

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

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SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
KEKOA W. KALUHIWA
First Deputy Director**

**Before the House Committee on
WATER & LAND**

**Monday, February 8, 2016
9:00 A.M.
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 2501
RELATING TO WATER RIGHTS**

House Bill 2501 proposes to amend the public lands statute, Hawaii Revised Statutes Chapter 171, to allow revocable permits for use of water to be extended annually on a “holdover” status during the pendency of an application for a water lease. **The Department of Land and Natural Resources (“Department”) has no objection to this measure.**

Under HRS section 171-58, the Board of Land and Natural Resources has authority to issue month-to-month revocable permits for water use. An applicant can also seek a water lease under the same section. However, the requirements for obtaining a water lease are much more stringent, including the completion of an environmental impact statement under HRS Chapter 343, securing a conservation district use permit in appropriate cases, and consulting with the Department of Hawaiian Home Lands regarding possible water reservations in favor of its beneficiaries. Satisfying the requirements of an application for a water lease could take several years. Accordingly, it is understandable that an applicant for a water lease would want to continue water use under a revocable permit in the interim. In many cases, the water uses have existed for many years or decades, and so an interruption of the water supply under a permit could have serious impacts on residents, schools, hospitals, businesses and agricultural communities that rely on the water.

Thank you for the opportunity to testify.



HB2501
RELATING TO WATER RIGHTS
House Committee on Water & Land

February 8, 2016

9:00 a.m.

Room 325

The Office of Hawaiian Affairs (OHA) Committee on Beneficiary Advocacy and Empowerment will recommend that the Board of Trustees **OPPOSE** HB2501. **This measure would allow the state to continue abdicating its kuleana to East Maui kalo farmers – many of whom have deep ancestral ties to their lands, and who have long sought the modest return of water to just 27 of 100-plus East Maui streams – as well as the cultural practitioners, gatherers, fishers, and others who depend on the public trust in East Maui’s water resources. In doing so, this bill may also inadvertently tie the state’s hands in managing and upholding the public trust in our water resources generally, and potentially undermine the foundation of water management and policy in Hawai’i.**

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

Notwithstanding long-standing laws recognizing water as a public trust resource, however, for over a century large plantation interests have laid exclusive claim to substantial amounts of water, in furtherance of their private, commercial endeavors. These interests have diverted streams throughout the islands and continuously deprived farmers, cultural practitioners, and native species alike of the water resources they depend upon, in direct contravention to the public trust. Unfortunately, as evidenced by a number of court rulings over the last fifteen years, the state Commission on Water Resource Management and Board of Land and Natural Resources have repeatedly failed to uphold their duties to enforce the public trust in water, particularly with respect to large-scale water diverters. Moreover, even when such court rulings are issued, it appears that years may pass before farmers and others seeking to enforce the public trust see any water returned to diverted streams, if at all.

East Maui provides a salient example of the injustice that can occur as a result of the state's patent abdication of its public trust duties. For over three decades, Native Hawaiian farmers and practitioners have sought to restore modest amounts of water to East Maui streams, in hopes of continuing the farming, fishing, and gathering practices of their ancestors and ensuring that their children and future generations could continue to do the same. In 2003, a circuit court found that an environmental assessment was required prior to issuing a new long-term water lease for Alexander and Baldwin (A&B), which for over fifteen years had continuously diverted 100-400 million gallons of water per day from 100-plus East Maui streams, pursuant to "revocable" one-year water leases. As the court noted, an environmental assessment would identify whether and to what extent the long-term diversion of water could impact natural resources and the cultural practices that depend on them, i.e. the protected public trust purposes of water. Despite the court ruling, A&B continued to divert water under so-called "holdover" permits, while East Maui kalo farmers and others waited for some stream flow to be restored. 12 years later, the state and A & B have failed to start, much less issue, an environmental assessment; meanwhile, some kalo farmers have passed away, waiting for water that has still not returned. Not surprisingly, the state's practice of issuing "holdover" permits for the last 12 years has recently been found improper by a circuit court.

This measure would effectively overrule this most recent circuit court decision regarding East Maui "holdover" permits, and legitimize the state's highly inappropriate practice of allowing water to be continuously diverted in contravention of our state constitution, water code, case law, and public trust principles. **This could prolong indefinitely the amount of time East Maui kalo farmers and cultural practitioners must wait for the modest stream flow they need, and allow A&B to continue its commercial use of public trust water at the clear expense of otherwise protected public trust purposes.** Such an outcome would fly in the face of justice and fairness to those who have waited over 30 years for the state to uphold the public trust in East Maui waters.

Moreover, should this measure pass, any entity in the state who receives a revocable water permit, even inappropriately, may also be able to retain its claim to water by simply relying on state inaction on any water rights applications it may subsequently submit. Even if the state does begin taking more proactive steps to properly administer and uphold the public trust in water, corporate diverters with substantial financial and legal resources may maintain their ability to privatize water for years, if not decades, by raising continuous challenges preventing their applications for water rights to be "finally resolved." Kalo farmers and others who wish to defend or enforce their right to water by challenging diverters' water rights applications may end up only prolonging the diverters' existing claims, until their own limited resources are exhausted. Accordingly, the preference this measure may grant to corporate diverters over kalo farmers, other stream users, and public trust purposes may significantly undermine the foundation of water management and policy in our islands.

OHA understands that this bill may be intended to allow A&B to continue diverting water for the purposes of supplying Upcountry Maui, as well as supporting its last year of sugar cultivation and its subsequent exploration of diversified agriculture. However, this measure is not necessary to fulfill any of these purported needs. Even without its invalidated “holdover” permits, A&B can still divert substantial amounts of water from the 17,000 acres of East Maui watershed lands it owns in fee (up to 55 million gallons a day, or mgd) and sustainably pump over 83 mgd from its brackish water wells. **Based on these figures and water consumption estimates, OHA believes that A&B has more than enough water to cultivate the 17,000 acres of sugar it will grow through 2016, deliver to Maui County the nearly 8 mgd it has promised for Upcountry residents, and support its future exploration of diversified agriculture, without the additional water it diverts through “holdover permits.”**

OHA also appreciates that this measure may have been intended, in part, to ensure that kalo and other small farmers can continue to receive water initially granted under a revocable permit, pending the resolution of potentially complicated and protracted water distribution proceedings. OHA agrees that such procedural delays may create unreasonable burdens, especially for those whose uses of water clearly fall within the reasonable and beneficial use requirements of the water code, and would not otherwise impact public trust purposes. However, OHA is not aware of any such water users who would currently benefit from this measure. Moreover, this measure fails to distinguish between those for whom its presumptive “holdover” right to water would be clearly justifiable, and those whose existing and proposed uses would call for a much higher level of scrutiny before receiving any such presumptive right. Accordingly, this measure may risk unintentionally prejudicing kalo and other small farmers to an equal or greater extent than any future relief it may otherwise purport to convey.

Therefore, OHA respectfully urges the Committee to **HOLD** HB2501. Mahalo nui for the opportunity to testify on this measure.



Maui County

February 5, 2016

HEARING BEFORE THE HOUSE COMMITTEE ON WATER AND LAND

TESTIMONY ON HB 2501: RELATING TO WATER PERMITS

Room 325
February 8, 2016, 9:00 AM

Aloha Chair Yamane, Vice Chair Cullen, and Members of the Committee:

I am Warren Watanabe, Executive Director of Maui County Farm Bureau. We are a County Chapter of the Hawaii Farm Bureau, representing 200 farm families and organizations on the island. Our mission seeks to protect and increase the viability of farms and ranches while ensuring the social and environmental wellbeing of the island.

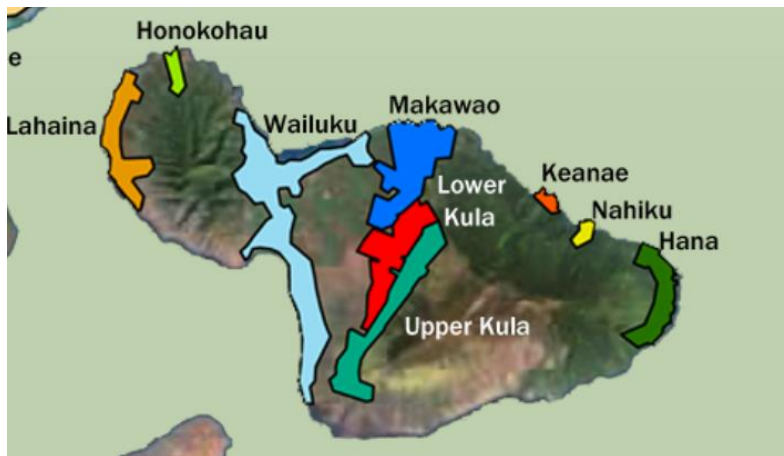
MCFB **strongly supports HB2501** authorizing holdover permits to be issued to an applicant seeking to renew their water rights lease.

Maui's water infrastructure grew out of the sugar plantations. Among the islands, Maui is unique, in its' dependence on surface water sources. These water systems predated many of our laws. We agree that our laws should properly apply to these water systems, but we also think our laws should recognize the reliance of the island of Maui on these systems. The issue before this committee falls just into that category. We don't think the laws covering the state's disposition of water rights contemplated the lengthy processes that are a common part of laws today—contested case hearings, environmental impact statements—not to mention the proliferation of lawsuits. So, as existing water permits or leases expired, there is no clear provision on how to handle renewals in which a contested case was being considered. The BLNR did its' best in this situation by trying to maintain the status quo while recognizing the contested case, and so, held over the existing revocable permits. Not issuing some kind of legal authority to allow the water to continue to flow was not a viable option.

The East Maui watershed provides water for upcountry Maui (Kula, Pukalani, Makawao, Haiku) in addition to HC&S. It is the largest single surface watershed in the State, providing to the second largest service area on Maui. Stopping water collection in East Maui would have impacted entire communities and Maui's social and economic wellbeing. Especially impacted would be agriculture. This involves not just HC&S but farmers and ranchers in Upcountry Maui

Maui County Farm Bureau • Box 148 • Kula, Hawaii 96790 • (808)2819718
info@mauicountyfarmbureau.org

whose water is delivered to the County using the East Maui water collection and delivery system. The following image is extracted from the County's website, illustrating the sources of water for its' users. The dark blue, red and teal service areas are from East Maui, illustrating the many impacted communities.



This matter must be clarified as Hawaii is evolving. The required capacity of Maui County's system may evolve. The current scenario is just a spot in time. Laws need to encompass various situations in the future in which existing permits expire and timely issuance of new permits is not possible. BLNR utilized what they thought was the only mechanism they had at that time. If it needs to be changed, this measure proposes just such a solution. It does not seek to bypass requirements as it only applies to cases with preexisting permits. It is also limited only to a "holdover period until such time as the pending application for the disposition of such water rights is finally resolved." This means that it is a stopgap measure until the process as identified in the water code can be resolved.

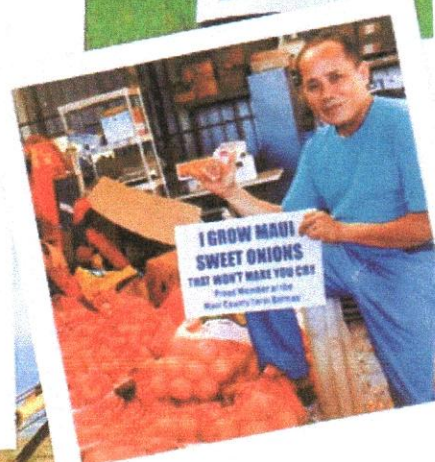
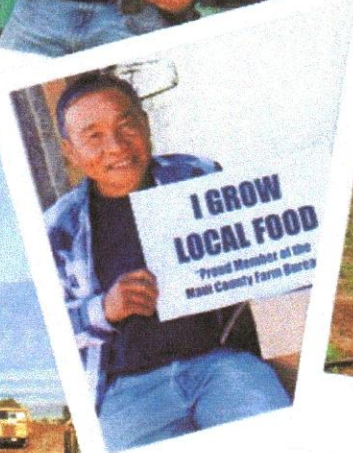
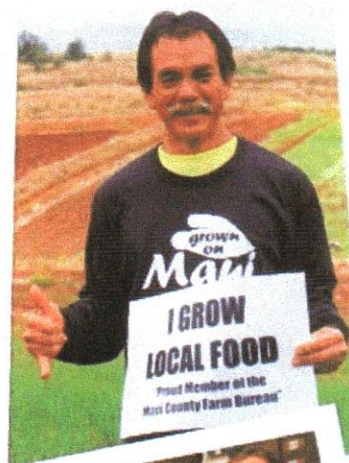
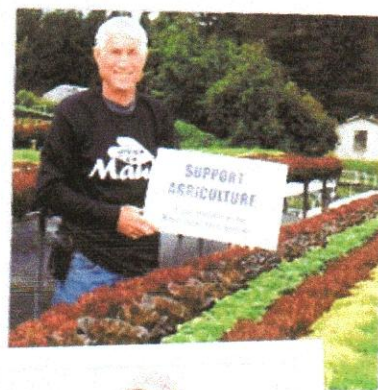
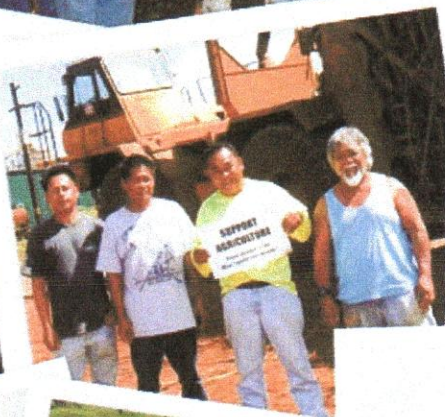
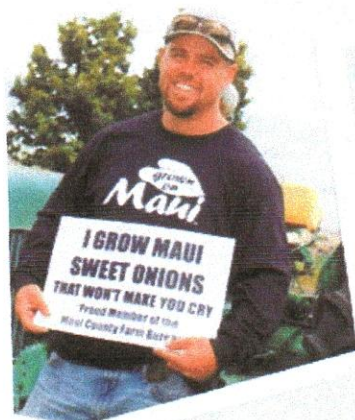
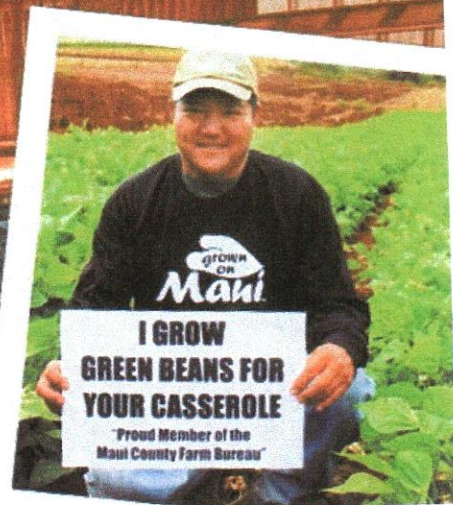
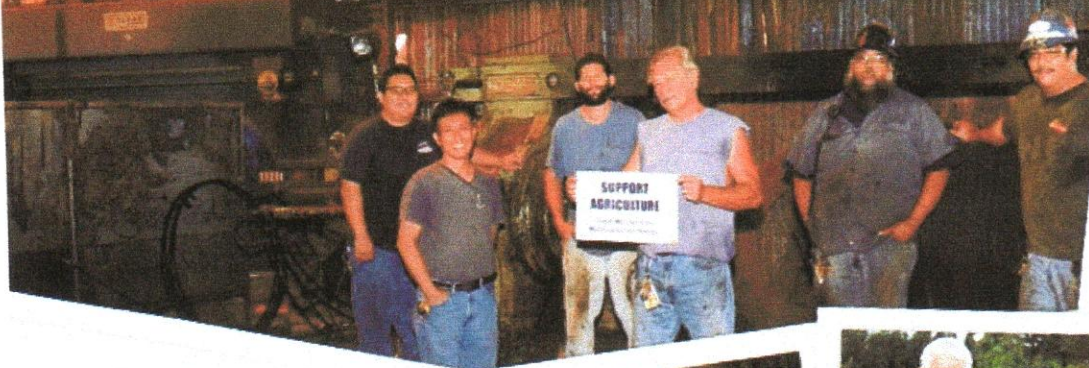
There has been reference to the price of water. The permits only allow for the collection of water. The price we as consumers pay, includes the cost of delivery and treatment to our spigot. Is water used by HC&S delivered by the County? No. Is water used by HC&S of potable quality as delivered to our homes? No. So why would the cost be similar? It is not.

We have seen agriculture on Maui digress. Marketing, transportation and invasive species threats contributed to the downsizing. However, access to water has played a major role. Farmers no longer count on summer crops as the threat of inadequate water is real and with extended stress, pest and disease pressures increase. Ranches have had to cull their herds due to lack of water. HC&S has faced major losses due to inadequate water and that is with a crop that normally can withstand significant periods of drought, much more than a field of lettuce. We know what the impacts of the loss of water are.

This measure merely seeks to address a gap in law. For this reason, we respectfully request your **support by passing this measure today**. Thank you for this opportunity to address this important measure.

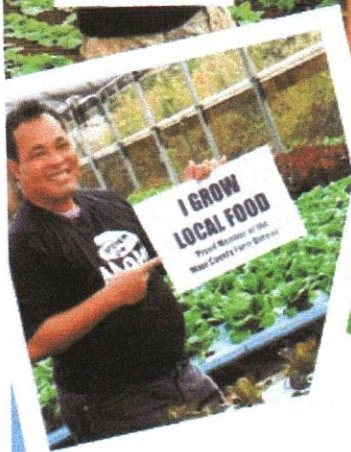
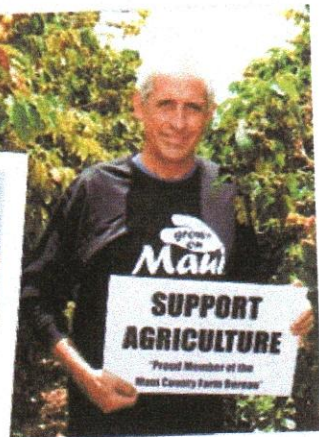
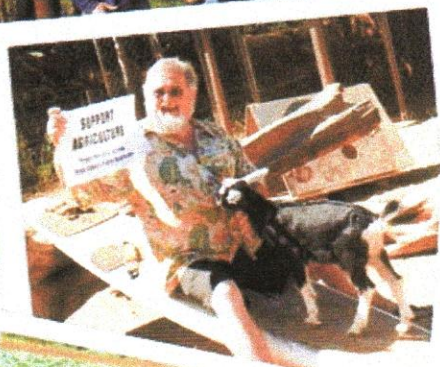
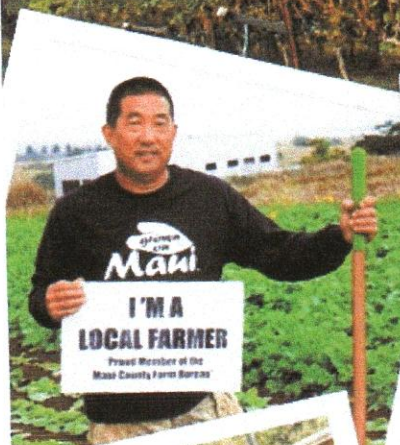
Faces Of Agriculture On Maui

Maui's farm and ranch families work hard to bring FRESH, FLAVORFUL and LOCAL to Maui's tables. Maui farmers also grow plants, flowers, grass, and greenery to keep Maui's landscapes managed, productive and beautiful. Support Grown on Maui - Maui County Farm Bureau.



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We the undersigned strongly support HB2501 and SB3001. We are residents of Maui and very concerned about the availability of water on the island. We have been through many droughts and some of us remember when we needed to haul water due to the lack of ditch flows. We are largely dependent on rainfall so the recent court decision invalidating existing revocable permits is very disturbing. We do not believe policymakers meant for the process to put farms and communities at risk. The revocable permit addressed a gap in process and to invalidate it without an alternative allowing legal diversions does not make sense. While some have claimed this is just for A&B – **it is not; those of us who live and farm in Upcountry Maui are also dependent on those diversions.** Please support passage of this measure to be an interim solution until longer term decisions can be made. Thank you.

Name Kaleikauwaka Dodd (print)

Kaleikauwaka (signed)

170 West Waiko Road Wailuku 96793 (address)

Name Lori Dodd (print)

Lori Dodd (signed)

170 W Waiko Rd Wailuku 96793 (address)

Name Leona R. Wilson (print)

Leona R. Wilson (signed)

588 Kulaui Dr. Wailuku Maui HI 96793 (address)

Name Richard S. Higashi (print)

375 South Oahu St. (signed)

Kahului, HI 96732 (address)

Name _____ (print)

_____ (signed)

_____ (address)

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Name DANTON R AKUNA (print)

Danton R Akuna (signed)

790 Kaulona St Makawao HI 96768 (address)

Name ROSEBELLO MAGARIN (print)

Rosebello Magarin (signed)

213 Waikepu St Maui HI 96781 (address)

Name _____ (print)

_____ (signed)

_____ (address)

Name _____ (print)

_____ (signed)

_____ (address)

Name _____ (print)

_____ (signed)

_____ (address)

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Name Wesley Bissen (print)
Wesley K Bissen (Hawaiian) (signed)
621 Kalakama St Wailuku, Maui 96793 (address)

Name JUAN NERVEZA JR. (print)
Juan Nerveza Jr. (signed)
P.O. Box 1159 PUONENE HI 96785 (address)

Name Roland Soberano (print)
Roland Soberano (signed)
223 S. Lehua St. Kah. (address)

Name FREDDY YANDS (print)
Freddy Yands (signed)
1015 ONAHA ST. WAILUKU MAUI HI 96793 (address)

Name BEATO VERCELUZ JR. (print)
655 HALULA PL. WAILUKU HI 96793 (signed)

(address)

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Name JUVANI VERCELUZ (print)

[Signature] (signed)

902 UPALU ST. WAILUKU (address)

Name RONNIE GUZMAN (print)

[Signature] (signed)

273 KULAWAHE ST. KAHULUI (address)

Name Gerard Canbra (print)

[Signature] (signed)

163 KUONO MAKAWAO (address)

Name SHUNKE BUSTONG (print)

[Signature] (signed)

1872 PIHANA RD WAILUKU (address)

Name BERNARD S. DIAZ JR (print)

[Signature] (signed)

88 ALHAYLA ST. KAH. (address)

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Name Geoffrey L. Haines (print)
[Signature] (signed)
Kula, HI 96790 (address)

Name DAVID Ishii (print)
[Signature] (signed)
Kula, HI, 96790 161 Anakula Rd (address)

Name Dan Ann Ishii (print)
[Signature] (signed)
161 Anakula Kula, HI 96790 (address)

Name Clark Hashimoto (print)
1462 Pulehauki Rd [Signature] (signed)
Kula, HI 96790 (address)

Name Jackie Hashimoto (print)
[Signature] (signed)
1462 Pulehauki Kula (address)

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Name Gladys C. Baisa (print)

Gladys C. Baisa (signed)

P.O. Box 880339 Pukalani 96788 (address)

Name Sherman F. Baisa (print)

Sherman (signed)

143 Auoli Dr. Makawao 96768 (address)

Name Chris DeGuzman (print)

345 Auhana (signed)

Kihei 96753 (address)

Name CARL TAKAMURA (print)

624 P.O. DR. (signed)

WAILUKU HI 96793 (address)

Name _____ (print)

_____ (signed)

_____ (address)

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Name DOMINGO ANCHETA (print)

Domingo Ancheta (signed)

762 HOMO WAI ST KAHULU (address) 96777

Name JAMIE SHISHIDA (print)

Jamie Shishida (signed)

717 Pihale Rd. Kula (address) 96790

Name James Shishida (print)

James Shishida (signed)

____ (address)

Name Craig Nihei (print)

Craig Nihei (signed)

____ (address)

Name Mark Kuroki (print)

markkuroki (signed)

Pukalani (address)

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Name PETER TOWNSTON (print)
P.T. (signed)
2937 So. Kihei (address)

Name Maianne Mieshosh (print)
Maianne Mieshosh (signed)
2737 S Kihei Rd, Kihei (address)

Name Pam Hoff (print)
2755 Leolani Place (signed)
Pukalani 96768 (address)

Name Joann Shishido (print)
Joann Shishido (signed)
____ (address)

Name Nancy Shishido (print)
117 Piliwale Rd (signed)
Kula, Maui 96790 (address)
Nancy M. Shishido

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Name Baron H Okimoto (print)

P.O. Box 1285 (signed)

~~Kula~~ Kula, Maui 96790 (address)

Name Dana Vincent (print)

[Signature] (signed)

4411 W. Kuiehe rd. HAiku HI 96720 (address)

Name Mark Honda (print)

[Signature] (signed)

315. Hookehi St. Waiuku (address)

Name BREN BAILEY (print)

[Signature] (signed)

119 MIDDLE RD Kula (address)

Name Joe Gomes (print)

[Signature] (signed)

P.O. Box 5166 Waiuku, HI 96768 (address)

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 07, 2016 7:51 AM
To: waltestimony
Cc: jkimof@msn.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/7/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
james Kimo Falconer	MauiGrown Coffee, Inc	Support	No

Comments: Please support this bill. How can you support diversified ag by taking away the water resources? People need to understand the reason sugar came to be in Hawaii and why we have these valuable systems today. If it were not for the plantations building these systems, there would be no discussion on ag. There is no second option when you are placed remotely in the middle of the Pacific. 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



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

February 8, 2016

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TESTIMONY ON HB 2501
RELATING TO WATER RIGHTS

Room 325
9:00 AM

Aloha Chair Yamane, Vice Chair Cullen, and Members of the Committee:

I am Randy Cabral, President of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,900 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interest of our diverse agricultural community.

The Hawaii Farm Bureau strongly supports HB 2501, authorizing a holdover process for existing water permits.

HFB supports the position of Maui County Farm Bureau. Authors of laws do their best to cover a range of conditions. However, times change. The bills coming before this body today are very different from those a decade ago. Questions will arise and there will be cases in which existing laws cannot accommodate the issue at hand. This is when the case is brought before the legislature to provide direction. The Guide to Government provided by the LRB provides only the Legislature with the authority to make laws. The judicial branch cannot create law. It can only interpret law, just as the administrative branch implements law. The issue before you today, involves a case in which there is no law. The administrative branch implemented the law to the best of its' ability based on its' knowledge. However, the courts have decided that their action was not correct. The circumstance in which existing permits expired while unresolved contested cases remained was not considered during the creation of existing law. Therefore, it is time for the legislature to resolve this matter. The matter goes beyond Alexander and Baldwin. The law needs to address how this issue can be resolved when similar cases occur in the future.

This case is of special interest to agriculture as many of our farms and ranches depend on diverted waters for irrigation. Without water, there can be no agriculture. The Maui case involves one of the largest contiguous active agricultural lands in the State. The farm families and organizations along with their communities are at risk if an interim solution is not identified. We believe the proposed measure provides a good option. As

stated it is clearly an interim measure and not a means to get around the law. It provides time for the law to be interpreted and implemented in the best interest of the people and environment.

For these reasons, Hawaii Farm Bureau respectfully requests your **strong support of HB2 501**, authorizing a holdover permit process by passing this measure as written. Thank you.



Hawaii Cattlemen's Council, Inc.

**HOUSE COMMITTEE ON WATER & LAND
REPRESENTATIVE RYAN I. YAMANE, CHAIR
REPRESENTATIVE TY J.K. CULLEN, VICE CHAIR**

DATE: Monday, February 8, 2016
TIME: 9:00 AM
PLACE: Conference Room 325

HB 2501 – RELATING TO WATER RIGHTS.

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

Chair Yamane, Vice Chair Cullen, and Members of the Committee:

My name is Dale Sandlin, and I am Managing Director of the Hawaii Cattlemen's Council. The Hawaii Cattlemen's Council, Inc. (HCC) is the Statewide umbrella organization comprised of the five county level Cattlemen's Associations. Our 140+ member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of approximately 25% of the State's total land mass.

The Hawaii Cattlemen's Council **supports** HB 2501 as this measure will provide continuing service to residents and agricultural producers in Hawaii.

This bill provides the Board of Land and Natural Resources the ability to provide longer-term permits, over one year, for the collection of water on state land. These areas contain the critical watersheds that provide for drier areas of each island.

Also, this bill will only apply to those applications to continue the previously authorized disposition of water rights. Without these critical resources, the future of drier areas of the state may be in jeopardy.

We respectfully ask this committee to pass HB 2501 and we appreciate the opportunity to testify on this important matter.



waltestimony

From: Rep. Ryan Yamane
Sent: Sunday, February 07, 2016 10:34 AM
To: waltestimony
Subject: Fw: HB2501, Committee on Water & Land, Monday, February 08, 2016, 9:00 AM, Conference Room 325

From: alice lee <aliceleehawaii@gmail.com>
Sent: Sunday, February 7, 2016 6:48 AM
To: Rep. Ryan Yamane
Cc: Rep. Ty Cullen; Rep. Cindy Evans; Rep. Scott Nishimoto; Rep. Kaniela Ing; Rep. Calvin Say; Rep. Chris Lee; Rep. Feki Pouha; Rep. Nicole Lowen; Rep. Cynthia Thielen
Subject: Re: HB2501, Committee on Water & Land, Monday, February 08, 2016, 9:00 AM, Conference Room 325

RE: HB2501
House Committee on Water & Land
Monday, February 08, 2016
9:00 AM
Conference Room 325

Dear Chair Yamane and Vice Chair Cullen,

My name is Alice Lee and I am testifying on behalf of Go Maui, Inc. in **strong support of HB2501** that will be heard by the House Committee on Land and Water on Monday, February 8, 9:00 a.m., in conference room 325.

The passage of this bill is necessary in order to maintain the flow of water to the County of Maui (serving 36,000 Maui residents and farmers) and HC&S for the final sugar crop and the transition to diversified agriculture.

HB2501 only applies to situations where there was a previously authorized lease/disposition, and a lessee is waiting for a renewal/new lease process.

Go Maui represents many residents who support diversified ag, affordable housing and a stable and viable economy.

Respectfully,

Alice Lee

**HB 2501
RELATING TO WATER RIGHTS**

**MEREDITH CHING
SENIOR VICE PRESIDENT – GOVERNMENT & COMMUNITY RELATIONS
ALEXANDER & BALDWIN, INC.**

FEBRUARY 8, 2016

Chair Yamane and Members of the House Committee on Water & Land:

I am Meredith Ching, testifying on behalf of Alexander & Baldwin, Inc. (A&B) on HB 2501, “A BILL FOR AN ACT RELATING TO WATER RIGHTS.” We support this bill.

The East Maui Irrigation Company (EMI) maintains and operates an integrated system of water ditches, intakes, and tunnels that collects water from streams located on the rainy slopes of East Maui and transports it to Central Maui for domestic and agricultural use. It is the primary source of water used by the Maui County Department of Water Supply to meet the domestic water needs of over 36,000 Upcountry residents and the irrigation needs of the small farmers in Kula. It is likewise the primary source of water used by HC&S to cultivate 36,000 agricultural acres in Central Maui.

EMI has been collecting and delivering water from state lands in East Maui since 1878, under various lease agreements with the kingdom of Hawaii and then the Territorial and State governments. In 2001, A&B applied to the State Board of Land and Natural Resources (BLNR) to initiate the process of issuing a long-term lease for the State’s East Maui waters. Our application acknowledged that the lease would be put up for sale at a public auction (for anyone to bid on); that an EIS would need to be prepared; and that instream flow standards would need to be established and

acknowledged by the lease. Since 2001, the lease process has been held up by subsequent procedural and legal challenges initiated by other parties, and the request to issue a long term water lease remains pending before the BLNR today. In the interim, the BLNR issued permits to enable the waters to continue to flow, while the legal challenges are being resolved and all the proper procedures followed, and the lease process can then proceed.

On January 8, 2016, the Hawaii Circuit Court found that pursuant to HRS 171-58(c), the BLNR authorized EMI's continued use of these watershed lands on a holdover basis over the last thirteen years. The Hawaii Circuit Court then invalidated the revocable water permits, ruling that the continued use of public lands on a holdover basis for this duration of time is not a temporary use of public lands pursuant to Legislative intent for permits.

The purpose of this bill is to authorize the BLNR to holdover permits in order to continue a previously authorized disposition of water rights until such time as a pending application for the re-disposition of these water rights is finally resolved.

As described above, EMI's revocable annual permits were held over to enable water collection and transmission to Central and Upcountry Maui for agricultural and domestic purposes to continue, until proper procedures are completed and legal challenges to the long term water license application are resolved. Should the Circuit Court decision to invalidate the revocable annual water permits be upheld, this will significantly impair the availability of water in Central and Upcountry Maui for agricultural and domestic uses. Recently announced efforts by A&B to transition sugar operations at HC&S to diversified agriculture which may include grass fed livestock, bio-energy

crops, and the establishment of an agricultural park may be in jeopardy without an adequate supply of water. Continued water service to Upcountry residents and farmers will also be endangered.

We urge your support for this bill to authorize holdover status for permits to continue a previously authorized disposition of water rights while a pending application for the re-disposition of those water rights is finally resolved. This will ensure the continued delivery of much needed water to Central and Upcountry Maui for agricultural and domestic uses on an interim basis, until the BLNR can complete the process for issuing a water lease for sale at public auction.

To best achieve this goal, we do respectfully request your consideration to incorporate an amendment into this bill to clarify the authorization of a holdover until such time a pending application for the disposition of water rights is resolved.

Suggested language is attached below for your consideration:

(c) Disposition of water rights may be made by lease at public auction as provided in this chapter or by permit for temporary use on a month-to-month basis under those conditions which will best serve the interests of the State and subject to a maximum term of one year and other restrictions under the law; provided that where an application has been made for a lease under this section to continue a previously authorized disposition of water rights, a holdover [permit] may be authorized for a holdover period until such time as the pending application for the disposition of such water rights is finally resolved, even if such holdover period may exceed one year; provided further that any disposition by lease shall be subject to disapproval by the legislature by two-thirds vote of either the senate or the house of representatives or by majority vote of both in any regular or special session next following the date of disposition; provided further that after a certain land or water use has been authorized by the board subsequent to public hearings and conservation district use application and environmental impact statement approvals, water used in nonpolluting ways, for nonconsumptive purposes because it is returned to the same stream or other body of water from which it

was drawn, essentially not affecting the volume and quality of water or biota in the stream or other body of water, may also be leased by the board with the prior approval of the governor and the prior authorization of the legislature by concurrent resolution.

Based on the aforementioned, we respectfully request your favorable consideration of this bill with the suggested amendment. Thank you for the opportunity to testify.



February 5, 2016

Representative Ryan Yamane, Chair
Representative Ty J.K. Cullen, Vice Chair
House Committee on Water and Land

Testimony in Support of HB 2501 Relating to Water Rights.

Monday, February 8, 2016, 9:00 a.m., in Conference Room 325

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. LURF's mission is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources, and public health and safety.

LURF **strongly supports HB 2501**, which proposes to amend Hawaii Revised Statutes (HRS), Section 171-58 to allow a holdover permit to be issued to an applicant seeking to renew its water rights lease.

HB 2501. This purpose of this bill is to address and resolve what may be described as an inequitable anomaly in a State law (HRS 171-58), which has been uncovered as a result of a recent Hawaii Circuit Court ruling which invalidated a State permit that authorized East Maui Irrigation Company (EMI), a subsidiary of Alexander & Baldwin, Inc. (A&B), to collect water off of state lands in East Maui.

EMI has been collecting water from EMI- and State-owned lands continuously for well over a century – since 1878, pursuant to various leases, licenses and permits, initially from the Hawaiian government, and later from the Territory/State of Hawaii. The water collected by EMI is transported to the County's Upcountry Maui water treatment plant and used to serve the needs of 36,000 Upcountry residents and farmers; as well as for irrigation by Hawaiian Commercial & Sugar Company (HC&S), for its final sugar crop, and to support HC&S' transition to diversified agriculture.

In 2001, A&B applied to the State Board of Land and Natural Resources (BLNR) for another long-term lease to continue to collect water as described, however opponents to stream diversions requested a contested case hearing challenging A&B's lease application. BLNR then put existing revocable permits on a holdover status pending the

results of the contested case hearing to enable the continued use of water. In the meantime, the same opponents continued to file numerous other legal and regulatory challenges to EMI's collection of water, resulting in years of delay. The contested case hearing on A&B's lease application is presently still pending before the BLNR.

In early January 2016, in response to one of the opposition's legal challenges, the Circuit Court ruled that the BLNR does not have the authority to issue water permits with a term greater than one year, thereby invalidating the EMI permits. In its ruling, the judge stated that the intended purpose of permits issued pursuant to HRS 171 is to provide for the temporary occupation of public lands, and that the continued use of public lands on a holdover basis for over 13 years could not be considered a temporary use according to the legislative intent underlying the statute.

The Circuit Court's decision to invalidate revocable water permits is currently being appealed, however, should said decision be upheld, the consequence would be the loss of a significant amount of water for agricultural and residential uses in Central and Upcountry Maui. Moreover, recently announced efforts to transition Maui sugar operations to diversified agriculture (grass fed livestock, bio-energy crops, establishment of an agricultural park) are in jeopardy due to the need for an adequate and reliable supply of cost-efficient water. Any agricultural future for Central Maui is dependent on the EMI ditch system continuing to collect and deliver water from the wetter side of the island.

LURF's Position. LURF believes the drafters of HRS 171-58 could not possibly have anticipated, let alone have intended the inequity of the application of the statute to extraordinary situations such as the current one involving EMI/A&B.

LURF further believes it would be irresponsible for this Legislature to stand by and ignore the potential economic and social consequences, as well as the health and safety issues that could arise due to the courts being legally duty-bound to apply HRS 171 to situations such as the present, when in fact, underlying extraordinary circumstances exist, which are completely outside the control of the permittee.

Having been made aware of the issues with the statutory provision as currently written, this Committee should take appropriate action to address the problem and amend the law to allow BLNR to take narrow exception and to issue a holdover permit for an extended holdover period in cases involving exceptional circumstances, particularly when the issuance of such permit will best serve the interests of the State.

For the reasons set forth above, LURF is **in support of HB 2501**, and respectfully urges your favorable consideration of this bill.

Thank you for the opportunity to present testimony regarding this measure.



Hawaii Agriculture Research Center

Administration: P.O. Box 100, Kunia, HI 96759

Ph: 808-621-1350/Fax: 808-621-1359

www.harc-hspa.com

TESTIMONY BEFORE THE SENATE COMMITTEES

ON

Water and Agriculture

HOUSE BILL 2501

Relating to Water Rights

February 8, 2016

Chairmen Yamane Members of your Committee:

My name is Stephanie Whalen. I am Executive Director of the Hawaii Agriculture Research Center (HARC). I am testifying today on behalf of the center and our research and support staff.

HARC strongly supports House Bill SB2501: Relating to Water Rights.

Water is a critical component of agricultural as you all well know. The recent court ruling invalidating HC&S's revocable water permit comes at an extremely critical point in the re-purposing of surface water for multiple agricultural uses, not to mention the up-country water community water supply.

It is unfortunate that negotiations over land and water use on public lands are not given a higher priority. It is not unexpected that these permits continue to be renewed based on the contentious environment in Hawaii over land and water. It seems any and all decisions will be litigated. It is time a stop is put to these issues being relegated to the courts for decisions. That is not the way our constitutional system is supposed to work. If the regular opponents of these issues put as much energy and finances into advocating for sufficient resources for the agencies to do their work then there wouldn't be the need for their endless legal challenges.

Beyond the recent water issue one needs to look to the public land issues. How many farmers are on revocable land leases, eliminating their credit option and disincentivizing any property infra-structure improvements? Considering the constitutional mandate to support agriculture the state's agency's over use of revocable permits do little if anything to further that support. Private land holders are regularly criticized for land holding but what about the state's example of using revocable permits to put off providing long term leases for the basic components of agriculture: land and water.

We strongly urge you to support House Bill 2501 Relating to Water Rights but also hope you begin to consider what can be done regarding the lack of decent long term leases of land and water for agriculture on state lands. When will there be true support for agriculture as mandated by our constitution.

Testimony of Brooke Wilson
Pacific Resource Partnership

State of Hawaii
House of Representatives

House Committee on Water & Land
Rep. Ryan I. Yamane, Chair
Rep. Ty J.K. Cullen, Vice Chair

HB 2501 – Water Rights
Monday, February 8, 2016
9:00 A.M.
State Capitol – Conference Room 325

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

We support HB 2501 which allows a holdover permit to be issued to an applicant seeking to renew their water rights lease.

This proposed measure is not only critical to maintaining the flow of water to 36,000 upcountry Maui residents and farmers, but critical to HC&S for the transitioning to diversified agriculture which will take years to fully implement. The implementation involves dividing the plantation into smaller farms with a variety of uses including energy crops, food crops, support for the local cattle industry and developing an agriculture park.

For the reasons mentioned above, we respectfully ask for your support on HB 2501.

Thank you for allowing us to share our views.

About PRP

Pacific Resource Partnership (PRP) is a not-for-profit organization that represents the Hawaii Regional Council of Carpenters, the largest construction union in the state, and more than 240 of Hawaii's top contractors. Through this unique partnership, PRP has become an influential voice for responsible construction and an advocate for creating a stronger, more sustainable Hawaii in a way that promotes a vibrant economy, creates jobs and enhances the quality of life for all residents.



Testimony Before the House Committee on
Water and Land

By Jim Kelly
Member Services & Communications Manager
Kauai Island Utility Cooperative
4463 Pahee Street, Suite 1, Lihue, Hawaii, 96766-2000

Monday, February 8, 2016, 9:00 a.m.
Conference Room 325

House Bill No. 2501 – Relating to Water Rights

To the Honorable Ryan Yamane, Chair; Ty J.K. Cullen, Vice-Chair, and Members of the Committee:

Thank you for the opportunity to testify on this measure. I am Jim Kelly, Member Service and Communications Manager at Kauai Island Utility Cooperative (“KIUC”). KIUC stands in support of House Bill No. 2501.

HB2501 provides important assurances that a holdover permit issued to an entity that has applied for a long-term water lease may remain in place while the lease application is pending.

This measure would greatly benefit the 30,000 members of our cooperative, which holds a revocable permit for the diversion of water from the North Fork of the Wailua River and Waikoko Stream. This year-to-year permit enables the operation of the co-op’s Upper and Lower Waiahi Hydroelectric plants. These plants have been reliable sources of electricity dating back to 1920 and make an important contribution to KIUC’s efforts to meet the state’s 100 percent clean energy mandate.

In 2004, KIUC applied for a long-term water lease and continues to operate the diversions under a revocable permit approved by the Board of Land and Natural Resources (“BLNR”) during the pendency of the lease application.

KIUC believes that it has been a responsible steward of this resource. By using these hydropower plants, KIUC avoids importing more than 500,000 gallons of oil per year. As a not-for-profit cooperative that is owned by the people of Kauai, KIUC does not profit from the use of the water.

Being able to rely on the continuation of the revocable permit under the process described in HB2501 would benefit all of the cooperative’s members and for this reason we offer our support of this measure.

Thank you for the opportunity to inform you of KIUC's position on this matter.



SIERRA CLUB OF HAWAII

MĀLAMA I KA HONUA. *Cherish the Earth.*

House COMMITTEE ON WATER AND LAND

Monday February 8, 2016 9AM Room 325

In Opposition HB2501 Relating to Water Rights

Aloha Chairman Yamane and members of the House WAL Committee,

The Sierra Club of Hawai'i strongly opposes SB3001/HB2501. If passed, this bill would allow one corporation to divert millions of gallons of public water from the streams of East Maui, desiccating the native ecosystem and undermining traditional farming.

The Sierra Club of Hawai'i has worked on behalf of our 12,000 members and supporters for decades to halt the diversion of public water from East Maui streams by Alexander and Baldwin Corporation. Their historic and ongoing theft of public water is destroying stream ecosystems, cheating taxpayers, and undermining public health. Continuing this theft of public water is not necessary and will not ensure future diversified agriculture on Maui.

HB2501/SB3001 WOULD FURTHER DESTROY STREAMS

This bill would create a new kind of permit to allow A&B to divert water from public streams with no limitations on the amount or duration of the diversion. A&B's current water diversions take all of the water from several East Maui streams. This means lush river ecosystems once abundant with native plants and fish have been turned into dry rock beds with murky puddles of stagnant water. While the harm of this de-watering of our streams is plain to see, the practice has never undergone any kind of environmental review.

HB2501/SB3001 WOULD FURTHER CHEAT TAXPAYERS

HB2501/SB3001 is silent on the issue of payment for the "hold-over" permit. As it is now, the people of Hawai'i receive almost no financial compensation for the taking of their water. Since the 1980's, A&B has paid only \$160,000 to the State to use 33,000 acres of public land and to take 164 million gallons of water everyday. That amounts to less than \$5 per acre per year and less than ¼ of one penny per 1,000 gallons of water.

For context, A&B sells some of its privately owned water to the County of Maui for residential use. A&B charges Maui County \$2 million every year for 9 million gallons of water per day.

Passing HB2501/SB3001 would continue this practice of publicly subsidizing the profit-making of a multi-billion dollar company.

[MORE]

HB2501/SB3001 WOULD INCREASE THE RISK OF MOSQUITO-BORN ILLNESSES

A&B's practice of dewatering streams in East Maui creates breeding grounds for mosquitoes, posing a significant risk to public health. A 2008 report by the Commission on Water Resource Management on the condition of the East Maui streams found that:

"Stagnant water in the streams results in increased mosquitoes, which may lead to increased risk in dengue fever or other mosquito-borne illnesses. Stagnant water may also increase the risk of skin disease from the water."

It is irresponsible to continue to allow A&B to divert the public's water at the risk of spreading dangerous diseases like dengue and zika.

HB2501/SB3001 IS NOT NEEDED, A&B HAS A LOT OF PRIVATE WATER

A&B does not need to take the public's water. First, A&B has at least 20 million gallons per day of water from Na Wai Eha, and over 80 million gallons of water a day from private sources they control. Second, A&B admits to wasting at least 35 million gallons a day of water because their diversion pipes are old and leaky.

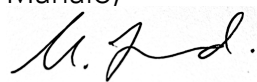
HB2501/SB3001 WOULD NOT ENSURE THE FUTURE OF AGRICULTURE ON MAUI

Some claim that HB2501/SB3001 is necessary to ensure the future of agriculture on Maui. This is not true. Restoring the streams of East Maui will not prevent farmers of the future from requesting access to public water through the established formal process. It is the responsibility of Hawai'i's Water Commission to issue permits for the use of public water. In the process of making these decisions, the Water Commission is required to balance the needs of the stream ecosystem and traditional taro farmers with new requests to use public water. This is the best way to ensure our native ecosystem and unique culture are protected, while meeting our essential water needs.

Right now is the perfect time for Maui to encourage diversified agriculture that complements current environmental conditions and serves the needs of their community. Advancing HB2501/SB3001 now would squander this once-in-a-generation opportunity to design and establish a new, diversified agricultural economy in Hawai'i.

For these reasons, we strongly urge you to defer this measure. Thank you for the opportunity to testify.

Mahalo,



Martha Townsend
Director

Petition in Opposition to HB2501 and SB3001

I strongly oppose HB2501/SB3001 because it would allow one corporation to circumvent the laws meant to protect our public streams, native stream ecosystems, and traditional farming practices. This bill would create "hold-over permits" for millions of gallons of water diverted from public streams everyday with no environmental impact statement, no mitigation for the harm caused to native stream ecosystems, and no regard for the farmers that have used that stream water for generations to irrigate their taro crops.

It is not fair for Alexander & Baldwin to bypass the established legal process for requesting use of public water, while the native species and traditional farmers of Hawaii suffer. We urge you to defer this bill and direct Alexander & Baldwin to follow the regular process for requesting use of our public water.

Thank you.

First Name Last Name	First Name Last Name	First Name Last Name	First Name Last Name	First Name Last Name
Linda "Turnbull"	Leslie "VanBerg"	Javier "Mendez"	Jennifer Noelani	Lance "Bookbinder"
T.S. "Kelso"	Mitsuko "Hayakawa"	James "Padgett"	Jamie "Kawauchi"	Rebecca "Kiili"
Carlos "Garcia"	Carolena "Pierce"	Stuart "Coleman"	Cynnamon "Cho"	John "Fitzpatrick"
Rosa "Gonzalez"	Josephine "Carson"	Bethann "McVicker"	Kaylene "Sheldon"	alan "burnstein"
Catherine "Velasquez"	Ed "Pasqualin"	Doris "Maran"	Angelika "Hofmann "	elvin "kamoku"
Elizabeth "Valley"	Michael "Gagne"	Dennis L "South"	Jeri "Di Pietro"	Willow "Saunders"
Carrie "Brady"	frances "akiu"	Mike "Bond"	Frances "Salvato"	Erin "Avalone"
sandra "cotton"	Jennifer "Watarai"	Amber "Kawaiaea"	John "Weishaar"	Dane "Maxwell"
Cynthia "Jeffery"	Deborah "Mader"	lois "crozer"	sharade "carba"	Megan "Fox"
Jeannette "milholland"	Cameron "Ahia"	John "Gelert"	johnny "wilson"	Eric "Prado"
Carol "Schwarz"	Lasalle "Kaauomo"	Byron "Baker"	Mary "Lacques"	Sara "Stubbs"
michela "zanchi"	Healoha "Carmichael"	Pili aloha "Goo"	Sandi "loakimi"	Marti "Townsend"
ALAULA "ARTATES "	Keiko "Gonzalez"	Melanie "Padgett"	Curen "Ohama"	Brady "Townsend"
MARK "SHEEHAN"	Lani "Orr"	Doreen "Kaaialii"	william "rice"	
Lori "Nakamura-Higa"	Gary "Passon"	Derinda "Cantrell"	Sara "Tekula"	
Alexandria "Coutu"	Mahealani "Kupahu"	June "Eckart"	James "Simpliciano "	
Danya "Hakeem"	Sunnie "Phillips"	brian "kelly"	George "Vierra"	
ned "leone"	Chris "Sue"	Anne "Frederick"	Tamara "Paltin"	
Orion "Cruz"	Cathy "O'Leary Carey"	Barbara "Barry"	Gretchen "Losano"	
Anne "Rice"	Sam "Small"	Sharon "Moraes"	Tiare "Lawrence "	
Valarie "Matinjussi"	Laura "Kaakua"	Jonah "Jacintho"	Trinette "Furtado "	
Mike "Mcneace "	Jen "Fordyce"	Pamela "Averill"	Christy "Kahoohanohano "	

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 06, 2016 10:51 PM
To: waltestimony
Cc: wao-hsl@WeAreOne.cc
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph Kohn MD	www.WeAreOne.cc	Oppose	No

Comments: Strongly Oppose ongoing theft of native water rights.

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: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 06, 2016 3:19 PM
To: waltestimony
Cc: teresamlee.51@gmail.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Teresa L. Nakama	BIFA	Oppose	No

Comments: We oppose this HB2501 due to the underscored contents that violates our rights to have fresh flowing water upon our Pae Aina and shall not be available for any one person or corporation to have control over our fresh flowing waters.

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: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 06, 2016 8:58 AM
To: waltestimony
Cc: laulani@gmail.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Laulani Teale	Ho'opae Pono Peace Project	Oppose	No

Comments: I strongly oppose this measure. There can be no peace without water, and pono usage thereof. Aloha Laulani Teale, MPH

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: mailinglist@capitol.hawaii.gov
Sent: Friday, February 05, 2016 7:00 PM
To: waltestimony
Cc: phhlca@aol.com
Subject: *Submitted testimony for HB2501 on Feb 8, 2016 09:00AM*

HB2501

Submitted on: 2/5/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Bill Brown	Pana'ewa Hawaiian Home Lands Community Association	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 05, 2016 5:56 PM
To: waltestimony
Cc: henry.lifeoftheland@gmail.com
Subject: *Submitted testimony for HB2501 on Feb 8, 2016 09:00AM*

HB2501

Submitted on: 2/5/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Henry Curtis	Life of the Land	Oppose	No

Comments:

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**Conservation Council
for Hawai'i**

Hawai'i's voice for wildlife

Kō Hawai'i leo no nā holoholona lōhiu



Testimony Submitted to the Senate Committee on Water, Land, and Agriculture

Hearing: Monday, February 8, 2016 9 am
Conference Room 325

In Opposition to HB 2501 Relating to Water Rights

Chair Gabbard, Vice Chair Nishihara, and Members of the Committee.

Aloha. Conservation Council for Hawai'i opposes HB 2501, which allows a holdover permit to be issued to an applicant seeking to renew its water rights lease. HB 2501 is a special-interest bill favoring one large company, A&B, contrary to the State's obligation to protect public trust resources for the people and future generations. Furthermore, annual revocable permits to continue the theft of millions of gallons of stream water a day do not constitute a "water right." The people from whom the water was stolen (and their descendants) are the ones who possess water rights.

We are disappointed and surprised that HB 2501 would be introduced in light of recent developments in the long-standing legal effort by kalo farmers and other practitioners to restore stream flows in East Maui.

The revocable permits at issue in HB 2501 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.

A&B is making a last-ditch effort (pardon the pun) to legitimize its historic and cruel theft of East Maui stream water. After 30 years of legal challenges and special treatment for A&B, kalo farmers and other practitioners are finally getting close to having water returned to the streams. Do not let A&B use HB 2501 as an end-run around the State Water Code. This is an important issue of Native Hawaiian rights, environmental justice, and fairness.

Prolonging the extreme stream diversions authorized by permits to A&B is not in the public interest, nor is it consistent with resource conservation or self-sufficiency. HC&S is going out of business. There is more than enough water for East Maui users, the County of Maui and upcountry users, and diversity agriculture on HC&S/A&B land.

Please oppose HB 2501. Ho'i i ka wai!

Mahalo nui loa for the opportunity to testify.

Marjorie Ziegler

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

President: Julie Leialoha | Vice President: Koalani Kaulukukui | Secretary: Wayne Tanaka

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REPRESENTATIVE RYAN I. YAMANE, CHAIR
REPRESENTATIVE TY J.K. CULLEN, VICE-CHAIR
HOUSE COMMITTEE ON WATER AND LAND

TESTIMONY IN OPPOSITION TO HOUSE BILL NO. 2501
RELATING TO WATER RIGHTS

February 8, 2016, 9:00 a.m.
Conference Room 325

Good morning Chair Yamane, Vice-Chair Cullen, and members of the committee:

My name is David Lane Henkin, and I am an attorney with Earthjustice. We appreciate the opportunity to offer this testimony in opposition to House Bill 2501, which seeks to authorize the Department of Land and Natural Resources to shirk its constitutional duty to be a good steward of our state's limited freshwater resources, a critical component of the public trust. The bill would allow the Department to extend indefinitely an expired lease for use of state water resources, without ever considering or mitigating the harm such diversions can inflict on Hawai'i's unique and fragile stream environments and on the exercise of traditional and customary rights.

HB 2501 is a transparent attempt to overturn a recent circuit court decision holding that the Department violated "the public interest" when it allowed, for more than thirteen years, a private corporation to divert up to 450 million gallons of water each day from over a hundred streams and tributaries on public lands in East Maui. Carmichael v. Board of Land and Natural Resources, Civ. No. 15-1-0650-04, slip op. at 4 (Haw. 1st Cir. Ct. Jan. 8, 2016). While HB 2501 seeks most immediately to benefit this one, powerful private interest, if enacted, the bill would authorize similarly destructive diversions throughout the state, with no limit on how long the harm could continue.

As the Supreme Court recently reaffirmed, the "public trust encompass[es] all the water resources of the State." Kauai Springs, Inc. v. Planning Com'n of County of Kauai, 133 Hawai'i 141, 171 (2014). The public trust imposes on the Department "the duty and authority to maintain the purity and flow of our waters for future generations and to assure that the waters of our land are put to reasonable and beneficial uses." Id. at 172. The Department cannot fulfill this constitutionally imposed mandate if, as HB 2501 proposes, it is allowed to circumvent existing procedures for issuing leases to use the state's freshwater resources.

We appreciate the opportunity to offer this testimony and respectfully ask you to hold HB 2501.

waltestimony

From: Rep. Ryan Yamane
Sent: Sunday, February 07, 2016 10:35 AM
To: waltestimony
Subject: Fw: HB2501, Committee on Water & Land, Monday, February 08, 2016, 9:00 AM, Conference Room 325

From: Tom Blackburn-Rodriguez <tominmaui@icloud.com>
Sent: Saturday, February 6, 2016 6:54 AM
To: Rep. Ryan Yamane; Rep. Ty Cullen
Cc: Rep. Cindy Evans; Rep. Scott Nishimoto; Rep. Kaniela Ing; Rep. Calvin Say; Rep. Chris Lee; Rep. Feki Pouha; Rep. Nicole Lowen; Rep. Cynthia Thielen
Subject: RE: HB2501, Committee on Water & Land, Monday, February 08, 2016, 9:00 AM, Conference Room 325

February 6, 2016

RE: HB2501
House Committee on Water & Land
Monday, February 08, 2016
9:00 AM
Conference Room 325

Dear Chair Yamane and Vice Chair Cullen,

My name is Tom Blackburn-Rodriguez, I live in Kihei on Maui. I am testifying on behalf of Go Maui, Inc. in **strong support of HB2501** that will be heard by the House Committee on Land and Water on Monday, February 8, 9:00 a.m., in conference room 325.

The passage of this bill is necessary in order to maintain the flow of water to the County of Maui (serving 36,000 Maui residents and farmers) and HC&S for the final sugar crop and the transition to diversified agriculture.

HB2501 only applies to situations where there was a previously authorized lease/disposition, and a lessee is waiting for a renewal/new lease process.

Respectfully,

Tom Blackburn-Rodriguez
85 Manino Circle #202
Kihei, HI 96753

808-283-4570
tominmaui@icloud.com

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 05, 2016 9:23 PM
To: waltestimony
Cc: mnakahata@gmail.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/5/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Mae Nakahata	Individual	Support	No

Comments: Upcountry Maui is one of the most dependent areas in the State on surface water. This measure is critical to meet residential needs while ensuring that agriculture can transition on Maui's Central Valley.

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To: waltestimony
Cc: elvinkamoku@gmail.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
elvin kamoku	Individual	Comments Only	No

Comments: return water back to our rivers and streams. Our water belongs to the people of Hawaii.

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To: waltestimony
Cc: tcroly@maui.net
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Thomas Croly	Individual	Comments Only	No

Comments: Dear Chair Yamane and Vice Chair Cullen, My name is Thomas Croly I live in Kihei on Maui. I am testifying in strong support of HB2501 that will be heard by House Committee on Land and Water on Monday, February 8, 9:00 a.m., in conference room 325. The passage of this bill is necessary in order to maintain the flow of water to the County of Maui (serving 36,000 Maui residents and farmers) and HC&S for the final sugar crop and the transition to diversified agriculture. HB2501 only applies to situations where there was a previously authorized lease/disposition, and a lessee is waiting for a renewal/new lease process. Respectfully, Thomas Croly Kihei, HI

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To: waltestimony
Cc: jolynballenti@yahoo.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jolyn Ballenti	Individual	Comments Only	No

Comments: I strongly oppose HB2501. I support our Aina and Kalo farmers in protecting our water.

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To: waltestimony
Cc: pamel.averill@gmail.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Pamela Averill	Individual	Comments Only	No

Comments: HB2501 Our streams are the most important thing in life. The island's cannot survive without them. I beg you all to put an end to the desecration of our mountains and waterways, in order for the eco system to run as one from mountain to ocean our fisheries will die...

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Cc: tane_1@msn.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
David M.K. Inciong, II	Individual		No

Comments: Many of our streams have been diverted to the degree that some have dried up and tipping the balance of our ecosystem. Leases should not be renewed. Riparian rights may be infringed, affected, or abused. Some may affect the farmers who help in our sustainability. Cause to effects forewarn caution. Prioritize your responsibility and investigate before any rash decisions.

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Sent: Sunday, February 07, 2016 11:41 AM
To: waltestimony
Cc: tampaltin@gmail.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/7/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

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

Comments: Aloha Representatives, I ask that you think about the values of fairness and compassion. On 2-4-16 this committee passed HB1525 making it a criminal offense to sit or lie on state property, or for the possessing of camping equipment on state property for the purpose of camping on the property with the exemption of certain permitted activities and yet in the same legislative session you want to reverse a court ruling by changing the law to benefit large corporations allowing revocable permits to become "holdover" water permits indefinitely. So it appears to the general public that is you are a big company using state land and water for years without a permit they will change the law to make it legal. Is this fair to the people? Is this compassionate to the East Maui Taro farmers who have been fighting to get adequate resources for generations to assert appurtenant and kuleana rights? All we are asking is that you represent the people all of the people and you are fair. Please do not pass this bill. Malama Pono Tamara

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To: waltestimony
Cc: dhelekunihi@yahoo.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/7/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Donna Sterling	Individual	Oppose	No

Comments: Thank you for this opportunity to address HB2501. My name is Donna Sterling of Kahikinui, Maui. A holdover permit will only hurt our kalo farmers, cultural practitioners in East Maui and our stream eco-systems. A & B no more stealing our water. mahalo donna sterling

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Sent: Sunday, February 07, 2016 8:41 AM
To: waltestimony
Cc: waiokama@yahoo.com
Subject: *Submitted testimony for HB2501 on Feb 8, 2016 09:00AM*

HB2501

Submitted on: 2/7/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Foster Ampong	Individual	Oppose	No

Comments:

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Sent: Sunday, February 07, 2016 8:29 AM
To: waltestimony
Cc: hynmahi@yahoo.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/7/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
carol lee kamekona	Individual	Oppose	No

Comments: I strongly oppose Senate Bill 2501 that would overturn the recent court decision in favor of taro farmers and allow A&B to utilize holdover permits to continue one of the largest private commercial diversions in the entire U.S. without doing an Environmental Assessment. A&B was told by Judge Eden Hifo more than a decade ago it must do an EA in order to continue its diversions, but ignored her court order. In the meantime, for many decades, although the East Maui Taro Farmers were deprived of water they have always followed and respected the law. After 15 years of fighting through the courts, they finally won a historic court victory last month, but S.B. 3001 would overturn that victory! To use this legislature to overturn a hard-won court battle of 15 years is so unjust!! Of the billions of gallons diverted from public lands, less than 10% is sold to the County for public Upcountry and AG Park consumption. The remainder is used for A&B's commercial sugar operations, which requires more water per acre than any other crop. Now that HC&C is closing down its sugar operations and transitioning to diversified agriculture, surely the taro farmers, who have priority appurtenant water rights and who are also agriculturists in the purest sense, deserve fairer treatment from this political system! Please do not pass a law that would legally sanction A&B's attempts to skirt environmental laws and continue to deprive taro farmers of their Constitutional rights!

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Sent: Sunday, February 07, 2016 8:25 AM
To: waltestimony
Cc: the-green-one@hawaii.rr.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/7/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Natalie Iwasa	Individual	Oppose	No

Comments: Please do not post my email address online.

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To: waltestimony
Cc: PelesGrrl@gmail.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/7/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Trinette Furtado	Individual	Oppose	No

Comments: Aloha mai kākou Chair Yamane, Vice Chair Cullen and Committee Members, 'O Trinette Furtado ko'u inoa. No Hamakualoa mai au ma ka mokupuni o Maui. I OPPOSE HB2501 and strongly urge you to do the same. Living in Hamakualoa, I am acutely aware of the decades-long struggle of East Maui farmers to recover adequate water from our streams, to continue Kalo farming, something their 'ohana have been doing for generations. Recently, these mahi'ai Kalo won a case against EMI, with the court's judgment that illegally stolen water be returned to the streams they've historically been diverted from. As I understand it, the decision has been appealed and is currently awaiting next steps. IS this bill a legislative workaround of a judicial decision? Given the mass implications for EMI and the other large entities involved with them here on Maui, the "timely" introduction of this bill begs the question above. Revocable permits for water are such, for a reason. Allowing a holdover permit until a pending application is resolved, defeats the purpose of a revocable water permit. Such action would allow those who currently mismanage water resources, to continue to do so until such time that their renewal application authorizing continuing misuse, is issued. Where is the relief for the farmer growing food for our communities? Where is the relief for the public? As weather changes, water demand and use fluctuate, it is critical that water rights permits be examined and use of permit holders be adjusted to ensure that the Public Trust is protected and our precious resource is maintained for ourselves and our keiki. Do not forget that it is your DUTY to uphold the Public Trust Doctrine. If this IS a ploy to allow EMI, A&B and HC&S to continue to operate on a "holdover permit", it would clearly be not only a slap in the face of our legal system which we ALL rely on to be fair and objective, but it would also be a slap in the face to farmers who have been diligently, honestly and legally standing up for THEIR historical rights to water. You would send a definitive message that money really does rule our government. I ask that you think critically about the implications of this bill and strongly urge you to oppose HB2501. Mahalo for your time. Trinette Furtado Hamakualoa, Maui, Hawai'i Nei

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Cc: tree@hawaii.rr.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/7/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

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

Comments: Aloha, please oppose this bill. How can you holdover stealing of a human right? Enough with the corporate favoritism, please support the people. Oppose this bill. Thank you, Stephen Luksic

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To: waltestimony
Cc: raulg@nohea.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/7/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

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

Comments: I strongly oppose HB2501. This will allow existing landholders to monopolize water, which they have been doing for many years. Kalo farmers need that water, as well as other farmers. In addition, there is no limit in the text to the holdover period. It could be forever. Mahalo.

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Sent: Sunday, February 07, 2016 5:51 AM
To: waltestimony
Cc: Kauai.Trainer@gmail.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/7/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kauai Trainer	Individual	Oppose	No

Comments: I strongly oppose HB2501. Holdover permits have been used by large corporations to put a gridlock on water use to the detriment of small farmers, taro farmers and stream ecodiversity. Companies like A&B have had enough time. Let the water go back to its intended purpose and stop catering to those with political and economic clout.

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Sent: Sunday, February 07, 2016 3:50 AM
To: waltestimony
Cc: info@courtneybruch.com
Subject: *Submitted testimony for HB2501 on Feb 8, 2016 09:00AM*

HB2501

Submitted on: 2/7/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Courtney Bruch	Individual	Oppose	No

Comments:

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To: waltestimony
Cc: kailieaina@gmail.com
Subject: *Submitted testimony for HB2501 on Feb 8, 2016 09:00AM*

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kailie Aina	Individual	Oppose	No

Comments:

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Sent: Saturday, February 06, 2016 10:44 PM
To: waltestimony
Cc: joaniepruet@yahoo.com
Subject: *Submitted testimony for HB2501 on Feb 8, 2016 09:00AM*

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

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

Comments:

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To: waltestimony
Cc: MSMatson@hawaii.rr.com
Subject: *Submitted testimony for HB2501 on Feb 8, 2016 09:00AM*

HB2501

Submitted on: 2/7/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

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

Comments:

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To: Chair, Representative Ryan T. Yamane
To: Vice-Chair Ty J.k Cullen
To: Representative Cindy Evans
To: Representative Scott Y. Nishimoto
To: Representative Kaniela Ing
To: Representative Calvin K.Y
To: Representative Chris Lee
To: Representative Feki Pouha
To: Representative Nicole E. Loren
To: Representative Cynthia Thielsen
Support HB 2501

Aloha e Committee on Water and Land and other Committee(s):

My name is Kaylene Sheldon and I oppose HB 2501. I think that this bill is unclear of who an applicant could be and is unclear of how much water is allowed out. It reads on the bottom that "Holdover permit to be issued to an applicant seeking to renew their water rights lease." What or who are the applicants? Why is the Board of Water Supply campaigning to conserve water when this bill HB 2501 may be used for large corporations to hoard water for their hotels, golf courses and new homes? This bill should be amended to be more clear and specific especially in relation to the permit, applications and water right license.

Our natural resources have been depleted and hoarded since the fall of our Hawaiian Kingdom. We need to restore and preserve our natural resources for generations to come.

Thank you very much, mahalo!

Kaylene Sheldon

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 07, 2016 12:15 PM
To: waltestimony
Cc: jbarrozo36910@gmail.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/7/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jacelyn singh	Individual	Oppose	No

Comments: I believe water should be for the locals

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 06, 2016 7:36 PM
To: waltestimony
Cc: LancelotHLincoln@hotmail.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Lancelot Haili, Lincoln	Individual	Oppose	Yes

Comments: I Lancelot Haili, Lincoln, a direct descendant of Kamehameha I, do on my own free will "oppose," this bill HB2501, hearing date Feb 8, 2016. I request you legislatures, do the right thing here and oppose this bill HB2501.

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To: waltestimony
Cc: madeinhawaii@mac.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. Chris Keliwaiho'ikeone Camarillo	Individual	Oppose	No

Comments: The theft of water by corporate users had undermined the ability of local traditional farmers their inherent in alienable rights to practice and make a living as intended by the universe.

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To: waltestimony
Cc: sundownertoni@yahoo.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Toni Withington	Individual	Oppose	No

Comments: This bill not only attempts to undo the recent court decision about water rights, not only on Maui, but in the whole state. It also undoes the ongoing history of our islands. Plantation control of resources is dead. Large land owner control of the politics of our state is dead. Let them die. Bring on a new day. kill this bill, mahalo Toni Withington, Hawi, Hawaii

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To: waltestimony
Cc: 148craymondarakaki@gmail.com
Subject: *Submitted testimony for HB2501 on Feb 8, 2016 09:00AM*

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Cherisse Raymond-Arakaki	Individual	Oppose	No

Comments:

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To: waltestimony
Cc: sestshim@gmail.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Sesame Shim	Individual	Oppose	No

Comments: Water is a public resource, and it must be regulated in accordance with the Environmental Assessment. We cannot allow corporate entities to control our water without doing the proper assessments. It is part of the culture of this place that water is properly flowing to sustain life in all aspects of this land.

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To: waltestimony
Cc: ljab3@aol.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Jaber	Individual	Oppose	No

Comments: No hold over permits. Water needs to be released to all farmers who have rights especially the kalo farmers on all Hawaiian islands.

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To: waltestimony
Cc: jennahia@yahoo.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

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

Comments: I strongly oppose this legislation!

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Sent: Saturday, February 06, 2016 4:37 PM
To: waltestimony
Cc: billev2k@gmail.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
William Evans	Individual	Oppose	No

Comments: Given the recent announcement regarding the future of Sugar on the Island, and the far reaching effects of that change, and implications for water requirements and usage, we should be very deliberate in any changes to water rights management. We should carefully consider future needs of the Island and its citizens, and make choices to benefit the people.

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To: waltestimony
Cc: hlbpalmer@gmail.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Hillary Palmer	Individual	Oppose	No

Comments: The water doesn't belong to A&B. You all should stop fighting the people and just do the right thing like you're supposed to. Vote NO on this.

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To: waltestimony
Cc: begoniabarry@gmail.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Barry	Individual	Oppose	No

Comments: Aloha Chair and committee members, I strongly oppose any extension of holdover water right for A&B for the HC&S cane fields. Since they are shutting down this year it is imperative to reevaluate the other uses of this water. Our Taro farmers, our streams and native plants, animals and aquatic life now has a chance of recovering. This has been an illegal theft of the water for decades and now is the time to uphold the will of the people, respecting Hawaiian culture and do what is pono for the island of Maui. Aloha 'Aina! Mahalo for your time and consideration. Uphold the law.

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Sent: Saturday, February 06, 2016 3:30 PM
To: waltestimony
Cc: meridianwoman@yahoo.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Donna Grabow	Individual	Oppose	No

Comments: Please KILL Bill HB2712, which establishes science and technology research subzones and an approval process for future research facilities that incorporates alternative dispute resolution principles with companion Senate Bill SB3020. No need to make further laws about the Conservation Zone. The ulterior motivations behind these bills are dubious and mistrusted (under the guise of noble terminology like 'education & science.)

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To: waltestimony
Cc: mblazak@gmail.com
Subject: *Submitted testimony for HB2501 on Feb 8, 2016 09:00AM*

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Megan Blazak	Individual	Oppose	No

Comments:

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To: waltestimony
Cc: kapunafarms@gmail.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Miki'ala Pua'a-Freitas	Individual	Oppose	No

Comments: I absolutely oppose this bill allowing A&B to continue their greedy destructive practices of stealing Maui people's public entrusted waters! I have been born and raised on the Island on Maui. I run an organic farm where the wai nourishes my main crop of wet-land kalo as well as honey production for my apiary. I am very well involved in being a steward and protector of our 'āina. As a Hawaiian it is my responsibility. There are some streams on Maui that I have never seen flow due to the countless diversions all benefiting A&B. All native life ceases to exist after the water intakes. Please, I urge you for my future, the future of our people and the future of our Island do not allow this bill to pass. Mahalo nui loa for your generous time. Aloha, Miki'ala

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Sent: Saturday, February 06, 2016 1:49 PM
To: waltestimony
Cc: hawaiianryan1977@yahoo.com
Subject: *Submitted testimony for HB2501 on Feb 8, 2016 09:00AM*

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
jesse ryan kawela allen	Individual	Oppose	No

Comments:

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Sent: Saturday, February 06, 2016 1:44 PM
To: waltestimony
Cc: marcyfrommaui@gmail.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Marcy Koltun-Crilley	Individual	Oppose	No

Comments: I STRONGLY OPPOSE HB 2501 Marcy Koltun-Crilley Kihei, Hi 96753

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Sent: Saturday, February 06, 2016 12:23 PM
To: waltestimony
Cc: dforman@hawaii.edu
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Forman	Individual	Oppose	No

Comments: I oppose this bill. Respect Hawaiian needs more than big business.

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To: waltestimony
Cc: Karen@RedwoodGames.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Karen Chun	Individual	Oppose	No

Comments: What is this? A do-over because A&B lost in court? Is this even LEGAL for the Lege to pass a law specifically to reverse a court decision? This is bad legislation aimed at only one business. Just like the Superferry legislation, it is going to be found unconstitutional and cost us taxpayers a bunch of kala for the court case.

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To: waltestimony
Cc: mandalaluna@yahoo.com
Subject: *Submitted testimony for HB2501 on Feb 8, 2016 09:00AM*

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Victoria Holloway	Individual	Oppose	No

Comments:

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To: waltestimony
Cc: Lkpahia@gmail.com
Subject: *Submitted testimony for HB2501 on Feb 8, 2016 09:00AM*

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Marie Pahia	Individual	Oppose	No

Comments:

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Sent: Saturday, February 06, 2016 10:25 AM
To: waltestimony
Cc: kealii8@hotmail.com
Subject: *Submitted testimony for HB2501 on Feb 8, 2016 09:00AM*

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kealii Makekau	Individual	Oppose	No

Comments:

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To: waltestimony
Cc: noelk@hawaii.edu
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
noel kent	Individual	Oppose	No

Comments: This bill raises important (and unanswered questions) about why one powerful landholder in Hawai'i is allowed special privileges and why the public interest is not being protected. Public cynicism about the legislative process is reinforced. Please reject it. Noel K

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To: waltestimony
Cc: rkayelny@gmail.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Robin Kaye	Individual	Oppose	No

Comments: This appears to be a bill to support one big company -- A&B. It is just plain wrong. Please do not move this bill forward.

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To: waltestimony
Cc: katc31999@gmail.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

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

Comments: Aloha, Please oppose this bill. Primary water rights should be with kalo farmers and securing free flowing water streams. Water is a critical resource that must not be allowed to be monopolized by a profit-driven corporation. Mahalo, Katarina Culina Po box 2142 Pahoa, HI 96778

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To: waltestimony
Cc: flono2008@gmail.com
Subject: *Submitted testimony for HB2501 on Feb 8, 2016 09:00AM*

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
franka lono	Individual	Oppose	No

Comments:

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Sent: Saturday, February 06, 2016 12:52 AM
To: waltestimony
Cc: moanaw@gmail.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/6/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
moana wietecha	Individual	Oppose	No

Comments: The water is for the people. Water is life. Water sustains us. Please stop letting big business steal our most precious resource for personal profit.

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Sent: Friday, February 05, 2016 11:09 PM
To: waltestimony
Cc: evernw@aol.com
Subject: *Submitted testimony for HB2501 on Feb 8, 2016 09:00AM*

HB2501

Submitted on: 2/5/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Evern Williams	Individual	Oppose	No

Comments:

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Sent: Friday, February 05, 2016 10:25 PM
To: waltestimony
Cc: kauanoe@gmail.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/5/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Noelle Campbell	Individual	Oppose	No

Comments: Aloha, It's been too long that the City and County of Maui and the State of Hawaii has let this issue continue. Maui is so overrun by development and if we do not take proper precautionary measures now to protect our resources, then they will just simply diminish. Water cannot continue to be stolen from streams for development and commercial profit, to the point of lower streams being left dry. This is alarming and I please beg that we all work harder to not only protect what we have left, but actually work towards better stewardship of our land and resources for our long term future. Therefore I oppose bill HB2501. Mahalo

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Sent: Friday, February 05, 2016 8:43 PM
To: waltestimony
Cc: rittew@hotmail.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/5/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

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

Comments: Walter Ritte, I am in strong opposition of HB2501. water should go back to original flows to reinstate traditional uses and original environmental balance with the muliwai and ocean environment.

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Sent: Friday, February 05, 2016 8:32 PM
To: waltestimony
Cc: charlakonohia@hotmail.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/5/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Charla Konohia	Individual	Oppose	No

Comments: I support the judges decision and to overturn her decision not only shows disrespect for the native people and their rights, but also shows disrespect for the law. To allow people with money to be able to appeal the judge's decision shows the public how crooked BLNR and our lawmakers really are. The water is for the people of the land to survive, to be sustainable, not for private corporations to make money.

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 05, 2016 8:27 PM
To: waltestimony
Cc: Lezleyjacintho@gmail.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/5/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Lezley jacintho	Individual	Oppose	No

Comments: I support judge nihsimuras decision which deemed the revocable permits invalid. What Blnr is allowing to happen is illegal!! How are they protecting our natural resources.

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Sent: Friday, February 05, 2016 8:26 PM
To: waltestimony
Cc: bellarina4@outlook.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/5/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
michelle kitashima	Individual	Oppose	No

Comments: Please don't pass this bill. The water needs to be released! It will save our world from destruction! If this bill is passed you will be committing an illegal act! Malama our Aina!! Mahalo!

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To: waltestimony
Cc: ndavlantes@aol.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/5/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Davlantes	Individual	Oppose	No

Comments: This bill is an end-around a recent state court ruling that Alexander & Baldwin's diversion of, on average, 165 million gallons of water per day from East Maui streams is illegal. If passed, this bill would allow these diversions to continue at the expense of the health and welfare of East Maui taro farmers, Hawaiian cultural practitioners, and our shared natural resources. If passed, this bill would confirm that A&B is above the law, our courts have no power over its illegal actions, and that the health and welfare of our communities and natural resources are secondary.

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To: waltestimony
Cc: orchid6128@aol.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/5/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

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

Comments: Aloha, I oppose HB2501. Please, NO HOLDOVER PERMITS! It's time to stop the corporate abuse of our resources for profit. A&B want to hoard the water so that they can continue to develop Maui as quickly as the market will support. Please do not pass this bill out of your committee as it would grant them an open-ended permit to continue to steal water from downstream communities who need the water to grow food and sustain native life of all forms: plant, aquatic and human. Water for all, not just the greedy corporations, please OPPOSE. Mahalo nui, Deborah Mader Kihei, HI
#EndCorporateAbuse

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To: waltestimony
Cc: jonah.jacintho@yahoo.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/5/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jonah Jacintho	Individual	Oppose	No

Comments: Do what is right and restore water to our streams to stop further damage to our fragile ecosystem.

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Cc: trakcel@hawaii.rr.com
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HB2501

Submitted on: 2/5/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
June L. Eckart	Individual	Oppose	No

Comments: I strongly oppose HB 2501. Keep the streams flowing for the kalo farmers.

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Sent: Friday, February 05, 2016 7:54 PM
To: waltestimony
Cc: stephmanera@gmail.com
Subject: *Submitted testimony for HB2501 on Feb 8, 2016 09:00AM*

HB2501

Submitted on: 2/5/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

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

Comments:

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Sent: Friday, February 05, 2016 7:05 PM
To: waltestimony
Cc: tiarelawrence@yahoo.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/5/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Tiare Lawrence	Individual	Oppose	No

Comments: I am writing to urge you to oppose SB 3001. This bill would allow a holdover permit to be issued to an applicant seeking to renew their water rights lease. I am deeply concerned by the long-term impacts of the water diversions for over 100 years in East Maui and Na Wai 'Eha. Water in Hawai'i is a public trust resource, protected by the Hawai'i Constitution for the benefit of all Hawai'i's people. The state has a duty to protect and restore traditional and customary Hawaiian practices, ecological uses, recreation, scenic values, and many other public uses of flowing stream water. Protecting private water banking and profiteering is not one of the state's responsibilities. Restoring streamflow means restoring vitality to the streams and the Native Hawaiian and local communities. Please help to restore streamflow. Native stream animals, wetlands, estuaries, and nearshore fisheries need a continuous supply of fresh water in order to remain healthy and functional. I urge you to oppose SB 3001. Thank you kindly for considering my testimony in strong opposition of this measure.

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Cc: kawaipapanursery@hushmail.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/5/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Christine Davis	Individual	Oppose	No

Comments: As an East Maui resident, I implore you to stop renewing their leases and return the water back to East Maui streams and East Maui kalo farmers where it belongs. Malama aina, malama pono. Mahalo

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HB2501

Submitted on: 2/5/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Joanna Howard	Individual	Oppose	No

Comments:

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Sent: Friday, February 05, 2016 6:42 PM
To: waltestimony
Cc: kekaukike@msn.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/5/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Richard DeLeon	Individual	Oppose	No

Comments: our Ahu puaa gives us the right from mountains to the sea,

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Cc: ponosize@hotmail.com
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HB2501

Submitted on: 2/5/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Pono Kealoha	Individual	Oppose	No

Comments: NO TREATY/NO ANNEXATION NO JURISDICTION OUR WATER OUR RESOURCES NOT A FAKESTATE's PUPPET GOVERNMENT. Continuation of GENOCIDE since 1893

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HB2501

Submitted on: 2/5/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Vickery	Individual	Oppose	No

Comments:

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Cc: changkwaix@aol.com
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HB2501

Submitted on: 2/5/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

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

Comments:

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Cc: mendezj@hawaii.edu
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HB2501

Submitted on: 2/5/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Oppose	No

Comments:

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Cc: ofstone@aol.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/7/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jeri Di Pietro	Individual	Oppose	No

Comments: Please oppose HB 2501

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Chamber of Commerce HAWAII

The Voice of Business

**Testimony to the House Committee on Water & Land
Monday, February 8, 2016 at 9:00 A.M.
Conference Room 325, State Capitol**

LATE

RE: HOUSE BILL 2501 RELATING TO WATER RIGHTS

Chair Yamane, Vice Chair Cullen, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **strongly supports** HB 2501, which would amend Chapter 171-58 HRS by allowing for a holdover permit to be issued to an applicant seeking to renew their water rights lease. The bill is necessary to allow for continuous, uninterrupted operations when an application has been made for a lease of a previously authorized disposition of water rights, for the operator to obtain a holdover permit, until such time as the pending application for the disposition of such water rights is finally resolved, even if such holdover period may exceed one year.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

The proposed amendment would greatly assist in situations where the State is encouraging transitioning from one type of agriculture to another. The need for a supply of irrigation water is critical for any transition. Economically viable agriculture requires not only the availability of productive land but also water.

There is a need to understand that replacing plantation agricultural with other forms of agriculture is not a simple task. New agribusinesses may require different amounts of water for its crops. Additionally, having multiple users and operators present further challenges as the transition from one plantation system which operated and maintained the infrastructure on the plantation, to a situation where there maybe multiple users with no overall plan on who or how the infrastructure will be operated and maintained.

The State's record of transitioning from plantation agriculture to other forms of agriculture has not been successful if you were to look at the amount of former sugar and pineapple lands are still vacant and unproductive. Rather than rush to dismantle the plantation and stop stream diversions, there is a need pause and give some thought to how to insure a successful transition to other forms of agribusinesses, or we face the prospect of having more vacant and unproductive agricultural lands.



Chamber *of* Commerce HAWAII
The Voice of Business

The disposition of public resources such as water has become a contentious and volatile process. There is a need to keep the process open and competitive while at the same time balancing the need to reduce risks and provide some certainty as the State encourage the growth of new agribusinesses.

We appreciate the opportunity to express our strong support for HB 2501.

RE: HB 2501: Relating to Water Rights.

Dear Chair Yamane, Vice-Chair Cullen, and members of the Committee:

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

BIA Hawaii is in strong support of H.B. 2501, which would amend Chapter 171-58 HRS by allowing for a holdover permit to be issued to an applicant seeking to renew their water rights lease. The bill is necessary to allow for continuous, uninterrupted operations when an application has been made for a lease of a previously authorized disposition of water rights, for the operator to obtain a holdover permit, until such time as the pending application for the disposition of such water rights is finally resolved, even if such holdover period may exceed one year.

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The State's record of transitioning from plantation agriculture to other forms of agriculture has not been successful if you were to look at the amount of former sugar and pineapple lands are still vacant and unproductive. Rather than rush to dismantle the planation and stop stream diversions, there is a need pause and give some thought to how to insure a successful transition to other forms of agribusinesses, or we face the prospect of having more vacant and unproductive agricultural lands.

The disposition of public resources such as water has become a contentious and volatile process. There is a need to keep the process open and competitive while at the same time balancing the need to reduce risks and provide some certainty as the State encourage the growth of new agribusinesses.

We appreciate the opportunity to express our strong support for H.B. 2501.

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F 808.440.1198
E INFO@BIAHAWAII.ORG

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Sent: Monday, February 08, 2016 10:47 AM
To: waltestimony
Cc: gad@ramauui.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM



HB2501

Submitted on: 2/8/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
David DeLeon	Realtors Association of Maui	Support	No

Comments: February 8, 2016 TESTIMONY Honorable Ryan Yamane Chair House Water and Land Committee Hawaii State House of Representatives Hawaii State Capitol RE: SUPPORT for House Bill 2501 Relating to Water Rights Thank you for this opportunity to testify in support House Bill 2501. I am David DeLeon, Government Affairs Director for the Realtors Association of Maui, testifying on behalf of the more than 1,400 members of our association. As the Governor stated in his State of the State Address, it is critical that we preserve agriculture in Maui's Central Plain. The only way that is going to happen is with the continued supply of East Maui water. The existing Upcountry community thrives on the approximately 6 mgd it receives from the Wailoa Ditch. The Central sugar cane fields are green and can exist in the tough conditions of the Central Plain because of the water that flows through the ditch system. Without that flow, there will be no cover crop on the 36,000 acres HC&S is currently farming and the South Maui community will be subjected to unprecedented dust storms and potentially massive wildfires. We know that because that is what West Maui when through when Pioneer Mill closed down. With water, there is reason for optimism and the potential for new types of agricultural ventures. Maui County has been perennially short on water source for domestic use. Access to the East Maui water for domestic use can answer that long-term dilemma. HC&S used 200 mgd to irrigate it sugar crop. Maui County's Maui domestic use is about 36 mgd. If the County could obtain an additional 30 mgd, it would be set for a generation, with enough water to supply the 30,000 additional homes the Maui Island Plan says we need to build by 2030. All this can be done and water can be restored to the streams for agricultural, cultural and environmental purposes. There is enough for all. But for now our community needs a time out from the ramifications of legal decisions made before the seismic shift caused by the announced closure of HC&S' sugar operation. House Bill 2501 will allow our community, the State Water Commission, and the courts an opportunity to get our collective heads around the new facts on the ground and will protect us from legal decisions made in the context of the pre-2016 reality. We ask for your support of this measure. Mahalo.

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LATE

HOUSE OF REPRESENTATIVES

Committee on Water and Land

Reo. Ryan I. Yamane, Chair

Rep. Ty J.K. Cullen, Vice Chair

Hawaii State Capitol, Room 325

Monday, February 8, 2016; 9:00 a. m.

**STATEMENT OF THE ILWU LOCAL 142 ON H.B. 2501
RELATING TO WATER RIGHTS**

The ILWU Local 142 supports H.B. 2501, which allows a holdover permit to be issued to an applicant seeking to renew their water rights lease.

The article by Rob Perez in yesterday's Star-Advertiser alerted readers to H. B. 2501 as a vehicle to allow A&B, which operates Hawaiian Commercial & Sugar Company (HC&S) on Maui, to continue holdover revocable permits until its lease application is resolved, even beyond a year. Opponents claim that HC&S is doing an "end run" around a recent court decision that invalidated A&B's permits. However, we believe these opponents are viewing water rights from too narrow a perspective.

HC&S operates a large plantation that covers thousands of acres and employs hundreds of workers. Last month, the company announced plans to close the sugar plantation by December 31, 2016 to complete a "final harvest" of the last sugar cane crop. Continued water availability is needed in order to complete this final harvest and avoid an even earlier shutdown of the plantation and an earlier layoff of more than 650 employees.

Also, opponents of A&B and the sugar plantation fail to take into account the small farmers and Kula residents who rely on water provided by State leases through East Maui Irrigation. These farmers cultivate vegetables and fruits which help Hawaii meet food security and sustainability goals.

The ILWU urges passage of H.B. 2501. Thank you for the opportunity to provide testimony on this matter.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 08, 2016 9:09 AM
To: waltestimony
Cc: fernrosenstiel@yahoo.com
Subject: *Submitted testimony for HB2501 on Feb 8, 2016 09:00AM*

HB2501

Submitted on: 2/8/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Fern Rosenstiel	'Ohana o Kaua'i	Oppose	No

Comments:

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Sent: Sunday, February 07, 2016 2:21 PM
To: waltestimony
Cc: henry.lifeoftheland@gmail.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/7/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Henry Curtis	Life of the Land	Oppose	No

Comments: Please Hold Mahalo

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To: waltestimony
Cc: Magdalenapuu@gmail.com
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HB2501

Submitted on: 2/7/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
MagdalenaJean Wood	Individual	Comments Only	No

Comments: I am opposed to any disposition of any water rights permit for a month to month basis lease. This will end up killing our mother stream, and our ecosystem is dying out because it's been cut off from ocean for years. The cycle of the inhabitanace who are the life of the water need the connection to the ocean, without reviving that connection and any further approval of any permits we will lose this life source. Are hehewai is gone already, opai are dying o'opu struggling to survive. Please don't approve this we are losing everything.

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Sent: Sunday, February 07, 2016 3:41 PM
To: waltestimony
Cc: kehaulani1976@gmail.com
Subject: *Submitted testimony for HB2501 on Feb 8, 2016 09:00AM*

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HB2501

Submitted on: 2/7/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Doreen N. Canto	Individual	Support	No

Comments:

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HB2501

Submitted on: 2/7/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Maeven Sears	Individual	Oppose	No

Comments: Farmers have enough obstacles without having their water supply "regulated"

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HB2501

Submitted on: 2/7/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Mahesh Cleveland	Individual	Oppose	No

Comments: Aloha Committee Members: I am writing to STRONGLY OPPOSE HB 2501. This bill represents an end run around requirements for water leases by allowing for "temporary" use permits to be extended indefinitely. It is absolutely necessary that all water use permits be acquired through proper procedural channels in order to uphold the government's constitutional mandate to regulate fresh water resources. No party should be exempted from acquiring necessary use permits. PLEASE VOTE "NO" ON HB 2501.

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LATE

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 07, 2016 1:56 PM
To: waltestimony
Cc: naluhiwa@aol.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/7/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Hau'oli Thielk	Individual	Oppose	No

Comments: Bring back water to all streams on Maui's east and north shores.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 07, 2016 1:36 PM
To: waltestimony
Cc: jeannine@hawaii.rr.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/7/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jeannine Johnson	Individual	Oppose	No

Comments: I oppose HB 2501 and its companion SB 3001 which would reverse the hard-fought win by East Maui taro farmers and cultural practitioners and allow the State to continue the practice of using holdovers of temporary permits indefinitely. Article 11, Section 1 of the Hawai'i State Constitution states as follows: "For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawai'i's natural beauty and all natural resources, including land, water, air, minerals and energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State. All public natural resources are held in trust by the State for the benefit of the people." These two bills, like the TMT, will violate our laws intended to protect critical natural and cultural resources. Mohala i ka wai ka maka o ka pua. (Unfolded by the water are the faces of the flowers.) Flowers thrive where there is water, as does a thriving people. Please oppose HB 2501 and SB 3001. Mahalo.

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LATE

HB 2501
Testimony

This testimony is in opposition to HB 2501. This legislation and its legislative advocates represent corporate corruption and arrogance. It sets a horrific precedent wherein laws are created to specifically serve corporate interests over the protection of natural resources and small farming communities. The Circuit Court ruled that A&B's diversion of 165 million gallons of water per day from East Maui Streams is illegal. For decades, the State Board of Land and Natural Resources has and continues to be a rusty tool for politically connected corporate powers and its supporters. Your obligation to represent the community and average 'People' must override your support for corporate interests and their lobbyists. Please show us that you have not forgotten the average 'People' who have truly supported your tenure in office.

Maile Lu'uwai
mluuwai@hawaii.rr.com

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 08, 2016 6:03 AM
To: waltestimony
Cc: puacase@hawaiiantel.net
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/8/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Pua Case	Individual	Oppose	No

Comments: Stop corporate greed and safeguard Hawai'i's water for all!

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TO: Members of the House Water and Land Committee

FROM: Candace Fujikane, UH English Professor and Board Member of KAHEA: The
Hawaiian-Environmental Alliance

RE: HB 2501, "Relating to Water Rights"

DATE: 7 February 2016

LATE

I strongly oppose HB 2501, "Relating to Water Rights."

This legislation is an attempt to circumvent the court ruling that the A&B permits are invalid and that the uninterrupted use of public land on a holdover basis for more than a dozen years is not temporary.

The very language of the bill that specifies a "holdover permit" for a "holdover period" is an attempt to rewrite the law upon which the court ruling was correctly made. I find this attempt to manipulate the laws to favor A&B to be a gross injustice.

This theft of water as a public trust resource has gone on long enough. It is precisely because there has been no environmental assessment on the effects of the diversion to stream life ecosystems, to Hawaiian gathering practices, to estuaries and fishing, and to kalo farming that this "holdover permitting" must end and the court's ruling enforced.

The premise of HB2501 is that such legislation is needed to meet the needs of 36,000 Upcountry Maui residents and farmer, but the court ruling allows these residents to have uninterrupted service with water that Maui County gets from A&B through stream diversion and water that is not from the 33,000 acres of state lands.

As has been stated time and again, justice must have the appearance of justice. And rewriting laws that clearly apply to A&B will never have the appearance of justice.

Sincerely,
Candace Fujikane
Associate Professor of English
University of Hawai'i

LATE

Aloha mai e na kalai'aina

My name is Nameaaea Hoshino, I writing this letter in the opposition of HB2501. As, a fifth generation kalo farmer from Lahaina, Maui the access of water is limited especially in place the moku's Koolauloa, Hana, Kaupo, Kahikinui, etc. In this bill mandate in the controlling of water through permit and lease by the State in which shows no owner of title. As farmers/ Mahi'ai has the rights to the water before anyone else. I feel this bill is undermined the people of this place in the controlling of water. For, too long the water has been in control by corporations for profit and greed. We must look into the future and sustain the well being for the next generation. Please resist and do not comprise to this bill.

From: mailinglist@capitol.hawaii.gov
 Sent: Sunday, February 07, 2016 10:11 PM
 To: waltestimony
 Cc: kiele.aloha@gmail.com
 Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

Categories: Green Category

HB2501

Submitted on: 2/7/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Keiko Gonzalez	Individual	Oppose	No

Comments: Passage of this bill would work against subsistence farmers and bring further detriment to stream ecosystems, which provide freshwater resources to kamaaina of the area. Water is a public right, and it is becoming more scarce with global warming. Please act with your hearts and minds set on doing what's best for our future. This world and its finite resources belong to our grandchildren— all of our grandchildren. Do what is right by them.

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waltestimony

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 07, 2016 10:46 PM
To: waltestimony
Cc: luellacrutcher@yahoo.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/7/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Luella Nohea Crutcher	Individual	Oppose	No

Comments: I oppose HB2501 as written. The only permits that should be issued are those for taro farmers, who basically divert the water to taro patches and return it to the stream. Mahalo, Luella Nohea Crutcher

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 07, 2016 9:42 PM
To: waltestimony
Cc: terez.amato@yahoo.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/7/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

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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Sent: Sunday, February 07, 2016 9:05 PM
To: waltestimony
Cc: tracenoania@gmail.com
Subject: *Submitted testimony for HB2501 on Feb 8, 2016 09:00AM*

HB2501

Submitted on: 2/7/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Tracen Oania	Individual	Oppose	No

Comments:

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Testimony

East Maui Stolen Waters

February 7 2016

Mary Ann Kamalani Pahukoa
325 Ke'anae Road
Haikū, HI 96708

LATE

Aloha mai,

I oppose HB2501 as the Stolen Waters case involving A&B and East Maui Farmers, is by far the most absurd case I have ever witnessed. My family has been farmers of East Maui for several generations, living in Ke'anae, the heart of the road to Hana, and the center of these stolen waters. Ke'anae is home to about twenty families, all farmers, with Hawaiian ancestry, and the rights to 100% stream flow that lies within their district, or ahupua'a. Seeing first hand the dry, and empty streams is like seeing a ghost in the beds of these gulches and river beds. All stream life have disappeared and vanished, the hihiwai, the 'o'opu, are gone, our food source, has disappeared, because of the actions of A&B for the operations of HC&S. This is largest privately owned water diversion in the WORLD, also ILLEGAL in the United States as well as the present, Kingdom of Hawai'i. Stealing water from a farmer is by far, the worst action one can do to a farmer. Interrupting a natural flow, and resource, has diminished, all life from the mountain to the sea. The moi are not plentiful in the sea, as they were in schools of many before the diversion.

Ke'anae to Wailuanui is one of the few remaining areas in Hawai'i where 'opae can be gathered. Virtually every stream had 'opae at some time during the year. However, because of the diversion, it has made it extremely difficult for the elders, and keiki of east maui to gather food for their home. Not being able to gather food for your family, or household is a constant, and extreme stress. The people of East Maui cannot rely on stores, there are NO stores in the middle of the road to Hana, there is only our streams, mountains, and ocean. The resources that have provided more than any life to sustain families for generations and generations to come. The diversion has made not only life difficult, but has diminished life and resources for all.

There is no positive outcome from this diversion for East Maui residents and farmers, the other benefit if to A&B, HC&S and all private personal involved. Water is life's most precious resource, and this battle is a shame to all human life involved. Let the water flow naturally, so that our lifestyles will again be great. It will take years, maybe decades for our stream life to return and maybe longer for our fish in the sea to begin re-producing, but releasing 100% of all streams is what is needed to revitalize this land. Life is easier on East Maui than the outside world, However Stolen Waters has made it brutal. We find ourself spending more hard working money on food, because our streams and ocean cannot feed the entire community. The native species and

ecosystems provide a stable and beautiful watershed which would be nearly impossible to replace if this destruction of our streams continue. It is clear that Native Hawaiian subsistence practices have resulted in a sustainable use of the natural resources of these ahupua'a. The diversion is a clear practice of disruption and desecration.

I hear by order, as a resident, and farmer of East Maui, that the State of Hawai'i shall enforce the Water Code, & Kanaka Maoli Rights, that all streams: Honopou, Hanehoi/Puolua, Waikamoi, Alo, Wahinepe'e, Puohokamoa, Haipua'e, Punalau/Kolea, Honomanu, Nua'ailua, Pi'ina'au, Palauhulu, 'Ōhi'a (Waianu), Waiokamilo, Kualani (Hamau), Wailuanui, Waikani, West Wailuaiki, East Wailuaiki, Kopiliula, Pua'aka'a, Waiohue, Pa'akea, Waiaaka, Kapaula, Hanawī, and Makapīpī be 100% released by East Maui Irrigation for my family, community, and generations to come. Stealing water from these twenty-seven streams is stealing my rights for religious, cultural, and subsistence purposes. (Article XII, Section 7 of the State of Hawai'i Constitution)

Me Ke Aloha,

M. Kamalani Pahukoa

East Maui Resident / Farmer

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 07, 2016 8:36 PM
To: waltestimony
Cc: milholen.jennifer@gmail.com
Subject: *Submitted testimony for HB2501 on Feb 8, 2016 09:00AM*

HB2501

Submitted on: 2/7/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

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

Comments:

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Sent: Sunday, February 07, 2016 8:32 PM
To: waltestimony
Cc: mandalaluna@yahoo.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/7/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Victoria Holloway	Individual	Oppose	No

Comments: I urge you to OPPOSE HB2501 extending holdover water rights. This bill would overturn a hard-won court decision for the people. The legislature needs to protect the people's rights and not favor the large landowners. Mahalo for opposing HB2501.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 07, 2016 8:29 PM
To: waltestimony
Cc: lkaapuni@hawaii.rr.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/7/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Linda Kaapuni	Individual	Oppose	No

Comments: I oppose HB2501 that would allow the continued diversion and theft of water in East Maui that has gone on for over a century! Please restore stream flow and help native taro farmers and stream eco systems by voting against HB2501. Mahalo nui!

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 07, 2016 8:06 PM
To: waltestimony
Cc: akamaimom@gmail.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/7/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Felicia Cowden	Individual	Oppose	No

Comments: Please OPPOSE HB2501 extending holdover water rights. This overturns a hard won court decision for the people. The legislature should not be able to always bias for the large landowners.

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LATE

Aloha mai,

My name is Kawēlau Wright and I live in Hamakuapoko, Maui. Thank you in advance for considering my testimony.

I OPPOSE HB2501 and strongly urge you to do the same. Living in Hamakuapoko, I am acutely aware of the decades-long struggle of East Maui farmers to recover adequate water from our streams, to continue Kalo farming, something their 'ohana have been doing for generations. Recently, these mahi'ai Kalo won a case against EMI, with the court's judgment that illegally stolen water be returned to the streams they've historically been diverted from. As I understand it, the decision has been appealed and is currently awaiting next steps.

IS this bill a legislative workaround of a judicial decision? Given the mass implications for EMI and the other large entities involved with them here on Maui, the "timely" introduction of this bill begs the question above.

Revocable permits for water are such, for a reason. Allowing a holdover permit until a pending application is resolved, defeats the purpose of a revocable water permit. Such action would allow those who currently mismanage water resources, to continue to do so until such time that their renewal application authorizing continuing misuse, is issued. Where is the relief for the farmer growing food for our communities? Where is the relief for the public?

As weather changes, water demand and use fluctuate, it is critical that water rights permits be examined and use of permit holders be adjusted to ensure that the Public Trust is protected and our precious resource is maintained for ourselves and our keiki. Do not forget that it is your DUTY to uphold the Public Trust Doctrine - the public is acutely aware that this is your responsibility and is waiting for you to do the right thing.

If this IS a ploy to allow EMI, A&B and HC&S to continue to operate on a "holdover permit", it would clearly be not only be a slap in the face of our legal system which we ALL rely on to be fair and objective, but it would also be a slap in the face to farmers who have been diligently, honestly and legally standing up for THEIR historical rights to water. You would send a definitive message that money really does rule our government. Please prove this message wrong by making the right decision.

I ask that you think critically about the implications of this bill and strongly urge you to oppose HB2501.

Mahalo for your time.

Kawēlau Wright

Denise Boisvert
225 Kaiulani Ave #1604
Honolulu, HI 96815
February 7, 2016

LATE

House Committee on Water & Land
Hearing on February 8, 2016 at 9:00AM
Re: HB 2501

To Whom It May Concern:

I oppose HB 2501.

This is 2016 – how is it even possible that such a blatant, unnecessary and wasteful misuse of water, a precious natural resource, be up for such a decision? Approving this bill would not only be environmentally criminal, but socially and economically unfair to farmers and fishermen.

Aren't the days of oppression and control by The Big Five supposed to be over? A&B's entire history is one of privilege at the expense of hard-working local people.

Please do what is ethically right for your citizens and for the environment by voting against this bill.

Please show A&B that they no longer control the government.

Yours sincerely,

Denise Boisvert

Kim Jorgensen
225 Kaiulani Ave #1604
Honolulu, HI 96815
February 7, 2016

House Committee on Water & Land
Hearing on February 8, 2016 at 9:00AM
Re: HB 2501

To Whom It May Concern:

This is testimony to oppose HB 2501 because:

- The fields in question for irrigation are no longer to be used for sugar cane;
- The massive water diversions over the many, many decades have already caused unjust and irreparable damage to generations of farmers, fishermen, gatherers and the environment;
- No Environmental Assessment or Impact Report has been done (is A&B afraid what would be discovered?); and
- A&B would receive a grossly unfair discount for the price of water compared to what a typical Maui farmer is charged.

Approving this bill would be a shameful miscarriage of justice to the citizens of Maui and to the environment.

It would allow A&B to continue to dominate and control the livelihoods of Hawaii's citizens and seemingly its government well into the 21st century.

It is time to say no.

Sincerely,

Kim Jorgensen

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 08, 2016 11:28 AM
To: waltestimony
Cc: rockahulagal@aol.com
Subject: *Submitted testimony for HB2501 on Feb 8, 2016 09:00AM*

LATE

HB2501

Submitted on: 2/8/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Sandee PhillipsJohnson	Individual	Oppose	No

Comments:

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Testimony Submitted to the House Water and Land Committee
Hearing: Monday, February 8, 2016 9 am, Room 325



In Opposition to HB 2501 Relating to Water Rights

Chair Yamane, Vice Chair Cullen, and Members of the Committee,

I oppose HB 2501, which allows a holdover permit to be issued to an applicant seeking to renew its water rights lease. HB 2501 is a special-interest bill favoring one large company, A&B, contrary to the State's obligation to protect public trust resources for the people and future generations.

Special legislation is unconstitutional and invalid, as was determined on appeal to the Hawai'i Supreme Court for a second time in the Superferry case (Sierra Club v. Dept. of Transportation, 120 Haw. 81, 202 P.3d 1226 (2009)). Defending a similar legal challenge to this bill will result in even more public resources being wasted to benefit one private entity. This issue should continue in the courts and be resolved under the laws that existed at the time relevant to that dispute. Passing this bill now is not in the public's interest and will be a violation of the Legislature's responsibility to uphold the Hawai'i Constitution.

Please oppose SB 3001.

Mahalo nui loa for the opportunity to testify.

Aarin Gross

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 08, 2016 9:54 AM
To: waltestimony
Cc: killertiller@yahoo.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

LATE

HB2501

Submitted on: 2/8/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Brady Townsend	Individual	Oppose	No

Comments: This is Hewa. The people are organizing. The people are watching. The people of Maui are tired of A&Bs preferential treatment. We are tired of the stream not flowing. I live right up against the koolau. I walk the emi roads daily. I see how much water they are taking. Kalo farmers deserve their water rights. YOU are to hold them in trust. This is THEIR water YOU allow A&B to steal. Enough of the HEWA. Return stream flow Now! Or expects the resistance that follows.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 08, 2016 12:21 PM
To: waltestimony
Cc: annmm@juno.com
Subject: *Submitted testimony for HB2501 on Feb 8, 2016 09:00AM*

LATE

HB2501

Submitted on: 2/8/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ann Mello	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 08, 2016 9:24 AM
To: waltestimony
Cc: Jessicamitchell51@yahoo.com
Subject: *Submitted testimony for HB2501 on Feb 8, 2016 09:00AM*

LATE

HB2501

Submitted on: 2/8/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

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

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 08, 2016 9:13 AM
To: waltestimony
Cc: mpahukoa@gmail.com
Subject: *Submitted testimony for HB2501 on Feb 8, 2016 09:00AM*

LATE

HB2501

Submitted on: 2/8/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

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

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 08, 2016 8:44 AM
To: waltestimony
Cc: aburian@live.com
Subject: *Submitted testimony for HB2501 on Feb 8, 2016 09:00AM*

LATE

HB2501

Submitted on: 2/8/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Alexandria Gutmanis-Burian	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 08, 2016 8:31 AM
To: waltestimony
Cc: keao@me.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

LATE

HB2501

Submitted on: 2/8/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Agnes Marti Kini	Individual	Oppose	No

Comments: Imagine if the farmers could no longer farm because of the high cost of water...obviously there would be no food, the people would rebel and the tourist will come here no more and all will suffer!!

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 08, 2016 8:12 AM
To: waltestimony
Cc: hokuokekai50@msn.com
Subject: *Submitted testimony for HB2501 on Feb 8, 2016 09:00AM*

HB2501

Submitted on: 2/8/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

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

Comments:

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LATE

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 08, 2016 7:58 AM
To: waltestimony
Cc: shelleymuneoka@gmail.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/8/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Shelley Muneoka	Individual	Oppose	No

Comments: Aloha, My name is Shelley Muneoka and I would like to submit my strong opposition to HB 2501. This bill seeks to do what a judge has already deemed to be inappropriate. The continue issuance for over a decade of what was supposed to be temporary permits was found to be invalid because they are not in fact temporary. This is problematic as a member of the public and a Native Hawaiian because these types of temporary permit don't require the same kind of environmental review or public bidding process as long term leases. The water company has effectively skirted these protections put in place to protect the resource and our interests in it. The court rightfully found this to be so and deemed them invalid and now this bill is a thinly veiled attempt to circumvent that ruling. Despite what supporters of this bill will claim, last week the court issued a ruling that allows the 36,000 Upcountry customers to continue to be served with water that Maui County gets from A&B through the stream diversions--so that should not be used as a means to justify permanency of holdover permits. Thank you for your time and attention.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 08, 2016 9:25 AM
To: waltestimony
Cc: btownb87@gmail.com
Subject: *Submitted testimony for HB2501 on Feb 8, 2016 09:00AM*

LATE

HB2501

Submitted on: 2/8/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Braegan Heide	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 07, 2016 10:05 PM
To: waltestimony
Cc: zen_eightfold@yahoo.com
Subject: Submitted testimony for HB2501 on Feb 8, 2016 09:00AM

HB2501

Submitted on: 2/7/2016

Testimony for WAL on Feb 8, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ho?ala Atay	Individual	Oppose	No

Comments: I am a Kanaka Maoli and I oppose this bill.

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TESTIMONY FOR HOUSE BILL 2501
HOUSE COMMITTEE ON WATER AND LAND

Aloha, 'O Harry Wasson, ko'u inoa, noho malie I ka Ahupua'a of Laiewai. I am here to testify **against HB 2501** because it diverts water from taro farmers. I'm a taro farmer for 18 years. I don't have water that should be coming from Kahawainui Stream because its diverted into a reservoir. This practice has been done to Kanaka Maoli for over a century if you study Hawaii's history. Sugar Baron's like A & B are continuing their legacy of robber baron's for the new market of housing and business development at the expense of taro farmers, taking of water that belongs to all not a select few. When will the government representatives due diligence to protect the public whom they were voted to protect.

Have the courage, integrity and common sense to say NO.

Mahalo

Harry F. Wasson
Kupuna