars.

Perpetuating these types of decisions with appointments likely to repeat them will impose future costs on the state that are avoidable with better appointments to these important positions. Mr. Balfour's reappointment at minimum sends a clear message to my clients that his participation in these prior erroneous and unconstitutional decisions is of no consequence. At worst it tells them that his bias towards plantations and large water users to the detriment of public trust purposes for the water is desired for the CWRM.

For the reasons stated above, the Senate should reject Mr. Balfour's appointment.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: angelavideotron@gmail.com
Subject: Submitted testimony for GM820 on Apr 15, 2015 14:45PM
Date: Tuesday, April 14, 2015 2:21:06 PM

GM820

Submitted on: 4/14/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Angela Breene	Waihuena Farm	Oppose	No

Comments: Bill Balfour is a totally inappropriate nominee for the Commission on Water Resource Management. Balfour's career history of bad decision making on water issues is well documented and in at least two instances has had to be reversed by the Courts. Water is too precious of a public resource to be in the hands of a person with such vested interests, including a current consultant position with Monsanto. Please oppose the nomination of Bill Balfour. Mahalo

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: autumnness@yahoo.com
Subject: *Submitted testimony for GM820 on Apr 15, 2015 14:45PM*
Date: Monday, April 13, 2015 1:44:58 PM

GM820

Submitted on: 4/13/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
autumn ness	gmo free maui	Oppose	No

Comments:

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To: [WTLTestimony](#)
Cc: unaviami@yahoo.com
Subject: Submitted testimony for GM820 on Apr 15, 2015 14:45PM
Date: Tuesday, April 14, 2015 10:16:08 AM

GM820

Submitted on: 4/14/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Bryna Storch	Commercial Farmer	Oppose	No

Comments: Aloha! As a commercial farmer I respect the water code and its intent to protect our most essential public and natural resource. I also depend on the water code to protect our rights to water used for growing food for the community. I greatly respect Denise Antolini, the current interim director, as a very qualified, capable candidate for this position, one who will protect and enforce the law. She is able to bring diverse needs together through skillful and intelligent diplomacy, operating within our legal framework. I do NOT support Mr. Balfour, his track record of attempts to circumvent the law is embarrassing to the state and the seriousness of this position. He would cost the state in endless litigation and he would threaten the protection of our most valuable resource. And simply, his ties to Monsanto are scandalous and dangerous to local commercial farmers who need the very water that such a corporation has been trying to hoard for themselves. Please uphold the water code by confirming a candidate who will. Mahalo.

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: blawaiianlvr@icloud.com
Subject: *Submitted testimony for GM820 on Apr 15, 2015 14:45PM*
Date: Friday, April 10, 2015 12:14:49 AM

GM820

Submitted on: 4/10/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: wailuanui@exede.net
Subject: Submitted testimony for GM820 on Apr 15, 2015 14:45PM
Date: Wednesday, April 15, 2015 8:25:27 AM
Attachments: [Balfour.docx](#)

GM820

Submitted on: 4/15/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Edward & Mahealani Wendt	Na Moku Aupuni o Koolau Hui	Oppose	No

Comments:

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TESTIMONY OF ED WENDT, PRESIDENT
NA MOKU AUPUNI O KO`OLAU HUI

OPPOSING THE APPOINTMENT OF
WILLIAM BALFOUR TO THE
COMMISSION OF WATER RESOURCES MANAGEMENT

BEFORE THE COMMITTEE ON WATER & LAND
April 15, 2015

Na Moku Aupuni o Ko`olau Hui is a non-profit organization whose members are the lineal descendants and current residents of Ke`anae and Wailuanui, adjacent ahupua`a in East Maui. They are families who reside on ancestral lands, kalo farmers who also fish, hunt and gather as part of their everyday lifestyle, the same lifestyle as their ancestors. For many decades now, the families have been devastated by the impacts of complete dewatering of their communities, sanctioned and overseen by government agencies, principally the Department of Land & Natural Resources and its sub-agency, the Commission on Water Resources Management. The people here have patiently endured government malfeasance which has repeatedly been chastised and overturned by appeals to the courts, only to find themselves still deprived of water promised by the courts and guaranteed in our State Constitution.

Mr. Balfour's 39-year career in the sugar industry, with 19 of those years as President and Manager of Pioneer Mill Company, Oahu Sugar Company, Lihue Sugar Plantation and McBryde Sugar Company creates a situation, once again, **where the fox is being put in charge of the hen house.** Since the sugar industry has historically and up to present times exerted powerful and dominant control, in collusion with state officials, to divert and monopolize all of the water diverted out of East Maui, this nomination is yet another instance where the people feel they are being betrayed.

Given his background, it is apparent that Mr. Balfour will not be sympathetic to the plight of traditional taro farmers, as borne out by his past decisions while a sitting member of CWRM. We do not believe he will be fair and judicious in his decisions, but favor the continuing massive water diversions out of East Maui to the great detriment and hardship of our people.

In recent contested case hearings, by their own calculations, East Maui Irrigation and Hawaiian Cane & Sugar have been diverting water in excess of what they require to satisfy their commercial operations. Nevertheless, as a member of CWRM, Mr. Balfour supported an approach to water allocations which repeatedly sacrificed our farmers in favor of sugar. Our family farms are typically worked by members of the `ohana. It has been truly heartbreaking, after all the labor required to prepare and plant in environments where heavy equipment cannot be used, to watch crops die due to lack of water because "seasonal adjustments", a euphemism for the practice whereby kalo farmers are entirely cut off to adjust for low rainfall.

Our recent East Maui water contested case hearings were conducted over the course of an entire month, requiring many witnesses shedding light of many complicated facts, far too many to easily summarize here.

We have no confidence, given his career background and record as past CWRM commissioner, that he will be unbiased and fair. We urge this committee to reject this nominee.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: htf@lava.net
Subject: Submitted testimony for GM820 on Apr 15, 2015 14:45PM
Date: Tuesday, April 14, 2015 11:31:46 AM
Attachments: [GM 820 & GM 821 HTF testimony 4.15.15.pdf](#)

GM820

Submitted on: 4/14/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Hawaii's Thousand Friends	Hawaii's Thousand Friends	Oppose	Yes

Comments:

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25 Malunui Ave., Suite 102., PMB 282 • Kailua, HI 96734 • Phone/Fax: (808) 262-0682 E-mail: htf@lava.net

April 15, 2015

COMMITTEE ON WATER AND LAND
Senator Laura Thielen, Chair
Senator Brickwood Galuteria, Vice Chair

GM 821

Support the confirmation of Denise Antolini to the
Commission on Water Resource Management, for a term to expire 6/30/15.

GM 820

Oppose the confirmation of William Balfour to the Commission on Water Resource Management,
for a term to expire 6/30/19.

Committee Chair and members;

Hawaii's Thousand Friends, a statewide nonprofit organization dedicated to comprehensive planning and reasonable, responsible and appropriate land use, **supports** the nomination of **Denise Antolini** to the Water Commission and **opposes** the nomination of **William Balfour**.

Members of the Water Commission are the keepers of this public trust resource and these two nominations could not be more different in their understanding of the Water Code, the law and public trust responsibilities.

There is no doubt that *Ms. Antolini* will and has lived the mission of the Commission – *to protect and enhance the water resources of the State of Hawaii through wise and responsible management.*

Ms. Antolini understands that “the waters of the State are held for the benefit of the citizens of the State” and that “the people of the State are beneficiaries and have a right to have the waters protected for their use.”

Ms. Antolini, a UH law professor, has a long history of public trust work at the University of Hawaii Law School and knowledge and expertise in water, ocean and coastal laws.

Ms. Antolini, while Director of the Environmental Law Program, received the American Bar Association, Distinguished Achievement in Environmental Law and Policy.

Ms. Antolini has worked tirelessly to preserve our island's fragile environment through her work in the community and coalition building dedicated to environmental issues.

Ms. Antolini's life work and core beliefs demonstrate that her presence on the Water Commission will represent the state's public trust responsibilities and the public's interests.

On contrast *Mr. Balfour's* history has not been in resource management or community involvement but his life work has been steeped in the sugar industry.

While on the Water Commission *Mr. Balfour* did not demonstrate that his decisions and votes were made neither in the public's interest nor to promote the state's public trust responsibilities.

Mr. Balfour, while on the Water Commission, opposed stream restoration in East Maui and Na Wai `Eha. .

In the East Maui stream restoration case *Mr. Balfour* motioned to deny a contested case requested by Na Moku Aupuni o Ko`olau Hui on the amendment of interim stream flow standards for 27 East Maui streams. The State Intermediate Court of Appeals later over ruled this motion granting Na Moku a contested case.

While on the Water Commission *Mr. Balfour* opposed the petition for a ground water management area designation for Keauhou Aquifer System at Kaloko-Honokoahu National Historical Park.

At a June 2014 Water Commission meeting *Mr. Balfour* showed his lack of understanding of the Water Code by commenting that the Courts and the Legislature don't understand water issues. He said, "We need potable water daily to survive. The Water Commission needs to make more rational, intelligent and logical decisions. The Commission must lead with the head and not with the heart. Laws, rules, and regulations have been created by others who do not understand our mandates." The Water Code is not about potable water, which is a county issue.

It is clear in the Water Code and a multitude of legal rulings including the landmark Waiahole Contested Case Hawaii Supreme Court ruling what is expected of the Water Commission.

In Waiahole the Court "...rejected the idea of public streams serving as convenient reservoirs for off stream private use" and that "...the Commission's present disposition largely defeats that purpose of the instream use protection scheme set forth in [the Hawaii Water Code]. Every concession to immediate off stream demands made by the commission increases the risk of unwarranted impairment of instream values, ad hoc planning, and arbitrary distribution."

To help ensure that the Water Commission upholds the public trust doctrine, works in the public's interest and is an instrument for judicious planning and regulation, rather than crisis management we ask the committee to not confirm Mr. William Balfour.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for GM820 on Apr 15, 2015 14:45PM*
Date: Tuesday, April 14, 2015 2:31:37 PM

GM820

Submitted on: 4/14/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	UH Biology Alumni Association.	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: jeffreyUDV@aol.com
Subject: Submitted testimony for GM820 on Apr 15, 2015 14:45PM
Date: Saturday, April 11, 2015 10:38:16 AM

GM820

Submitted on: 4/11/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jeffrey Bronfman	Haiku Aina Permaculture Initiative	Oppose	No

Comments: Bill Balfour SHOULD NOT be confirmed to serve on the State water Commission. His past decisions are the reasons why he is the wrong person for this job. The water resources of hawaii, by our constitution, are PUBLIC TRUST RESOURCES, a fact that Mr Balfour, with all of his loyalties to Industry DOES NOT APPRECIATE.

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: lauren@rothecological.com
Subject: Submitted testimony for GM820 on Apr 15, 2015 14:45PM
Date: Monday, April 13, 2015 5:30:00 PM
Attachments: [GM 820.pdf](#)

GM820

Submitted on: 4/13/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Lauren Roth Venu	Roth Ecological Design Int.	Oppose	No

Comments:

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APRIL 13, 2015

SENATE COMMITTEE ON WATER AND LAND

TESTIMONY IN OPPOSITION OF GM 820

Dear Chair Theilen & Vice Chair Galuteria:

As an organization supporting sustainable water management, planning and development for Hawaii, Roth Ecological Design Intl (REDI) strongly opposes Mr. William Balfour Jr.'s nomination for the State of Hawaii Water Commission. Mr. Balfour's resume does show he has experience being on the Water Commission in the past, however along with his affiliations with multiple, large plantation style agricultural developments, his previous actions, in our opinion, do not reflect the best interest for Hawaii's people, ecosystems and water supplies. For example here are several of his decisions while serving on the State Water Commission that were contrary to the public trust doctrine and other mandates under the State Water Code:

* He voted to give large water companies continued access to large amounts of water at the expense of restored stream flows and Hawaiian water rights in the Na Wai 'Eha case in Central Maui. The Commission's decision was appealed to the Hawai'i Supreme Court and reversed.

* He voted against granting Hawaiian practitioners a contested case hearing over Alexander & Baldwin subsidiary East Maui Irrigation Company's long-standing and destructive diversion of millions of gallons of water per day from East Maui streams. The Commission's decision was appealed to the Hawai'i Supreme Court and reversed.

* He voted to dismiss a petition to designate the Keauhou Aquifer as a Water Management Area before the petitioner, National Park Service, even had the

opportunity to present its case. The petition is moving forward and information is being gathered by the Commission's staff.

For these reasons, we believe his acceptance to the State Water Commission would be a backwards move for the State and strongly oppose GM 820.

Sincerely,



Lauren C. Roth Venu
President
Roth Ecological Design Intl. LLC
808-737-1512
lauren@rothecological.com
www.rothecological.com

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: makaala@hawaiian.net
Subject: Submitted testimony for GM820 on Apr 15, 2015 14:45PM
Date: Tuesday, April 14, 2015 10:06:50 AM

GM820

Submitted on: 4/14/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Makaala Kaaumoana	Hui Ho'omalua i ka Aina	Oppose	No

Comments: Our organization represents cultural practitioners and resource beneficiaries and we STRONGLY OPPOSE this nomination. This nominee has no demonstrated knowledge nor experience with the Hawaii State Water code nor any understanding of the public trust involved in the management of our water.

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: mz@conservehi.org
Subject: Submitted testimony for GM820 on Apr 15, 2015 14:45PM
Date: Monday, April 13, 2015 5:40:20 PM
Attachments: [CCH testimony GM 820 Balfour CWRM.pdf](#)

GM820

Submitted on: 4/13/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Marjorie Ziegler	Conservation Council for Hawai'i	Oppose	No

Comments:

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**Conservation Council
for Hawai'i**

Hawai'i's voice for wildlife

Kō Hawai'i / leo no nā holoholona lōhiu



Testimony Submitted to the
Senate Committee on Water and Land
Hearing: Wednesday, April 15, 2015 2:45 pm Room 224

In Opposition to GM 820 William Balfour, Jr.

Aloha, Chair Thielen, Vice Chair Galuteria, and Members of the Committee. The Conservation Council for Hawai'i opposes GM 820 and the nomination of William Balfour, Jr., to serve on the Commission on Water Resource Management.

Mr. Balfour has spent decades working for companies that divert millions of gallons of water a day from Hawaiian streams at the expense of native Hawaiian water rights, kalo and other farmers, and native species and ecosystems. Such companies include American Factors (AMAC), Alexander & Baldwin (A&B), Lihue Plantation Company, East Kauai Irrigation System, Oahu Sugar Company, and Waiahloe Irrigation System.

Mr. Balfour represents the old way of doing business in Hawai'i, in which constitutionally guaranteed water rights, the public trust, and native species and ecosystems are ignored in favor of continued exploitation of the resource.

The paradigm is shifting, and we can not afford the old way any longer. This nomination is a huge step backwards for Hawai'i. We ask Mr. Balfour to step aside and let others serve on the Commission for a more just and sustainable water management regime in the islands.

Mr. Balfour already served on the Commission on Water Resource Management, and his decisions were contrary to the public trust doctrine and other mandates under the State Water Code:

- He voted to give large water companies continued access to large amounts of water at the expense of restored stream flows and Hawaiian water rights in the Na Wai 'Eha case in Central Maui. The Commission's decision was appealed to the Hawai'i Supreme Court and reversed.
- He voted against granting Hawaiian practitioners a contested case hearing over Alexander & Baldwin subsidiary East Maui Irrigation Company's long-standing and destructive diversion of millions of gallons of water per day from East Maui streams. The Commission's decision was appealed to the Hawai'i Supreme Court and reversed.
- He voted to dismiss a petition to designate the Keauhou Aquifer as a Water Management Area before the petitioner, National Park Service, even had the opportunity to present its case. The petition is moving forward and information is being gathered by the Commission's staff.

Please oppose GM 820 and William Balfour for the Commission on Water Resource Management.
Mahalo nui loa for the opportunity to testify. Sincerely, Marjorie Ziegler

*Conservation Council for Hawai'i is a nonprofit, environmental membership organization
dedicated to protecting native Hawaiian plants, animals, and ecosystems for future generations.*

*Established in 1950 and based in Honolulu, CCH is one of the largest and most effective wildlife organizations in
Hawai'i with more than 5,000 members and supporters, including concerned citizens, educators, scientists,
government agencies, and elected officials.*

*Through research, education, service, organizing, and legal advocacy,
CCH works to stop the destruction of native wildlife and wild places in Hawai'i.*

Since 1973, CCH has served as the Hawai'i state affiliate of the National Wildlife Federation.

Telephone/Fax: 808.593.0255 | email: info@conservehi.org | web: www.conservehi.org
P.O. Box 2923 | Honolulu, HI 96802 | Office: 250 Ward Ave., Suite 220 | Honolulu, HI 96814

President: Hannah Kihalani Springer | Vice-President: Julie Leialoha | Treasurer: Bianca Isaki | Secretary: Wayne Tanaka
Directors: Rick Barboza | Ryan Belcher | Maka'ala Ka'auomoana | Koalani Kaulukukui
Executive Director: Marjorie Ziegler | Administrator: Jonnetta Peters



From: mailinglist@capitol.hawaii.gov
To: WTLTestimony
Cc: mail@outdoorcircle.org
Subject: Submitted testimony for GM820 on Apr 15, 2015 14:45PM
Date: Tuesday, April 14, 2015 11:13:08 PM
Attachments: [GM820 Balfour TOC Opposition.pdf](#)

GM820

Submitted on: 4/14/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Martha Townsend	The Outdoor Circle	Oppose	Yes

Comments:

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**TESTIMONY MARTHA TOWNSEND
EXECUTIVE DIRECTOR OF THE OUTDOOR CIRCLE**

**IN OPPOSITION TO GM820
Nomination of William Balfour to Commission on Water Resources Management**

**before the
SENATE COMMITTEE ON WATER AND LAND
Wednesday April 15, 2015 2:45 PM room 224**

Dear Chairwoman Thielen and members of the Senate Water and Land Committee,

Thank you for this opportunity to testify in opposition to the appointment of William Balfour (GM820) for a third term on the Commission for Water Resource Management.

On behalf of our members throughout the state, The Outdoor Circle seeks to protect Hawaii's freshwater resources because they are essential to keeping Hawaii clean, green, and beautiful. The Water Commission mission is "to protect and enhance the water resources of the State of Hawaii through wise and responsible management." The Commission's repeated failure to comply with this mission has triggered several court cases overturning the Commission's decisions.

Mr. Balfour's service on the Commission contributed to this history of litigation. During his term, Mr. Balfour:

- * voted to give large water companies continued access to large amounts of water at the expense of restored stream flows and Hawaiian water rights in the Na Wai 'Eha case in Central Maui. The Commission's decision was appealed to the Hawai'i Supreme Court and reversed.

- * voted against granting Hawaiian practitioners a contested case hearing over Alexander & Baldwin subsidiary East Maui Irrigation Company's long-standing and destructive diversion of millions of gallons of water per day from East Maui streams. The Commission's decision was appealed to the Hawai'i Supreme Court and reversed.

- * voted to dismiss a petition to designate the Keauhou Aquifer as a Water Management Area **before** the petitioner, National Park Service, even had the opportunity to present its case. The petition is moving forward and information is being gathered by the Commission's staff.

Mr. Balfour's approach to water policy represents the old approach to water policy in Hawaii, which ignored constitutionally guaranteed water rights, the public trust, and native

species and ecosystems in favor of continued exploitation of the resource. We respect the Governor's authority to choose from the nominees offered by the selection committee. Unfortunately, confirming this nomination would likely result in more litigation and expense to taxpayers and impede the movement toward more sustainable water policy decisions.

Since Mr. Balfour's previous term, the paradigm on water policy has shifted. We now know that the old way of managing our resources is not sustainable. For these reasons we urge this Committee to advise the Senate against this nomination.

Thank you for this opportunity to provide testimony and we are available to answer any questions.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: ndesai@npca.org
Subject: Submitted testimony for GM820 on Apr 15, 2015 14:45PM
Date: Wednesday, April 15, 2015 7:36:39 AM
Attachments: [NPCA Testimony Opposing Balfour Nomination to CWRM 4.15.15.pdf](#)

GM820

Submitted on: 4/15/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Neal Desai	National Parks Conservation Association	Oppose	No

Comments:

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April 15, 2015

Re: TESTIMONY IN OPPOSITION TO THE NOMINATION OF WILLIAM
BALFOUR, JR. TO THE COMMISSION ON WATER RESOURCE
MANAGEMENT
GM 820 TO BE HEARD ON APRIL 15, 2015 AT 2:45 P.M.

Senator Thielen and members of the Committee on Water and Land:

The National Parks Conservation Association (NPCA) writes to express concern about and opposition to the nomination of William Balfour, Jr. to the Commission on Water Resource Management (CWRM).

The NPCA and its nearly 4,000 members and supporters in Hawaii care deeply about the protection of our national parks and landscape resources such as clean water and air. The CWRM plays an important role in ensuring that public trust, nationally significant resources found in Hawaii's national parks are protected for present and future generations. Based on Mr. Balfour's prior term as CWRM Commissioner, we believe that he is unsuitable to ensure the CWRM carries out its mission.

Mr. Balfour's treatment of the National Park Service's (NPS) Petition requesting CWRM designate the Keauhou Aquifer as a Water Management Area highlights how he has not adhered to the CWRM's own regulations that are intended to ensure that all parties are fairly treated as intended by law, and that science and facts will be considered in decision-making. The NPS filed its Petition because scientific research, as well as data on ongoing unregulated groundwater withdrawal adjacent to the Kaloko-Honokohau National Historical Park, confirmed that the Park's nationally significant resources could be threatened without the CWRM's assistance.

Contrary to regulation and practices of fair and good government, Mr. Balfour voted to prevent the NPS *from even presenting* to CWRM the scientific research and factual evidence that would allow CWRM to make an informed decision.

CWRM needs Commissioners that will follow the regulations, serve the public interest, and build trust with the public by making decisions consistent with law, policy and science. Mr. Balfour's nomination would not advance these key functions of CWRM, and as such, NPCA finds Mr. Balfour unsuitable for CWRM and opposes his nomination.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: rangien2010@yahoo.com
Subject: *Submitted testimony for GM820 on Apr 15, 2015 14:45PM*
Date: Wednesday, April 15, 2015 9:10:31 AM

GM820

Submitted on: 4/15/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Puanani Rogers	Ho`okipa Network - Kauai	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: councilmemberholmes@yahoo.com
Subject: Submitted testimony for GM820 on Apr 15, 2015 14:45PM
Date: Monday, April 13, 2015 7:16:19 AM

GM820

Submitted on: 4/13/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Steve Holmes	Sierra Club	Oppose	No

Comments:

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SIERRA CLUB OF HAWAII
MĀLAMA I KA HONUA. *Cherish the Earth.*

TESTIMONY IN OPPOSITION TO THE NOMINATION OF WILLIAM BALFOUR, JR. TO THE
COMMISSION ON WATER RESOURCE MANAGEMENT
GM 820 TO BE HEARD ON APRIL 15, 2015 AT 2:45 P.M.

Senator Thielen and members of the Committee on Water and Land:

The Sierra Club, Hawaii Chapter opposes the nomination of William Balfour, Jr. to the Commission on Water Resource Management.

Mr. Balfour has had his opportunity to serve on this important commission. And the track-record of this former sugar company executive is embarrassing. He consistently demonstrated that he cares more about the profits of large landowners than he does for the public. And his decisions have been reversed by the Hawaii Supreme Court.

In 2010, Mr. Balfour rejected the findings of a hearing officer, who had actually listened to all the evidence. He voted to return less water to streams than recommended by the hearing officer and refused to make Alexander & Baldwin live up to its burden of proof. Ultimately, his decision was reversed by Hawaii Supreme Court.

Later that year, Mr. Balfour voted to deny taro farmers the right to a contested case hearing in their efforts to restore de-watered streams in East Maui. That decision too was reversed by the appellate courts.

In 2013, Mr. Balfour voted to deny the National Park Services' petition to designate the Keauhou Aquifer – without giving the park service an opportunity to present any evidence to the commission.

The Commission on Water Resource Management is supposed to serve the public interest – not private interests. We deserve better.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: scolemansurfrider.org
Subject: Submitted testimony for GM820 on Apr 15, 2015 14:45PM
Date: Monday, April 13, 2015 12:52:50 PM
Attachments: [SF-WaterComm.-BalfourNomination-4-15-15.doc](#)

GM820

Submitted on: 4/13/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Stuart Coleman	Surfrider Foundation	Oppose	No

Comments:

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April 13, 2015

To: Chair Thielen, Vice Chair Galuteria and Members of the House Committee on Water & Land (WTL)
Re: Strong Opposition to GM 820 (William Balfour's nomination to the Water Commission)
Hrg: Wed., April 15, 2015 at 2:45pm Room 224

Mahalo for the opportunity to submit testimony in strong opposition of GM 820. The Surfrider Foundation rarely gets involved with the Governor's administrative appointments, but we oppose the current candidate to the on Commission on Water Resource Management because of glaring conflicts of interest. The nominee has spent 39 years as a sugar plantation executive at the Oahu Sugar Company, Lihue Plantation Company and McBryde Sugar Company. He is currently working as a consultant for Monsanto. A major portion of his life has been spent diverting streams to sugar plantation uses. He has little conservation or public interest work to balance out these professional influences.

I'm not sure why the Governor would not nominate Prof. Denise Antolini, who is serving as an interim Commission member and is imminently more qualified in water issues. Mr. Balfour's xperience exploiting local resources for private corporate benefit does not translate into ability to manage natural resources in the public interest. He will mostly likely vote with the corporations and will be perceived as an insider lobbyist for plantation, big chemical agriculture and land developer private corporate interests.

For instance, the East Maui Streamflow decision is coming up before COWRM and Mr. Balfour would have a major conflict of interest on this issue, which is important to stream ecosystem function, estuaries, small local agriculture and native culture. With his background, he would be perceived to be acting against the public interest on every other statewide stream, aquifer, watershed and environmental issue that comes before COWRM.

I am writing to ask that you do not confirm this nominee who will serve to give a direct vote to big private corporate interests and stifles the fair evaluation ability and deliberative nature of the Commission to determine water uses in the public interest. His background as a lobbyist for a large development corporation just adds salt to the wound. I hope the Governor will reconsider and ask Denise Antolini to continue serving on the Comm.

If this nomination goes through, it will cast a dark cloud over the current administration and send a signal that powerful corporate influence is more important than the public's interest in conserving our fragile environment. Mahalo for your consideration and leadership on this issue and let me know if you have any questions.

Aloha,
Stuart Coleman
Stuart H. Coleman
Hawaii Coordinator

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: publicpolicy@oha.org
Subject: Submitted testimony for GM820 on Apr 15, 2015 14:45PM
Date: Wednesday, April 15, 2015 8:44:14 AM
Attachments: [GM820 Balfour Water Commission Confirmation WTL 041515 FINAL.pdf](#)

GM820

Submitted on: 4/15/2015

Testimony for WTL on Apr 15, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Office of Hawaiian Affairs	Office of Hawaiian Affairs	Comments Only	Yes

Comments: x

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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GM820

Submitting for consideration and confirmation to the Commission on Water Resource Management, Gubernatorial Nominee WILLIAM BALFOUR, JR., for a term to expire 6-30-2019

Senate Committee on Water and Land

April 15, 2015

2:45 p.m.

Room 224

The Administration of the Office of Hawaiian Affairs (OHA) will recommend to the Board of Trustees a position of **COMMENTS** for GM820, which would confirm William Balfour, Jr. as a commissioner on the Commission on Water Resource Management (CWRM), for a term to expire June 30, 2019.

CWRM is the primary body tasked with managing and regulating the use of our water resources. Accordingly, CWRM decisions have direct, long-term impacts on Native Hawaiians' priority rights protected under the public trust, as described by the Hawai'i State Constitution, the State Water Code, and applicable case law. CWRM has a fiduciary duty to administer, protect, and preserve these aforementioned rights as part of its public trust responsibilities. Unfortunately, in many of its past major decisions, CWRM does not appear to have had sufficient legal guidance to appropriately consider and enforce the assertions of Native Hawaiians and other users to their water rights. Notably, all of the last five major decisions of CWRM were overturned on appeal, after considerable expense to the state and to those who sought to enforce their rights under the State Water Code and the public trust.¹ OHA believes that if CWRM members possess more complete information regarding the state's trust duties and their legal responsibilities to protect and enforce Native Hawaiian rights, they will be better able to meet their fiduciary obligations without forcing such priority rights holders to seek further legal intervention or relief.

Accordingly, OHA has strongly supported the selection of Professor and Associate Dean of the William S. Richardson School of Law, Denise Antolini, as the next regular member of CWRM. As an interim appointee, Professor Antolini has already brought to CWRM invaluable expertise and insight regarding environmental and Native Hawaiian law relating to land and water use, including the public trust requirements of the State Water Code. OHA's testimony on GM821 reflects the extensive legal background and experience that would allow Professor Antolini to continue her significant contributions to CWRM's mission. In addition, OHA notes that Professor Antolini's involvement in and extensive knowledge on a broad range of environmental issues may provide her with additional and potentially critical insight, regarding

¹ In Re Petition to Amend Interim Instream Flow Standards for Waikamoi, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, Waiohue, Paakea, Kapaula and Hanawi Streams, Intermediate Court of Appeals, Order, No. CAAP-10-0000161 (unpublished opinion, Nov. 30, 2012); In re 'Āao Ground Water Management Area High Level Source Water Use Applications, et al., 128 Hawai'i 228 (2012); In re Kukui Moloka'i, 116 Hawai'i 481 (2007); In re Wai'ola o Moloka'i, 103 Hawai'i 401 (2004); In re Water Use Permit Applications, 94 Hawai'i 97 (2000).

the hydrologic implications of developing research in related and other fields (such as climate change, water efficiency and recycling technologies, etc.).

While the present nominee does have past experience serving on CWRM, which provides him with some institutional knowledge of its past decisions, it is unclear if his expertise and experience will provide the same breadth and depth of critical knowledge that may be essential to better fulfilling CWRM's legal responsibilities to uphold the public trust in water.

Mahalo for the opportunity to testify.