



SIERRA CLUB OF HAWAI'I

MĀLAMA I KA HONUA. *Cherish the Earth.*

SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

Monday March 21, 2016 2:55PM Room 224

In Opposition **HB2501** Relating to Water Rights

Aloha Chairman Sen. Gabbard and members of the Senate WLA Committee,

Alexander and Baldwin's improper diversion of public water from East Maui streams is one of the last injustices that remain of sugar plantations in Hawai'i. These diversions are killing native streams, undermining sustainable farming practices, and dividing communities. It represents the old-fashioned, Big Five, mono-crop economy that required massive public subsidy and total political domination to survive; it represents a system we have chosen to leave behind. Today, Hawai'i is embracing a new future and a new economy built on self-reliance, innovation, and a commitment to true mālama 'āina.

By considering this bill, the Legislature is stepping into a highly litigated, polarized and localized conflict. One that requires considerable command of the science, history, and law to make an informed decision. This Legislature recognizes the gravity of these decisions, which is why it created the Commission on Water Resources Management to administer our Water Code and decide the best allocations of our precious water resources. After years of intransigence, the system is finally and fully engaged in decision making about A&B's long history of harmful diversions in East Maui. The Water Commission is preparing to rule in the contested case on minimum in-stream flow standards and the circuit court decision on A&B's "hold-over" revocable permits is being appealed through the usual judicial process. The Water Commission is holding new hearings so it can accept new evidence regarding the closure of HC&S.

We know that many agricultural interests are concerned that their access to water is at risk if this bill does not pass. This is simply not true. In her attempt to advocate for the passage of this bill, Deputy Attorney General Linda Chow, whose advice to DLNR is the crux of this case, conceded that the "holdover" is unique to A&B. For all other revocable permits, DLNR has all the legal authority it needs to properly administer the program.

The best way to strike a proper balance in this circumstance is for this Legislature to refrain from acting at all. Allow the legal process to run its course. Create the conditions that require A&B to rely first on its own resources before taking from others, then use the existing system to request additional water from the public inventory if needed. Just like every other farmer and business in Hawai'i.

There is more than enough water on Maui for everyone to thrive — the streams, the people, and the farms. It simply needs more magnanimous management. For these reasons, we strongly urge you to defer this measure. Additional information is provided, including a timeline and citations.

Mahalo,

Martha Townsend
Director

East Maui Streams: A TIMELINE

1878: Maui's first diversion ditches completed. They have the capacity to divert about 80 million gallons of water per day from East Maui streams for sugar production in central Maui.

1900-30's: 6 new ditches along the mountains of East Maui are completed, with the combined capacity to divert 450 million gallons of water everyday.

1880's to 1980's: A&B diverts billions of gallons of water from public and private land in East Maui for commercial sugar production in central Maui. Taro production in East Maui declines from several hundred acre to just 20 acres.

1980's: Commercial sugar production in Hawai'i begins to decline.

1986: A&B's last 25-year license to divert public water from state lands in East Maui expired.

1986-2002: DLNR issues 4 month-to-month revocable permits to A&B and renews them annually for access to approximately 33,000 acres of public land and authorizes A&B to continue diverting hundreds of millions of gallons of public waters per day from several public streams for sugar production. No environmental impact analysis, no mitigation for harm to downstream residents and farmers.

1987: State of Hawai'i adopts the Water Code (Hawai'i Revised Statute 174C), which says "the waters of the State are held for the benefit of the citizens of the State. It is declared that the people of the State are beneficiaries and have a right to have the waters protected for their use."

May 2000: A&B submits request for a longterm lease to access the 33,000 acres of public land and divert millions of gallons of water.

May 2001: East Maui taro farmers file a contested case hearing request with the Water Commission to establish minimum stream flow standards for 27 streams in East Maui.

June 2001: Instead of granting A&B's 30 year lease request, the BLNR renewed A&B's 4 revocable permits for 33,000 acres and millions of gallons of water pending resolution of the contested case hearing.

2002: BLNR again authorized A&B use of the approximately 33,000 acres and millions of gallons of water on a "holdover basis".

2003: BLNR approved A&B's 30-year lease application. The taro farmers appealed the decision to a state court arguing BLNR must complete an environmental impact statement (EIS).

2005: Judge Hifo ruled in favor of taro farmers and said an EIS is required. Taro farmers demand BLNR restore some water to give them immediate temporary relief for the lack of water in the streams.

2005-2006: Stream studies conducted by the U.S Geological Survey to establish the minimum amount of water that should be in each of the 27 streams of East Maui.

2005-2013: BLNR annually renews revocable permits for A&B to continue the historic diversion of millions of gallons of water from public land in East Maui for less than a penny per gallon and without conducting any environmental analysis.

2007: BLNR granted interim relief to taro farmers restoring just 6 million gallons of water to one stream. BLNR also directed DLNR "to take all administrative steps necessary to . . . prepare an EA in accordance

with HRS Chapter 343" concluding that "[a]ll parties now concede that an EA (and potentially an environmental impact statement ("EIS") must be prepared".

2008: BLNR rules that an additional 12 million gallons day of water should be restored total among 8 streams in East Maui.

2009: Taro farmers file case to enforce BLNR's orders because the 12 million gallons were never restored.

Spring 2010: Water Commission rules to restore some water and sets minimum flow standards for some streams. Taro farmers challenge the minimum stream flow standards for 12 of the 27 streams through a contested case. BLNR denies the taro farmers request for a contested case.

Fall 2010: The Hawai'i Supreme Court rules the taro farmers have a right to a contested case.

2011: A&B diverts more water from East Maui streams than is consumed by the entire island of O'ahu (160 million gallons of water a day).

2012: Taro farmers petition BLNR to restart the contested case hearing process from 2001. BLNR does not act on the taro farmers' request.

2014: Taro farmers appeal to Circuit Court (AGAIN) because BLNR failed to act on the request for a contested case hearing.

December 2014: BLNR again approves 4 revocable permits for A&B to access 33,000 acres of public land and divert hundreds of millions of gallons of water everyday, like they had been doing for years. A&B confirms 17,000 acres of its total 30,000 acres of agricultural land are cultivated in sugar and irrigated with public water diverted from East Maui.

December 2014: The taro farmers appealed the revocable permits decision to a judge.

2015: Contested case hearing conducted by the Water Commission in separate proceeding to decide what should be the minimum amount of water in 12 East Maui streams.

Dec. 2015: Dr. Lawrence Miike, hearing officer in the contested case, recommends that there is sufficient water to support sugar production in Central Maui while allowing the streams to flow in East Maui as the law requires.

Dec. 2015: A&B announces they will close their last sugar plantation (17,000 acres in central Maui) by the end of 2016.

Dec. 2015: BLNR again "holds over" A&B's 2002 revocable permits for access to public land and water.

January 2016: Judge Nishimura ruled that state law does not authorize BLNR to "hold over" A&B's revocable permits for more than a dozen-plus years because that does not meet the common sense definition of "temporary."

January 20, 2016: Opening day of the Hawai'i State Legislature. A&B helps draft HB2501 authorizing BLNR to issue revocable permits on a "hold over basis" where the applicant has submitted an application for a long-term lease. The hold-over status lasts until the "process is completed," which as we can see can easily be more than 15 years.

Opposition to HB2501 Justified
~information provided with citations~

Passing HB2501 HD2 would weaken public water rights as outlined in §171-58. This version of the bill would open a 5-year window for issuing open-ended permits to divert water without any annual oversight to ensure public water is being properly used. Passing this bill would allow Alexander & Baldwin to evade judicial and environmental review, jeopardize the public trust doctrine, and open the door for corporate abuse of public resources.^{2, 6, 12}

HB2501 HD2 provides NO guarantee that the water A&B diverts from East Maui will be used for diversified agriculture. A&B attempts to force the amendment of a public water statute so it can receive special treatment by threatening to develop its land if it does not get its way. Hawaii has a strong system of land use laws designed to protect against the urbanization of agricultural lands. A&B's current "Important Agricultural Lands" designation would be instantly revoked if HB2501 is not passed.

A&B has plenty of water for its own lands without diverting East Maui streams. The Commission on Water Resource Management (CWRM) found that, "**2,500 gallons per acre per day (gad) is a reasonable duty of water for diversified agriculture.**"¹¹ In his recent commentary, A&B's Chris Benjamin admits it is likely to need less water than what it uses now after the conversion. Even if A&B cultivated all of its 29k acres available for irrigation in diversified agriculture, their average water duty would be only 72.5 MGD.¹¹ According to court documents submitted by A&B, this company has pumped an average of 70 MGD from its own private wells, which the hearing officer in recently concluded in contested case hearings before the Water Commission, could pump up to 83 MGD sustainably.¹⁰ This amount is more than sufficient to provide for diversified agriculture and the domestic water needs of Upcountry residents, which A&B estimated is 2.84 MGD. A&B cannot claim this water is too salty for agriculture. The only well test conducted on A&B's wells indicate it produces rather sweet water.¹³

A&B has other options than the passage of HB2501. A&B also has the simple option to request a stay in order to keep diverting water while they appeal the invalidation of their "holdover" status, as the County did, it would simply need to explain to the Court how much water it needs and why.^{1, 5, 12} Judge Nishimura made clear they have that option and did not preclude them from doing so now.⁷ **A&B could also apply for a revocable permit as the other farmers and ranchers with RPs have done.** They would simply need to comply with the necessary Environmental Impact Studies (EIS) and Environmental Assessments (EA) required for revocable permits.

HB2501 would legalize special "holdover" status unique to A&B. Deputy Attorney General Linda Chow said under oath in her statements to Judge Nishimura the "holdover" status which A&B has is a "unique situation that was created" as a result of the Na Moku Aupuni o Ko'olau Hui contested case hearing challenging A&B's long-term lease application.⁴ **The court and contested cases on this matter are still ongoing and we should allow them to complete proper judicial and environmental review of this matter.**

HB2501 addresses a non-existent "holdover" RP status unique to A&B only, not the 340 actual revocable permits.⁶ HB2501 Does not even amend Revocable Permit law §171-55, it amends public water law §171-58. This proposed bill seeks to amend §171-58 which concerns only the permission to use water or mineral rights that the state has otherwise reserved for the public. State law DOES allow long-term leases to be held over for one year in §171-40.³ What state law DOES NOT currently allow and what DLNR did which the court invalidated - is apply the concept of "holdover" from the long-term lease statute §171-40 to the water permit statute §171-58.^{1, 3, 12}

Farmers and ranchers who have been misled about this issue should be put at ease, as the court ruling does not affect any RP except the invalidated "holdover" status A&B once held and wants to legalize via HB2501. **Nobody else besides A&B has a holdover RP under §171-55, §171-58 or any other statute because holdover an RP is not allowed.**^{4, 12}

HB2501 is unfair to the public & farmers and exemplifies a history of injustice. Since the 1980's, A&B has paid the State of Hawai'i only \$158,280 per year for use of 33,000 acres of public crown land, and **41.6**

billion gallons of diverted public water in East Maui alone.⁸ This equates to A&B paying about one third of one penny per thousand gallons while local farmers, ranchers pay between 75 cents and \$1.00 for agricultural potable water.⁹ **This means our local farmers and ranchers already pay on average of 28,266% more for water than A&B. East Maui residents pay approximately 71,790% more for water than A&B at \$1.90 per thousand gallons.**⁹ This is extremely unfair and already disproportionately favorable toward a multi-billion dollar corporation over the wellbeing of people and livelihood of farmers of Hawaii.

If Maui farmers and ranchers were using that much water, they would have to pay at least \$31,207,500 each year. A&B has been exploiting Hawaii's natural resources without environmental review or paying fair market value for more than 100 years.

HB2501 Violates the Public Trust Doctrine by evading judicial and environmental review. The public trust doctrine and the Water Code prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses of water. Current A&B diversions remove significant amounts of water from several East Maui streams. On average, 164 million gallons per day (MGD) over decades has been diverted. This is more water than the entire island of O'ahu uses each day.¹⁴ However, A&B's diversions have never undergone any type of environmental review. **HB2501 would circumvent public trust protections by allowing a private company to evade the environmental review requirements of Chapter 343.**

We know there is more than enough water in the streams for everyone on Maui to thrive. With better stewardship and long-term planning, we can share it better. We must start by protecting the public trust.

1. Haw. Rev. Stat. § 171-40 : Hawaii Statutes - Section 171-40: Expired leases.
2. Haw. Rev. Stat. § 171-58 : Hawaii Statutes - Section 171-58: Minerals and water rights.
3. Haw. Rev. Stat. § 171-55 : Hawaii Statutes - Section 171-55: Permits.
4. Deputy AG Linda Chow Court Transcripts Highlighted Excerpt 11-24-15, Pages 46-47.
<https://drive.google.com/file/d/0B5lpc3QvIj1HMIJUTIQ1enlpdXM/view?usp=sharing>
5. East Maui Irrigation (EMI) President Garret Hew declaration to the Court
<https://drive.google.com/file/d/0B5lpc3QvIj1HaC1rblNmT2NXRG8/view?usp=sharing>
6. Highlighted Draft of Proposed Holdover Legalization HB2501 HD2
<https://drive.google.com/file/d/0B5lpc3QvIj1HZU8tRDRyT0pRMU0/view?usp=sharing>
7. Order Granting Maui County Relief and Allowing A&B Same Option 02-05-16
<https://drive.google.com/file/d/0B5lpc3QvIj1HUHFyQ1NmblmJGX1U/view?usp=sharing>
8. DLNR Staff Submittal showing paid amounts for 4 "holdover" RPs belonging to A&B for East Maui crown lands, Page 6. TMK: (2) 1-1-001:044, (2) 1-1-1:50; 2-0-14:various, (2) 1-1-002:002 and (2) 1-2-4:5,7 <https://app.box.com/s/6v329j86oi5j21i9z8rfzj8ek7olvb4b>
9. County of Maui Water Use Charges for Fiscal Year 2016 <http://www.mauicounty.gov/index.aspx?NID=216>
10. Court document submitted by A&B C-137 <https://drive.google.com/file/d/0B5lpc3QvIj1HR0tmUWtGQVJYYkE/view?usp=sharing>
11. Diversified Agriculture Water Duty Citation from Waiahole Water Commission Findings, Page 106. <http://www.state.hi.us/jud/21309op.htm>
12. Judge Nishimura Order Granting Partial Summary Judgment 01-08-16
<https://drive.google.com/file/d/0B5lpc3QvIj1HTDIhWGJzdHBHUU0/view?usp=sharing>
13. Salinity data for Well 7 provided as evidence in the Contested Case Hearing, indicates that as of 2013 salinity levels are below 500 mg/L, which is classified as "Fresh" by a number of sources.
http://www.ngwa.org/media-center/briefs/documents/brackish_water_info_brief_2010.pdf
<https://www.rwlwater.com/brackish-water/>
http://water.usgs.gov/oqwgwrp/brackishgw/files/brackish_infosheet_v8.pdf
14. Honolulu Board of Water Supply, watershed management plans for the Island of O'ahu, indicates O'ahu consumed 154.5 MGD in 2000 (the latest data available).
<http://www.boardofwatersupply.com/cssweb/display.cfm?sid=1406>



March 19, 2016

Aloha Chair Gabbard, Vice-chair Nishihara and members of the Water, Land and Agriculture committee,

My name is Logan Narikawa and I'm here to testify today as a boardmember of KAHEA: The Hawaiian-Environmental Alliance and our over 10,000 supporters in **strong opposition to HB2501.**

PROTECTING

NATIVE HAWAIIAN

CUSTOMARY &

TRADITIONAL RIGHTS AND

OUR FRAGILE

ENVIRONMENT

Water diversions of the streams in East Maui began in 1878—by some of the same people who 15 years later would orchestrate the overthrow of Queen Lili'uokalani. Since then A&B has diverted literally billions of gallons of water from East Maui, whittling down kalo farming from several hundred to just 20 acres by the 1980s. In 1987, the State of Hawaii adopted the Water Code (HRS 174C), in accord with the state constitution, which provides “the waters of the State are held for the benefit of the citizens of the State. It is declared that the people of the State are beneficiaries and have a right to have the waters protected for their use.” For the citizens, not for corporate interests—which to be clear do not have constitutionally protected rights. Some points to consider:

- The irrigation of lo'i kalo in East Maui is both protected as traditional customary practice and as a public trust use of water under the State Constitution. This practice long pre-existed A & B's diversions.
- Part VI of the water code says the state water commission shall “(3) Protect stream channels from alteration whenever practicable to provide for fishery, wildlife, recreational, aesthetic, scenic, and other beneficial instream uses” which is defined earlier in the document as “beneficial uses of stream water for significant purposes which are located in the stream and which are achieved by **leaving the water in the stream**. Instream uses include, but are not limited to:

- (1) Maintenance of fish and wildlife habitats;
- (3) Maintenance of ecosystems such as estuaries, wetlands, and stream vegetation;
- (4) Aesthetic values such as waterfalls and scenic waterways and (9) **The protection of traditional and customary Hawaiian rights.**

We have compassion for the ranchers and farmers who currently rely on access to water through revocable permits, but this bill does not address or affect their access to water. This bill deals specifically with revocable permits issued on a “holdover” basis—Alexander and Baldwin are the only permit holders with that special distinction. On November 24, 2015, Judge Nishimura asked Linda Chow (Attorney

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KAHEA: the Hawaiian-Environmental Alliance is a non-profit 501(c)3 working to protect the unique natural and cultural resources of the Hawaiian islands. KAHEA translates to English as “the call.”

General for the BLNR) directly, “Are there a number of RPs that are on holdover status, or is this a unique situation?” to which she replied, “This is a unique situation...” This bill is special legislation that only affects one company. Proponents of this bill would like you to believe that a “holdover status” is something that could and should be extended to other RP holders who are pursuing long term leases or are tied up in contested case hearings. If that situation were to arise BLNR could continue to renew the permit holder’s RP through the lease negotiation or contested case—it would be a continuance of an already bad practice, but it wouldn’t make it worse by removing the requirement for at least an annual review and renewal. The holdover status is a beefed up version of the already problematic revocable permit. We all agree that revocable permits are a problem that need to be addressed, but this bill actually exacerbates the problem. It provides no incentive for A&B to comply with long term lease requirements, on which it has dragged its feet for more than a decade.

When the state adopted the water code in 1987, it was taking a step forward in codifying laws to protect one of our most precious resources. However, Alexander and Baldwin did not take that step forward, nor did the State compel them to do so—instead they continued the bad (and now, clearly illegal) practice of diverting water to the point of injury of downstream users.

The laws that protect kalo farmers in East Maui are completely clear. They have received many favorable rulings in many administrative and legal venues. And yet, at every turn they have been forced to sue to have the rulings enforced—including Judge Nakamura’s most recent ruling on holdover statuses. In the interim, years roll by and the streams stay dry.

In 2003, BLNR improperly issued A & B a long-term lease without completing any kind of environmental assessment. Maui communities challenged BLNR and won. Yet, A & B still hasn’t done the EIS Judge Hifo ruled was required back in 2003. *Their failure to complete the EIS has kept their lease in a legal limbo which they are using as a justification for this “holdover status” on their revocable permits.* It is important to understand that a revocable permit issued on a “holdover basis” means an indeterminate amount of water for and indeterminate amount of time without environmental review or opportunity for public bid. Revocable permits do not require environmental review because they are intended to be for short term uses—the “holdover status” that this bill seeks to make permanent runs counter to that intent **This is a major violation of the state’s public trust duties and HB2501 seeks to make it standard practice.**

A&B has a “temporary” permit. Earlier this year, Circuit Court Judge Nishimura ruled that “holding over” A&B’s revocable permits for more than 13 years did not meet the common sense definition of “temporary.” A & B has been using this holdover status as a means to sidestep laws in place to protect special places, resources and the people who depend on them and HB 2501 is a clear attempt to extend this bad practice.

Water is literal life—not a metaphor for life, but actual life. There is enough water for what people need, enough to feed, but not enough for greed. Please reject HB2501.

Mahalo for your time and attention to this important matter.

SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE
ATTN: CHAIR MIKE GABBARD & VICE CHAIR CLARENCE K. NISHIHARA

**TESTIMONY IN OPPOSITION TO HOUSE BILL NO. 2501, HD 2
RELATING TO WATER RIGHTS**

March 21, 2016, 2:55 p.m.
Conference Room 224

Aloha kākou e Chair Gabbard, Vice Chair Nishihara, and Members of the Committee:

My name is Summer Sylva and I am an attorney with the Native Hawaiian Legal Corporation. The Native Hawaiian Legal Corporation is a non-profit, public interest law firm committed to the protection and preservation of Native Hawaiian rights and culture, including Native Hawaiian traditions and customs that rely on sufficient stream flow. The Native Hawaiian Legal Corporation strongly opposes HB 2501 which would amend HRS 171-58(c) to allow the Department of Land and Natural Resources (DLNR) to authorize Alexander & Baldwin's continued diversion of state waters for an indefinite duration under permits invalidated by a circuit court ordered on January 8, 2016.

HB 2501's generic language allows for a holdover disposition of water rights previously authorized pursuant to a lease during the pendency of an application for a lease renewal. The only entity ever to have a "holdover" disposition of water rights during the pendency of its lease renewal application is A&B. As a result of the "holdover" - now in its 15th year and which HB 2501 seeks to perpetuate indefinitely - A&B has profited off of the billions of gallons of public waters it diverts annually while wily avoiding environmental review and protections for both Hawaiian and public water rights.

These are the facts:

First, there is no truth to A&B's claims that other water permits are at risk. HB 2501 only addresses "holdover" authorization. A&B is the only entity in the state with a so-called "holdover" authorization of a revocable permit. While there may be nine other revocable water permits, all of those revocable permits are renewed annually and nobody has objected or challenged them. Their water uses are not threatened. A&B, on the other hand, has used its unique "holdover" designation to avoid annual reviews and renewals of its East Maui diversions for 15 years despite a litany of opposition and multiple courts ordering its completion of an EIS and invalidating its revocable permits. A&B has successfully thumbed its nose at state laws for years, and is now inciting unfounded fears from otherwise law abiding revocable permit holders to get the legislature to ratify its own illegal conduct.

Second, A&B hopes everyone fails to notice the special benefit it has received over the last 15 years as the only "holdover" in the state. A&B has used its special designation to exempt itself from annual DLNR review. By doing so, A&B has avoided ever having to prove (as

required by law) that its diversions cause no harm. As a “holdover”, A&B has been allowed to divert hundreds of millions of gallons of water every day for 15 years regardless of the consequences. The DLNR’s failure to properly steward and manage East Maui water resources has literally encouraged A&B to exploit them. A&B will use any tactic to maintain the status quo and will bring to bear any influence to protect its windfall.

Third, A&B blames Hawaiian kalo farmers for “extending the process far longer than anyone envisioned.” Actually, BLNR, CWRM and A&B are to blame. Had they acted reasonably, followed the law and complied with court orders, the process would have been completed long ago.

- In 2003, BLNR illegally granted A&B’s May 2001 request for a thirty year lease. The circuit court reversed that decision because A&B and BLNR failed to prepare the legally required environmental assessment. More than a decade later, that environmental assessment has not even begun. A&B’s (and BLNR’s) excuses for not starting the assessment are nonsense:

- (1) A&B argues that they have not started work on an assessment because Hawaiian kalo farmers objected to the environmental disclosure document being prepared by A&B instead of BLNR. Of course they objected. A document prepared by A&B, the lease applicant, will be biased. But objections by kalo farmers have never stopped A&B before. Kalo farmers have objected to A&B’s diversions of streams for decades, for example, but A&B has continued to divert streams. Nothing prevented A&B from starting an EIS years ago – least of all kalo farmers. A&B has never paid them any heed and has never been interested in voluntarily disclosing the impacts of its diversions.
- (2) A&B and BLNR argue that an assessment cannot begin until the Water Commission renders its instream flow standards. That makes no sense. An EIS considers a range of alternatives. Those alternatives include no diversions, existing diversions, and a range in between. Studying such options, including impacts, does not require a prior Water Commission decision.

- East Maui kalo farmers petitioned to protect dozens of East Maui streams in 2001. The Water Commission sat on their petitions for years before taking any action. (Meredith Ching, vice president of A&B, coincidentally served on the Water Commission at that time.)

- In 2010, the Water Commission refused to hold a contested case hearing on the instream water standards for 27 East Maui streams. Kalo farmers appealed. The Water Commission and A&B fought the kalo farmers every step of the way – preventing farmers from presenting their case for two more years.

- Fed up with the BLNR’s failure to do anything in the contested case hearing for years, kalo farmers filed a motion to reconvene the BLNR contested case hearing in 2012. A&B

objected and BLNR refused. In 2014, circuit court judge Rhonda Nishimura ordered the BLNR to reconvene the contested case hearing. Over a year later, the BLNR still has not reconvened the proceedings.

- A&B has refused to take the time it has been given (at least 15 years) to measure how much water it diverts from each stream daily. A&B has also refused to participate in controlled releases to measure its diversions' impacts. How can the impact to any particular stream be determined if no one knows how much water is being diverted?

Fourth, A&B persists in asserting that the current legal cases somehow jeopardize Maui County's water supply. They do not. East Maui farmers are not attempting to stop the County's legitimate use of water, and the court has ordered that the County's water continue uninterrupted. The BLNR can exercise its existing authority to supply the County with its water needs.

Fifth, A&B claims that HB 2501 will somehow support the hundreds of revocable land permits. But HB 2501 has no effect on the more than 300 revocable permits issued pursuant to HRS § 171-55. It only amends HRS § 171-58, which relates to water (not land) permits. A&B is using a bogus threat to other revocable permit holders (and Maui County) to protect its own interest in using hundreds of millions of gallons of water daily.

Sixth, A&B claims that water "has been provided on all of the taro streams." The fact is that A&B diverts water from streams required for taro cultivation – and those diversions continue to impair taro growth and farming. Providing some water is not the same thing as providing enough water. In addition, A&B continues to remove all the water from dozens of non-taro streams and tributaries, which are important for stream aquatic life and fisheries that people rely on for food.

Finally, A&B does not dispute that it in essence has been paying the State a quarter of a penny for 1,000 gallons of water, but charging the County six cents for that same amount of water. In other words, for every dollar that A&B pays the State, it charges the County \$23. A&B points out that the County does not pay it \$2 million annually. But A&B hopes nobody notices that it charges the County a rate twenty-three times higher than what it has paid to the State since 1986.

HB 2501 is A&B's attempt to get the legislature's post hoc approval of A&B's diversion of more than a hundred million gallons of water every day regardless of the impact to kalo farmers and fishermen. As such, the Native Hawaiian Legal Corporation requests that HB 2501 be killed. Mahalo for this opportunity to testify. Should you desire additional information or assistance, please contact us at (808) 521-2302.



Testimony before the
Senate Committee on Water, Land and Agriculture

March 21, 2016, 2:55 pm
Conference Room 224

H.B. No. 2501, HD2 – Relating to Water Rights

STRONG OPPOSITION

By Albert Perez
Executive Director
Maui Tomorrow Foundation, Inc.

Chair Gabbard, Vice-Chair Nishihara and Members of the Committee:

In recognition of Hawai'i's long-standing respect for the value and importance of water, the Maui Tomorrow Foundation supports returning water to the streams of East Maui for the health of her native ecosystems and taro farming communities. We therefore **strongly oppose** HB2501 HD2.

Since the time of the first water leases in East Maui, the right to develop ground water or divert surface water from streams was subject to leaving enough water for domestic purposes, watering of livestock, and irrigation of kuleanas (see attached example lease). Unfortunately, this provision was never enforced.

Plaintiffs in the East Maui Streams contested case have faithfully followed the prescribed legal and administrative processes for 15 years, trying to get some water back from Alexander and Baldwin. Now that these plaintiffs are finally winning, A&B has come to the legislature to change the rules to allow further delay. This is unfair, and undermines people's trust in government.

The County of Maui and A&B have had years to prepare for a reduction in agricultural water use. This was foreseen in a Memorandum of Understanding between these two parties, dated April 13, 2000. Stream monitoring with the goal of stream restoration was

specifically contemplated. In spite of this, A&B has continued to fight any reduction in water diversion, even though they admit that they will need less water in the future.

Water originating in the East Maui watershed is essential to maintaining healthy stream ecosystems, nearshore fisheries, riparian farming, and constitutionally-protected traditional and customary practices. The existing process of water allocation will result in an equitable sharing of water with Central Maui water users if it is allowed to conclude without interference. Neither future diversified agriculture nor the Upcountry water system are at risk.

When A&B subsidiary Hawaiian Commercial & Sugar Co. announced that its last sugarcane harvest would be completed by December 2016, East Maui farmers were encouraged that a sharing of the water was imminent. Since sugarcane is denied water in the last six months before harvest, by July 2016 HC&S will not require any more water for sugar. Despite this fact, A&B has made no effort to reduce diversions to reflect the reality of its diminishing water needs and shrinking plantation operations.

Maui Tomorrow supports diversified agriculture. It requires much less water than sugarcane. We support conversion to a regenerative agricultural model that will use 30 to 50 percent less water, increase agricultural employment, and enhance local food security.

A&B does not currently have firm plans for agriculture after sugarcane. Once they do have a specific proposal, A&B should be required to follow the DLNR's existing process for requesting the water they need. Now is the time to allow others a fair opportunity to seek use of reasonable amounts of public water for genuinely productive and fruitful agricultural initiatives.

Passing HB 2501 would undermine the existing process for requesting access to public water by giving a single billion-dollar corporation unlimited authority to use an unlimited supply of public water without good reason, and for an unspecified period of time. This would delay justice for East Maui farmers.

Justice delayed is justice denied.

For these reasons, we respectfully request that you reject HB 2501.

an assumed average annual yield of 14,060 million gallons at \$3,556 per million gallons.

4. NOW, THEREFORE, in consideration of the foregoing and of the terms, conditions, covenants and agreements hereinafter contained and on the part of the Licensee to be observed and performed, the Licensor hereby grants to the Licensee a license for the right, privilege and authority to enter and to go upon government land on the island of Maui, Territory of Hawaii, between and including Puhokamoa and Honopou streams and tributaries, in the districts of Koolau and Hamakualoa, and extending from the sea on the north to the land of Hailu Uka, Hamakualoa on the south, as shown in yellow on the plan attached hereto and made a part hereof, and hereinafter referred to as the "Licensed Area" and, subject to controlling provisions of existing laws relating to withdrawals, to thereupon:

5. Develop ground water within the Licensed Area by the construction of tunnels, shafts, wells, pumps, etc., at locations approved by the Licensor.

6. Divert by means of aqueducts or aqueduct systems now or hereafter situate on the Licensed Area government owned surface water from all streams in the Licensed Area and such government owned ground water as may be developed as aforesaid, except, however, such water as is used for domestic purposes (including the watering of livestock), under the provisions hereinafter contained, or for domestic purposes and the irrigation of kuleanas entitled to the same.

7. Use government owned water so diverted for the

gabbard2 - Donna

From: nomi carmona <nomicarmona@gmail.com>
Sent: Monday, March 21, 2016 1:27 PM
To: WLA Testimony
Cc: All Senators; Nomi Carmona; Sen. Laura Thielen; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Donovan Dela Cruz; Sen. Gil Riviere; Sen. Russell Ruderman; Sen. Maile Shimabukuro; Sen. Glenn Wakai; Sen. Sam Slom; All Reps
Subject: Urgent: DLNR response re A&B unique status Fwd: HB 2501
Attachments: IMG_2672.JPG

Aloha Honorable Senators,

Wanted to forward this to you in time for the 2:55pm hearing on HB2501. As you can see, DLNR with the knowledge of the AG confirms this "holdover" situation is unique to A&B.

It is clear to me that this bill needs to be killed. I do not see why we need to amend the public water and mineral rights statute for A&B. The idea is a little bit audacious to me considering the court case and the contested cases.

What sets A&B apart in practice from all other revocable permit (RP) holders is the fact that A&B applied the holdover status from 171-40 to the RP statute 171-55. That is what they did which was invalidated. No one else has done that. HB2501 amends 171-58 regarding public water and mineral rights. It doesn't even amend the RP statutes. This is a little bit absurd.

Regarding the DLNR suggestion that this situation could arise in the future, under what circumstances would BLNR issue another holdover status to an RP holder after Judge Nishimura's ruling already identified it as a bad practice? Would that not be an invitation for another lawsuit?

A&B has had a sweetheart deal for long enough, and I think it's enough already. This disingenuous campaign pitting farmers against farmers has been divisive, and altogether unnecessary.

Just sat with possible future First Lady Jane Sanders about this, and national staffers for Bernie attended Monday's press conference. It's interesting how this all roots back to a billionaire corporation monopolizing public resources, and it seems to be pretty blatantly favoring A&B over the public trust. Please protect the public trust first and foremost.

Even A&B admits they can get a stay. Their arguments keep shifting as we disprove their allegations. That should tell you something.

Please defer HB2501 indefinitely. Enough is enough.

Mahalo,

Nomi Carmona
Babes Against Biotech

----- Forwarded message -----

From: **Kaluhiwa, Kekoa W** <

Date: Saturday, March 19, 2016

Subject: HB 2501

To: "nomicarmona@gmail.com" <nomicarmona@gmail.com>

Cc: "Chin, Douglas S" <>

Aloha Nomi,

I wish to provide you the following response to our discussion regarding HB 2501. I am also including Attorney General Doug Chin on this email, as I have been informed that you had also sent him an inquiry regarding this matter.

The situation with the holdover of revocable permits issued to Alexander & Baldwin and East Maui Irrigation Co. are unique at this time. The situation is unique because these are the only permits that are in holdover status right now. But, under the current law, the situation that required the Board to place the revocable permits into holdover status is still capable of occurring in the future.

HB 2501 is intended to be forward looking. The proposed legislation addresses what would happen if and when these circumstances occur again.

Currently, the contested case is still pending before the Board of Land and Natural Resources. Judge Nishimura ruled the revocable permits that were issued to Alexander & Baldwin and East Maui Irrigation Co. were invalid, but stayed her ruling as to the water required by the County of Maui.

I trust this information will be helpful to you.

Mahalo,

Kekoa

Kekoa Kaluhiwa

First Deputy Director
Department of Land and Natural Resources
Kalanimoku Bldg
1151 Punchbowl St, Rm 130
Honolulu, HI 96813

FARMERS VOICE HAWAII

11A Keola Place, Makawao, HI 96768 • info@FarmersVoiceHawaii.com

March 20, 2016

State Legislature
Water, Land & Agriculture Committee

Greetings Committee Members,

It is with strong persuasion that I write this letter asking you to OPPOSE HB2501. I have the collective testimony of over 20 east Maui farmers and 15 more would be farmers had water availability.

I am compelled to speak on behalf of so many residents, marine protectors and wet land kalo farmers that would never the affordability means to come testify on O'ahu. I have heard from petitioners, farmers, marine resource caregivers and young willing adult best practicing farmers that this is a critical measure that could be the pivoting point for long awaited resolve to the societal issues of this remote area of Maui.

This issue has been the sole inspiration for our online farming news as the rest of Hawai'i and the world must be afforded correct information on this contentious water issue.

Sincerely, Faith Chase
Publisher
Farmers Voice Hawaii

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2016 12:37 PM
To: WLA Testimony
Cc: jeffreyUDV@aol.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/21/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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

Comments: Aloha Chair Gabbard, Vice Chair Nishihara and members of the committee, I strongly oppose HB 2501 HD2. This measure allows for the diversion of water from the watershed (OUR public trust) in large amounts over long periods of time. That activity needs an environmental assessment (due process). The EA would be a comprehensive consideration of the impact of removing water from the watershed on the culture, natural environment and economics of the region affected. This the law, what the constitution of Hawaii REQUIRES, for reasons that should be ignored for profit of the few.

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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gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2016 12:37 PM
To: WLA Testimony
Cc: henry.lifeoftheland@gmail.com
Subject: *Submitted testimony for HB2501 on Mar 21, 2016 14:55PM*

HB2501

Submitted on: 3/21/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Henry Curtis	Life of the Land	Oppose	Yes

Comments:

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AMERICANS FOR DEMOCRATIC ACTION

OFFICERS	DIRECTORS			MAILING ADDRESS
John Bickel, President	Guy Archer	Chuck Huxel	George Simson	PO. Box 23404
Alan Burdick, Vice President	Stanley Chang	Jan Lubin	Emmanuel Zibakalam	Honolulu
Marsha Schweitzer, Treasurer	Josh Frost	Jenny Nomura		Hawai'i 96823
Karin Gill, Secretary	Fritz Fritschel	Stephen O'Harrow		

March 21, 2016

TO: Honorable Chair Gabbard, Vice Chair Nishihara and Members of the Water, Land, Agriculture Committee

RE: HB 2501 HD 2 Relating to Water Rights
Oppose
3/21 Hearing

Americans for Democratic Action is a national organization founded in the 1950s by leading supporters of the New Deal and led by Patsy Mink in the 1970s. We are devoted to the promotion of progressive public policies.

We oppose HB 2501 HD 2 as it would allow for a holdover disposition of water rights previously authorized. It is a bill to support a special interest not the greater public interest in the State Water Code and equitable access to water. We want to protect as much agricultural land and water as possible; that is key to our move toward sustainability.

Thank you for your consideration.

Sincerely,

John Bickel
President

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2016 10:47 AM
To: WLA Testimony
Cc: malamapono744@aol.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/21/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Mahealani Cypher	George Cypher `Ohana	Oppose	No

Comments: The George Cypher `Ohana strongly opposes provisions of H.B. 2501 which would allow Alexander & Baldwin's permit to extend for another 5 years. Our `ohana comes from Hana and strongly supports the riparian rights of kalo farmers of East Maui and throughout Hawai'i nei. Please file H.B. 2501. Mahalo.

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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From: Christopher.kuaiwa@gmail.com <no-reply@weebly.com>
Sent: Sunday, March 20, 2016 10:02 PM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

Christopher L. Kuaiwa

Zip code

96792

Community Group

Wai'anae Coast Community Foundation
Secretary/Director

Email

Christopher.kuaiwa@gmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

gabbard2 - Donna

From: namakad32@gmail.com <no-reply@weebly.com>
Sent: Monday, March 21, 2016 11:30 AM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

Michael-John Kekeikiinamakaho'olili Kahawaiola'a De Mello

Zip code

96720

Community Group

He kanaka Maoli au.

Email

namakad32@gmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment
Hewa kēia palapala HB2501

From: Magdalenapuu@gmail.com <no-reply@weebly.com>
Sent: Monday, March 21, 2016 10:41 AM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

MagdalenaJean M A Wood

Zip code

96753

Community Group

Po'e o ka 'āina

Email

Magdalenapuu@gmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

I will forever oppose Alexander and Baldwin for any use of our waters from any stream on maui.

gabbard2 - Donna

From: kaipodye@hotmail.com <no-reply@weebly.com>
Sent: Monday, March 21, 2016 11:10 AM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your [Community Groups and Individuals Oppose HB2501](#).

Submitted Information:

Name

Kaipo Dye

Zip code

96815

Community Group

Kalihi-Palama Hawaiian Civic Club

Email

kaipodye@hotmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

gabbard2 - Donna

From: Bmakaawaawa@yahoo.com <no-reply@weebly.com>
Sent: Sunday, March 20, 2016 9:22 PM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

Brandon Makaawaawa

Zip code

96795

Community Group

Nation of Hawaii, Waimanalo, Hawaii

Email

Bmakaawaawa@yahoo.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

I strongly oppose HB2501, it is a violation of our human rights as the aboriginal people of these islands, this is GENOCIDE, US PUBLIC LAW 100-606

gabbard2 - Donna

From: hileilani2@yahoo.com <no-reply@weebly.com>
Sent: Sunday, March 20, 2016 9:29 PM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

cynthia Vakauta

Zip code

96826

Community Group

Kalei papahi O kakuhihewa

Email

hileilani2@yahoo.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

Malama kanaka o kawai inu oia.

gabbard2 - Donna

From: Kaukauking@yahoo.com <no-reply@weebly.com>
Sent: Sunday, March 20, 2016 7:16 PM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your [Community Groups and Individuals Oppose HB2501](#).

Submitted Information:

Name

Kalani Tassill

Zip code

96793

Community Group

Ka'akaua Ali'i Sir Kalani Tassill KCK of the Royal Order of Kamehameha, Kahekili Chapter. Moku O maui

Email

Kaukauking@yahoo.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

E'o

gabbard2 - Donna

From: sculptor@rockisland.com <no-reply@weebly.com>
Sent: Monday, March 21, 2016 1:57 PM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

Paul Herbert

Zip code

96708

Community Group

Haiku Community

Email

sculptor@rockisland.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

Malama ka aina.

gabbard2 - Donna

From: cihoopii@hotmail.com <no-reply@weebly.com>
Sent: Sunday, March 20, 2016 8:24 PM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your [Community Groups and Individuals Oppose HB2501](#).

Submitted Information:

Name

CARY I. HOOPII

Zip code

96720

Community Group

Ka Lahui Hawaii

Email

cihoopii@hotmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2016 5:54 PM
To: WLA Testimony
Cc: kauwilamahina@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Attachments: HB 2501water

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kaylene Sheldon	The John Munn Kahikina Kelekona	Oppose	No

Comments:

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gabbard2 - Donna

From: sharona5059@gmail.com <no-reply@weebly.com>
Sent: Sunday, March 20, 2016 3:54 PM
To: WLA Testimony
Subject: New Form Entry: Farmers Oppose HB2501

You've just received a new submission to your Farmers Oppose HB2501.

Submitted Information:

Name of Farmer:
Sharon Spencer

Farm Name
Onipa'a Na Hui Kalo

Zip code
96717

Email
sharona5059@gmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

Sharon Spencer, along with her son Kainoa Kealamakia, urges officials to oppose the HB 2501. In other words, give the water back. Thank You.

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2016 6:20 PM
To: WLA Testimony
Cc: malian@kauspecialtycoffee.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Malian Lahey	Ka'u Specialty LLC	Oppose	No

Comments: Aloha Chair Gabbard, Vice Chair Nishihara and members of the committee, I oppose HB 2501 HD2. This measure allows for the diversion of water from the watershed (our public trust) in large amounts over long periods of time. That activity needs an environmental assessment (due process). The EA would be a comprehensive consideration of the impact of removing water from the watershed on the culture, natural environment and economics of the region affected. The holdover permit process this bill codifies into law circumvents an Environmental Assessment and grants a "Holdover Permit". I cannot support that outcome, please defer decision making until a time as all the stakeholders are able to be heard and their concerns addressed. Sincerely,

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gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2016 6:20 AM
To: WLA Testimony
Cc: ohana@kipahulu.org
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/21/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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

Comments: We support our fellow taro growers in East Maui.

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Clifton M. Hasegawa
President and CEO
Clifton M. Hasegawa & Associates, LLC
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Email: clifhasegawa@gmail.com
LinkedIn: <http://www.linkedin.com/in/cliftonhasegawa>
Facebook: <http://www.facebook.com/clif.hasegawa>
Slide Share: <http://www.slideshare.net/cliftonmhasegawa>
Wild Apricot: <https://cliftonmhasegawaampassociatesllc.wildapricot.org>
XING: https://www.xing.com/profile/clifton_hasegawa

TESTIMONY ON

SB3001

Allows a holdover permit to be issued to an applicant seeking to renew their water rights lease

HB2501 HD2

Allows for a holdover disposition of water rights previously authorized pursuant to a lease during the pendency of an application for a lease renewal

Request to the Governor and The Hawaii Legislature
To defer passage of SB3001 and HB2501 HD2
The convening of the 2017 Legislative Session

Governor David Y. Ige

Senate President Ronald Kouchi, Members of the Senate

House Speaker Joseph Souki, Members of the House of Representatives

The Amendment of Section 171-58, Hawaii Revised Statutes has one primary beneficiary, Alexander & Baldwin (“A&B”) / Hawaii Commercial & Sugar Company (“HC&S”). Section 171-58 as it pertains to land under the jurisdiction of the Hawaii Department of Land & Natural Resources (“DNLR”) does not address that Section 171-58(c), Hawaii Revised Statutes (HRS), requires prior approval of the Governor and prior authorization of the Legislature by concurrent legislative and executive actions to issue a direct lease of water rights for nonconsumptive purposes.¹

In 1987 the Hawaii State Legislature enacted the State Water Code, Chapter 174C of the Hawaii Revised Statutes “Code”). Under the Code and Chapters 13-167 to 13-171 of the Hawaii Administrative Rules specify the practices, policies, procedures and requirements required by the Commission on Water Resource Management (“CWRM”).

By past legal precedent the Hawaii Supreme Court remanded cases regarding the allocation and diversion of water to the CWRM.

The passage of SB3001 and HB2501 HD2 to permit continuation of land leases without provisioning for the allocation and diversion of water rights and without a definitive end date continues the status quo for in perpetuity, contrary to the statutory provisions of HRS 178-58 and the therein expressed Legislative intent of HRS 178-58.

To dispose of land rights independently and separately from water rights, Land managed by the State of Hawaii, DNLR (Land) and Water managed by CWRM, independent of the DNLR and attached for Administrative Purpose Only instigates disharmony and ill will among your Constituents, incites and instigates unneeded and unnecessary litigation and legal challenges. The Consortium hereby submits the following proposal.

¹ State of Hawaii, House of Representatives, Twenty-Second Legislature, 2004, H.C.R. No. 124

On behalf to the Consortium, we request the deferral of SB3001 and HB2501 HD2 until after the convening of the 2017 Legislative Session.

The Consortium has been in correspondence with Maui Mayor Alan Arakawa, the Maui County Council, Principals, Stakeholders and members of the public on providing an achievable fully-funded business plan. Please refer to the following enclosures.

The business plan will be submitted to the Mayor of Maui County and the Maui County Council after the 2016 General Elections. Upon approval by the Maui Mayor and the Maui County Council the business plan will be submitted to Governor Ige and the 2017 Hawaii Legislature for approval. The business plan will be implemented by the 3rd Quarter of 2017.

We encourage A&B and HC&S to submit their proposal for consideration of Governor Ige, the newly elected Maui Mayor, the Maui County Council and the Hawaii Legislature for their approval.

Thank you very much.

Aloha

Respectfully,

A handwritten signature in cursive script, reading "Clifton M. Hasegawa". The ink is dark and the signature is fluid, with the first and last names being more prominent than the middle initial.

Clifton M. Hasegawa



Clif Hasegawa <clifhasegawa@gmail.com>

Keeping Maui Green - Sustainable Maui

Clif Hasegawa <clifhasegawa@gmail.com>

Tue, Mar 15, 2016 at 10:54 AM

To: "Mayor Alan Arakawa" <alan.arakawa@mauicounty.gov>, "Council Member Gladys Baisa" <Gladys.Baisa@mauicounty.us>, "Council Member Robert Carroll" <Robert.Carroll@mauicounty.us>, "Council Member Elle Cochran" <Elle.Cochran@mauicounty.us>, "Council Member Don Couch" <Don.Couch@mauicounty.us>, "Council Member Stacy Crivello" <Stacy.Crivello@mauicounty.us>, "Council Member Don Guzman" <Don.Guzman@mauicounty.us>, "Council Member Riki Hokama" <Riki.Hokama@mauicounty.us>, "Council Member Michael P. Victorino" <Michael.Victorino@mauicounty.us>, "Council Member Mike White" <Mike.White@mauicounty.us>, Representative Joe Souki <repsouki@capitol.hawaii.gov>, "Lieutenant Governor Shan S. Tsutsui" <shan.tsutsui@hawaii.gov>, "Senator Ronald D. Kouchi" <senkouchi@capitol.hawaii.gov>
Cc: Maui Tomorrow <Webmaster@maui-tomorrow.org>, "Sierra Club of Hawaii" <hawaii.chapter@sierraclub.org>, "sens@capitol.hawaii.gov" <sens@capitol.hawaii.gov>, "reps@capitol.hawaii.gov" <reps@capitol.hawaii.gov>, "Meredith Ching, Senior Vice President, A&B" <mching@abinc.com>, "Cyn Kunihihi A&B Inc" <ckunihihi@abinc.com>

Dear Mayor Arakawa and Members of the Maui County Council:

By month's end I am returning to Maui. Maui is my home, born in Paia, schooled at Makawao Elementary School and Maui High School, then, Territory of the United States and raised in Haliimaile. Your State of the County Address reached out to the farming community to make Maui sustainable and keeping Maui's Central Valley Green. The naysayers responded, "Central Maui is too windy, not suitable for farming." **Your vision is attainable and achievable.** The approach to be successful needs to be innovative and creative. **Diversified agriculture, alone, will not succeed.** Building partnerships and relationships between entities devoted to farming and agriculture, entities related to agriculture, Maui residents and businesses, environmental organizations, and financial institutions focused on sustainability will build a network that can bring your vision to reality.

The Organization I am proposing will be devoted and focused on presenting a business plan for implementation within 120 days.

On building for the future inclusion of Monsanto and Maui Electric Company is recommended. Successful niche farming in Japan is demonstrative that small farms, achievable through organic means, are economically viable. Niche farming is part of the equation. A model to encompass 36,000 acres requires an expansive and inclusive plan.

On the issue of the overall model the organization will consult with the University of Hawaii at Manoa, College of Tropical Agriculture and Human Resources (CTHAR) on Oahu and Maui, The Maui Farm Bureau, The Hawaii Farm Bureau, Maui Tomorrow, The Sierra Club, state and federal governmental agencies, and community organizations.

Water is critical. The organization will defer to the State of Hawaii, Commission on Water Resource Management and the Maui County Board of Water Supply for decision on water allocation.

On the issue of securing funding, my presentation on repurposing Old Maui High School provides information as to the extent of my network. My organization will work closely with you and your advisors to implement a plan that will dovetail with your Budget for Maui County.

Please let me know of your decision in this matter.

Thank you

Aloha

Respectfully,

Electronically Signed

Clifton M. Hasegawa



Clif Hasegawa <clifhasegawa@gmail.com>

Keeping Maui Green - Sustainable Maui

Clif Hasegawa <clifhasegawa@gmail.com>

Tue, Mar 15, 2016 at 1:33 PM

To: "Mayor Alan Arakawa" <alan.arakawa@mauicounty.gov>, "Council Member Gladys Baisa" <Gladys.Baisa@mauicounty.us>, "Council Member Robert Carroll" <Robert.Carroll@mauicounty.us>, "Council Member Elle Cochran" <Elle.Cochran@mauicounty.us>, "Council Member Don Couch" <Don.Couch@mauicounty.us>, "Council Member Stacy Crivello" <Stacy.Crivello@mauicounty.us>, "Council Member Don Guzman" <Don.Guzman@mauicounty.us>, "Council Member Riki Hokama" <Riki.Hokama@mauicounty.us>, "Council Member Michael P. Victorino" <Michael.Victorino@mauicounty.us>, "Council Member Mike White" <Mike.White@mauicounty.us>, Representative Joe Souki <repsouki@capitol.hawaii.gov>, "Lieutenant Governor Shan S. Tsutsui" <shan.tsutsui@hawaii.gov>, "Senator Ronald D. Kouchi" <senkouchi@capitol.hawaii.gov>

Cc: Maui Tomorrow <Webmaster@maui-tomorrow.org>, "Sierra Club of Hawaii" <hawaii.chapter@sierraclub.org>, "sens@capitol.hawaii.gov" <sens@capitol.hawaii.gov>, "reps@capitol.hawaii.gov" <reps@capitol.hawaii.gov>, "Meredith Ching, Senior Vice President, A&B" <mching@abinc.com>, "Cyn Kunihiisa A&B Inc" <ckunihisa@abinc.com>

Dear Mayor Arakawa and Members of the Maui County Council:

To bring economic realism, i.e., the extent of losses to be incurred and the plausibility of financial invest to implement A&B's yet to be developed agricultural model, and A&B dilatory omission to walk the talk, i.e., designating agricultural lands in 2005 to promote diversified agriculture and the announcement in 2016 to transition to diversified agriculture, the following is submitted for your consideration.

Mr. Stanley Kuriyama, Alexander & Baldwin Executive Chairman stated,

A&B has demonstrated incredible support for HC&S over these many years, keeping our operation running for 16 years. [T]he roughly \$30 million Agribusiness operating loss we expect to incur in 2015, and the forecast for continued significant losses, clearly are not sustainable, and we must now move forward with a new concept for our lands that allows us to keep them in productive agricultural use.

Source: HC&S,

<http://hcsugar.com/2016/01/alexander-baldwin-announces-transition-hawaiian-commercial-sugar-company-diversified-farm-model/>

January 6, 2016.

A&B Loss Overview

A&B projects a \$30 million operating loss but did not disclose the extent by not including shut down costs.

The Company currently projects recording total pre-tax book charges related to the Cessation in the range of \$112 million to \$133 million (\$68 million to \$81 million, net of taxes), which consists of \$23 million to \$28 million of employee severance and related benefit charges, \$69 million to \$76 million of accelerated depreciation and asset write-offs, and \$20 million to \$29 million of property removal, restoration and other exit-related costs. Of the \$112 million to \$133 million of total pre-tax book charges mentioned above, approximately \$69 million to \$76 million will be non-cash charges and approximately \$43 million to \$57 million will be cash outlays, primarily related to employee severance and compensation benefits and property removal, restoration and other exit-related costs. Net of tax benefits, the cash outlays related to the Cessation will range from approximately \$11 million to \$21million.

Source: Alexander & Baldwin. United States Securities and Exchange Commission Form 10-K Annual Report for Fiscal Year Ended December 31, 2015. Filed 2/29/16.

The A&B Diversified Agricultural Model - 2005 to 2016 - Development and Progress implementing diversified agriculture

The HC&S sugar plantation consists of 43,300 acres, with approximately 36,000 acres under active sugar cane cultivation.

The Hawaii Legislature, **in 2005**, passed Important Agricultural Lands (“IAL”) legislation **to fulfill the state constitutional mandate** to protect agricultural lands, **promote diversified agriculture**, increase the state’s agricultural self-sufficiency, and assure the long-term availability of agriculturally suitable lands. In 2008, the Legislature passed a package of incentives, which is necessary to trigger the IAL system of land designation. In 2009, A&B received approval from the State Land Use Commission for the designation of over 27,000 acres on Maui and over 3,700 acres on Kauai as IAL. **These designations were the result of voluntary petitions filed by A&B.**

Source: Alexander & Baldwin. United States Securities and Exchange Commission Form 10-K Annual Report for Fiscal Year Ended December 31, 2015. Filed 2/29/16.

A&B's diversified agriculture model has been 11 years in the making.

The time for action is NOW. Time is of the essence!

Aloha

Respectfully,

Electronically Signed

Clifton M. Hasegawa

Aloha Honorable Chair and Committee members;

For 150 years, water has been taken out of our streams on Maui in favor of A&B, EMI, WWC and HC&S at tremendous cost to taro production, to our streams and native biota, and our food security.

The changes in land tenure during the Mahele did not dispense of the responsibilities of maintaining our natural resources, specifically our water resources, in good health do that a few could benefit. More importantly, it did not dispense with the rights of the kuleana tenants of the land to water for the production of kalo. This is recognized and codified in the Hawaii Water Code, although not often enforced except through contested case. I find it mystifying that while CWRM, the agency that deals with contested cases over water and housed under DLNR, has lost contested cases multiple times in regards to fair distribution of water, that the testimony from the DLNR Chair is that they do not oppose HR2501. I am profoundly disappointed that our legislature deems itself to be beyond the reach of recent Supreme Court decisions over this water to such a degree that this bill was even allowed to be drafted in the first place.

Acknowledging that, as an ecologist I wish to focus on the long term impacts to the decisions that have occurred over the last 150 years to Maui's capacity for food security and abundance, as they will be the same impacts that will continue if HB2501 is allowed to pass. That HB2501 continues to make the rounds of the legislature in any form tells us that there is a failure to recognize the long term ecological impacts of such actions.

The dewatering of streams has negatively impacted East Maui aquifers in numerous ways that are becoming increasingly visible.

As we are all aware, waters that should have been replenishing at their source instead have been diverted out of watershed for 150 years. Inland and nearshore springs in East Maui have gone dry with greater and greater frequency due not just to larger climatic drought cycles but to locally exacerbated conditions, one of which is the underlying loss of resilience of local East Maui aquifers due to 150 years of diversions. This has also aggravated drought cycle impacts on the wettest side of the island to remnant native riparian forests still present at the same elevations as the ditch system. Several examples highlight this, including the digression of native forest species away from dry streambeds due to lack of water, the drying up of mid-elevation wetlands (some of which were former taro lands), and aggressive invasion of non-native species into wet forest areas. Research has shown that alien species such as strawberry guava transpire at higher rates than native forest, further removing water from the system.

In addition, due to poor agriculture practices in Central Maui there remains a high level of chemical contamination in those waters that percolate through the soils of this district. This is what closed down Hamakua wells for more than two decades. So ongoing A&B permits not only continue to starve East Maui aquifers but the high volume of dispersal over Central Maui lands continues contaminated infiltration into Central Maui drinking water resources.

More importantly, HB2501 fails to acknowledge that critically important fishing grounds and nearshore fish nurseries and coral reefs now lack the freshwater plumes and inshore freshwater

springs important to breeding and migrations cycles of numerous marine species. Oopu, opae, hihiwai and hapawai are absolutely dependent on mauka to makai freshwater flows not just to reach the ocean but to return back to the same streams from the ocean when they are ready to begin their breeding cycles each year. Most people however don't make this same connection to the presence or absence of our most favored native limu in our nearshore gathering places. Freshwater springs fed by healthy, connected mauka-to-makai surface water flows and groundwater support the capacity of some coral and limu species to cleanse and reproduce, which in turn impacts the health of our reef fish populations. Our local food security.

While no studies have been done to document the relationship between fresh to brackish water mixing and the heavy presence of invasive limu in our nearshore areas, a similar relationship between the amount of freshwater in-stream and the presence or absence of invasive aquatic fauna and endemic fauna in-stream was clearly proven in the Waiahole water case.

Taro farming lands remain sometimes the only source of connection to makai for freshwater to the ocean, not just on Maui but each island.

We have at hand an opportunity to begin the replenishment process by turning down HB2501. It is all of our responsibility, although there are many who do not see it as so.

For 30 years, I have watched the legislature treat taro farmers as "other" than agriculture, failing to acknowledge that taro farming was the first major agriculture in these islands prior to sugar. Failing to acknowledge that prior to sugar and pineapple, Hawaiian food producing lands (kalo, uala, maia, ulu, ko, awa) surpassed peak commercial agriculture acreage by an estimated 30,000 acres and covered an estimated 230,000 acres at its peak production. Failing to acknowledge that one of the primary reasons that this is not the case now is that A&B starved those small farmers of water or that the crop produced on A&B land has never provided food security or food self-sufficiency to our islands in any way, shape or form. Blasphemy, no. Jobs and dollars are not food. Dependence on shipping in food is not local food security and puts us dangerously at risk.

For 30 years, I have watched this legislature, the DOA, DLNR and the Farm Bureau treat taro farmers as "the enemy" when it comes to water, even though kalo, uala, ulu and maia are our sole sources of staple starch for the state and we are abysmally absent in sufficient acreage for kalo – because the streams of these islands have been routinely and persistently diverted for sugar and development. And, more recently, because these lands located in beautiful, isolated places are hungered after by developers. Our precious resources our sacred places have been turned into commodities.

LURF, BIA, the carpenters union are weighing in and hanging over this bill like vultures waiting to grab whatever ag lands we still have left for development. Their only interest in the water is to prevent more taro farmers from sprouting forth so that the water remains available for housing. We on Maui know this well. LURF led the attempts to kill our very prudent "show me the water" requirement for proposed subdivisions, coming before our council members full of misinformation on the amount of available water on Maui and ignorant of the true status of our struggling aquifers or the decades and centuries it takes to replenish such resources. In doing so they put our fisheries

and food producing lands – all of us – behind their personal profits and place Maui at even higher risk of becoming a food desert.

I must finally also raise an issue that brings great anger to many of us who are taro farmers. The Hawaii Farm Bureau and the Cattlemen's Association has distributed a lobbying document to legislators and to your committee in support of HB2501 naming, without permission, some of the land owners that would be affected positively by the passage of HB2501. This list included taro farmers in East Maui who have fought for decades for the return of water to East Maui streams against every effort by the Farm Bureau to continue to undermine kuleana and taro farmer water rights on the Water Commission and in the Water Code. The list also included the names of numerous ranchers who are not on, nor dependent on, the A&B ditch system. In the same manner, Monsanto is also not on the ditch system.

The resolution of this conflict should not be in the legislature; it has already been determined by the Supreme Court and ongoing water issues are the purview of CWRM.

I urge you to kill HB2501.

Mahalo
Penny Levin
Wailuku, Maui

gabbard2 - Donna

From: Charmaine Bugado <charmaincita@gmail.com>
Sent: Monday, March 21, 2016 12:35 PM
To: WLA Testimony
Subject: In Defense of Maui's Public Water

Aloha Chair Gabbard, Vice-Chair Nishihara and members of the Water, Land and Agriculture Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres (current production), or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that there are many millions of gallons of water available daily from A & B's private sources--making it very difficult to justify the continued diversion of 160 mgd of public water from East Maui, especially with the recent news of their last harvest. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must

vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust.

Please do everything in your power to protect public water rights and ensure HB2501 will not pass.

Mahalo for your time and consideration,

Charmaine Bugado
8 Paipai Street
Hilo, HI 96720

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2016 12:37 PM
To: WLA Testimony
Cc: michelle@hawaiiantel.net
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/21/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Pillen	Individual	Oppose	No

Comments: I urge you to DEFER HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal. This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases. In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle. We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink. There is no reason to advance HB2501 and continue to divide our community. Thank you.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

gabbard2 - Donna

From: MaryAnn Omerod <naniomerod1@gmail.com>
Sent: Monday, March 21, 2016 12:45 PM
To: WLA Testimony
Subject: In Defense of Maui's Public Water

Aloha Chair Gabbard, Vice-Chair Nishihara and members of the Water, Land and Agriculture Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres (current production), or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that there are many millions of gallons of water available daily from A & B's private sources--making it very difficult to justify the continued diversion of 160 mgd of public water from East Maui, especially with the recent news of their last harvest. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must

vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust.

Please do everything in your power to protect public water rights and ensure HB2501 will not pass.

Mahalo for your time and consideration,

MaryAnn Omerod
2226 Tantalus Drive
Honolulu, HI 96813

From: Annette Kaohelauii <msakaohelauii@gmail.com>
Sent: Sunday, March 20, 2016 3:34 PM
To: WLA Testimony
Subject: Please defer HB2501, Save our Streams!

Dear Senators,

I can not believe that Alexander and Baldwin and their minions in the legislature would introduce legislation to do this in defiance of the courts order to stop diverting the water. **Please defer HB2501 HD2.** This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal. Please do not let that happen.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

Annette Kaohelauii

gabbard2 - Donna

From: Beth Thoma Robinson <alohabeth@gmail.com>
Sent: Sunday, March 20, 2016 3:00 PM
To: WLA Testimony
Subject: Oppose HB2501 HD2

I oppose HB2501 HD2.
Please protect the streams of East Maui

--

Beth Thoma Robinson
alohabeth@gmail.com
(808) 443-4588 Cell

Neither people nor horses care how much you know until they know how much you care!

gabbard2 - Donna

From: Eileen Cain <eileencain808@gmail.com>
Sent: Sunday, March 20, 2016 3:19 PM
To: WLA Testimony
Subject: In Defense of Maui's Public Water

Aloha Chair Gabbard, Vice-Chair Nishihara and members of the Water, Land and Agriculture Committee,

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Please do everything in your power to protect public water rights and ensure HB2501 will not pass.

Mahalo for your time and consideration,

Eileen Cain
720 Mahiai St., Apt. E
Honolulu, HI 96826

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2016 3:22 PM
To: WLA Testimony
Cc: ohialani@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Katie Romanchuk	Individual	Oppose	No

Comments: Please Protect our Fragile Watersheds for the Future of Maui - Oppose HB 2501 HD2 I oppose HB 2501 HD2. This measure allows for the diversion of water from the watershed (our public trust) in large amounts over long periods of time. That activity needs an environmental assessment (due process). The EA would be a comprehensive consideration of the impact of removing water from the watershed on the culture, natural environment and economics of the region affected. The holdover permit process this bill codifies into law circumvents an Environmental Assessment and grants a "Holdover Permit". I cannot support that outcome, please defer decision making until a time as all the stakeholders are able to be heard and their concerns addressed. Mahalo. Sincerely, Katharine Romanchuk, Haiku citizen

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gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2016 3:29 PM
To: WLA Testimony
Cc: mnotestone@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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

Comments: I am against HB2501

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gabbard2 - Donna

From: Annette Kaohelauii <annettesadventures@juno.com>
Sent: Sunday, March 20, 2016 3:29 PM
To: WLA Testimony
Subject: Stop HB2501, Save East Maui's Streams

Aloha Senator Gabbard and members of the WLA Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawaii's environmental analysis requirements. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture would require less than half the water for sugarcane or about 2,500 gallons per acre per day (gad) which is 42.5 million gallons per day (mgd) for 17,000 acres, or 75 mgd if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 mgd of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 mgd average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 mgd county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawaii is privy to this special "hold-over" status - only in East Maui for A&B. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid the Hawaii only \$160,000 for use of 33,000 acres of public land, and 164 million gallons per day on average of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits do not exist. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

—

Annette Kaohelauii
annettesadventures@juno.com
Kailua, HI

gabbard2 - Donna

From: Pua Case <puacase@hawaiiantel.net>
Sent: Sunday, March 20, 2016 3:42 PM
To: WLA Testimony
Subject: HB2501

Oppose!!!! Pua Case

gabbard2 - Donna

From: SylviaLitchfield . <sylvialitchfield@gmail.com>
Sent: Sunday, March 20, 2016 3:45 PM
To: WLA Testimony
Subject: I oppose HB2501

Aloha,

Please protect east Maui streams.

I oppose HB2501

Thank you,
Sylvia Litchfield

--

Sylvia Litchfield
phone: 619-987-3722
sylvialitchfield@gmail.com

gabbard2 - Donna

From: Mark Deakos <deakos@hawaii.edu>
Sent: Sunday, March 20, 2016 3:55 PM
To: WLA Testimony
Subject: Stop HB2501, Save East Maui's Streams

Aloha Senator Gabbard and members of the WLA Committee,

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Mahalo!

--

Mark Deakos
deakos@hawaii.edu
Lahaina, Hawaii

gabbard2 - Donna

From: Maelani Lee <maelanilee@yahoo.com>
Sent: Sunday, March 20, 2016 3:57 PM
To: WLA Testimony
Subject: OPPOSE HB2501 HD2

I oppose bill HB2501 HD2. Maui should have their water running always.

gabbard2 - Donna

From: Mary Elizabeth Rey <elizabethmacrey@yahoo.com>
Sent: Sunday, March 20, 2016 4:10 PM
To: WLA Testimony
Subject: Stop HB2501, Save East Maui's Streams

Aloha Senator Gabbard and members of the WLA Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawaii's environmental analysis requirements. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review.

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Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawaii is privy to this special "hold-over" status - only in East Maui for A&B. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid the Hawaii only \$160,000 for use of 33,000 acres of public land, and 164 million gallons per day on average of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits do not exist. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

—
Mary Elizabeth Rey
elizabethmacrey@yahoo.com
Honolulu, Hawaii

gabbard2 - Donna

From: Danielle <daniellechomel@yahoo.com>
Sent: Sunday, March 20, 2016 4:11 PM
To: WLA Testimony
Subject: Protect our streams, reunite the community: Defer HB2501

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

Sent from my iPad

From: Jean-Paul Klingebiel <jpklingebiel@gmail.com>
Sent: Sunday, March 20, 2016 4:12 PM
To: WLA Testimony
Subject: Protect our streams, reunite the community: Defer HB2501

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Mahalo.

gabbard2 - Donna

From: Namphuong Quach <namisop35@gmail.com>
Sent: Sunday, March 20, 2016 4:21 PM
To: WLA Testimony
Subject: Stop HB2501, Save East Maui's Streams

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Mahalo!

--

Namphuong Quach
namisop35@gmail.com
Honolulu, Hawaii

gabbard2 - Donna

From: Robin Gaffney <razzle@maui.net>
Sent: Sunday, March 20, 2016 4:27 PM
To: WLA Testimony
Subject: Stop HB2501, Save East Maui's Streams

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Mahalo!

--
Robin Gaffney
razzle@maui.net
Hana, Hawaii

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2016 4:27 PM
To: WLA Testimony
Cc: Tree@hawaii.rr.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Stephen Luksic	Individual	Oppose	No

Comments: Aloha, This legislation is nothing more than the sign of greed by corporations, The Courts have ruled the stealing of the water Illegal. This has been going on for far to long. Please do not cause me to loose faith in our legislative process. Please stop working for the corporations and please start supporting the people, the land and our children. Vote no, on this theft, give the water back to the natural streams and the farmers who have the rights. I'm getting sick and tired of corporate theft. Thank you, Stephen Luksic

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gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2016 4:31 PM
To: WLA Testimony
Cc: sonjamccullen@yahoo.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Sonja McCullen	Individual	Oppose	No

Comments: My ohana and I strongly oppose this bill, which is a legislative bailout for one company, A&B. This company has massively profited off of public water resources for generations. Now that it is shutting down its plantation, the time has finally come to stop such special corporate favors and restore balance. This bill would further extend the harm to the public trust and local Native Hawaiian communities for A&B's benefit. This violates the public trust and basic principles of justice and good, honest government. The legislature should have already learned its lesson with the Superferry. Let the legal court process run its course for A&B. Let DLNR comprehensively reform its leasing program. And get the legislature out of the business of bailing out one company. Aloha, Sonja McCullen and Ohana

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gabbard2 - Donna

From: Maelani Lee <Maelanilee@yahoo.com>
Sent: Sunday, March 20, 2016 4:31 PM
To: WLA Testimony
Subject: In Defense of Maui's Public Water

Aloha Chair Gabbard, Vice-Chair Nishihara and members of the Water, Land and Agriculture Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

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East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must

vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust.

Please do everything in your power to protect public water rights and ensure HB2501 will not pass.

Mahalo for your time and consideration, I oppose bill HB2501 HD2

Maelani Lee
Po box 1054
Waianae, HI 96792

From: manoamac@aol.com
Sent: Sunday, March 20, 2016 4:40 PM
To: WLA Testimony
Subject: Please defer HB2501, Save our Streams!

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal. This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases. In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle. We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink. There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

Beth McLachlin

gabbard2 - Donna

From: kellimaui@hotmail.com <no-reply@weebly.com>
Sent: Sunday, March 20, 2016 4:43 PM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

Kelli Uderitz

Zip code

96793

Community Group

Email

kellimaui@hotmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2016 4:47 PM
To: WLA Testimony
Cc: crazyravysmom@yahoo.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Dianna Wilcox	Individual	Oppose	No

Comments: I oppose HB2501 HD2

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gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2016 4:49 PM
To: WLA Testimony
Cc: kawaiwarrenkhha@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kawai Warren	Individual	Oppose	No

Comments: Dear Committee Members: I oppose HB 2501. This measure allows for the diversion of water from the watershed (our public trust) in large amounts over possibly long periods of time. At the very least, such activity requires an environmental assessment (ensuring due process). The EA would be a comprehensive consideration of the impact of removing water from the watershed on the culture, natural environment and economics of the region affected. The holdover permit process codified by this bill circumvents an Environmental Assessment and grants unprecedented rights of a "Holdover Permit". It also circumvents state water rights laws and recent court holdings that proscribe legally mandated processes for water disposition and the return of waters to the Maui watershed. I cannot support that outcome, please defer decision making until a time as all the stakeholders are able to be heard and their concerns addressed. Sincerely,

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From: gwendolyn Grace <wgracehh@gmail.com>
Sent: Sunday, March 20, 2016 5:04 PM
To: WLA Testimony
Subject: Protect our streams, reunite the community: Defer HB2501

Please help us protect and restore our streams and pools. We need our water.

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

Gwendolyn Grace, Huelo

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2016 5:12 PM
To: WLA Testimony
Cc: dkanealii02@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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

Comments: I oppose HB 2501 HD2. This measure allows for the diversion of water from the watershed (our public trust) in large amounts over long periods of time. That activity needs an environmental assessment (due process). The EA would be a comprehensive consideration of the impact of removing water from the watershed on the culture, natural environment and economics of the region affected. The holdover permit process this bill codifies into law circumvents an Environmental Assessment and grants a "Holdover Permit". I cannot support that outcome, please defer decision making until a time as all the stakeholders are able to be heard and their concerns addressed. Please do what is pono for the people of Hawai'i, for our Kalo farmers and for our farming industry and island self-sufficiency initiative. Mahalo

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gabbard2 - Donna

From: awakeningourhearts@gmail.com <no-reply@weebly.com>
Sent: Sunday, March 20, 2016 5:18 PM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

Darlene

Zip code

96708

Community Group

Email

awakeningourhearts@gmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

gabbard2 - Donna

From: Lesley Patton <grammawl@gmail.com>
Sent: Sunday, March 20, 2016 5:18 PM
To: WLA Testimony
Subject: Protect our streams, reunite the community: Defer HB2501

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

Lesley Patton
Box 1065, Kapaau HI 96755

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2016 5:20 PM
To: WLA Testimony
Cc: kauwilamahina@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM
Attachments: HB 2501water

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kaylene Sheldon	Individual	Oppose	No

Comments:

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gabbard2 - Donna

From: Canrej@aol.com <no-reply@weebly.com>
Sent: Sunday, March 20, 2016 5:24 PM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your [Community Groups and Individuals Oppose HB2501](#).

Submitted Information:

Name

Jen Meyers

Zip code

96763

Community Group

Email

Canrej@aol.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

From: Janice Palma-Glennie <palmtree7@earthlink.net>
Sent: Sunday, March 20, 2016 5:25 PM
To: WLA Testimony
Subject: Protect our streams, reunite the community: Defer HB2501

Aloha,

I'm writing to ask that you please defer HB2501 HD2. This bill is divisive, confusing, and is creating conflict where stakeholders once had strong consensus. Everyone wants to our state's water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal. Please do not advance HB2501 for the benefit of our island communities. Mahalo and sincerely,

Janice palma-glennie
Kailua-kona

gabbard2 - Donna

From: Wailani Stoner <stonerwailani5@gmail.com>
Sent: Sunday, March 20, 2016 5:52 PM
To: WLA Testimony
Subject: OPPOSE

I oppose HB2501 HD2 !!!!

From: Disc_diva@yahoo.com <no-reply@weebly.com>
Sent: Sunday, March 20, 2016 6:02 PM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

Jessika Smith

Zip code

96763

Community Group

Email

Disc_diva@yahoo.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

From: bkofmor@gmail.com <no-reply@weebly.com>
Sent: Sunday, March 20, 2016 6:25 PM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

Kaniloa Kamaunu

Zip code

96793

Community Group

As an individual

Email

bkofmor@gmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

As a recognized native tenant of Ko Hawaii Pae Aina, kuleana heir of Pi'imaiwa'a of Waihee and a participant in the Na Wai Eha contested water case, I am opposed to HB2501 allowing Alexander and Baldwin continuing use of thier invalid water permits.

the Maui Taro Farmers have fought hard and long, spending their money to have the courts find in their favor.

So for the House to pass this would be a crime against the people and the Justice system.

So as law makers please protect the people and oppopse HB2501

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2016 6:35 PM
To: WLA Testimony
Cc: whoru@hawaiiantel.net
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Dennis F Lokmer	Individual	Oppose	No

Comments: I am opposed to HB2501 HD2

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gabbard2 - Donna

From: Barbara Mattson <bmat255255@hotmail.com>
Sent: Sunday, March 20, 2016 6:36 PM
To: WLA Testimony
Subject: Fwd: HD2501 HD2

Sent from my iPhone

Begin forwarded message:

From: <bmat255255@hotmail.com>
Date: March 20, 2016 at 6:33:40 PM HST
To: "WLAtestimoy@capitol.hawaii.gov" <WLAtestimoy@capitol.hawaii.gov>
Subject: HD2501 HD2

"I oppose HB2501 HD2"!!

Barbara Mattson
3846 L Honoapiilani Rd 17
Lahaina, HI 96761

808-276-7877

Sent from my iPhone

gabbard2 - Donna

From: Claud Sutcliffe <claudsutcliffe@gmail.com>
Sent: Sunday, March 20, 2016 6:42 PM
To: WLA Testimony
Subject: opposition to HB2501 HD2

Aloha Kakou! I am very strongly opposed to HB2501 HD2!

Mahalo! Claud Sutcliffe, PhD

Sent from my iPad

gabbard2 - Donna

From: Renata Kadzielawa <rkadzielawa@gmail.com>
Sent: Sunday, March 20, 2016 6:46 PM
To: WLA Testimony
Subject: Protect our streams, reunite the community: Defer HB2501

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

Sent from my iPhone

From: Aeriewaters <aeriewaters@gmail.com>
Sent: Sunday, March 20, 2016 6:52 PM
To: WLA Testimony
Subject: Protect our streams, reunite the community: Defer HB2501

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo. Aerie Waters

gabbard2 - Donna

From: Geoffrey Knudsen <geoffrey.knudsen@gmail.com>
Sent: Sunday, March 20, 2016 7:02 PM
To: WLA Testimony
Subject: In Defense of Maui's Public Water

Aloha Chair Gabbard, Vice-Chair Nishihara and members of the Water, Land and Agriculture Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres (current production), or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that there are many millions of gallons of water available daily from A & B's private sources--making it very difficult to justify the continued diversion of 160 mgd of public water from East Maui, especially with the recent news of their last harvest. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must

vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust.

Please do everything in your power to protect public water rights and ensure HB2501 will not pass.

Mahalo for your time and consideration,

Geoffrey Knudsen
74-854 Laimana St.
kona, HI 96740

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2016 7:05 PM
To: WLA Testimony
Cc: julianemoto@googlemail.com
Subject: *Submitted testimony for HB2501 on Mar 21, 2016 14:55PM*

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Julia Nemoto	Individual	Oppose	No

Comments:

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gabbard2 - Donna

From: Liza Botz <Tropicalbreeze248@gmail.com>
Sent: Sunday, March 20, 2016 7:18 PM
To: WLA Testimony
Subject: Stop HB2501, Save East Maui's Streams

Aloha Senator Gabbard and members of the WLA Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawaii's environmental analysis requirements. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture would require less than half the water for sugarcane or about 2,500 gallons per acre per day (gad) which is 42.5 million gallons per day (mgd) for 17,000 acres, or 75 mgd if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 mgd of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 mgd average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 mgd county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawaii is privy to this special "hold-over" status - only in East Maui for A&B. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid the Hawaii only \$160,000 for use of 33,000 acres of public land, and 164 million gallons per day on average of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits do not exist. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Liza Botz

Tropicalbreeze248@gmail.com

hana, hi

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2016 7:26 PM
To: WLA Testimony
Cc: davidsher@juno.com
Subject: *Submitted testimony for HB2501 on Mar 21, 2016 14:55PM*

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Sherry Pollack	Individual	Oppose	No

Comments:

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gabbard2 - Donna

From: Diane Marshall <kianamar73@gmail.com>
Sent: Sunday, March 20, 2016 7:36 PM
To: WLA Testimony
Subject: Stop HB2501, Save East Maui's Streams

Aloha Senator Gabbard and members of the WLA Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawaii's environmental analysis requirements. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture would require less than half the water for sugarcane or about 2,500 gallons per acre per day (gad) which is 42.5 million gallons per day (mgd) for 17,000 acres, or 75 mgd if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 mgd of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 mgd average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 mgd county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawaii is privy to this special "hold-over" status - only in East Maui for A&B. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid the Hawaii only \$160,000 for use of 33,000 acres of public land, and 164 million gallons per day on average of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits do not exist. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Diane Marshall
kianamar73@gmail.com
Honolulu, Hawaii

gabbard2 - Donna

From: Margaret Primacio <stibbardm003@hawaii.rr.com>
Sent: Sunday, March 20, 2016 7:42 PM
To: WLA Testimony
Subject: HB2501 HD2 EAST MAUI WATER, STRONGLY OPPOSE

Importance: High

Chair Gabbard and Committee Members,

Your continued commitment to restore water to streams of East Maui for kalo farming, stream life as well as near shore water life is significant and necessary.

The permitting of water to one private entity is unjust as evident by the State Court's decision. We should all be working towards protecting the fragile eco-system of East Maui uplands and the ancient food growing communities below. This our history one to be proud of and in these dependent days an important region to support.

Please do all you can and vote to kill bill HB2501, HD2.

Mahalo nui,
Margaret Primacio
Kahuku, Oahu

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2016 7:48 PM
To: WLA Testimony
Cc: kianamar73@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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

Comments: A&B has NO RIGHT to take the public's water for its own private profit!!!! STOP chasing the money and DO WHAT IS RIGHT! LISTEN to the PEOPLE (the people who voted you folks into office)NOT the CORPORATIONS lining your pockets with dollars!!!!

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gabbard2 - Donna

From: kokofmradio@yahoo.com <no-reply@weebly.com>
Sent: Sunday, March 20, 2016 7:57 PM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your [Community Groups and Individuals Oppose HB2501](#).

Submitted Information:

Name

Kaimana Kanekoa

Zip code

96713

Community Group

KOKO FM Radio

Email

kokofmradio@yahoo.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

Please honor the system of laws the Alii Kanaka Oihi and your own government put into place. Laws are meant to be followed not manipulated, to protect the rights of all not the privilege of the few.

Mahalo

gabbard2 - Donna

From: devin4201998@gmail.com <no-reply@weebly.com>
Sent: Sunday, March 20, 2016 8:03 PM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

Fulu Morishita

Zip code

96720

Community Group

Individual

Email

devin4201998@gmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2016 8:16 PM
To: WLA Testimony
Cc: thorneabbott@yahoo.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Thorne Abbott	Individual	Oppose	No

Comments: I am disappointed that this bill was introduced in light of recent developments in the long-standing legal effort by kalo farmers and others to restore stream flows in East Maui. East Maui kalo farmers, fishers, and gatherers have fought for their water rights for many years. They are not asking for all of the water to be returned, but they are legally entitled to sufficient flows to support farming, fishing, gathering, and other traditional practices and to support healthy stream and nearshore ecosystems. Moreover, the diversion of life-giving water from ecological systems and watersheds to any one, particular, commercial entity is contrary to the State's obligation to protect public trust resources for the people and future generations. This bill essentially usurps the State Constitution, the State Water Code, the public trust doctrine, and recent court rulings. This is of particular concern in light of recent closures of sugar cane agriculture. Should the bill favor the growing of houses instead of crops? Should crops be favored over flourishing native ecosystems that foster and support recreation, relaxation, tourism sightseeing and adventure? Let us look towards the new millennium and its opportunities, rather than try to preserve the injustices of the past. Please do not forward this bill as it does not serve the public interest now or in the future. Mahalo for your time and consideration!

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gabbard2 - Donna

From: Hokulani Kaikaina <hoku@punawai.com>
Sent: Sunday, March 20, 2016 8:34 PM
To: WLA Testimony
Subject: HB2501

"I STRONGLY OPPOSE HB2501 HD2!"
"E HO'IHO'I I KA WAI!"

From: Hina Kneubuhl <puahinano@gmail.com>
Sent: Sunday, March 20, 2016 8:44 PM
To: WLA Testimony
Subject: Protect our streams, reunite the community: Defer HB2501

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

Sent from my iPhone

From: Stevensayers808@gmail.com <no-reply@weebly.com>
Sent: Sunday, March 20, 2016 8:49 PM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

Steven Sayers

Zip code

96720

Community Group

Email

Stevensayers808@gmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

gabbard2 - Donna

From: mary drayer <mdrayerhome@msn.com>
Sent: Sunday, March 20, 2016 8:54 PM
To: WLA Testimony
Cc: Marys Phone
Subject: Oppose HB2501 HD2

I oppose HB2501 HD2

I have been a supporter of hc&s...however with the end of sugar..it,os time to give the water back to the taro farmers and other subsistence needs...in addition to stream and ecology health...

Mahalo for your attention..

Aloha,
Mary Drayer
Wailuku, Maui
808-244-5646

Sent from my iPad

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2016 9:22 PM
To: WLA Testimony
Cc: verno@hawaii.rr.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Vernon Hinsvark	Individual	Oppose	No

Comments: I oppose HB2501 in any form. Water belongs to all the people of Hawaii. Any law that tries to maintain actions that were wrong when first applied is wrong now! Do not steal our water. This bill would reverse Judge Rhonda Nishimura's January 2016 ruling that A&B's diversion of water from East Maui Streams is illegal. It will go to court again! Under the Public Trust Doctrine and Hawaii's Constitution, water is a public trust resource that is ".... held in trust by the State for the benefit of the people." (Article XI, Section I) Please vote against HB2501. Thank you. Vernon Hinsvark.

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From: ohanaperreira@gmail.com <no-reply@weebly.com>
Sent: Sunday, March 20, 2016 9:21 PM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

Benjinette Kawaa

Zip code

96732

Community Group

Email

ohanaperreira@gmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

Please give the water back to where it belongs .. It wasn't yours to begin with .. The biggest thing is for all of us to become "self sufficient" and grow and plant and harvest our own food. How do you expect our Kalo farmers to do such a thing with the water ... It's common sense ...

gabbard2 - Donna

From: Lenei.n.sousa@gmail.com <no-reply@weebly.com>
Sent: Sunday, March 20, 2016 9:31 PM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

Lenei Naipo

Zip code

96795

Community Group

Email

Lenei.n.sousa@gmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

My great uncle has been fighting for water rights for Maui for decades. Hijacking water should be a criminal act. Aloha 'āina!

gabbard2 - Donna

From: Shay Chan Hodges <shay.chanhodges@gmail.com>
Sent: Sunday, March 20, 2016 9:32 PM
To: WLA Testimony
Subject: I oppose HB2501 HD2

I oppose HB2501 HD2.

Mahalo.

Shay Chan Hodges
Haiku, Maui, Hawaii

Author, [Lean On and Lead, Mothering and Work in the 21st Century Economy](#)
Catalyst, Family-Centered DesignSM thinking
Twitter: [@LeanOnAndLead](#)
Facebook: [Lean On and Lead](#)
[Download the iBook:](#)

From: Hina <puahinano@gmail.com>
Sent: Sunday, March 20, 2016 9:43 PM
To: WLA Testimony
Subject: Please defer HB2501 HD2

To whom it may concern,

I am writing to ask that HB2501 HD2 be deferred. I am also standing in solidarity with the farmers and people of East Maui. I know that A&B will still have enough water after the 8 streams in the Ke'anae/Wailua area are fully restored and at least 64% of base flow is returned to the other 19. That 64% would allow 90% of the stream biota to flourish again and allow the brackish habitat at the mouths of the rivers to be functional. All this is necessary so that the ecosystems and the people that depend on them can be healthy. The connection of the uka (uplands) to the kai (ocean) and the importance of the uninterrupted flow of water is not a quaint cultural notion. It is the natural way and the healthiest model for the land and the people and the relationship between the two.

The amount of water the plaintiffs are asking to be returned is less than what is lost through seepage and evaporation from the ditches. It is not an unreasonable request. What is unreasonable is to take ALL the water out of streams. How have we gotten to this crazy place?! How has A&B/EMI been allowed to do this in the first place?!

Anywhere you go in the world, the normal, healthy standard is that there are waters in streams and that if someone wants to take some they need to prove there is a need. The opposite, having no water in the streams and when asking to put some back having to prove there is a need, is crazy. It is extreme mismanagement and an ecological disaster.

It is also a violation of the law. The water laws codified in the Hawaiian Kingdom state that users downstream shall not be injured by the taking of water. Yet today they are. Diverting 100% of the water from the 27 streams now in question is injuring farmers, killing the portion of the stream below the intakes, disrupting the life cycle of 'o'opu, and decreasing habitat for 'ōpae, hīhīwai and other stream species.

Not only do these organisms have a right to live and thrive in these stream habitats, but the people for whom these are a food resource have a right to be able to gather them from healthy streams. They also have a right to farm their lands and have enough water to do so. The rural communities keeping traditional farming and gathering practices alive - the Hawaiians that still live this lifestyle - are not being supported. This is a threat to the well-being of culture and to the health of Hawaiian ecosystems. I want to be able to take my children to these places so they can learn about these things. How can I do this if these farmers can't keep their kalo healthy? If they keep leaving the land because there is not enough water to support their farming and their gathering of traditional foods?

I am Hawaiian and was born and raised on the island of Maui. I have worked in the Waikamoi preserve as a field technician for the Nature Conservancy and in rare plant management on the island of O'ahu. I have seen and learned the value of the forest and the watershed and I understand how it is connected to the ocean. How can I trust lawmakers who have never been to these forests or seen these resources (or to the lands of the farmers being harmed by the dewatering of streams) to care for them? I encourage all of you to go out into these places and see for yourselves what is happening.

It is the responsibility of the government to uphold the law and protect the rights of the people. If you fail to re-establish flow in these streams and bend to the will (or whatever other kind of pressure or incentive there might be) of A&B, you will be violating the law and hurting people in myriad ways for generations to come (on top of

the people currently affected). Will you be able to sleep at night knowing you ruled in favor of a private, for-profit entity and against the needs of the people and the ecosystems we are supposed to be caring for? Please ask yourselves this question.

me ke aloha 'āina,
Hina Puamohala Kneubuhl
495 Kaiaulu Loop
Makawao, HI
96768

gabbard2 - Donna

From: nekishug@hotmail.com <no-reply@weebly.com>
Sent: Sunday, March 20, 2016 9:43 PM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

Andrea Gushiken

Zip code

96818

Community Group

Email

nekishug@hotmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2016 9:47 PM
To: WLA Testimony
Cc: dylanarm@hawaii.edu
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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

Comments: We need to move towards a sustainable system of watershed management. The days of the plantation economy are over. Restore our streams. Respect the land.

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gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2016 10:11 PM
To: WLA Testimony
Cc: alexhaller.hawaii@gmail.com
Subject: *Submitted testimony for HB2501 on Mar 21, 2016 14:55PM*

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Alex Haller	Individual	Oppose	No

Comments:

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gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2016 10:14 PM
To: WLA Testimony
Cc: tampaltin@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Tamara Paltin	Individual	Oppose	No

Comments: The court has ruled this practice to be illegal after east Maui taro farmers fought for decades for their voice to be heard. A&B is the only corporation affected by this bill and they have already announced they are stopping sugar cane operations, they have not been very forthcoming about their future plans other than diversified ag and cattle which will utilize much less water. Meanwhile the illegal diversion of water is having a very negative effect on east Maui they do not have enough water for their kalo, for their streamlife, for their fisheries and this water has been stolen for too long. A&B has many options east Maui farmers do not. Mahalo Tamara Paltin

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gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2016 10:18 PM
To: WLA Testimony
Cc: helmut@classicorganic.org
Subject: *Submitted testimony for HB2501 on Mar 21, 2016 14:55PM*

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Helmut Klauer	Individual	Oppose	No

Comments:

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gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2016 10:21 PM
To: WLA Testimony
Cc: gkvierra@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/20/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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

Comments: We need justice for the Hawaiians!! East Maui taro farmers followed American law took their case to court and won. Now the legislature proposes to change the law for one failing company? A failing company that was losing big year after year and yet made no plans for the inevitable? A failing company whose roots are directly involved in the overthrow of our monarchy. Growing kalo in east Maui took place for hundreds of years before these greedy Malahini came in and took all the water. Please do the right thing give the water back to those who are suffering from lack of their own water. Let A&B show their plan and show how much water they need. Play fair. Represent the people not the corporation. George Vierra

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From: Alicia Kalepa <akalepa@sandwichisles.net>
Sent: Sunday, March 20, 2016 10:22 PM
To: WLA Testimony
Subject: In Defense of Maui's Public Water

Aloha Chair Gabbard, Vice-Chair Nishihara and members of the Water, Land and Agriculture Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres (current production), or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that there are many millions of gallons of water available daily from A & B's private sources--making it very difficult to justify the continued diversion of 160 mgd of public water from East Maui, especially with the recent news of their last harvest. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must

vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust.

Please do everything in your power to protect public water rights and ensure HB2501 will not pass.

Mahalo for your time and consideration,

Alicia Kalepa
1690 Wahinoho way
Lahaina, HI 96761

From: keoni.kuoha@gmail.com <no-reply@weebly.com>
Sent: Sunday, March 20, 2016 10:23 PM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

Keoni Kuoha

Zip code

96825

Community Group

Email

keoni.kuoha@gmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

Dear Senators,

I ask that you support the rule of law, due process, and the public trust doctrine. Oppose HB2501.

Alexander & Baldwin are asking for a corporate handout through HB2501. They are the only ones currently under special "holdover" status, and there's no reason to believe that any other person or

organization will ever end up in the same situation. A&B has consistently and maliciously disregarded all attempts to keep their water use accountable to the people of the State of Hawai'i. You can stop this affront to the laws and people of Hawai'i, now. Oppose HB2501.

If A&B has a compelling reason to continue to take hundreds of millions of gallons of East Maui's water resources, they can simply request a stay of Judge Nishimura's ruling, just as the County of Maui has been granted. A&B would simply need to justify their request to the court. Yet, they have chosen to pursue special legislation, instead. They have several options to keep water flowing to their operations, including seeking a stay of Judge Nishimura. However, the one option that allows A&B to avoid any accountability for their request and water use is HB2501. Please do not enable A&B to continue to evade accountability. Oppose HB2501.

At its core, this is not an East Maui issue. This is a matter of law and the State of Hawai'i's ability to apply and enforce its laws. Do not allow A&B to continue to game the system, to the detriment of everyone. Oppose HB2501.

Thank you for your consideration,
Keoni Kuoha

gabbard2 - Donna

From: Shannon Rudolph <shannonkona@gmail.com>
Sent: Sunday, March 20, 2016 10:26 PM
Subject: PLEASE OPPOSE HB2501 HD2 - PROTECT West Maui Streams!

Aloha!

We need to grow food!

Please OPPOSE HB2501 HD2 ~ PROTECT West Maui Streams!
Mahalo,

Shannon Rudolph
P.O. 243 Holualoa, Hi. 96725

How wonderful it is that nobody need wait a single moment before starting to improve the world. ~ Anne Frank

gabbard2 - Donna

From: D1967t1985@gmail.com <no-reply@weebly.com>
Sent: Sunday, March 20, 2016 10:45 PM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

Darwin

Zip code

96713

Community Group

Email

D1967t1985@gmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

gabbard2 - Donna

From: ronkualaa@yahoo.com <no-reply@weebly.com>
Sent: Sunday, March 20, 2016 11:11 PM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

Ron Kualaa

Zip code

96793

Community Group

Email

ronkualaa@yahoo.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

gabbard2 - Donna

From: skysonghealing@yahoo.com <no-reply@weebly.com>
Sent: Sunday, March 20, 2016 11:14 PM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

Paul Solomon

Zip code

96708

Community Group

Email

skysonghealing@yahoo.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

gabbard2 - Donna

From: Wika967@gmail.com <no-reply@weebly.com>
Sent: Sunday, March 20, 2016 11:20 PM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

Kawika Mattos

Zip code

96732

Community Group

Email

Wika967@gmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

From: Kaliko Amona <Kalikoamona@gmail.com>
Sent: Sunday, March 20, 2016 11:41 PM
To: WLA Testimony
Subject: In Defense of Maui's Public Water

Aloha Chair Gabbard, Vice-Chair Nishihara and members of the Water, Land and Agriculture Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres (current production), or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that there are many millions of gallons of water available daily from A & B's private sources--making it very difficult to justify the continued diversion of 160 mgd of public water from East Maui, especially with the recent news of their last harvest. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must

vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust.

Please do everything in your power to protect public water rights and ensure HB2501 will not pass.

Mahalo for your time and consideration,

Kaliko Amona

Haleiwa, HI 96712

gabbard2 - Donna

From: Irene Hannah <sobermauimomma@gmail.com>
Sent: Monday, March 21, 2016 12:02 AM
To: WLA Testimony
Subject: OPPOSE HB2501

We in Maui Support Farmers and require our Governor and Government to support our Farmers and Farms as well..

Our Ohanas, Our children deserve healthy foods and healthy land...

Please help us to VETO this HB2501 A & B water theft bill.

Irene Hannah
1057 Makawao Ave B304
Makawao, Maui HI 96768
(808) 298-5251

Mahalo Nui Loa

gabbard2 - Donna

From: Nicholas Altuzarra <altuzarra.nicholas@gmail.com>
Sent: Monday, March 21, 2016 12:16 AM
To: WLA Testimony
Subject: Stop HB2501, Save East Maui's Streams

Aloha Senator Gabbard and members of the WLA Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawaii's environmental analysis requirements. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture would require less than half the water for sugarcane or about 2,500 gallons per acre per day (gad) which is 42.5 million gallons per day (mgd) for 17,000 acres, or 75 mgd if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 mgd of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 mgd average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 mgd county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawaii is privy to this special "hold-over" status - only in East Maui for A&B. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid the Hawaii only \$160,000 for use of 33,000 acres of public land, and 164 million gallons per day on average of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits do not exist. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

—
Nicholas Altuzarra
altuzarra.nicholas@gmail.com
Honolulu, HI

gabbard2 - Donna

From: janicekh808@gmail.com <no-reply@weebly.com>
Sent: Monday, March 21, 2016 12:18 AM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your [Community Groups and Individuals Oppose HB2501](#).

Submitted Information:

Name

Janice Hirayasu

Zip code

96795

Community Group

Email

janicekh808@gmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

From: Shelley Muneoka <shelleymuneoka@gmail.com>
Sent: Monday, March 21, 2016 12:31 AM
To: WLA Testimony
Subject: In Defense of Maui's Public Water

Aloha Chair Gabbard, Vice-Chair Nishihara and members of the Water, Land and Agriculture Committee,

My name is Shelley Muneoka and I'm writing from He'eia, O'ahu in **STRONG OPPOSITION** to HB 2501. I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

I have compassion for the ranchers and farmers who currently rely on access to water through revocable permits, but this bill does not address or affect their access to water. This bill deals specifically with revocable permits issued on a "holdover" basis—Alexander and Baldwin are the only permit holders with that special distinction. On November 24, 2015, Judge Nishimura asked Linda Chow (Attorney General for the BLNR) directly, "Are there a number of RPs that are on holdover status, or is this a unique situation?" to which she replied, "This is a unique situation..." This bill is special legislation that only affects one company. Proponents of this bill would like you to believe that a "holdover status" is something that could and should be extended to other RP holders who are pursuing long term leases or are tied up in contested case hearings. If that situation were to arise BLNR could continue to renew the permit holder's RP through the lease negotiation or contested case—it would be a continuance of an already bad practice, but it wouldn't make it worse by removing the requirement for at least an annual review and renewal. The holdover status is a beefed up version of the already problematic revocable permit. We all agree that revocable permits are a problem that need to be addressed, but this bill actually exacerbates the problem. It provides no incentive for A&B to comply with long term lease requirements, on which it has dragged its feet for more than a decade.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres (current production), or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that there are many millions of gallons of water available daily from A & B's private sources--making it very difficult to justify the continued diversion of 160 mgd of public water from East Maui, especially with the recent news of their last harvest. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined

reservoirs and aging pipes. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. Any claims that a disruption to service to the Upcountry community is a reason to pass this bill is false--they requested and received relief through the court and A&B was invited to do the same, they have opted not to do so. Changing the law (instead of seeking judicial relief) is hamfisted and will likely have unintended consequences.

For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust.

In 2003, BLNR improperly issued A & B a long-term lease without completing any kind of environmental assessment. Maui communities challenged BLNR and won. Yet, A & B still hasn't done the EIS Judge Hifo ruled was required back in 2003. Their failure to complete the EIS has kept their lease in a legal limbo which they are using as a justification for this "holdover status" on their revocable permits. It is important to understand that a revocable permit issued on a "holdover basis" means an indeterminate amount of water for and indeterminate amount of time without environmental review or opportunity for public bid. Revocable permits do not require environmental review because they are intended to be for short term uses--the "holdover status" that this bill seeks to make permanent runs counter to that intent. This is a major violation of the state's public trust duties and HB2501 seeks to make it standard practice. Please do everything in your power to protect public water rights and ensure HB2501 will not pass.

Mahalo for your time and consideration,

Shelley Muneoka
He'eia, O'ahu
shelleymuneoka@gmail.com

Shelley Muneoka
46-142 Humu PI
Kaneohe, HI 96744

From: larose808@hotmail.com <no-reply@weebly.com>
Sent: Monday, March 21, 2016 1:13 AM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

Christal Ziegler

Zip code

32961

Community Group

Email

larose808@hotmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

gabbard2 - Donna

From: Sharade Carba <thecarbas@msn.com>
Sent: Monday, March 21, 2016 2:35 AM
To: WLA Testimony
Subject: Stop HB2501, Save East Maui's Streams

Aloha Senator Gabbard and members of the WLA Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawaii's environmental analysis requirements. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture would require less than half the water for sugarcane or about 2,500 gallons per acre per day (gad) which is 42.5 million gallons per day (mgd) for 17,000 acres, or 75 mgd if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 mgd of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 mgd average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 mgd county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawaii is privy to this special "hold-over" status - only in East Maui for A&B. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid the Hawaii only \$160,000 for use of 33,000 acres of public land, and 164 million gallons per day on average of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits do not exist. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

—

Sharade Carba
thecarbas@msn.com
Waianae, Hawaii

gabbard2 - Donna

From: Genil714@yahoo.com <no-reply@weebly.com>
Sent: Monday, March 21, 2016 3:30 AM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your [Community Groups and Individuals Oppose HB2501](#).

Submitted Information:

Name

Genil Saladino

Zip code

96707

Community Group

Email

Genil714@yahoo.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

From: Grace Caligtan <graceintelligence@gmail.com>
Sent: Monday, March 21, 2016 3:43 AM
To: WLA Testimony
Subject: In Defense of Maui's Public Water

Aloha Chair Gabbard, Vice-Chair Nishihara and members of the Water, Land and Agriculture Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres (current production), or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that there are many millions of gallons of water available daily from A & B's private sources--making it very difficult to justify the continued diversion of 160 mgd of public water from East Maui, especially with the recent news of their last harvest. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must

vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust.

Please do everything in your power to protect public water rights and ensure HB2501 will not pass.

Mahalo for your time and consideration,

Grace Caligtan
1967 Naio Street
Honolulu, HI 96817

From: Sean Corrigan <quoll_fnq@optusnet.com.au>
Sent: Monday, March 21, 2016 4:30 AM
To: WLA Testimony
Subject: Stop HB2501, Save East Maui's Streams

Aloha Senator Gabbard and members of the WLA Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawaii's environmental analysis requirements. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture would require less than half the water for sugarcane or about 2,500 gallons per acre per day (gad) which is 42.5 million gallons per day (mgd) for 17,000 acres, or 75 mgd if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 mgd of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 mgd average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 mgd county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawaii is privy to this special "hold-over" status - only in East Maui for A&B. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid the Hawaii only \$160,000 for use of 33,000 acres of public land, and 164 million gallons per day on average of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits do not exist. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

—
Sean Corrigan
quoll_fnq@optusnet.com.au
Bellflower, California

gabbard2 - Donna

From: rdebby@hotmail.com <no-reply@weebly.com>
Sent: Monday, March 21, 2016 4:49 AM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your [Community Groups and Individuals Oppose HB2501](#).

Submitted Information:

Name

Deborah Regidor

Zip code

96768

Community Group

Email

rdebby@hotmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

gabbard2 - Donna

From: sylvia@kolealea.com
Sent: Monday, March 21, 2016 5:44 AM
To: WLA Testimony
Subject: HB2501 HD2

I oppose HB2501 HD2!

Thank you.

Sylvia Cenzano
Haiku, HI

gabbard2 - Donna

From: awilson1792@gmail.com <no-reply@weebly.com>
Sent: Monday, March 21, 2016 6:17 AM
To: WLA Testimony
Subject: New Form Entry; Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

Ann Wilson

Zip code

96753

Community Group

Email

awilson1792@gmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2016 6:21 AM
To: WLA Testimony
Cc: scott@aloha.net
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/21/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Crawford	Individual	Oppose	No

Comments: Support our East Maui taro farmers, support our native stream life, support our nearshore ecosystems and fisheries abundance, support equity and fairness... please oppose another A&B water grab!

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: Jeremy Smith <Thesmithteam@mauisales.com>
Sent: Monday, March 21, 2016 6:22 AM
To: WLA Testimony
Subject: Stop HB2501, Save East Maui's Streams

Aloha Senator Gabbard and members of the WLA Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawaii's environmental analysis requirements. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture would require less than half the water for sugarcane or about 2,500 gallons per acre per day (gad) which is 42.5 million gallons per day (mgd) for 17,000 acres, or 75 mgd if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 mgd of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 mgd average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 mgd county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawaii is privy to this special "hold-over" status - only in East Maui for A&B. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid the Hawaii only \$160,000 for use of 33,000 acres of public land, and 164 million gallons per day on average of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits do not exist. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Jeremy Smith
Thesmithteam@mauisales.com
Paia, Hawaii

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2016 6:30 AM
To: WLA Testimony
Cc: mary@mauivortex.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/21/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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

Comments: Aloha, I strongly OPPOSE HB2501. Since 1881 residents have begged that Maui's water should not be turned over to millionaires (like Claus Spreckels). Water should belong to the people, not corporations.

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gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2016 6:31 AM
To: WLA Testimony
Cc: bmurphy420@mail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/21/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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

Comments: Aloha, I strongly OPPOSE HB2501. Since 1881 residents have begged that Maui's water should not be turned over to millionaires (like Claus Spreckels). Water should belong to the people, not corporations.

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From: keolacastro@yahoo.com <no-reply@weebly.com>
Sent: Monday, March 21, 2016 6:42 AM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

Matthew Castro

Zip code

96790

Community Group

Email

keolacastro@yahoo.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

gabbard2 - Donna

From: Lanilehua@gmail.com <no-reply@weebly.com>
Sent: Monday, March 21, 2016 6:58 AM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

Lani Eckart-Dodd

Zip code

96793

Community Group

Email

Lanilehua@gmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

gabbard2 - Donna

From: ~ Robin ~ <roknrob121@aol.com>
Sent: Monday, March 21, 2016 7:25 AM
To: WLA Testimony
Subject: 0/I oppose HB2501 HD 2

Robin M. La'a
Maui resident for 17 yrs

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2016 7:29 AM
To: WLA Testimony
Cc: kitesurfsf@yahoo.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/21/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Tom Bacon	Individual	Oppose	No

Comments: Aloha Chair Gabbard, Vice Chair Nishihara and members of the committee, I oppose HB 2501 HD2. This measure allows for the diversion of water from the watershed (our public trust) in large amounts over long periods of time. That activity needs an environmental assessment (due process). The EA would be a comprehensive consideration of the impact of removing water from the watershed on the culture, natural environment and economics of the region affected. The holdover permit process this bill codifies into law circumvents an Environmental Assessment and grants a "Holdover Permit". I cannot support that outcome, please defer decision making until a time as all the stakeholders are able to be heard and their concerns addressed. Sincerely, Tom Bacon

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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gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2016 7:30 AM
To: WLA Testimony
Cc: ealoi@hawaii.edu
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/21/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Edward Aloï	Individual	Oppose	No

Comments: This bill creates a way for water to be removed from watersheds without proper input from stakeholders and environmental assessments. It goes against the spirit of the state constitution that holds water as a public trust. I strongly oppose this action.

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Aloha Chair Gabbard, Vice Chair Nishihara and members of the committee,

I, Mikiala Keaulana, oppose HB 2501 HD2. This measure allows for the diversion of water from the Hāna watersheds (our public trust) in large amounts over long periods of time. That activity needs an environmental assessment (due process). The EA would be a comprehensive consideration of *the impact of removing water from the watershed on the culture, natural environment and economics of the region affected*. I am a born and raised mauka ā makai Hawaiian, and I see the impacts on the lower stream ecosystems where there is not enough water to support a thriving flora and fauna environment. Invasive plant species thrive in the empty stream beds, with no constant flow to keep them away. And the intertidal zone struggles to support species that depend on the brackish water for reproduction and nutrient flow. The holdover permit process this bill codifies into law circumvents an Environmental Assessment and grants a "Holdover Permit". I cannot support that outcome, please defer decision making until a time as all the stakeholders are able to be heard and their concerns addressed. The Hāna – Ke'anae – Wailua Nui people are generous people, always have been, but enough is enough. Sen. Kalani English has a hand in this bill and we have been disappointed with his representation of our well-being, and the well-being of our natural resources and way of life.

Sincerely,

Mikiala Keaulana
Fisherman, Farmer, Hunter, Kanaka Maoli

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2016 7:46 AM
To: WLA Testimony
Cc: terez.amato@yahoo.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/21/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Terez Amato Lindsey	Individual	Oppose	No

Comments: Aloha Chair, Vice Chair, and committee members, I vehemently oppose this measure. HB2501 hurts our small local farmers and cultural practitioners and further allows the illegal usage and abuse of our water by big corporations and big business. Please vote no on this measure and do not allow it to continue on. Mahalo, Terez Amato Kihei

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gabbard2 - Donna

From: Kumujoy@gmail.com <no-reply@weebly.com>
Sent: Monday, March 21, 2016 7:56 AM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your [Community Groups and Individuals Oppose HB2501](#).

Submitted Information:

Name

Joy Salvador

Zip code

96768

Community Group

Hālau Ke'ala Kahinano O Puna

Email

Kumujoy@gmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

gabbard2 - Donna

From: Kapua Keliikoa-Kamai <dkapua@gmail.com>
Sent: Monday, March 21, 2016 8:02 AM
To: WLA Testimony
Cc: Rep. Jo Jordan; Rep. Andria Tupola
Subject: DEFER HB 2501 HD2 - Stop the Hoarding and Save our Streams!

Aloha Chair Gabbard, Vice Chair Nishihara and Committee Members,

I STRONGLY OPPOSE HB2501 HD2 RELATING TO WATER RIGHTS - Allows for a holdover disposition of water rights previously authorized pursuant to a lease during the pendency of an application for a lease renewal. Please defer HB2501 HD2.

This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community or TO ALLOW A&B TO CONTINUE THEIR WASTEFUL HOARDING OF OUR PRECIOUS WATER!

Mahalo,
Kapua Keliikoa-Kamai

gabbard2 - Donna

From: fushiapua@yahoo.com <no-reply@weebly.com>
Sent: Monday, March 21, 2016 8:11 AM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

fushia pua

Zip code

96713

Community Group

Email

fushiapua@yahoo.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment
Release the waters, the time is NOW!

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2016 8:16 AM
To: WLA Testimony
Cc: wkenkoike@hotmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/21/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
W. Ken Koike	Individual	Oppose	No

Comments: As an organic farmer from Wai'anae, I am Strongly Opposed to HB2501! How can anyone in their right mind consider extending more rights to water to any company who's need for water is declining? Unless someone was getting paid off by that same company, any honest person could see that Alexander & Baldwin's closure of their sugar mill/plantation will create more land and water for small farmers, like me who will require those resources to be used to grow food for our community! Why isn't anyone on this committee of Water and Land concerned about our food security crisis? We import more than 85% of all the food we consume according to the most conservative estimates. Are we deaf, dumb and blind? or just corrupt? Shame on the sponsors of this bill! They do NOT have the best interests of the people in mind. If any event disrupts our food supply chain, who will starve? Those who disagree, expect the military/national guard to feed us with MREs and stop any food riots or violence but that will mean we will be under martial law. The state of Hawaii has no other plan except martial law to feed us at this point in time! That's the game plan unless we help small farmers obtain land and water to grow our own food! Won't you help us help yourselves? Vote NO on HB2501!

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From: tarobrand@yahoo.com <no-reply@weebly.com>
Sent: Monday, March 21, 2016 8:16 AM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your [Community Groups and Individuals Oppose HB2501](#).

Submitted Information:

Name

richard lincoln

Zip code

96740

Community Group

Email

tarobrand@yahoo.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

gabbard2 - Donna

From: Liza Franzoni <lizafranzoni@hotmail.com>
Sent: Monday, March 21, 2016 8:34 AM
To: WLA Testimony
Subject: In Defense of Maui's Public Water

Aloha Chair Gabbard, Vice-Chair Nishihara and members of the Water, Land and Agriculture Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres (current production), or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that there are many millions of gallons of water available daily from A & B's private sources--making it very difficult to justify the continued diversion of 160 mgd of public water from East Maui, especially with the recent news of their last harvest. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must

vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust.

Please do everything in your power to protect public water rights and ensure HB2501 will not pass.

Mahalo for your time and consideration,

Liza Franzoni
PO Box 73
Paauilo, HI 96776

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2016 8:39 AM
To: WLA Testimony
Cc: npuniwai@yahoo.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/21/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Noelani Puniwai	Individual	Oppose	No

Comments: I do not support prolonging extreme stream diversions. STOP diverting our streams.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

gabbard2 - Donna

From: solippa@yahoo.com <no-reply@weebly.com>
Sent: Monday, March 21, 2016 8:45 AM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your [Community Groups and Individuals Oppose HB2501](#).

Submitted Information:

Name

Jodee Inouye-Agsalog

Zip code

96784

Community Group

Email

solippa@yahoo.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

Yes, enough is enough and we and our aina matter!

gabbard2 - Donna

From: chris kobayashi <waioli2@hawaiiantel.net>
Sent: Monday, March 21, 2016 8:47 AM
To: WLA Testimony
Subject: Stop HB2501, Save East Maui's Streams

Aloha Senator Gabbard and members of the WLA Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawaii's environmental analysis requirements. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture would require less than half the water for sugarcane or about 2,500 gallons per acre per day (gad) which is 42.5 million gallons per day (mgd) for 17,000 acres, or 75 mgd if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 mgd of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 mgd average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 mgd county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawaii is privy to this special "hold-over" status - only in East Maui for A&B. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid the Hawaii only \$160,000 for use of 33,000 acres of public land, and 164 million gallons per day on average of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits do not exist. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--
chris kobayashi
waioli2@hawaiiantel.net
hanalei, hawaii

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2016 8:56 AM
To: WLA Testimony
Cc: auliig@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/21/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Aulii Dudoit	Individual	Oppose	No

Comments: I strongly OPPOSE this measure. I live in Kalihi Valley, I'm Hawaiian, and I vote. I stand with East Maui Farmers and oppose this bill.

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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gabbard2 - Donna

From: liza franzoni <mamakigirl@gmail.com>
Sent: Monday, March 21, 2016 8:58 AM
To: WLA Testimony
Subject: I Oppose HB 2501 HD2

I OPPOSE HB 2501 HD2

Liza Franzoni
Paauilo, HI 96776

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2016 8:59 AM
To: WLA Testimony
Cc: amybrinker@mac.com
Subject: *Submitted testimony for HB2501 on Mar 21, 2016 14:55PM*

HB2501

Submitted on: 3/21/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

gabbard2 - Donna

From: iograpes@yahoo.com <no-reply@weebly.com>
Sent: Monday, March 21, 2016 9:00 AM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name
HIRAM RESPICIO

Zip code
96792

Community Group

Email
iograpes@yahoo.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

From: Miki'ala Pua'a-Freitas <Kapunafarms@gmail.com>
Sent: Monday, March 21, 2016 9:02 AM
To: WLA Testimony
Subject: In Defense of Maui's Public Water

Aloha Chair Gabbard, Vice-Chair Nishihara and members of the Water, Land and Agriculture Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres (current production), or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that there are many millions of gallons of water available daily from A & B's private sources--making it very difficult to justify the continued diversion of 160 mgd of public water from East Maui, especially with the recent news of their last harvest. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must

vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust.

Please do everything in your power to protect public water rights and ensure HB2501 will not pass.

Mahalo for your time and consideration,

Miki'ala Pua'a-Freitas
2644 Kahekili hwy
Wailuku, HI 96793

From: Moana Wietecha <Moanaw@gmail.com>
Sent: Monday, March 21, 2016 9:04 AM
To: WLA Testimony
Subject: In Defense of Maui's Public Water

Aloha Chair Gabbard, Vice-Chair Nishihara and members of the Water, Land and Agriculture Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must

vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust.

Please do everything in your power to protect public water rights and ensure HB2501 will not pass.

Mahalo for your time and consideration,

Moana Wietecha
2644 kahekili hwy
Wailuku, HI 96793

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2016 9:08 AM
To: WLA Testimony
Cc: milholen.jennifer@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/21/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Milholen	Individual	Oppose	No

Comments: HB 2501 HD 2 is unnecessary. There is enough water for all farmers on Maui. The County of Maui's use of East Maui stream flow continues and is protected by court order. A&B is no longer cultivating sugarcane – a very thirsty crop. This allows an immediate return of water to East Maui streams. Furthermore, A&B wastes approximately 40 million gallons per day in its water storage and delivery system, and it has access to additional water from wells on its land. HB 2501 HD 2 is unfair. It is a special-interest bill favoring a large, billion-dollar corporation, A&B, contrary to the State's obligation to protect public trust resources for the people and future generations. This bill would allow A&B to do an end run around the State Constitution, the State Water Code, the public trust doctrine, and a recent court ruling. Meanwhile, there is still not enough water in East Maui. We are disappointed HB 2501 was introduced in light of recent developments in the long-standing legal effort by kalo farmers and others to restore stream flows in East Maui. East Maui kalo farmers, fishers, and gatherers have fought for their water rights for many years. They have followed the law and played by all the rules. They are not asking for all of the water to be returned, but they are legally entitled to sufficient flows to support farming, fishing, gathering, and other traditional practices and to support healthy stream and nearshore ecosystems. Millions of gallons of water a day were initially stolen from East Maui streams with no regard for the people who depended on the streams for their survival, culture, and livelihoods. One day there was water for drinking, cooking, bathing, irrigating lo'i kalo, gathering, fishing, and supporting cultural practices, the next day there was none. The theft was so complete and so cruel, I can barely contain myself thinking about it. Annual revocable permits to continue the theft do not constitute a "water right." The people from whom the water was stolen (and now their descendants) possess the water rights, not A&B. The revocable permits at issue authorize the use of 33,000 acres of public-trust ceded land and allow hundreds of millions of gallons of water in East Maui to be diverted from over a hundred streams every single day. Each year – for several decades – the Board of Land and Natural Resources has renewed these revocable permits at the expense of native stream and nearshore ecosystems, and on the backs of people who depend on this life-giving water – ka wai ola – and who have the right to use it. What were supposed to be temporary permits have been renewed annually for decades at the unbelievable price of \$5-\$10 a year. We find this fee staggering. We are relieved that a task force is finally reviewing this dysfunctional program at DLNR. Prolonging the extreme stream diversions authorized by temporary revocable permits to A&B is not in the public interest, nor is it consistent with resource conservation or self-sufficiency. It is a throwback to a destructive era for the land and the people. It remains one of the most serious and harmful injustices of our time. E ho'i i ka wai. Return the water. It's time. Please oppose HB 2501 HD 2.

gabbard2 - Donna

From: Japacarr@icloud.com <no-reply@weebly.com>
Sent: Monday, March 21, 2016 9:25 AM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your [Community Groups and Individuals Oppose HB2501](#).

Submitted Information:

Name

Jarena Pacarro

Zip code

96744

Community Group

Email

Japacarr@icloud.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

gabbard2 - Donna

From: faith@planetserver.com
Sent: Monday, March 21, 2016 9:25 AM
To: WLA Testimony; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Donovan Dela Cruz; Sen. Gil Riviere; Sen. Russell Ruderman; Sen. Maile Shimabukuro; Sen. Laura Thielen; Sen. Glenn Wakai; Sen. Sam Slom
Subject: Please OPPOSE HB2501
Attachments: handcuffed HB2501.jpg

March 21, 2106

Aloha Senators,

Today you will make a decision on a long standing Maui Water diversion that the courts have already decided upon. I plead you to reference the comments made by A&B in the Finance Committee hearing on this bill. The Attorney General was not present so Committee members did their best to ask the hard questions. One question clarified the millions of gallons A&B uses in operations and **A&B answer stated clearly that THEY ARE NOT IN NEED** of the millions of gallons that, once returned, would restore the east Maui streams and let the marine life regain its health.

This is a serious bill in the fact that it has **ALREADY BEEN DECIDED IN COURT**. Please listen to the needs of the people and trust that cooperativeness will follow in balancing the water needs of Maui.
OPPOSE HB2501

Sincerely, Faith Chase

gabbard2 - Donna

From: rachellw808@gmail.com <no-reply@weebly.com>
Sent: Monday, March 21, 2016 9:27 AM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your [Community Groups and Individuals Oppose HB2501](#).

Submitted Information:

Name

Rachell Ward

Zip code

96753

Community Group

Email

rachellw808@gmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

gabbard2 - Donna

From: iqsbest@gmail.com <no-reply@weebly.com>
Sent: Monday, March 21, 2016 9:31 AM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

Earl Inouye

Zip code

96784

Community Group

Email

iqsbest@gmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

From: erinouye@gmail.com <no-reply@weebly.com>
Sent: Monday, March 21, 2016 9:32 AM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your [Community Groups and Individuals Oppose HB2501](#).

Submitted Information:

Name

Rochelle Inouye

Zip code

96793

Community Group

Email

erinouye@gmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2016 9:37 AM
To: WLA Testimony
Cc: lou@akaku.org
Subject: *Submitted testimony for HB2501 on Mar 21, 2016 14:55PM*

HB2501

Submitted on: 3/21/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Louis Dilberto	Individual	Oppose	No

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

gabbard2 - Donna

From: karola Kueppershaus <veetkaya@yahoo.com>
Sent: Monday, March 21, 2016 9:49 AM
To: WLA Testimony
Subject: Stop HB2501, Save East Maui's Streams

Aloha Senator Gabbard and members of the WLA Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawaii's environmental analysis requirements. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture would require less than half the water for sugarcane or about 2,500 gallons per acre per day (gad) which is 42.5 million gallons per day (mgd) for 17,000 acres, or 75 mgd if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 mgd of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 mgd average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 mgd county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawaii is privy to this special "hold-over" status - only in East Maui for A&B. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid the Hawaii only \$160,000 for use of 33,000 acres of public land, and 164 million gallons per day on average of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits do not exist. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

karola Kueppershaus
veetkaya@yahoo.com
Kula, Hi

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2016 9:50 AM
To: WLA Testimony
Cc: lee8502@pacificu.edu
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/21/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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

Comments: It is a farce that this outdated, and unsustainable use of water should be allowed to continue. Agriculture in need of irrigation should work WITH the contour of the land, not against it.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

Aloha Chair Gabbard, Vice Chair Nishihara and members of the committee,

I oppose HB 2501 HD2. This measure allows for the diversion of water from the watershed (our public trust) in large amounts over long periods of time. That activity needs an environmental assessment (due process), as do all activities with the potential for significant impact to the environment. The EA would be a comprehensive consideration of *the impact of removing water from the watershed on the culture, natural environment and economics of the region affected*. The holdover permit process this bill codifies into law circumvents an Environmental Assessment and grants a "Holdover Permit". I cannot support that outcome, please defer decision making until a time as all the stakeholders are able to be heard and their concerns addressed.

Sincerely,
Alana Yurkanin

gabbard2 - Donna

From: Shantellerodrigues1234@gmail.com <no-reply@weebly.com>
Sent: Monday, March 21, 2016 9:58 AM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your [Community Groups and Individuals Oppose HB2501](#).

Submitted Information:

Name

Shantelle Rodrigues

Zip code

96753

Community Group

Email

Shantellerodrigues1234@gmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

gabbard2 - Donna

From: tanya Hernandez <woohookittykat88@gmail.com>
Sent: Monday, March 21, 2016 10:00 AM
To: WLA Testimony
Subject: Stop HB2501, Save East Maui's Streams

Aloha Senator Gabbard and members of the WLA Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawaii's environmental analysis requirements. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review.

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Mahalo!

--

tanya Hernandez
woohookittykat88@gmail.com
chicago, Illinois

gabbard2 - Donna

From: Puakahaulelio@gmail.com <no-reply@weebly.com>
Sent: Monday, March 21, 2016 10:24 AM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your [Community Groups and Individuals Oppose HB2501](#).

Submitted Information:

Name

Puanani Andrade Kahaulelio

Zip code

96813

Community Group

Email

Puakahaulelio@gmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

No water no life of the land.

gabbard2 - Donna

From: northshoreboys@hawaiiantel.net <no-reply@weebly.com>
Sent: Monday, March 21, 2016 10:27 AM
To: WLA Testimony
Subject: New Form Entry: Farmers Oppose HB2501

You've just received a new submission to your Farmers Oppose HB2501.

Submitted Information:

Name of Farmer:
Demetri Rivera

Farm Name

Zip code
96714

Email
northshoreboys@hawaiiantel.net

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

gabbard2 - Donna

From: pratt.ronni@yahoo.com <no-reply@weebly.com>
Sent: Monday, March 21, 2016 10:39 AM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

Ronni Pratt

Zip code

96744

Community Group

Email

pratt.ronni@yahoo.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment
I strongly oppose HB2501.

gabbard2 - Donna

From: Dk Loa <k21loa@gmail.com>
Sent: Monday, March 21, 2016 10:47 AM
To: WLA Testimony
Subject: Fwd: OPPOSE HB2501

----- Forwarded message -----

From: **Dk Loa** <k21loa@gmail.com>
Date: Monday, March 21, 2016
Subject: OPPOSE HB2501
To: "WLAtestimony@hawaii.capitol.Hawaii.gov" <WLAtestimony@hawaii.capitol.hawaii.gov>

Aloha Mai,

I strongly oppose HB2501. Enough with Protecting corporate interests! Take care of our Mahi'ai instead, for it is they who feed our people, all the people of our precious Hawaii.

Mahalo,
D.P. Loa
Moku o Keawe

gabbard2 - Donna

From: Claire Garrigue <haikustyle@aol.com>
Sent: Monday, March 21, 2016 11:18 AM
To: WLA Testimony
Subject: Support for East Maui Farmers

Aloha,

My name is Claire Garrigue , I live in Ha'iku Maui for 24 years , I own Ua'oa valley farms , and I strongly oppose HB2501 HD2 . Thank you .

Claire Garrigue.

Sent from my iPhone

gabbard2 - Donna

From: Carol Johnson <kanioi@hawaiiantel.net>
Sent: Monday, March 21, 2016 11:25 AM
To: WLA Testimony
Subject: Stop HB2501, Save East Maui's Streams

Aloha Senator Gabbard and members of the WLA Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawaii's environmental analysis requirements. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review.

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Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawaii is privy to this special "hold-over" status - only in East Maui for A&B. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid the Hawaii only \$160,000 for use of 33,000 acres of public land, and 164 million gallons per day on average of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits do not exist. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

--

Carol Johnson
kanioi@hawaiiantel.net
Kailua - Kona, HI

gabbard2 - Donna

From: Diane Ware <volcanogetaway@yahoo.com>
Sent: Monday, March 21, 2016 11:27 AM
To: WLA Testimony
Subject: Please defer HB2501, Save our Streams!

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

Diane Ware
808-967-8642
Box 698 Volcano HI 96785 99-7815 Kapoha PI Volcano HI 96785

From: pratt.kauai@gmail.com <no-reply@weebly.com>
Sent: Monday, March 21, 2016 11:27 AM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

Kauai Pratt-Aquino

Zip code

96744

Community Group

Aloha Senate Committee on Water, Land and Agriculture,

Thank you for the opportunity to submit testimony. I respectfully urge you to vote down HB2501 as amended. This bill allows Alexander and Baldwin to divert hundreds of millions of gallons of water per day at the detriment of families who need that water to farm their lands and feed their 'ohana. With A&B's plantation operations winding down, they no longer need all the water they have been diverting for over a hundred years.

I respectfully ask you to uphold the Public Trust Doctrine which prioritizes our rights in the resource before any corporate entity. I am outraged by the fear tactics A&B has used to scare you (our lawmakers) to pass this law. They are the ONLY entity with a revocable permit in holdover status. They are the ONLY entity that will benefit from this law. A&B severely misrepresented the facts to scare you to believe that hundreds of individuals will be adversely impacted if the law does not pass. This is simply untrue. A&B have now changed that story to say that ONLY 9 individuals/entities will be adversely impacted. Our laws cannot be changed based on misrepresentations or half-truths. In addition to this, A&B had the opportunity to apply for a stay through the courts like Maui County. They didn't. Instead, they went directly to you to request that you legitimize the unlawful taking of water to circumvent the judicial process.

I, along with several community members, are disappointed in the House of Representatives in disregarding the Public Trust Doctrine. The Public Trust Doctrine is fundamental to constitutional law in Hawai'i. As our trusted leaders, you swore to uphold the constitution. But yet, when the House voted last week to pass this bill, a SINGLE representative from Waianae (Andria Tupuola) mentioned

the Public Trust Doctrine. I found this to be alarming. What I found even more disheartening is that the architects of this bill have become conduits for corporations like A&B. How did we get to this point? Who will champion our rights?

Please do not make the same mistake. We are counting on you to do what is right and just for the public. The Public Trust Doctrine prioritizes customary and traditional rights, stream restoration and the preservation of our native eco system over commercial uses. These are default conditions that must be considered FIRST before water is allocated for commercial uses. Although our laws provide sufficient protection for the public, this has not been the practice. Corporations such as A&B want every single drop of water for their own benefit. A&B has not been a good steward of this resource wasting over 40 million gallons of water per day from unlined reservoirs. Meanwhile, our kalo farmers, cultural practitioners and families suffer from the consequences. Streams and taro farms are bone dry. It's not fair. Let the court decision take its natural course to return the water to East Maui streams. Stand with us, uphold the law and be our champion of justice to stop corporate subsidies. Our community can no longer stand on the side lines. Enough is enough.

Mahalo,

Kau'i Pratt-Aquino

Email

pratt.kauai@gmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

From: Kaulu Luuwai <kluuwai2@hawaii.edu>
Sent: Monday, March 21, 2016 11:48 AM
To: WLA Testimony
Subject: In Defense of Maui's Public Water

Aloha Chair Gabbard, Vice-Chair Nishihara and members of the Water, Land and Agriculture Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres (current production), or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that there are many millions of gallons of water available daily from A & B's private sources--making it very difficult to justify the continued diversion of 160 mgd of public water from East Maui, especially with the recent news of their last harvest. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must

vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust.

Please do everything in your power to protect public water rights and ensure HB2501 will not pass.

Mahalo for your time and consideration,

Kaulu Luuwai

Kula, HI 96790

From: Izabela Hamilton <belahamilton@gmail.com>
Sent: Monday, March 21, 2016 11:54 AM
To: WLA Testimony
Subject: In Defense of Maui's Public Water

Aloha Chair Gabbard, Vice-Chair Nishihara and members of the Water, Land and Agriculture Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must

vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust.

Please do everything in your power to protect public water rights and ensure HB2501 will not pass.

Mahalo for your time and consideration,

Izabela Hamilton
7600 W Manchester Ave.
Playa Del Rey, CA 90293

gabbard2 - Donna

From: Grant Cigliano <grantcigliano@gmail.com>
Sent: Monday, March 21, 2016 11:57 AM
To: WLA Testimony
Subject: In Defense of Maui's Public Water

Aloha Chair Gabbard, Vice-Chair Nishihara and members of the Water, Land and Agriculture Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres (current production), or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that there are many millions of gallons of water available daily from A & B's private sources--making it very difficult to justify the continued diversion of 160 mgd of public water from East Maui, especially with the recent news of their last harvest. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must

vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust.

Please do everything in your power to protect public water rights and ensure HB2501 will not pass.

Mahalo for your time and consideration,

Grant Cigliano
7600 W Manchester
Playa Del Rey, CA 90293

gabbard2 - Donna

From: yanat@uw.edu <no-reply@weebly.com>
Sent: Monday, March 21, 2016 11:57 AM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

Yana

Zip code

Koporski

Community Group

Private citizen, twin mom and a healthcare provider

Email

yanat@uw.edu

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2016 11:58 AM
To: WLA Testimony
Cc: deborahlynnnd@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/21/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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

Comments: Aloha Chair Gabbard, Vice Chair Nishihara and members of the committee, I oppose HB 2501 HD2. This measure allows for the diversion of water from the watershed (our public trust) in large amounts over long periods of time. That activity needs an environmental assessment (due process). The EA would be a comprehensive consideration of the impact of removing water from the watershed on the culture, natural environment and economics of the region affected. The holdover permit process this bill codifies into law circumvents an Environmental Assessment and grants a "Holdover Permit". I cannot support that outcome, please defer decision making until a time as all the stakeholders are able to be heard and their concerns addressed. Sincerely,

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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gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2016 12:04 PM
To: WLA Testimony
Cc: tacraig@hawaii.edu
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/21/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Thomas Craig	Individual	Oppose	No

Comments: Aloha Chair Gabbard, Vice Chair Nishihara and members of the committee, I oppose HB 2501 HD2. This measure allows for the diversion of water from the watershed (our public trust) in large amounts over long periods of time. That activity needs an environmental assessment (due process). The EA would be a comprehensive consideration of the impact of removing water from the watershed on the culture, natural environment and economics of the region affected. The holdover permit process this bill codifies into law circumvents an Environmental Assessment and grants a "Holdover Permit". I cannot support that outcome, please defer decision making until a time as all the stakeholders are able to be heard and their concerns addressed.

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gabbard2 - Donna

From: claudia rice <claudiarice25@gmail.com>
Sent: Monday, March 21, 2016 12:06 PM
To: WLA Testimony
Subject: Protect our streams, reunite the community: Defer HB2501

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

From: Joshua Noga <joshua.noga@gmail.com>
Sent: Monday, March 21, 2016 12:06 PM
To: WLA Testimony
Subject: Stop HB2501, Save East Maui's Streams

Aloha Senator Gabbard and members of the WLA Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawaii's environmental analysis requirements. Current A&B diversions remove almost all water from several East Maui streams leaving dry rock beds and stagnant water, however the practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture would require less than half the water for sugarcane or about 2,500 gallons per acre per day (gad) which is 42.5 million gallons per day (mgd) for 17,000 acres, or 75 mgd if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that without taking any public water, 132 mgd of water on average are available from A&B's private sources. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. The remaining 91 mgd average would be more than sufficient to meet the water duty for diversified agriculture and plenty to meet the 9 mgd county requirements for Upcountry residents and farmers. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawaii is privy to this special "hold-over" status - only in East Maui for A&B. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while our small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid the Hawaii only \$160,000 for use of 33,000 acres of public land, and 164 million gallons per day on average of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

Our East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits do not exist. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust. Please do everything in your power to protect public water rights and ensure HB2501 will not ever be heard or supported again.

Mahalo!

—

Joshua Noga
joshua.noga@gmail.com
Hauula, HI

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2016 12:10 PM
To: WLA Testimony
Cc: hoonanea@aol.com
Subject: *Submitted testimony for HB2501 on Mar 21, 2016 14:55PM*

HB2501

Submitted on: 3/21/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Regina Gregory	Individual	Oppose	No

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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From: Maria Souza <Fitwithmaria@gmail.com>
Sent: Monday, March 21, 2016 12:22 PM
To: WLA Testimony
Subject: In Defense of Maui's Public Water

Aloha Chair Gabbard, Vice-Chair Nishihara and members of the Water, Land and Agriculture Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres (current production), or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that there are many millions of gallons of water available daily from A & B's private sources--making it very difficult to justify the continued diversion of 160 mgd of public water from East Maui, especially with the recent news of their last harvest. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must

vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust.

Please do everything in your power to protect public water rights and ensure HB2501 will not pass.

Mahalo for your time and consideration,

Maria Souza

Kihei, HI 96753

gabbard2 - Donna

From: Wendy Brousseau <wendysuebrousseau@gmail.com>
Sent: Monday, March 21, 2016 12:32 PM
To: WLA Testimony
Subject: Protect our streams, reunite the community: Defer HB2501

Please defer HB2501 HD2. This bill is dividing Hawaii's communities, creating confusion and conflict where we once had strong consensus. We all want to see our water resources well-managed and fairly allocated. But creating special circumstances for one company does not accomplish that goal.

This Legislature empowers the Department of Land and Natural Resources and its Water Commission to implement our Water Code precisely to avoid politics interfering with our water management decisions. It is time for DLNR to do its job and resolve the issue of unnecessary diversions from East Maui's streams. DLNR has the authority it needs to convert revocable permits to long-term leases.

In the meantime, the residents of East Maui have been without sufficient water for decades. All because A&B continues to divert water from these streams beyond what these streams can handle.

We have already seen how quickly and amazingly our native ecosystems can rebound when water is restored to them. In Na Wai Eha, Waiahole, and those parts of East Maui where some water has been returned, the native species are returning, taro patches are green, and people have fresh water to drink.

There is no reason to advance HB2501 and continue to divide our community.

Mahalo.

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2016 12:33 PM
To: WLA Testimony
Cc: dluborski@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/21/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

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

Comments: Aloha Chair Gabbard, Vice Chair Nishihara and members of the committee, The following form letter from the Farmer's Union very well expresses my views. I oppose HB 2501 HD2. This measure allows for the diversion of water from the watershed (our public trust) in large amounts over long periods of time. That activity needs an environmental assessment (due process). The EA would be a comprehensive consideration of the impact of removing water from the watershed on the culture, natural environment and economics of the region affected. The holdover permit process this bill codifies into law circumvents an Environmental Assessment and grants a "Holdover Permit". I cannot support that outcome, please defer decision making until a time as all the stakeholders are able to be heard and their concerns addressed. Sincerely, - Dave Luborsky

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From: elvin kamoku <elvinkamoku@gmail.com>
Sent: Monday, March 21, 2016 12:53 PM
To: WLA Testimony
Subject: In Defense of Maui's Public Water

Aloha Chair Gabbard, Vice-Chair Nishihara and members of the Water, Land and Agriculture Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres (current production), or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that there are many millions of gallons of water available daily from A & B's private sources--making it very difficult to justify the continued diversion of 160 mgd of public water from East Maui, especially with the recent news of their last harvest. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must

vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust.

Please do everything in your power to protect public water rights and ensure HB2501 will not pass.

Mahalo for your time and consideration,

elvin kamoku
242 hiipali loop
kula, HI 96790

From: Michelle Knoetgen <mknoetgen@gmail.com>
Sent: Monday, March 21, 2016 1:06 PM
To: WLA Testimony
Subject: In Defense of Maui's Public Water

Aloha Chair Gabbard, Vice-Chair Nishihara and members of the Water, Land and Agriculture Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

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Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must

vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust.

Please do everything in your power to protect public water rights and ensure HB2501 will not pass.

Mahalo for your time and consideration,

Michelle Knoetgen
61-185 Iliohu Place
Haleiwa, HI 96712

From: vivien <leereppun@hotmail.com>
Sent: Monday, March 21, 2016 1:08 PM
To: WLA Testimony
Subject: HB2501

Committee members,

My name is Charles Reppun. I was part of a group that helped to create and craft the Water Code, which was very important for the State to fulfill its public trust responsibilities, which are even greater now because of climate change. The water code REQUIRES the State to restore stream flow where practicable. Clearly that must happen here. I am a wetland kalo farmer, so I understand East Maui farmers position, however, I think that the State, and this committee, need to look closely at the issue of near shore waters. Our streams and springs (both on land and in the ocean) are critical to the health and survival of our ocean ecosystems. Those ecosystems, fish and everything else, are essential to food sovereignty on every island. Over-fishing is the the major reason for fish population decline worldwide, but the second important reason is diversion of fresh water from the ocean.

We have a water code. This bill is an end run around around the code. Fulfill your public trust duties.

Thank you,
Charles Reppun

gabbard2 - Donna

From: garden300@aol.com <no-reply@weebly.com>
Sent: Monday, March 21, 2016 1:19 PM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

vivien bunnell

Zip code

96725

Community Group

Email

garden300@aol.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

gabbard2 - Donna

From: Mmkahaulelio@gmail.com <no-reply@weebly.com>
Sent: Monday, March 21, 2016 1:54 PM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your [Community Groups and Individuals Oppose HB2501](#).

Submitted Information:

Name

Maxine Kahaulelio

Zip code

96743

Community Group

Email

Mmkahaulelio@gmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2016 1:55 PM
To: WLA Testimony
Cc: spectekula@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/21/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Sara Tekula	Individual	Oppose	No

Comments: It is **imperative** for the health of our communities, our lands, our waters, and the sustainability of our islands that we do not give special favors and make special accommodations for corporations who have done enough damage to our natural and cultural resources. It is time to allow the taro farmers and Native Hawaiians to have a voice and to allow the waters of East Maui be stewarded into their care, for all of the people. The waters have been stolen from us for long enough. Please make a decision to be on the right side of history today.

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gabbard2 - Donna

From: ablkonan@yahoo.com <no-reply@weebly.com>
Sent: Monday, March 21, 2016 1:55 PM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your [Community Groups and Individuals Oppose HB2501](#).

Submitted Information:

Name

Abel Konan

Zip code

96816

Community Group

Email

ablkonan@yahoo.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

The water is destined to serve our natural environment first, the self-sustainable natural right from which survival and subsistence depends, hence traditional and modern agriculture that serves and produce foods for the people of Hawaii from the land of Hawaii. Local agriculture , by local, for local food security. Water should never be taken from agriculture to kill our agriculture, our food source. Agricultural water should stay in and keep agriculture alive as requested by the constitution the

guardian of our natural environment.

From: Mana_kkk@yahoo.com <no-reply@weebly.com>
Sent: Monday, March 21, 2016 1:55 PM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your [Community Groups and Individuals Oppose HB2501](#).

Submitted Information:

Name

Debra Kahaulelio Manantan

Zip code

96719

Community Group

Email

Mana_kkk@yahoo.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

gabbard2 - Donna

From: nichole.nohara@gmail.com <no-reply@weebly.com>
Sent: Monday, March 21, 2016 2:09 PM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

Nichole Inouye-Nohara

Zip code

96793

Community Group

Email

nichole.nohara@gmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

gabbard2 - Donna

From: hannahbook698@gmail.com <no-reply@weebly.com>
Sent: Monday, March 21, 2016 2:10 PM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

Hannah Book

Zip code

96793

Community Group

Email

hannahbook698@gmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2016 2:19 PM
To: WLA Testimony
Cc: D_irie_1@yahoo.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/21/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony Deluze	Individual	Oppose	No

Comments: Aloha aina As a kalo farmer who me also sometimes is faced with the issue of not enough water and a constituent, I urge you to listen to the people you represent and not the corporations and special interest. A&b and the rest of the many corporations this corrupt state has favored have been ruining hawai'i for too long. It is first priority for water rights belongs to the kalo farmers and indigenous hawaiians for cultural practices. For too long you allow this corporate entity suck the streams of maui dry.. for too long the people suffer , the farmers suffer. What has been allowed to happen here in o'ahu must stop but also not be repeated across our islands. Not JUST the hawaiian people suffer, but stream life to and ocean life as well. What happens in the mountains affects the ocean. With out water flowing to the ocean the fish don't grow as they should or at all. The limu disappears. When will you all learn that money and concrete no can be eaten. With California have drought and many problems across the globe, hawai'i needs to be sustainable and responsible. Listen to your constituency or you will be voted out. We are not going anywhere and we will continue to expose the truths and fight for what is right.... u till the last aloha aina! Me ke aloha.... malama pono.

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gabbard2 - Donna

From: tpmoi moi@gmail.com <no-reply@weebly.com>
Sent: Monday, March 21, 2016 2:21 PM
To: WLA Testimony
Subject: New Form Entry: Community Groups and Individuals Oppose HB2501

You've just received a new submission to your Community Groups and Individuals Oppose HB2501.

Submitted Information:

Name

Taulua Kearns

Zip code

1024

Community Group

Email

tpmoi moi@gmail.com

I urge you to vote down HB2501. East Maui taro farmers have waited long enough for the return of the water they are rightfully entitled to. It is time for A&B to stop delaying the return of the public's water. DLNR's task force is working out solutions for all current revocable permits, so there is no immediate risk to other RP holders. For A&B, there is a process to request water once it has its new diversified agriculture plan in place. Until then, the streams should be allowed to flow naturally -- that is what our water laws require, our imperiled ecosystems need, and our beloved farming families deserve. Comment

From: Tammera Murray <goldeelx2003@yahoo.com>
Sent: Monday, March 21, 2016 1:30 PM
To: WLA Testimony
Subject: In Defense of Maui's Public Water

Aloha Chair Gabbard, Vice-Chair Nishihara and members of the Water, Land and Agriculture Committee,

I know that you can help to end a decades-long injustice in East Maui. Please stop HB2501 from passing and protect the public's right to freshwater.

The Public Trust doctrine prioritizes customary, traditional practices and the health of native streams and coastal life over private commercial uses. But if passed, this bill would contradict that principle and allow one commercial user Alexander & Baldwin (A&B) to divert millions of gallons of public water every day and avoid protections for both Hawaiian and public water interests indefinitely. This bill would allow the Board of Land and Natural Resources (BLNR) to authorize A&B to divert water from public streams with no limitations on the amount or duration of the diversion. HB2501 circumvents public trust protections by allowing a private user to evade Environmental Impact Statement (EIS) and Environmental Assessment (EA) obligations of Chapter 343, Hawai'i's environmental analysis requirements. Current A&B diversions remove almost all of the water from several East Maui streams leaving dry rock beds and stagnant water, however this practice has never undergone any type of environmental review.

A&B recently declared plans to harvest its last 17,000 acres of cultivated sugarcane by the end of 2016 and expressed the intent to convert those fields to diversified agriculture in the future, which is key to prevent central Maui from becoming a dust bowl or another city. Diversified agriculture (which includes hemp) would require less than half the water for sugarcane or about 2,500 gallons of water per acre per day which is 42.5 million gallons of per day for 17,000 acres (current production), or 75 million gallons of water per day if they hopefully cultivate all 30,000 acres of their agricultural lands. Data in court documents submitted by A&B indicates that there are many millions of gallons of water available daily from A & B's private sources--making it very difficult to justify the continued diversion of 160 mgd of public water from East Maui, especially with the recent news of their last harvest. Demonstrating a severe lack of stewardship over their private water, A&B loses an average of 41 million gallons per day mostly due to unlined reservoirs and aging pipes. We know there is more than enough water in the streams for everyone on Maui to thrive. We simply need to share it.

Remember, A&B could always seek the same relief the County of Maui received in Circuit Court by requesting a stay of enforcement while it appeals the Circuit Court's ruling invalidating the holdover status of revocable permits. A&B would simply need to explain to the Court how much water it needs, as the County did. No other revocable permit holder in Hawai'i is privy to this special "hold-over" status - only A&B in East Maui. For decades, BLNR has charged A&B less than a penny per 1,000 gallons of water, while small farmers pay 75 cents for the same amount. Since the 1980's, A&B has paid State the Hawai'i only \$160,000 for the use of 33,000 acres of public land, and on average 164 million gallons per day of diverted public water in East Maui alone. This bill would continue to subsidize the profits of a billion dollar company receiving special status over the interests of the public trust.

East Maui kalo farmers are still without the critical water granted to them under the law and A&B still has not restored sufficient water to the streams, though a recent court decision has ruled their special "hold-over" permits are invalid. This bill appears to be another subversive attempt by A&B to evade the law and judicial review in order to avoid stream restoration, environmental analysis, and basic water stewardship. Lawmakers elected to protect the public trust must

vigorously oppose HB2501 and prevent any further steps to usurp public water rights and subsidize the profits of a multi-billion dollar company receiving special status over the interests of the public trust.

Please do everything in your power to protect public water rights and ensure HB2501 will not pass.

Mahalo for your time and consideration,

Tammera Murray
520 Oneawa st
Kailua, HI 96734

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2016 1:34 PM
To: WLA Testimony
Cc: stella.i.caban@gmail.com
Subject: Submitted testimony for HB2501 on Mar 21, 2016 14:55PM

HB2501

Submitted on: 3/21/2016

Testimony for WLA on Mar 21, 2016 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Stella Caban	Individual	Oppose	No

Comments: Aloha Chair Gabbard, Vice Chair Nishihara and members of the committee, I oppose HB 2501 HD2. This measure allows for the diversion of water from the watershed (our public trust) in large amounts over long periods of time. That activity needs an environmental assessment (due process). The EA would be a comprehensive consideration of the impact of removing water from the watershed on the culture, natural environment and economics of the region affected. The holdover permit process this bill codifies into law circumvents an Environmental Assessment and grants a "Holdover Permit". I cannot support that outcome, please defer decision making until a time as all the stakeholders are able to be heard and their concerns addressed. Sincerely, Stella Caban

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Testimony in opposition to HB2501 HD2 Relating to Water Rights
Senate Committee on Water Land and Agriculture
Submitted by Carol Wilcox March 21, 2016

Dear Chair and members of the Committee,

By way of introducing myself, I have been involved in water for a long time. My father worked in the pineapple industry and through that we lived on Oahu, Molokai, Hawaii, and Maui, so I am aware of the importance of water to agriculture. I initiated and co-authored the *Hawaii Stream Assessment*, an inventory of Hawaii's surface water resources, for the Hawaii State Water Commission. I conducted an inventory of Hawaii's plantation ditches for the State Historic Preservation Office, which resulted in the book *Sugar Water: Hawaii's Plantation Ditches*. My attention then shifted "downstream" to storm water runoff and near-shore waters through Malama Maunalua, an organization dedicated to the health of Maunalua Bay. I observed the Waiahole Water Contested Case Hearing, a civilized and informed public discussion and debate over the complicated issues that accompany the disposition of water after the dissolution of the historic user.

From this background, I urge you to oppose HB 2502, HD2. This bill is bad for Hawaii's future. Good for one entity, A&B, a wonderful, highly esteemed company with its roots deep in the islands' history. Its founders understood then, as we do now, with our common values rooted in the Hawaiian culture, that water is a public trust resource. This Bill is a betrayal of that trust.

There is a Water Code, a Water Commission, a body of administrative and judicial findings, and a history of careful deliberation and adjudication of water allocation that we can and will bring to bear on the question of allocation of the waters of East Maui. We know how to do this. We have done it before. This is not an emergency. This is an opportunity. Let the process take its course.

This bill supports the privatization of our water resources. Please do not support this special interest bill.

Thank you for the opportunity to comment.