



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

S.B. NO. 3327, S.D. 1, RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT.

BEFORE THE:

SENATE COMMITTEES ON WAYS AND MEANS AND ON JUDICIARY

DATE: Friday, March 1, 2024 **TIME:** 10:31 a.m.

LOCATION: State Capitol, Room 211 and Videoconference

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Miranda C. Steed,
Deputy Attorney General, at 808-587-2922)

Chairs Dela Cruz and Rhoads and Members of the Committees:

The Department of the Attorney General strongly opposes this bill as currently drafted.

The purpose of this bill is to make the Commission on Water Resource Management (CWRM) an administratively attached agency to the Department of Land and Natural Resources (DLNR) instead of an executive commission within the DLNR. In doing so, this bill replaces the First Deputy to the Chairperson of CWRM with an Executive Officer, makes the Chairperson of the Board of Land and Natural Resources (BLNR) an ex officio member of the CWRM, expands the jurisdiction of the CWRM, and allows the CWRM to hire its own attorneys, as needed, without the approval or participation of the Attorney General or the Governor.

The Department opposes this bill for several reasons, including but not limited to the expansion of the CWRM's jurisdiction potentially beyond constitutional limits, the provision providing the CWRM with authority to hire its own legal counsel, and administratively attaching the CWRM to DLNR without appropriating funds.

First, the bill allows the CWRM to permit water use outside of the public trust, which may be subject to constitutional challenge for violating article XI, sections 1 and 7, of the Hawai'i Constitution. On page 3, section 2, the bill adds to chapter 174C, Hawaii Revised Statutes (HRS), a new section titled "Public trust purpose" in which the

CWRM will be required to issue water use permits first to existing and new public trust purposes, then to other existing and new uses. This provision suggests that the CWRM would be able to issue water use permits for non-public trust purposes. This would be subject to challenge.

Article XI, section 1, of the Hawai'i Constitution makes clear that any water permits granted by the State must be consistent with the public trust: "All public natural resources are held in trust by the State for the benefit of the people." Article XI, section 7, of the Hawai'i Constitution further provides that the State must "protect, control and regulate the use of Hawaii's resources for the benefit of its people." Allowing any use not consistent with the public trust would be subject to challenge under both article XI, section 1, and article XI, section 7, of the Hawai'i Constitution.

Moreover, the bill could be construed as limiting which uses comport with the public trust. Section 5 of the bill, at page 10, lines 15-21, adds to section 174C-3 a new definition, "Public trust purpose." The Hawai'i Supreme Court, however, has held that it is "neither feasible nor prudent to designate absolute priorities between broad categories of uses under the water resources trust." In re Water Use Permit Applications, 94 Hawai'i 97, 142 (2000) ("Waiāhole I"). While statutes may provide guidance (i.e., prohibiting certain specific uses), the CWRM has the duty of "weigh[ing] competing public and private water uses on a case-by-case basis[.]" Id. The judiciary has made clear that the constitution places within the agency the discretion and duty to balance competing trust interests under the reasonable beneficial analysis. Waiāhole I, 94 Hawai'i at 142.

Second, the bill allows the CWRM to hire its own attorneys. The Department of the Attorney General strongly opposes this.

The Attorney General is the chief legal officer under the Hawai'i Constitution, serves as legal counsel to the State of Hawai'i, and has statutory legal obligations including providing legal advice to state agencies. Because it has been called the largest "law firm" in Hawai'i, with diverse subject-matter divisions, the Department of the Attorney General is best suited to provide legal advice to its state clients on a broad array of matters and, therefore, as a general matter, state agencies are best served by deputy attorneys general. By utilizing deputy attorneys general, state agencies benefit

from the wide range of experience and expertise in a cost-effective and conflict-free manner. Attorneys retained by the CWRM would not possess the breadth of knowledge and experience available within the Department of the Attorney General. Additionally, because state agencies are regulated by a variety of laws not applicable in private practice—including the Procurement Code, the Sunshine Law, and the Uniform Information Practices Act—the Department’s expertise representing state agencies in these areas would be difficult for private attorneys to duplicate, and certainly not without additional expense. Because deputy attorneys general are separate and apart from the agencies they represent, they are insulated from political issues within the client agency. This insulation permits the Department of the Attorney General to provide objective and high-quality legal counsel.

The Department of the Attorney General is also unique in its ability under the law to undertake concurrent representation of multiple state agencies or parties that may have conflicting interests, something that private attorneys are not able to do under the Hawaii Rules of Professional Conduct, the rules governing lawyers. In State v. Klattenhoff, 71 Hawai‘i 598, 604 (1990), the Hawai‘i Supreme Court recognized that the Department of the Attorney General can concurrently represent conflicting interests when the Department can ensure independent representation for the competing parties. The Department of the Attorney General has done this in past cases to ensure that all client agencies are vigorously represented without conflict. We have provided, and will continue to provide, vigorous and objective legal representation to the CWRM.

Notwithstanding the prohibition against employing or retaining private attorneys, state agencies may submit a waiver request to the Attorney General pursuant to section 28-8.3(a)(22), HRS. Under this provision, the Attorney General may determine that circumstances exist whereby representation by private attorneys is appropriate. In such circumstances, an agency may retain or employ its own attorney, provided that the Governor also waives the provision of section 28-8.3, HRS. Indeed, this avenue has been exercised by other agencies in the past.

Third, the bill contains other issues, such as:

- The bill provides that the CWRM shall be "attached to the [DLNR] for administrative purposes only." Page 17, lines 16-17. Article V, section

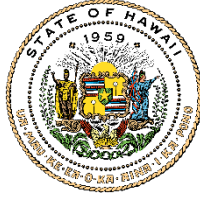
6 of the Hawai'i Constitution requires agencies to be placed within a principal department. Consequently, we believe that the wording on page 17, lines 16-17, should be deleted and the words "for administrative purposes only" should be added to page 17, line 11, to provide "There is established within the department for administrative purposes only a commission on water resources management. . . ."

- The only appropriations for the CWRM are for independent legal counsel. If placed within DLNR for administrative purposes only, the CWRM needs its own operational appropriations.
- The bill references both the CWRM and the "board" throughout. Section 174C-3, HRS, defines the "board" as the BLNR. The bill delegates certain authorities, such as setting the new executive officer's salary, to the BLNR. It is unclear if the bill's intent is to delegate certain decisions to the BLNR despite making the CWRM functionally independent of DLNR, or if this an error.

We respectfully request that this bill be held in committee. Thank you for the opportunity to testify.

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

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

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

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

DEAN D. UYENO
ACTING DEPUTY DIRECTOR - WATER

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

Testimony of
DAWN N. S. CHANG
Chairperson

Before the Senate Committees on
WAYS AND MEANS
AND
JUDICIARY

Friday, March 1, 2024
10:31 AM

State Capitol, Conference Room 211 & Videoconference

In consideration of
SENATE BILL 3327, SENATE DRAFT 1
RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT

Senate Bill 3327, Senate Draft 1 establishes a public trust purpose for the Commission on Water Resource Management (Commission); allows the Commission to retain independent counsel; repeals the First Deputy to the Chairperson of the Commission and establishes the Executive Director of the Commission; administratively attaches the Commission to the Department of Land and Natural Resources (Department); and authorizes members of the Commission to be eligible to serve as chairperson. This bill also requires the Chairperson of the Board of Land and Natural Resources and Director of Health to serve as ex officio voting members ineligible to serve as chairperson; authorizes entities to whom an emergency order is directed to challenge the order under certain conditions; clarifies the notification requirements and contents of declarations of water shortages; establishes fines; and makes conforming amendments. **The Department is providing testimony organized by each section of this measure indicating our support or opposition, respectively.**

SECTION 2 adds a new section to the State Water Code, Chapter 174C, Hawai'i Revised Statutes (HRS), requiring the Commission to prioritize action on water use applications for existing and new public trust purposes of water over other existing and new uses of water in designated water management areas. In its decision making the Commission prioritizes public trust purposes of water while trying to balance and accommodate other legal uses of water in a designated water management area. **The Commission opposes the addition of this new section because it may too narrowly prescribe how the Commission processes water use permits in recognition of public trust purposes.**

SECTION 3 amends Subsection 28-8.3(a), HRS, to add the Commission to the list of agencies that are allowed to employ or retain any attorney for purposes indicated in subsection (a), and amends Subsection 28-8.3(c) to include the Commission among agencies that may employ or retain attorneys who are not a deputy attorney general. **The Department supports these amendments. While the Department believes that its assigned Deputy Attorneys General already provide sound and timely legal services in the best interests of the Commission and that the Department of the Attorney General is best suited to provide legal advice and service to the Commission, the Department also understands that this measure affords the Commission the option to retain independent counsel and legal services when there is a determination of a conflict of interest.**

SECTION 4 amends Subsection 84-14(e) by changing the title of “First Deputy to the Chairperson” to “Executive Director” of the Commission on Water Resource Management in the list of State employees who have restrictions on post-employment activities. **The Department supports this amendment.**

SECTION 5 amends Section 174C-3, HRS, by adding the new definition of “Public trust purpose.” **The Department opposes the addition of the definition of public trust purpose since we do not support prioritizing actions on water use applications for existing and new public trust purposes of water over other existing and new uses of water in designated water management areas, as proposed in SECTION 2 of this measure.**

SECTION 6 amends Section 174C-5, HRS, by adding a new Paragraph 10, to allow the appointment and dismissal of attorneys. **The Department supports this amendment for the reasons given in our position on SECTION 3 of this measure.**

SECTION 7 amends Section 174C-6, HRS, by replacing the Deputy to the Chairperson of the Commission on Water Resource Management with an Executive Director. **The Department supports this amendment.**

SECTION 8 amends Section 174C-7, HRS, to clarify that the Commission shall be attached to the Department for administrative purposes only. **The Department supports this amendment.**

SECTION 8 also amends Section 174C-7, HRS, to allow any Commission member to be elected to serve as the Chairperson of the Commission, except that the Chairperson of the Board of Land and Natural Resources (BLNR) and the Director of Health or their designee would be ineligible to serve as the Chairperson of the Commission. **The Department opposes this amendment. The Department finds that the Commission regularly addresses highly complex water issues in close collaboration with numerous government agencies and community organizations, where the Chairperson often serves as the delegated representative on behalf of the entire Commission. Placing these duties and responsibilities of the Chairperson of the Commission on a volunteer appointed position may be unduly burdensome and present challenges in fulfilling obligations of the role.**

SECTION 9 amends Section 174C-9, HRS, to allow for any party to whom an emergency order is directed to challenge the order while immediately complying with the order, with the Commission giving precedence to a hearing on the challenge. **The Department opposes this amendment since the**

proposed language already exists in HRS Section 174C-62(g) as it pertains to emergency conditions that may arise due to a water shortage within any area of the state.

SECTION 10 amends Section 174C-15, HRS, expanding the scope of violations to include violation of any orders of the Commission, failure to obtain required permits, failure to comply with permit conditions, and failure to comply with water audit requirements. The amendments also increase the maximum allowable fines from \$5,000 per day to \$60,000 per day and specifies the factors that the Commission shall consider when imposing fines.

The Department has found that the current maximum penalty of \$5,000 per violation in Hawai‘i Revised Statutes (HRS) Section 174C-15 does not have a sufficient deterrent effect anymore. For example, even a one-time violation of an interim instream flow standard can lead to the diversion of millions of gallons of water and if the violating entity is charging end-users for the delivery of this stream water, \$5,000 will simply be the cost of doing business. Such violations have extreme detrimental effects on public trust uses, which are water in its natural state, i.e. the stream itself and native aquatic life, domestic uses dependent on the stream, and traditional and customary Native Hawaiian practices.

HRS Section 174C-15 has only been amended once since its adoption by Act 45, Session Laws of Hawai‘i (SLH) 1987 (Act 45). In 2004, Act 142 raised the maximum penalty from \$1,000 to \$5,000 and added subsection (d). However, in its 1994 Report to the State Legislature, the Review Commission on the State Water Code (Review Commission), pursuant to Section 5 of Act 45, had already proposed a maximum fine of \$25,000 for reckless, knowing, or intentional violations.

The Hawai‘i Supreme Court held that the Hawai‘i State Constitution in Article XI Section 7 designated the Commission as the “*primary guardian*” of the public trust resource - water.¹ This bill will support the Commission in its affirmative duty “*to protect, control and regulate the use of Hawaii’s water resources*” as articulated in Article XI Section 7 of the Constitution of the State of Hawai‘i. Currently, the Commission is overseeing 5,334 groundwater wells, 1,226 surface water diversions, and 376 perennial streams, approximately 100 of which have a measurable interim instream flow standard that requires monitoring and enforcement. The Commission regulates the use of water in water management areas on the islands of O‘ahu, Moloka‘i and Maui with the total amount of 411 groundwater use permits and 176 surface water use permits.

The Department appreciates the clarification of a continuing violation and the addition of mandatory factors for the determination of the penalty amount in the newly added subsection (c) to HRS Section 174C-15, which are identical to the factors DOH considers in HRS Section 342D-31. The Department would like to propose the inclusion of the language of HRS Section 342D-31 (c) for further clarification (grey highlight):

(c) When imposing a penalty, the commission shall consider the following factors, including but not limited to:

¹ *In re Water Use Permit Applications*, 94 Hawai‘i, 97, 141, 9 Pd.3, 409, 453 (2000). (*Waiāhole I*)

- (1) The nature, circumstances, extent, gravity, and history of the violation and of any prior violations;
- (2) The economic benefit to the violator, or anticipated by the violator, resulting from the violation;
- (3) The opportunity, difficulty, and history of corrective action;
- (4) Good faith efforts to comply;
- (5) Degree of culpability; and
- (6) Such other matters as justice may require.

It is presumed that the violator's economic and financial conditions allow payment of the penalty, and the burden of proof to the contrary is on the violator.

Furthermore, these factors in subsection (c) correspond with the Commission's Administrative and Civil Penalty Guideline (G14-01)² that the Commission adopted on October 1, 2014³. The Department notes that G14-01 provides for an initial administrative fee of \$500, if the Commission issued a written notice of alleged violation, in addition to any fine.

The Department, in consultation with the counties, recommends a maximum fine of \$25,000 to match the recommendations of the Review Commission.

Thank you for the opportunity to provide testimony on this measure.

² https://files.hawaii.gov/dlnr/cwr/planning/wrpp2019update/WRPP_AppP_201907.pdf

³ <https://files.hawaii.gov/dlnr/cwr/submittal/2014/sb201410D1.pdf>

JOSH GREEN, M.D.
GOVERNOR
STATE OF HAWAII
*Ke Kia'āina o ka Moku'āina 'o
Hawai'i*

SYLVIA J. LUKE
LT. GOVERNOR
STATE OF HAWAII
*Ka Hope Kia'āina o ka Moku'āina
'o Hawai'i*



KALI WATSON
CHAIRMAN, HHC
Ka Luna Ho'okele

KATIE L. DUCATT
DEPUTY TO THE CHAIRMAN
Ka Hope Luna Ho'okele

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

Ka 'Oihana 'Āina Ho'opulapula Hawai'i

P. O. BOX 1879
HONOLULU, HAWAII 96805



TESTIMONY OF KALI WATSON, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE SENATE COMMITTEE ON WAYS AND MEANS AND
THE SENATE COMMITTEE ON JUDICIARY
HEARING ON MARCH 1, 2024 AT 10:31AM IN CR 211

**SB 3327, SD 1, RELATING TO THE COMMISSION ON WATER RESOURCE
MANAGEMENT**

March 1, 2024

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Members of the Committees:

The Department of Hawaiian Home Lands (DHHL) **supports with amendments** this bill which 1) establishes a public trust purpose for the Commission on Water Resource Management; 2) allows the Commission on Water Resource Management to retain independent counsel; 3) Repeals the First Deputy to the Chairperson of the Commission on Water Resource Management; 4) establishes the Executive Director of the Commission on Water Resource Management; 5) administratively attaches the Commission on Water Resource Management to the Department of Land and Natural Resources; 6) authorizes members of the Commission on Water Resource Management to be eligible to serve as chairperson; 7) requires the Chairperson of the Board of Land and Natural Resources and Director of Health to serve as ex officio voting members ineligible to serve as chairperson; 8) authorizes entities to whom an emergency order is directed to challenge the order under certain conditions; 9) clarifies the notification requirements and contents of declarations of water shortages; 10) establishes fines; 11) makes conforming amendments; and 12) takes effect 7/1/2050.

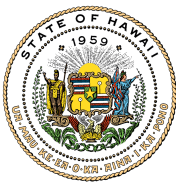
DHHL recommends that the Committees strongly consider amending this measure to include the Hawaiian Homes Commission (HHC) Chairperson, or the HHC Chairperson's designee as a voting member on the Commission on Water Resource Management (CWRM). The current language of SB3327, SD1 requires the Chairperson of the Board of Land and Natural Resources and Director of Health to serve as ex officio voting members ineligible to serve as chairperson of CWRM. If this current version of the bill were to pass and DHHL's proposed amendment were included in the bill, DHHL would deem it appropriate that the same requirement be applied to the HHC Chairperson/designee as a voting member on CWRM.

Department of Hawaiian Home Lands
March 1, 2024
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The State Water Code requires that decisions of CWRM incorporate and protect adequate reserves of water for current and foreseeable development and use of Hawaiian Home Lands. Amending this measure to include the HHC Chairperson/designee would allow for greater advocacy for beneficiaries of the Hawaiian Homes Commission Act to ensure that sufficient water remain available for current and foreseeable development and use of Hawaiian Home Lands.

Please see the attached Ethics Opinion from the Hawai'i State Ethics Commission confirming that there would be no Conflict of Interest that would require the HHC Chairperson/designee to recuse themselves from voting on matters related to DHHL.

Thank you for your consideration of our testimony.



HAWAI'I STATE ETHICS COMMISSION

State of Hawai'i · Bishop Square, 1001 Bishop Street, ASB Tower 970 · Honolulu, Hawai'i 96813

December 18, 2023

Via Email: kali.watson@hawaii.gov
oriana.a.leao@hawaii.gov

Mr. Kali Watson
Chair
Hawaiian Homes Commission
Department of Hawaiian Homelands
P.O. Box 1879
Honolulu, Hawai'i 96805

Re: *Request for an Ethics Opinion (AOD-2023-1174)*

Aloha Chair Watson,

This letter is in response to a request for advice from you. You provided three draft legislative bill drafts proposing to place the Hawaiian Homes Commission ("HHC") Chairperson, or their designee, as a voting member on the Commission on Water Resource Management, the Hawai'i Housing Finance and Development Corporation, and the Hawai'i Community Development Authority. You asked, if those bills were to become law, whether the State Ethics Code, Hawai'i Revised Statutes Chapter 84, would prohibit the HHC Chair or their designee from voting on matters related to the Department of Hawaiian Homelands due to a conflict of interest.

I. Application of the State Ethics Code

A. Conflicts of Interest

The state conflicts of interest section (Haw. Rev. Stat. § 84-14) prohibits conflicts between public employment and private financial interests. For example, Haw. Rev. Stat. § 84-14(b) prohibits state employees from acquiring financial interests in businesses subject to their official action so that conflicts between their duties to the State and their own, personal financial interests do not arise.

Under the proposed legislative bill drafts, the HHC Chairperson would not acquire a financial interest in an outside, private business. Rather, the HHC Chairperson would be expected to continue acting in the State of Hawaii's best interests (regardless

of which state position that person fills). Accordingly, no conflict of interest can be established under the state ethics code. *See, e.g.,* Haw. Eth. Adv. Op. 1979-378 (April 2, 1979) (stating a conflict of interest, under Haw. Rev. Stat. § 84-14, cannot arise without “a financial interest in a business or undertaking”).

While all state employees are required to act in the State of Hawaii’s best interests, the Ethics Commission previously noted it may be natural for a state employee with two positions to “support a program whose goals and budget [they] had helped to articulate.” *See id.* Accordingly, assuming the Legislature places the HHC Chair as a voting member on another board or commission, it is anticipated that the HHC Chair would likely champion HHC issues. This, presumably, is a policy decision for the Legislature to make.

B. Fair Treatment and Confidential Information

It should be noted that the fair treatment and confidential information portions of the state ethics code may come into play if the HHC Chair were serving in two different roles. The fair treatment section, Haw. Rev. Stat. § 84-13, prohibits the use of an official position to provide unwarranted benefits or advantages to oneself or others. There may be fact situations where the fair treatment law could be applicable. The HHC Chair should be cautious about using one position if it could be perceived to unreasonably benefit another entity. If in doubt, the HHC Chair should consult with the Ethics Commission.

Similarly, the confidential information section, Haw. Rev. Stat. § 84-12, prohibits the disclosure of information – not otherwise available to the public – obtained in the course of a state employee’s duties “for the benefit of anyone. . . .” There may be situations where the HHC Chair obtains information in one role that they could not disclose or use in another capacity.

II. Conclusion

A state code of ethics conflict of interest would not be established if the HHC Chair were to serve on another **state** board or commission. Accordingly, there would be no requirement under the ethics code for the HHC Chair to recuse themselves from a decision involving HHC or DHHL while serving on another board or commission.

I hope this advice is helpful to you. If I have misstated any of the facts, then please inform me as soon as possible as this may affect the advice given. The advice in this letter concerns only the application of the state ethics code. Other laws may also apply to these situations. For this reason, you should also consult with your counsel.

Mr. Kali Watson
December 18, 2023
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If you have any further questions, please do not hesitate to contact me.

With Warm Aloha,

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

Robert D. Harris
Executive Director & General Counsel

RDH/ls

**BOARD OF WATER SUPPLY
KA 'OIHANA WAI
CITY AND COUNTY OF HONOLULU**

630 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96843
Phone: (808) 748-5000 • www.boardofwatersupply.com

LATE

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MANAKIA A ME KAHU WILIKI

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GENE C. ALBANO, P.E., Ex-Officio

March 1, 2024

The Honorable Donovan M. Dela Cruz, Chair
and Members
Senate Committee on Ways and Means

The Honorable Karl Rhoads, Chair
and Members
Senate Committee on Judiciary
Hawai'i State Capitol, Room 211
Honolulu, Hawai'i 96813

Dear Chair Dela Cruz, Chair Rhoads and Members:

Subject: Senate Bill 3327, SD 1: Relating to the Commission on Water Resource Management

The Honolulu Board of Water Supply (BWS) supports Senate Bill (SB) 3327, Senate Draft (SD), 1, relating to the Commission on Water Resource Management (Commission). BWS has reviewed the provisions outlined in SB3327, SD 1, which makes several amendments to the state water code pursuant to Hawai'i Revised Statutes (HRS) chapter 174C. The BWS would like to highlight its position as follows:

SECTION 4 amends Section 84-18, subsections (e) (41), HRS, by changing the title of the ~~“first deputy to the chairperson”~~ to “executive director” of the commission on water resource management. The BWS strongly supports this amendment as it reduces political influence on water, which is a critical resource to life, health, and our well-being. The Red Hill crisis reinforced the importance of our aquifer. Ola I ka Wai = “Water is Life” for all the people of Hawai'i. Back in the late 1920s, the territorial legislature also saw the problems with political influence over decisions related to water, which is vital for life. The BWS was created, in a very similar model of what is proposed in this Section 4. Having the Commission hire its own executive director serving at the pleasure of the Commission, would help to depoliticize even the perception of political influence on water. The BWS strongly supports this concept being applied to the

The Honorable Donovan M. Dela Cruz, Chair
The Honorable Karl Rhoads, Chair
and Members
March 1, 2024
Page 2

Commission. Like the BWS, this model would allow for more independence on water decisions that are vital for life for our community.

The BWS also respectfully requests consideration of adequate funding for the Commission so that it can complete its water shortage plan.

Thank you for the opportunity to testify on SB 3327, SD 1.

Very truly yours,



ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer



SIERRA CLUB OF HAWAI'I

SENATE COMMITTEE ON WAYS AND MEANS SENATE COMMITTEE ON JUDICIARY

March 1, 2024

10:31 AM

Conference Room 211

In **SUPPORT** of **SB3327 SD1**: RELATING TO THE COMMISSION ON WATER RESOURCES MANAGEMENT

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and Members of the Committees,

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i **SUPPORTS SB3327 SD1**, which would reduce the risk of political interference, political retribution, and/or perceived or actual conflicts of interest in the management of our islands' most precious resource.

This bill would address long-standing political vulnerabilities that could allow, and have allowed, powerful special interests to unduly influence the important work of the Water Commission. Currently, the Commission's Chair is a member of the Governor's cabinet, as is its legal counsel, the Attorney General. Both individuals have considerable power over the Water Commission and its staff, and both answer directly to the Governor. Accordingly, special interests who have the Governor's ear could interfere, and have interfered, with the Commission's implementation of the Water Code, contrary to the Legislature's intent and to the detriment of the public interest in our wai.¹

This bill would instead allow Commission members to decide amongst themselves who among their volunteers should serve as their Chair, and would further allow the entire Commission to choose an "executive director" as the lead Commission staff person. Annual performance reviews for the executive director would ensure that any employment decisions are based on a documented and objective assessment of their performance, rather than political opportunism or retribution. Finally, the Commission would be able to hire their own legal counsel, rather than rely on the Governor-serving Attorney General. These provisions are critical to ensuring that the Water Commission can do its important work in the rightful protection and distribution of our most precious resource.

¹ See, e.g. Editorial, *Water Commission: A Decade of Disappointment*, ENVIRONMENT HAWAI'I, February 2005, available at <https://www.environment-hawaii.org/?p=1499> ("First, there's the fact that the governor has made no secret of her hostility to the very idea of a statewide body to manage water resources. Alan Murakami, managing attorney with the Native Hawaiian Legal Corporation and longtime water watcher, says he believes Governor Lingle is engaged 'in a deliberate attempt to make the commission less effective than the Legislature intended.'"); Wayne Tanaka, *State-Aided Disaster Capitalism? Governor's administration targets stream, groundwater protection in the wake of Maui wildfires as water protectors fight back*, KA WAI OLA NEWS, Oct. 1, 2023, available at <https://kawaiola.news/aina/state-aided-disaster-capitalism/>.



SIERRA CLUB OF HAWAI'I

Importantly, this bill would also authorize the Water Commission to impose meaningful fines against those who could otherwise over pump our aquifers and drain our streams dry with impunity – notwithstanding the law or the needs of the community. The current \$5,000 daily fine the Commission is authorized to levy is wholly insufficient to hold multinational corporations - or the Department of Defense – accountable, if and when their water code violations impact priority public needs, including for affordable housing. Without the increased fines authorized under this measure, millions of gallons of water per day could be illegally monopolized by deep pocket entities for a fraction of a cent per gallon in penalties, harming our precious water resources, and the houses, schools, farms, small businesses, and others that rely on them.

Accordingly, the Sierra Club of Hawai'i urges the Committees to **PASS** SB3327 SD1. Mahalo nui for the opportunity to testify.

Senate Committee on Ways and Means; and Senate Committee on Judiciary
Hearing: March 1, 2024 @ 10:15 AM
State Capitol Conference Room 211 and Via Zoom
Strong Support for SB3327, SD1: Relating to the Water Commission

Aloha e Chair Dela Cruz, Chair Rhoads, and Committee Members,

Nā Kia‘i Kai submits this testimony in strong support of SB3327, SD1. Nā Kia‘i Kai is a community-based organization established by West Kaua‘i residents, including Native Hawaiian fishers and cultural practitioners, to protect West Kaua‘i’s river and coastal waters, humans, and aquatic life. Waimea River is the lifeblood of our community and supports a host of protected instream public trust uses. A healthy river and nearshore ocean environment are essential for our hui to continue to engage in traditional and cultural practices and subsistence activities, and to pass on these traditions to the next generation.

No problem is more critical than the scarcity of water, and this is something especially felt by our West Kaua‘i community. According to state projections, our Waimea River watershed is expected to see far less rainfall in the coming years. As we prepare for life in our new climate reality, we believe that giving the Water Commission the tools and autonomy it needs to tackle Hawai‘i’s diminishing water supplies is a necessary first step. We have waited 30 plus years to see this recommendation from the Review Commission come to life and are grateful to your committees for hearing this bill.

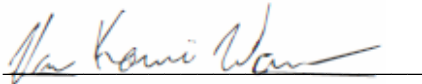
Our community knows first-hand how political interference and plantation politics can unduly influence decision-making regarding the use of ‘āina and wai. For decades, plantations and their corporate successors have hoarded Waimea River water, taking far more water than they could reasonably use, resulting in the outright dumping and waste of millions of gallons of water per day. Our community fought tirelessly to restore stream flow in Waimea River and end the wholesale diversion and waste of our precious water resources. Despite the implementation of minimum flow standards for Waimea River in 2017, these corporate diverters continue to divert streamflow in excess of what they are legally allowed to take and drag their feet to make any adjustments to their diversions, which allow only minimal diverted flows to be returned to the streams.

SB 3327, SD1 would enable CWRM to enforce the Water Code by imposing meaningful fines and penalties for violations. This would be especially useful to address the ongoing violations and noncompliance with interim instream flow standards occurring in Waimea River every day. Increasing penalties for violations would encourage diverters to come into compliance with the State Water Code, and it would allow CWRM to begin to redress the ongoing harm to public trust uses and reallocate water to local communities who rely on wai for their survival.

Nā Kia'i Kai further supports providing CWRM with the true independence it was intended to have when the Constitution was amended in 1978 and the Water Code was passed by this Legislature in 1987. We believe SB 3327, SD1 would enable the executive director to proactively focus on fulfilling CWRM's public trust kuleana, instead of being micromanaged by the Governor and BLNR's Chair. Administrative independence from the oversight and influence of elected and appointed officials will provide greater accountability and transparency, and result in greater protection of our precious water resources.

We are living in this climate emergency, and we are exhausted from having to constantly police the plantation water systems and the developers who currently operate them. We need this Legislature to support real and proactive solutions for our community, to prevent the water crisis from continuing to impact future generations to come. Please vote today to support SB 3327, SD1.

Mahalo for the opportunity to testify on this important bill.

A handwritten signature in cursive script, reading "Van Kawai Warren", written over a horizontal line.

Van Kawai Warren
Nā Kia'i Kai



Ko`olau Foundation
46-005 Kawa St., Ste. 104
P. O. Box 4749
Kane`ohe, HI 96744
koolaufoundation@gmail.com

February 28, 2024

TO: Sen. Donovan Dela Cruz, Chair
Sen. Sharon Moriwaki, Vice Chair/& Members
Committee on Ways and Means

Sen. Karl Rhoads, Chair/
Sen. Mike Gabbard, Vice Chair & Members
Committee on Judiciary

FROM: Mahealani Cypher
Ko`olau Foundation

RE: S.B. 3327, S.D. 1 – Relating to the Commission on
Water Resource Management – In Support

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Committee Members:

The Ko`olau Foundation sends its aloha to all of you as you deliberate over many important matters now awaiting decisions at the State Capitol.

We wish to offer support for Senate Bill 3327, Senate Draft 1, and ask that you give serious consideration to this alternate approach toward managing our state's most precious resource – *ola i ka wai!*

Our organization's primary mission is to advocate for the preservation and protection of historic sites and cultural resources throughout our beloved pae`aina. Our water resources are among the most important of our cultural heritage, without which our people would never have been able to settle and thrive here in the islands.

Please do not consider our recommendation to be one of criticizing anyone or any entity for how resources are protected currently, but rather an acknowledgement that this important resource perhaps needs to be amplified in authority and independence.

For many years, we have observed the processes and approaches this agency has had to work with and found it concerning that – after so many years – we still have to deal with critical water issues such as happened at Red Hill, among other problems.

We urge your committees to pass this bill.

Mahalo for considering our mana`o.

TO: Chair Donovan M. Dela Cruz, Chair Karl Rhoads, Vice Chair Sharon Y. Moriwaki, Vice Chair Mike Gabbard, and members of the Senate Committees on Ways and Means and Judiciary

FROM: Makamae Alipio

RE: **SB3327 SD1**
Hearing on March 1, 2024
IN STRONG SUPPORT of SB3327 SD1

Mai ke ala ‘ana a‘e o Kanehoalani i ka Hikina a i kona hui pū ‘ana me Niolopua ma ke komohana.

Aloha mai e nā po‘o a me na Lālā o ka ‘Aha ‘Ōlelo,

‘O wau o Makamae Alipio. He kupa wau no Ka malu ‘ulu o Lele. ‘Umikuma‘ono o‘u makahiki a hele wau i Ke Kula Kaiapuni o Kekaulike. Ola i ka wai, water is life, water is the center of all living things. Without it we are nothing. Therefore, it should not be in the hands of the greedy. Maui Komohana was once known for its immense amount of water, its lush wetlands, and its abundance of lo‘i kalo, ‘ulu, mai‘a, and many important plant food sources for kānaka. How do we go from a lush green ‘āina to what we have to deal with today? This is the result of greed, mismanagement, and capitalism at its finest.

In the wake of the fires on August 8th, the hands of greed saw this disaster as an opportunity to gain power over our freshwater resources in Maui Komohana. Governor Josh Green suspended the Water Code, which led to private water purveyors hoarding more water than they are legally allowed in unlined reservoirs in the name of fire suppression while kānaka were left displaced.

When the plantation era came along 130 years ago, our most precious resource started to be abused for corporate greed. When the plantation era ended, it was replaced by greedy businesses who profit off of our ‘āina and off of our wai. We need to end the political corruption that helps line pockets instead of protecting our ‘āina and people. We must limit the influence of politics over our established experts like the Water Commission. The Water Commission should have an Executive Director that is chosen by the Water Commission and approved by the people.

Right now, 75% of Lahaina’s waters are privately controlled, which is criminal. This leaves only the remaining 25% to be used for the public. When we are on drought restriction, we are subject to fines for using too much water while swimming pools are full and golf courses are green. This bill will hopefully reduce political corruption and also enforce fines substantial enough to deter violations of the Water Code.

I also ask that you prioritize restoring water for public trust purposes through the water use application process so that our kalo farmers no longer have to struggle and our 'āina no longer has to suffer. If you protect the public trust then maybe you can regain the public's trust. I also ask that you consider restoring Moku'ula and Mokuhinia as this wahipana continues to be one of the most sacred places of Hawai'i's Kingdom. We must restore and establish this piko for us to holomua and not repeat this devastation.

In conclusion, I strongly support the implementation of recommendations to improve the Water Code that have long been overdue, and urge the Committees to **PASS SB3327 SD1**.

Mahalo for the opportunity to testify.

TO: Chair Donovan M. Dela Cruz, Chair Karl Rhoads, Vice Chair Sharon Y. Moriwaki, Vice Chair Mike Gabbard, and Members of the Senate Committees on Ways and Means and Judiciary

FROM: Bella Kamakali‘ulani Kuailani

**RE: Hearing on March 1, 2024
IN STRONG SUPPORT of SB3327 SD1**

‘Ano‘ai me ke aloha e nā po‘o a me nā lālā o ka ‘Aha ‘Ōlelo:

‘O au ‘o Bella Kamakali‘ulani Kuailani. He 16 o‘u makahiki a he kupa au mai ka moku ‘o Wailuku a me Hāna ma Maui. Aia au ma ka papa 11 a he haumāna kaiapuni ha‘aheo nō au mai ke kula ‘o Kekaulike. Today, I am testifying in **STRONG SUPPORT of SB3327 SD1!**

“He nuku he wai ka ‘ai a ka lā‘au.” The Kumulipo, the genealogical chant of Hawai‘i’s birth, explains: Water is the element that gives life to all things. WATER IS LIFE! It feeds and nourishes us physically, mentally, emotionally, and spiritually. The protection and rightful usage of Hawai‘i’s water is at all costs important for our survival. However, exploitation, misuse and over-taxing of our water continues to be improperly managed by greedy capitalists, resulting in kanaka being ignored, and public rights being overpowered by politics.

Disentangling CWRM and BLNR creates true independence amongst these two organizations. This can result in better protection and management of water. Kanaka will be at ease rather than worrying about influencers who make decisions on our wai. Having an executive director can benefit the people and the public by ensuring that their mana‘o is being heard. I believe that the community’s mana‘o is most important, especially for those whose families have been on this ‘āina for generations contributing in ‘ike Hawai‘i. They know what is best. Again and again, we remind you that WATER IS A PUBLIC TRUST. The people should have every right to use the wai for cultural practices and not for big business pockets. LAWA! UA AO KĀKOU!

The WUPAs of the kanaka should also be prioritized and not thrown to the side to wait or be lumped with non-public trust purpose applicants. We are done waiting! We should be the first to be considered!

Finally, the fines for abusing the Water Code should be raised way higher than what it is now. There should be more purposeful fines and violations to punish and deter businesses from taking more water than they should. If not, then this desecration will only continue. Our wai and ‘āina should have justice. As a member of the next generation, I want the mana of the people and the ‘āina to be restored so that those in the future do not need to bear this struggle over our wai.

In conclusion, I strongly support the establishment of an executive director of the Commission on Water Resource Management as well as the implementation of recommendations for the improvements of the Water Code that are long overdue. I urge the Committees to **PASS** SB3327 SD1. Mahalo for the opportunity to testify. **E OLA I KA WAI!!!**

TO: Chair Donovan M. Dela Cruz, Chair Karl Rhoads, Vice Chair Sharon Y. Moriwaki, Vice Chair Mike Gabbard, and members of the Senate Committees on Ways and Means and Judiciary

FROM: J-lyn Ka‘iulani Paa

RE: **SB3327 SD1**
Hearing on March 1, 2024
IN STRONG SUPPORT of SB3327 SD1

Aloha mai e nā po‘o a me nā lālā o ka ‘Aha ‘Ōlelo,

‘O wau o Ka‘iulani Paa. 16 o‘u makahiki a hele au i Ke Kula Kaiapuni o Kekaulike. I am testifying in strong support of SB3327 SD1.

130 years ago, our ‘āina’s precious resources were stripped away from us little by little until we had little to no access and no regulation over our waters and how we use it. On August 8th, 2023, when the tragedy of Lahaina’s fire started, Governor Josh Green suspended the Water Code that later led to private water usage in luxury housing developments rather than for our ‘āina. I support SB3327 SD1 for the following reasons:

First, the establishment of an Executive Director of the Water Commission, and the removal of the Chair of BLNR as also the Chair of CWRM, is important to allow CWRM its own oversight in this specific area. Ignorance combined with power is bound for injustice.

Second, our fresh water springs and rivers are stewarded by nā kānaka Hawai‘i yet are used to make greedy people who call this place “paradise” rich and do not even mālama this ‘āina like we do. We need wai to restore life on our ‘āina, especially in Lahaina after the tragedy it has faced. Private purveyors have long been taking our wai without bounds or restrictions. Even when interim instream flow standards are established, the greed finds no limit and instead chooses to test the extent of regulations. Their criminal acts go without or very minimal punishment. This bill provides appropriate fines to deter repeat violations.

Third, I often learn what our kūpuna have done for us and this ‘āina but I rarely get the opportunity to live it. I see it slowly slipping away from our generation because things get more expensive and more difficult for us to live in a backwards economy. It was important to our kūpuna to make sure we had the right resources to be capable of keeping our cultural aspects known for our next generation and to be able to engage in our cultural practices. From lo‘i kalo to loko i‘a, to knowing what kind of native Hawaiian plants we have. Our kalo farmers, those who struggle to feed our lāhui ‘ai pono, should not have to be burdened with a long process of water use permit applications. They should be prioritized before all other for-profit water uses and non-public trust purposes. SB3327 SD1 makes this prioritization law.

In conclusion, I strongly support the establishment of an executive director of the Commission on Water Resource Management as well as the implementation of recommendations for the improvements of the Water Code that are long overdue. I urge the Committees to **PASS SB3327 SD1**. Mahalo for the opportunity to testify. **E OLA I KA WAI!!!**

TO: Chair Donovan M. Dela Cruz, Chair Karl Rhoads, Vice Chair Sharon Y. Moriwaki, Vice Chair Mike Gabbard, and members of the Senate Committees on Ways and Means and Judiciary

FROM: Kaleimaile Garcia

RE: **SB3327 SD1**
Hearing on March 1, 2024
IN STRONG SUPPORT of SB3327 SD1

Aloha mai e nā Po‘o a me na Lālā o ka ‘Aha ‘Ōlelo,

‘O Kaleimaile Garcia ko‘u inoa. I am a Junior and haumāna ma Ke Kula Kaiapuni ‘o Kekaulike on Maui where we are taught about the importance of wai and how it is the center of all life. Our connection to the land and ocean runs deep and water is a very vital part of our cultural identity. It sustains us physically, spiritually, and emotionally. It is NOT just an asset to us. This is why I am testifying in **STRONG SUPPORT of SB3327 SD1**.

Many years ago, the land of Hawai‘i was lush with greenery and free-flowing water throughout all the islands. Our kūpuna lived with a deep knowledge and understanding of the connection between kānaka and ‘āina. Ola ka ‘āina iā kākou no kākou. Make ka ‘āina iā kākou no kākou. Life is full of gives and takes, but overall it always finds the balance. Acknowledging this ‘ike Hawai‘i has allowed our kūpuna to prosper for generations. We take what we need so the next person can also thrive off of the land. But, our ‘ike Hawai‘i has been ignored by the actions of greedy purveyors, real estate speculators, and the US Military.

Water makes up our whole existence. Everybody knows this. With no water, there is no life. So why are there so much politics involved in something that is a basic living necessity for all humans? Water shouldn’t be a luxury item. We shouldn’t have to fight for something that is a primary right to all. Everybody has a right to water. But there is a line where need becomes want. And these purveyors are constantly crossing the line of taking too much water. Streams are still being drained, our lo‘i are dry, and our people are exhausted. But SB3327 SD1 can be the start of a much-needed change for kānaka Hawai‘i and all people in Hawai‘i.

With the approval of this bill, kānaka can once again become the priority. Not tourists. Not money. Not corporations. People. The real people of Hawai‘i, the ones whose families have been here for generations. We have the right to use water for cultural practices. Our lo‘i need reviving and the only way that’s possible is with water. Through this bill, the process for approval of Water Use Permit Applications for kānaka and other constitutionally-protected

public trust uses will be prioritized. We're done waiting at the back of the line. It's time for our rights to be acknowledged.

But this is not the only thing that needs to be changed. We need the water to be PROPERLY managed. By establishing an Executive Director of CWRM, we can ensure the voices of Hawai'i are being heard.

In conclusion, I strongly support the establishment of an executive director of the Commission on Water Resource Management as well as the implementation of recommendations to the improvements of the water code that have long been overdue, and we urge the Committees to PASS SB3327 SD1. Mahalo for the opportunity to testify.

E OLA I KA WAI!!!

TO: Chair Donovan M. Dela Cruz, Chair Karl Rhoads, Vice Chair Sharon Y. Moriwaki, Vice Chair Mike Gabbard, and members of the Senate Committees on Ways and Means and Judiciary

FROM: Kamakanōweo Kekauoha-Schultz

RE: **SB3327 SD1**
Hearing on March 1, 2024
IN STRONG SUPPORT of SB3327 SD1

Aloha mai e nā po‘o a me nā lālā o ka ‘Aha ‘Ōlelo,

‘O Kamakanōweo Kekauoha-Schultz ko‘u inoa. He 16 o‘u mau makahiki, a hele au i Ke Kula Kaiapuni ‘o Kekaulike. Eia nō au ke kākau nei iā ‘oukou no ke kāko‘o ‘ana i ka pila ‘o SB3327. He noi ha‘aha‘a kēia no ka hō‘apono ‘ana i kēia pila. ‘O ia ka mea kūpono e hana ai. Inā he aloha kā ‘oukou ma loko ‘o kou pu‘uwai no Hawai‘i a me ka po‘e Hawai‘i, ‘o ia ka mea e hana ai. Ke ‘ike ‘oukou i ka makemake ‘o nā kānaka ‘ōiwi ‘o kēia ‘āina nei, e ‘ike ‘oukou i ka pono o ka ‘āina a me nā kumuwaiwai kūlohelohe. Ke makemake ‘oukou e mālama iā Hawai‘i no nā pua ‘o ka ‘āina e ulu mai nei, no mākou, nā keiki o ka ‘āina, ‘o ka hō‘apono wale ‘ia ‘ana o kēia pila ka mea e hana ai. I am testifying in STRONG SUPPORT of SB3327 SD1

First, the Water Commission is the expert concerning our wai and the Water Code. They are the kahuwai pono, and should have the final say on all decisions concerning our wai. A person chosen by the Commission and further supported by the people should ultimately be the one to execute the Water Code. Currently, the chair of BLNR is not the expert in matters concerning water but has a very general scope concerning all land and natural resources. Their kuleana as such should follow that scope and should not intervene in decisions in which they are not the experts. The separation of CWRM from BLNR oversight as drafted in this bill will put the power in the right hands.

Secondly, the increase of fines is needed to improve compliance with the rules, and proper management of our precious resources. The current fines are not strict enough, and allow the greedy capitalists to exploit the wai without regulations. Wai is the most important resource on this ‘āina, and without wai there is no life. We live in a capitalistic society that challenges our indigenous views and threatens our practices as Hawaiians. This continuous battle with wai is one of them. But the passing of SB3327 SD1 would change that. If not, the interim instream flow standards will continue to be violated with little to no penalty. The increase of these fines will deter violations, and finally give the proper respect towards our wai. This continual exploitation, as seen with the Kaua‘ula Stream ordeal, is not pono and must be regulated for the well-being of our ‘āina, kai, and kānaka.

Finally, our traditional and customary practices, the expression of our identity and way of life, needs to be upheld as a priority in access to wai. As a young mahi'ai (farmer) myself, I am asking for your support because access to wai is vital for me to continue learning and growing in this way, and to cultivate a bountiful land for future generations. The health of our people is dependent on the health of our 'āina. Proper management of our resources will ensure our wellness. Wai is our most valuable resource to sustain life. Water must go to the lo'i before it goes to the pools of the hotels or the grass of the golf courses. If you care about Hawaiians and Hawai'i as a whole, if you care to see us keiki and the future generations flourish in our identity as Hawaiians, if you care about fixing this corrupt system that we currently struggle with and have been struggling with since the establishment of the sugar plantations, then please pass this bill.

In conclusion, I strongly support the establishment of an executive director of the Commission on Water Resource Management as well as the implementation of recommendations to the improvements of the Water Code that have long been overdue. I urge the Committees to **PASS SB3327 SD1**. I thank Chairs Dela Cruz and Rhoads, and Members of their respective committees for hearing this bill and hearing our voices.

E OLA I KA WAI!!!

TO: Chair Donovan M. Dela Cruz, Chair Karl Rhoads, Vice Chair Sharon Y. Moriwaki, Vice Chair Mike Gabbard, and members of the Senate Committees on Ways and Means and Judiciary

FROM: Kūpa‘a Lewis Mattos

**RE: SB3327 SD1
Hearing on March 1, 2024
IN STRONG SUPPORT of SB3327 SD1**

Mai ka mokupuni awāwa kaulana ‘o ‘Ihikapalaumaewa, mai ka mauna ki‘eki‘e ‘o Haleakalā me nā pali uliuli Ko‘olau a hiki i Kepaniwai o ‘Īao.

Aloha mai e nā po‘o a me nā lālā o ka ‘Aha ‘Ōlelo,

Eia nō au ‘o Kūpa‘a Lewis Mattos ke wehewehe nei iā ‘oukou. 17 o‘u mau makahiki a he haumāna papa 11 au ma Ke Kula Ki‘eki‘e ‘o Kekaulike. He kupa au no ka ‘āina kaulana ‘o Nā Wai ‘Ehā a me ka ‘ao‘ao hikina ho‘i o ka wai a Kāne Kanaloa ‘o Wailuanui.

Aloha my name is Kūpa‘a Lewis-Mattos, I am 17 years old and I am a junior at King Kekaulike High School. Aside from being a student at Kekaulike I am also a student of the lo‘i kalo, raised with my siblings in the mud. My family have been kalo farmers and water advocates, or kahuwai, for generations. I share today on behalf of myself, my ‘ohana, my community, and my lāhui. I am testifying in **STRONG SUPPORT of SB3327 SD1**.

The motto of CWRM is “Ke Kahuwai Pono,” kahu meaning caretaker or guardian, wai meaning water, and pono, fair or prosperous. To be a kahuwai is to commit to protect and is kuleana. SB3327 SD1 aligns with this motto and ensures pono in the decisions that CWRM makes.

For too long, the system of Hawai‘i has not shown beneficial and hopeful outcomes for the future generations. However, a positive change like this can provide a better opportunity and can allow me as well as all the youth of Hawai‘i to have a future in the right direction. There are three main reasons I support SB3327 SD1.

First, having distinct leadership for the Water Commission ensures that decisions are made by people with diverse perspectives and prevents concentration of power. This helps to avoid potential biases. It also promotes the separation of power and independence between different agencies, which will increase pono decision making.

Next, SB3327 SD1 allows things to be put back into balance. It focuses on fairness and also provides the people with what we need. Also, it allows for diverse expertise. It helps better focus themselves on the field that they are in. CWRM will have better focus on only water resource management, and BLNR will have better focus on management of land and other natural resources, which can strengthen their expertise or knowledge in their field. Laulima in true form.

Lastly, this bill will help CWRM gain public trust and accountability. By making pono changes, the agency can gain the trust of the people.

Ho‘omoe wai kāhi ke kāo‘o
Let us all travel together like water flowing in one direction

Mahalo for your time.

TO: Chair Donovan M. Dela Cruz, Chair Karl Rhoads, Vice Chair Sharon Y. Moriwaki, Vice Chair Mike Gabbard, and members of the Senate Committees on Ways and Means and Judiciary

FROM: Kehaulani Kealoha-Franco

**RE: SB3327 SD1
Hearing on March 1, 2024
IN STRONG SUPPORT of SB3327 SD1**

Aloha kākou, ‘o Kehaulani Kealoha-Franco ko‘u inoa. No Pā‘ia mai au i ka ua mumuku ma Hāmākuapoko, kahi kaulana i ka he‘enalu ‘ana o nā ali‘i no Lahaina, ‘o Kawao lāua ‘o Kelea, ma ka ho‘oilō. He 17 o‘u makahiki a kūlike au i ko‘u mau kūpuna i ke kūpa‘a ‘ana i ka pono o kēia ‘āina nei.

Aloha, my name is Kehaulani Kealoha-Franco. I was born and raised on Maui, Hawai‘i. I am only 17 years old and I am here to stand for the pono of the wai just like my kūpuna did long ago. I am devastated that this is still happening, devastated that our kānaka continue to struggle for water, for our ‘āina, to simply survive in our home.

I pray that you listen to me and my po‘e kānaka as we say our peace. Our water was taken by greedy developers and people trying to make money off of our resources, off of our culture, off of our dignity as kānaka. While we look at the instream flow standards, developers laugh at us as they continue to drill wells to suck our ‘āina dry all to support hotels and resorts. This is a crime and we need justice. They laugh at us as they escape these violations with small fines, if any. They should be appropriately fined so that they will not repeat any of these violations.

We need those waters for our lo‘i to feed our ‘ohana, for our trees to shade, and to feed our keiki, to feed our future. There is no future without water. There is no Hawai‘i without kānaka. There is no future for me in Hawai‘i if everything is so expensive, while we beg from tourists and the wealthy. Maui is my home. Water should be prioritized to keep all of us kānaka here, more than surviving, but thriving. There are so many things to fix, and we can fix it now. SB3327 SD1 will prioritize our traditional and cultural practices and award the water kānaka need to continue these practices.

We are descendants of Papa and Wākea, of every manu, of every i‘a, of every kumu lā‘au, of every crawling creature, of every limu in our kai, of the very lepo that we stand on. I hope we all remember that as we stand here in Hawai‘i and use our voices. Our voices should have a place when choosing the positions of power. The separation of CWRM from the BLNR

chair and creating an executive director of CWRM allows the people some input as to who is chosen.

In conclusion, I strongly support the establishment of an executive director of the Commission on Water Resource Management as well as the implementation of recommendations for the improvements of the Water Code that are long overdue. I urge the Committees to PASS SB3327 SD1. Mahalo for the opportunity to testify. **E OLA I KA WAI!!!**

TO: Chair Donovan M. Dela Cruz, Chair Karl Rhoads, Vice Chair Sharon Y. Moriwaki, Vice Chair Mike Gabbard, and Members of the Senate Committees on Ways and Means and Judiciary

FROM: Kaylen Lilinoe Pali

**RE: SB3327 SD1
Hearing on March 1, 2024
IN STRONG SUPPORT of SB3327 SD1**

Mai ka pi'i 'ana o ka lā i Haleakalā a i ka napo'ō 'ana o ka lā i Kahālāwai, mai ka moku nui 'o Keawe a i ka moku 'o Lehua. Aloha mai e nā po'ō a me nā lala o ka 'Aha 'Ōlelo,

'O au 'o Kaylen Lilinoe Pali a ke kākau nei au iā 'oukou e ha'i'ōlelo e pili ana i ka pila 'o SB3327 SD1. Noho au ma ka mokupuni u'i loa 'o Maui ma ka moku 'o Honua'ula. He haumāna au o Ke kula kaiapuni 'o Kekaulike a he 16 o'u mau makahiki. He kupa au no Hawai'i nei. I am testifying in STRONG SUPPORT of SB3327 SD1.

For many years locals have come second after tourists in Hawai'i and we are tired of it. The Hawaiian mindset is the only mindset we should consider. From Hāloanakalaukapalili, to Papa and Wākea, in school, we are taught that our history goes beyond us and relies on water. We should be allowed to have our cultural practices and we should be allowed to make that our priority. Water is a public trust, water is our right, and water is our source of life.

Politicians should have no say in our rights and we as kānaka Hawai'i deserve to have our water back. Tourists should not have more rights than the people you are obligated to serve. Passing this bill is one step closer to making sure the public trust is upheld. Having our Governor, who knows nothing about our wai, influence decisions on it makes no sense. Consider the bias he holds towards people and consider the certifications he has as well. Being Governor is one thing, picking someone to control our source of life with no knowledge is a whole other thing. Let's put someone in place who knows about our wai and knows the importance it has to us.

Our history is important to us and it should be important to you. Kānaka 'ōiwi depend on water and we depend on you to do what is right. In conclusion, I strongly support the implementation of recommendations to improve the Water Code that have long been overdue, and I urge the Committees to **PASS SB3327 SD1**. Mahalo for the opportunity to testify.

E OLA I KA WAI!!!

TO: Chair Donovan M. Dela Cruz, Chair Karl Rhoads, Vice Chair Sharon Y. Moriwaki, Vice Chair Mike Gabbard, and Members of the Senate Committees on Ways and Means and Judiciary

FROM: Mauiola Aki

RE: SB3327 SD1
Hearing on March 1, 2024
IN STRONG SUPPORT of SB3327 SD1

Aloha mai e nā po‘o a me nā lālā o ka ‘Aha ‘Ōlelo, ‘o wau ‘o Mauiola Kīwalauapō Aki. He hāumana au ma Ke Kula Kaiapuni o Kekaulike. Noho a kupa au ma ka mokupuni ‘o ‘Ihikapalaumaewa mai ka mauna o Haleakalā a i ka mauna ‘o Maunakahalawai. Noho a kupa ko‘u ‘ohana ma ka moku ‘o Pū‘ali Komohana ma ka ‘ahupua‘a ‘o Wailuku ma ka ‘ili o Kumuwilwili a ma ke ‘āwawa ‘o ‘Iao.

Aloha mai kākou!

I strongly support SB3327 SD1 as it is a crucial need in our community!

Under the pressures of work and cost of living, our community struggles to keep up with everyday life, and maintaining our traditional and customary practices is a challenge in and of itself. While I see the importance of regulating our water usage, this bill is needed for our community to make it easier to obtain water use permits for our public trust purposes, such as kalo farmers and families who still live along our waterways who depend on that water for everyday living. For way too long our people have dealt with improper distribution of our freshwater resources by building huge divergents that take the wai for profit. Diverting our wai for the pleasure and enjoyment of tourists, drying up our waterways, and many other misuses needs to end!

The Public Trust Doctrine needs to be upheld so the right people get access to the water. SB3327 SD1 reinforces the Public Trust Doctrine. This bill not only helps our ecosystem but helps our community in so many ways.

“He ali‘i ka ‘āina, he kauā ke kanaka.” (The land is a chief; man is its servant).

I strongly advise that the Board Of Natural Resources (BLNR) and the Commission On Water Resources Management (CWRM) should be disentangled. CRWM and BLNR are two different concepts, one department is for water and one is for land. Therefore, they should be governed separately.

In conclusion, this bill will not just help kānaka Hawai‘i, but change how the Water Commission is run for the better. The water is very important because my ecosystem means a lot to me. There are so many extraordinary species and different types of plants that I cherish very much. These plants and animals give us life for our kīno. Giving us air to breathe and food to nourish our bodies. Day by day our ecosystem is crumbling because of the misuse of land and water.

“I nā ‘a‘ohe wai ‘a‘ohe ola, i nā ‘a‘ohe ola ‘a‘ohe kanaka.” If there is no water there is no life. If there is no life there are no humans.

Mahalo no ka ho‘olohe ‘ana!

TO: Chair Donovan M. Dela Cruz, Chair Karl Rhoads, Vice Chair Sharon Y. Moriwaki, Vice Chair Mike Gabbard, and Members of the Senate Committees on Ways and Means and Judiciary

FROM: Kamalani Koko

RE: **SB3327 SD1**
Hearing on March 1, 2024
IN STRONG SUPPORT of SB3327 SD1

Aloha mai e nā po‘o a me nā lālā o ka ‘Aha ‘Ōlelo,

‘O Kamalani Koko ko‘u inoa, no Maui mai au a hele wau i ke Kula Ki‘eki‘e o Kekaulike. I am testifying in **STRONG SUPPORT of SB 3327 SD1.**

First, I firmly believe that the wai should be returned to the ‘āina and to the people who have stewarded it for generations.

SB3327 SD1 would provide long overdue changes that were already recommended years ago to provide proper management of our water. WAI is LIFE ! WAI is also an everyday essential and it is a part of the way we ALL LIVE. Farmers need water, especially those that submitted water use permit applications that are still pending. They have been waiting for too long and they deserve water before new buildings or hotels and golf courses. SB3327 SD1 would prioritize their water needs in the process, which is essential to upholding the public trust and the perpetuation of Hawaiian culture in these areas.

In conclusion, I strongly support the establishment of the changes to the Water Code that SB3327 SD1 would make and in particular the prioritization of public trust purposes in the water use permit application process over other non-public trust purposes. This is an improvement to the Water Code that is long overdue. I urge the Committees to **PASS** SB3327 SD1. Mahalo for the opportunity to testify.



Testimony of **Lahaina Strong**
Before the Senate Committees on
Ways and Means
and
Judiciary

In Consideration of Senate Bill No. 3327 SB1
RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT

To Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and the honorable members of the committees,

We are writing on behalf of Lahaina Strong, an organization that was initially formed in 2018 following the Hurricane Lane fire in Lahaina and re-energized last year after the devastating Lahaina fires on August 8. Our organization is the largest grassroots, Lahaina-based community organization, with over 20,000 supporters, engaged in providing support and assistance to the victims of these disasters.

Lahaina Strong stands in support of SB3327 SD1.

This bill represents a crucial step toward ensuring the independence and autonomy of the Water Commission, which is essential for effective water management and decision-making in the wake of recent challenges faced by our community.

The proposed changes, particularly the separation of the Water Commission Chair from the Board of Land and Natural Resources (BLNR), address concerns about undue influence over Commission actions, and provide a more objective decision-making process. We witnessed the challenges and implications of centralized decision-making in the aftermath of the devastating fires on August 8, 2023. Providing the Water Commission with greater autonomy will help prevent conflicts of interest and foster more informed, community-driven decisions.

Furthermore, Lahaina Strong recognizes the importance of implementing recommendations from the 1994 Review Commission report, which are long overdue. The proposed amendments align with the core principles of extending water management areas, establishing a hierarchy of water uses, and strengthening the implementation of Native Hawaiian water rights. These changes are essential for ensuring fair and equitable water distribution, particularly in regions like Maui Komohana.

We would like to highlight the positive impact this bill can have on expediting the processing of Maui Komohana Water Use Permit Applications (WUPAs). Prioritizing public trust purposes and streamlining the permitting process will significantly benefit our community members, aligning with Lahaina Strong's commitment to ensuring the well-being of Lahaina residents.

In conclusion, Lahaina Strong urges the committees to **support SB3327 SD1**, recognizing its importance in establishing a more robust, independent, and community-focused Water Commission.

Mahalo for your attention to this critical matter, and we appreciate your commitment to the well-being of Lahaina and a more resilient and sustainable future for its residents.

Sincerely,

Pa'ele Kiakona, Jordan Ruidas & Courtney Lazo

Lahaina Strong



Native Hawaiian LEGAL CORPORATION

1164 Bishop Street, Suite 1205 • Honolulu, Hawai'i 96813
Phone (808) 521-2302 • www.nativehawaiianlegalcorp.org



SB3327 SD1

RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT.

SENATE COMMITTEE ON WAYS AND MEANS & COMMITTEE ON JUDICIARY

March 1, 2024

10:31 a.m.

Conf. Rm. 211 & Videoconference

Aloha e Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Members of the Committees,

The Native Hawaiian Legal Corporation¹ offers the following testimony in SUPPORT of SB3327 SD1 which proposes changes to the law to better ensure that the state, through the Commission on Water Resource Management, fulfills its important constitutional and statutory kuleana to wai.

Our state constitution recognizes the importance of water in Hawai'i. Article XI, § 1 provides that "all public natural resources are held in trust by the State for the benefit of the people."² CWRM is the state agency with the specific duty "to protect, control and regulate the use of Hawaii's water resources for the benefit of its people[.]" Haw. Const. Art. XI, § 7, and to implement the State Water Code.³ As trustee, it has an "affirmative duty to take the public trust into account in the planning and allocation of water resources, and to protect public trust uses whenever feasible." *Waiāhole I*, 94 Hawai'i at 141, 9 P.3d at 453.

The state must do more to fulfill its constitutional and statutory duties. The need for improvement was studied decades ago in the 1994 report referenced in SB3327 SD1, which reviewed the effectiveness of CWRM and Water Code and provided recommendations for improvement. SB332 incorporates many of them, including changes that empower CWRM to:

- Execute its kuleana with less interference by other agencies and state officials;
- Impose meaningful penalties and fines for violations of the water code;

¹ NHLC is a non-profit, public interest law firm committed to the protection and advancement of Native Hawaiian identity and culture, including the protection of Hawai'i waters and other aspects of the natural environment upon which Native Hawaiian well-being and culture depend.

² See *In re Waiāhole Combined Contested Case Hearing*, 94 Hawai'i 97, 132, 9 P.3d 409, 444 (2000) ("Article XI, [§] 1 and article XI, [§] 7 adopt the public trust doctrine as a fundamental principle of constitutional law in Hawai'i.").

³ CWRM is mandated to "set overall water conservation, quality and use policies; define beneficial and reasonable uses; protect ground and surface water resources, watersheds and natural stream environments; establish criteria for water use priorities while assuring appurtenant rights and existing correlative and riparian uses and establish procedures for regulating all uses of Hawaii's water resources." Haw. Const. Art. XI § 7.

- Declare emergencies in any area experiencing water shortages that threaten public health, safety, and welfare; and
- Prioritize public trust purposes in water management areas.

As the 1994 report concluded, adopting these recommendations would help the state uphold its trust duties and constitutional mandate to protect water. Indeed, the disadvantages and challenges of the current law and structure of CWRM have been demonstrated many times since 1994, not the least of which by the events immediately following the tragic Lahaina wildfires last year.

First, SB3327 SD1 gives CWRM more autonomy to do its job. Removing the Department of Land and Natural Resources' substantive oversight over the agency, allowing it to hire independent counsel, and converting the deputy position into an executive director appointed and evaluated by CWRM allows the agency to operate independently with less outside influence. Conflicts of priorities or interests should not encumber or inhibit CWRM from fulfilling its water management duties.

Second, this bill gives CWRM more authority to ensure that water is properly managed. The ability to impose meaningful fines based on violators' current and past conduct could deter improper, illegal, and harmful actions that might otherwise continue without consequence. Additionally, the ability to declare emergencies in any area experiencing water shortages allows CWRM, as the state agency with specific expertise on water, to take prompt action in serious situations that affect the resource, which would have been critical during both the Red Hill and Maui wildfire crises.

Third, SB3327 SD1 explicitly defines, in accordance with the principles outlined in articles XI and XII of the Hawaii State Constitution, and prioritizes public trust purposes over other uses in water management areas in water use permitting decisions. This is especially significant as the west Maui community recovers from the wildfires and seeks access to water for kalo cultivation and other traditional Native Hawaiian practices, appurtenant rights, and domestic water uses.

Given the decades of community-policing-turned-litigation based on the state's failures to meet its kuleana and this critical juncture of disaster recovery and climate change, it is high time to address the shortcomings of the current management structure and set the state up for success. SB3327 SD1 is an important step toward providing greater accountability and protection of the state's water and, ultimately, ensure that our water laws function as intended. As such, NHLC urges the committees to pass **SB3327 SD1**.

Mahalo for the opportunity to testify.



Ashley K. Obrey
Senior Staff Attorney
Native Hawaiian Legal Corporation

SB-3327-SD-1

Submitted on: 2/29/2024 8:39:18 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
John & Rita Shockley	Testifying for Free Access Coalition	Support	Written Testimony Only

Comments:

Aloha!

The Free Access Coalition supports SB3327. We agree with Wayne Tanaka and the O'ahu Sierra Club that Hawaii's "Wai" or water needs to have free access for the public away from political and private interest interference.

Mahalo for your time.

Nā Alakaʻi o ka ʻAhahui o Hawaiʻi

Advocates for Native Hawaiian Justice

William S. Richardson School of Law | University of Hawaiʻi at Mānoa



**ʻAHAHUI
O HAWAIIʻI**
Advocates for Native Hawaiian Justice

Testimony of Nā Alakaʻi o ka ʻAhahui o Hawaiʻi

Before the Senate Committees on Ways and Means and the Judiciary

Friday, March 1, 2024 at 10:31 am
State Capitol, Conference Room 211
415 South Beretania Street
Honolulu, HI 96813

Re: Support for SB3327, SD1 Relating to the Commission on Water Resource Management

Aloha e Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and committee members,

We are the alakaʻi of ʻAhahui o Hawaiʻi (“the Hui”), an organization of student advocates at the William S. Richardson School of Law. For the last 50 years, the Hui has advocated for Native Hawaiian justice in all areas of law, especially those affecting Native Hawaiian communities, traditional and customary practices, resource management, and environmental protection. Today we submit this **testimony in strong support of SB3327, SD1.**

Over the last year, Hui members have supported the Maui Komohana community in their efforts to ensure the equitable distribution of water, restore streamflow, and uphold the public trust. We have witnessed firsthand the harms inflicted on ʻāina by private water purveyors who ignore instream flow standards and continue to illegally divert and hoard water with impunity. And in the immediate aftermath of the fires that devastated Lahaina last August, we watched as these same purveyors engaged in a naked water grab to wrest even more control of Maui Komohana’s water.

Most disappointing throughout this process has been the Commission on Water Resource Management’s (“CWRM”) inability or unwillingness to step in and act on its constitutional and statutory obligation to protect and manage our water resources. In a time when the Commission’s leadership and decisive action is needed more than ever, CWRM has been hamstrung by political interference from the Governor, the Department of Land and Natural Resources (“DLNR”), and large economic interests. Even since we last advocated for this bill a few weeks ago, Chair Chang has changed her position multiple times, evidencing the exact type of political instability that has plagued the Commission for years.

Still, SB3327, SD1 is not about one person or even one event. It is about making the structural changes necessary to cure historic issues within the agency and to provide CWRM with the independence and authority it needs to satisfy its constitutional directive. This bill would remove the politics from our

Nā Alakaʻi o ka ʻAhahui o Hawaiʻi

Advocates for Native Hawaiian Justice

William S. Richardson School of Law | University of Hawaiʻi at Mānoa



ʻAHAHUI
O HAWAII
Advocates for Native Hawaiian Justice

water policy by granting CWRM independence from DLNR. The proposed amendments are not new or radical ideas, but instead are based on recommendations made in a 1994 Report by the Review Commission on the State Water Code. The report suggested a restructuring of CWRM to afford the Commission the autonomy needed to effectively protect and preserve Hawaiʻi's precious freshwater resources. As this past year has shown, reorganization is necessary to keep the politics out of our waters. Chair Chang may disagree that there are politics involved, but the truth is that legacy diverters have and will continue to exert influence over the Chair and CWRM so long as it is housed within DLNR. The provisions in this bill would separate the two, allowing CWRM to focus on its constitutional mandate and, importantly, empower the Commission to do its job and respond to devastating wildfires, the Kapūkakā (Red Hill) fuel leaks, and future water crises that may arise as the climate emergency escalates. In Lahaina, SB3327, SD1 can expedite CWRM's allocation of water for temporary emergency housing, so folks living in hotels or on the beach can move into more stable homes.

Chief Justice Richardson, the namesake of our law school, set the foundation for modern water law and the public trust doctrine that we have today. His court set the precedent that water must be held in trust for the common good and cannot be privately owned or sold. As he would say, when it comes to water, "think of the little guy downstream." We honor that legacy today by voicing our **support for SB3327, SD1**, a bill that protects the Commission from political interference and protects the "little guys" from commercial interests and plantation water policies that have plagued Hawaiʻi's wai and its people for over a century.

Please vote today in support of SB3327, SD1 to free the Commission and free our streams.

Mahalo for the opportunity to provide this testimony.

E ola i ka wai!

Nā Alakaʻi o ka ʻAhahui o Hawaiʻi

Nā Alakaʻi:

Dru Hara ('24)

Kawaiuluhonua Scanlan ('24)

B. Oriana McCallum ('25)

Andrea C. Leialoha Swain ('25)

Kyle K. Moriguchi ('26)

SB-3327-SD-1

Submitted on: 2/29/2024 9:01:20 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Patrick Kahawaiolaa	Testifying for Keaukaha Community Association (KCA)	Support	Written Testimony Only

Comments:

**Senate Committee on Ways and Means; and Senate Committee on Judiciary
Hearing: Friday, March 1, 2024 10:31 AM
State Capitol Conference Room 211
Strong Support for SB3327, SD1: Relating to the Water Commission**

Aloha Chairs Dela Cruz and Rhoads and Honorable Committee Members, I am, Patrick L. Kahawaiolaa's a native Hawaiians as defined pursuant to the HHCA, 1920, as amended, July 9, 1921, 67th Congress (42,42 stat. 108) and I am the current President of the Keaukaha Community Association and the legacy of WAI (water) is closely intermingled within the Hawaiian CULTURE, as e ola ika wai... Water is Life...as the oldest native Hawaiian community on the Island of Hawaii, celebrating its Centennial 1924-2024, I'm testifying today in STRONG SUPPORT of SB3327, SD1.

*We urge this legislature to **pass SB3327, SD1 and make it effective immediately.** We need a Water Commission that is empowered to take proactive steps to manage our precious wai. This is true now more than ever as Hawai'i is literally burning as a combined result of resource abuse and global climate change. There is not enough freshwater to sustain local families, whether that is on Maui, where large corporate diverters have sucked the streams dry, or O'ahu, where the U.S. military's negligence has compromised our aquifers. Importantly, this bill will help the Commission hold violators accountable. It will also allow the Commission to be more responsive in times of emergency, including with temporary housing for Maui fire victims, Red Hill, and beyond.*

The DLNR Chair's response to this bill is emblematic of the political whiplash that has paralyzed our water policy, particularly in the wake of the Maui fires. Even as many of us continue to appear before the Commission and this legislature in unified support of proactive management, before and after the fires, Chair Chang continues to undermine our repeated calls for ke kahuwai pono. After submitting written testimony in support of restructuring the Commission, 24 hours later, Chair Chang backpedaled on her position. She cautioned committee members to be "thoughtful and not reactionary." Now, we aren't even sure she still supports this bill.

SB3327, SD1 is thoughtful. It will better equip the Water Commission to respond to the devastating wildfires, to Red Hill, and to similar water emergencies in the future. And while SB3327, SD1 is responsive to current water crises, it is not reactionary. Actually, a Review Commission assembled by the legislature offered many similar recommendations in the early 1990s. SB3327, SD1 implements the original intent of the Water Code when this legislature first passed the Water Code 37 years ago. Today, the military and other large landed interests continue to exert outsized influence on our water policy to the detriment of our communities, our streams, and our 'āina. The Commission's constitutional mandate has always been to protect and manage our water resources for the benefit of present and future generations. The amendments proposed in SB3327, SD1 have the potential to bring the law to life at a crucial point in our history and when Hawai'i needs this the most.

This bill is a necessary step towards evolving our government to meet the demands of the climate emergency we are now living in. It will benefit communities across Hawai'i, such as those on O'ahu whose water supplies have been poisoned by Red Hill.

The Water Commission needs to be able to act. Please help us get our water management back on track and pass SB3327, SD1 today.

Ola i ka wai!

'Owau me ka ha'aha'a, (I humbly remain),
Patrick L Kahawaiolaa



Senate Committee on Ways & Means / Senate Committee on Judiciary

Hawai'i Alliance for Progressive Action (HAPA) Supports: SB3327 SD1

Friday, March 1st, 2024 10:3 a.m. Conference Room 211

Aloha Chairs Dela Cruz and Rhoads and Honorable Committee Members,

HAPA is writing in strong support of SB3327 SD1 which will finally implement decades-long recommendations to try to minimize political influences on our Water Commission. It will also enable the CWRM Commissioners and their staff to focus on their important duties instead of responding to political maneuvering.

We unfortunately witnessed the worst kind political influence and attempted water grabs in the aftermath of the Lāhainā fires. Wealthy developers seeking water for luxury developments, using the cover of the recent disaster, engaged in a damaging misinformation campaign that was parroted in both local and national media.¹ This misinformation campaign led to the temporary revoking of the water code, threats of undoing the hard won Maui Komohana water management area and the unwarranted scapegoating and reassignment of then Deputy Director Manuel.²

It was only after massive outcry from a still grieving community that the administration walked back its suspension of the water code, threats to undo the water management area and reassignment of former Deputy Director Manuel. This kind of politicking placed an additional burden on an already traumatized community by forcing them to defend a ground and surface water management area designation they already fought decades to enact. Hundreds of displaced Lāhainā residents took time while still grieving and flew to another island multiple times to defend their water rights and an unfairly scapegoated Deputy Director.

SB3327 SD1 very importantly disentangles CWRM from the BLNR so that it is no longer subject to the control of the chairperson of BLNR with regard to any of its functions, duties, and powers. This bill also provides CWRM with the true independence it was intended to have when it was established. This independence is necessary to oversee water management in a manner consistent with the Commission's constitutional and statutory purposes.

Furthermore the increased fine limit provides the necessary power to dissuade private interests from repeatedly taking more HAPA water than allowed and overstressing aquifers. This is particularly

¹

<https://www.hawaiipublicradio.org/local-news/2023-09-21/regaining-public-trust-could-be-an-uphill-battle-for-the-state-water-commission>

²

<https://www.theguardian.com/commentisfree/2023/aug/17/hawaii-fires-maui-water-rights-disaster-capitalism>



critical in communities such as west Maui where water resources are already severely constrained.

SB3327 SD1 also provides CWRM the appropriate authority to take action in the case of an emergency, which it has not been the case to date. Contested case hearings can provide a check on potential abuses of this important authority.

Please support SB3327 SD1. It is an important measure to restore trust in the State Commission on Water Resources, and to ensure it can exercise its constitutional and statutory duties to uphold Hawai'i's water code and protect our precious public trust water resources free from political influence.

Mahalo for your consideration. Ola i ka wai!

Respectfully,

A handwritten signature in black ink, appearing to read 'Anne Frederick', is positioned below the text 'Respectfully,'.

Anne Frederick
Executive Director

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 2:12:49 PM
Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Kupuna for the Mo'opuna	Testifying for Kupuna for the Moopuna	Support	Written Testimony Only

Comments:

IN STRONG SUPPORT OF SB 3327 SD1!

Water is life!

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 3:44:32 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Topher Dean	Testifying for Clean the Pacific	Support	Written Testimony Only

Comments:

I support SB 3327. What could be more important than potable water? Look back at the history of water in Hawaii and you'll see a very lopsided story. It's a story of money and greed and a sociopathic indifference to the Native Hawaiians. This bill will help to make sure that all of the citizens of Hawaii have a say in how water is distributed and used, not just the wealthy. Please pass this measure so future generations will have a seat at the table.



LATE

SENATOR DONOVAN DELA CRUZ, CHAIR
SENATOR SHARON MORIWAKI, VICE CHAIR
SENATE COMMITTEE ON WAYS AND MEANS

SENATOR KARL RHOADS, CHAIR
SENATOR MIKE GABBARD, VICE CHAIR
SENATE COMMITTEE ON JUDICIARY

TESTIMONY IN SUPPORT OF SENATE BILL 3327, SD1

March 1, 2024, 10:31 a.m.
Room 211 State Capitol
415 South Beretania Street

Dear Chairs Dela Cruz and Rhoads, and members of the Senate Committee on Ways and Means and Senate Committee on Judiciary:

Earthjustice is a non-profit environmental law firm with decades of experience litigating cases to protect the public trust in Hawai'i's natural resources. One of the Earthjustice Mid-Pacific Office's primary practices areas is Hawai'i water law, and we have litigated precedent-setting Hawai'i Supreme Court cases interpreting and implementing our Water Code, Hawai'i Revised Statutes ("H.R.S.") chapter 174C. As a legal organization with decades of experience representing communities to protect and restore water resources throughout Hawai'i pae 'āina, Earthjustice **strongly supports Senate Bill 3327, SD1**. We mahalo Senator Inouye and Chairs Dela Cruz and Rhoads and the members of their committees for moving to implement these necessary and long-overdue recommendations of the Review Commission on the State Water Code State of Hawai'i in its Final Report to the Hawai'i State Legislature, dated December 28, 1994 ("1994 Review Commission Report") to upgrade our Water Code to insulate the Commission on Water Resources Management ("Commission") from political influence and interference, provide the tools to more effectively operationalize Hawai'i's constitutional public trust, and restore the public's trust and confidence in the Commission and the rule of law.

A. SB 3327's Restructuring of the Commission's Leadership and Composition is Critical to Insulate the Commission from Political Interference in the Performance of its Duties.

The restructuring of the Commission's leadership and composition is a critical component of SB 3327. The Commission's current management structure leaves it beholden to

MID-PACIFIC 850 RICHARDS STREET, SUITE 400 HONOLULU, HI 96813

T: 808.599.2436 F: 808.521.6841 MPOFFICE@EARTHJUSTICE.ORG WWW.EARTHJUSTICE.ORG

the Governor and his political appointees. The 1994 Review Commission Report recommended that the Department of Land and Natural Resources' Chair be an ex-officio voting member "who would not be eligible to serve as chairperson of the commission." 1994 Review Commission Report, at p. 21. This was designed to "provide the commission with greater autonomy" and is necessary to protect, develop, and control water in a manner consistent with the Commission's constitutional and statutory purposes. *Id.*; see also H.R.S. § 26-35 (mandating that the Commission shall not be subject to the control of the DLNR chair regarding any of its quasi-judicial functions or to the exercise of its functions, duties, and powers). Moreover, although decades have passed since the Review Commission Report was authored, **none** of the recommended structural changes were ever implemented. The political maneuvering that permeated the Green Administration's handling of the Lahaina wildfire disaster is only one recent example that underscores the ongoing necessity of the amendments in SB 3327. Ensuring the Commission's greater independence and autonomy from political influence would both enable the Commission to function, and bolster public confidence and trust in its decisionmaking.

B. SB 3327 Grants the Commission Critical Administrative Tools Necessary to Fulfill its Constitutional and Statutory Public Trust Duties.

The original version of SB 3327 revived legislation recommended by the Attorney General's Office, passed during the 2023 legislative session, and inexplicably vetoed by the Governor. See HB 153, H.D. 1, SD 1, CD 1 (2023) (relating to state water code penalties); HB 1088, H.D. 1, SD 1, CD 1 (2023) (relating to declaration of water shortage and emergency). Of critical importance to fulfilling the Commission's mission is the authority to declare an emergency related to water quantity. The fundamental need for this authority played out in the aftermath of the release of fuel from the Red Hill Bulk Fuel Storage Facility. The Commission was unable to respond to this emergency without the amendments in last year's HB 1088 and this year's SB3327, and as a result, the public's trust in this institution is waning. Residents are seeing a similar scenario play out in the aftermath of the fires that devastated Lahaina.

Properly employed, the authority to declare emergencies helps to facilitate the community's recovery from devastating events, such as the Lahaina fires and the need for water for temporary emergency housing in particular. In these times of immense uncertainty, the Commission must be able to adapt appropriately to changing circumstances. We urge your Committees to restore the original language in SB3327 regarding emergency powers, including what would become H.R. S. 174C-5(17).

In addition, SB 3327 establishes heightened penalties for violations of our Water Code. The ability to impose heightened penalties and fines is critical to the Commission's ability to effectively deter violations and hold offenders accountable.

C. SB 3327's Reaffirmation of the Priority Rights Under the Water Code are Necessary to Protect Priority Rightsholder as Required By Law.

Hawai'i's Constitution and Water Code prioritize public trust purposes. Both also mandate that the Commission assure appurtenant rights. *See* Hawai'i State Constitution Article XI § 7. In addition, the Water Code declares that "Appurtenant rights are preserved. Nothing in this part shall be construed to deny the exercise of an appurtenant right by the holder thereof at any time. A permit for water use based on an existing appurtenant right shall be issued upon application." H.R.S. § 174C-63. *See also* H.R.S. § 174C-101(d). Further, "[t]raditional and customary rights of ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778 shall not be abridged or denied." H.R.S. § 174C-101(c).

SB 3327 defines "public trust purposes" and memorializes what has been and should be the Water Commission's practice in prioritizing these uses in water use permitting. The Attorney General's testimony on this aspect of the bill is legally wrong, and highlights the importance of the Commission being able to secure its own legal counsel. Earthjustice's extensive experience in water use permitting in Nā Wai 'Ehā over the last two decades, for example, has witnessed some Commission staff turning a blind eye to public trust priorities and advancing existing uses over new public trust purposes, which turns the law on its head while also perpetuating the institutional biases towards plantation water purveyors and their corporate successors. We are concerned that similar dynamics will be at play as the Commission works to implement the newly designated water management area in Maui Komohana. We urge your Committees to protect those residents who have already lost so much to the Lahaina fires by upholding the public trust purpose as defined in SB3327. As noted by the 1994 Review Commission, "gathering these rights in a separate part of the State Water Code underscores their existence and serves as a reminder to everyone that they must be respected when allocation decisions are made." 1994 Review Commission Report, p. 24. SB 3327 would help bolster protections of priority rightsholders, as the law requires, even though they have yet to be respected by the Office of the Attorney General.

D. Conclusion

As climate change sets in and water resources become more uncertain, the Commission will be challenged like never before to set and maintain the right balance between Hawai'i's many water users. SB 3327 helps the Commission fulfill their crucial role in implementing the Water Code and our constitutional public trust duties and restores the public trust and confidence that has seriously eroded in the aftermath of the Lahaina wildfires. Earthjustice respectfully requests that the Senate Committee on Public Safety and Intergovernmental and Military Affairs and Senate Committee on Water and Land **pass SB 3327, SD1** with the requested amendments. Mahalo!

Senate Committee on Ways and Means; and Senate Committee on Judiciary
Hearing: March 1, 2024 @ 10:30 AM
State Capitol Conference Room 225
Strong Support for SB3327: Relating to the Water Commission

Aloha Chair Dela Cruz and Members of the Committee on Ways and Means, and Chair Rhoads and Members of the Committee on Judiciary,

My name is Lauren Palakiko and I am privileged to live in Kaua‘ula Valley on ‘āina kuleana. My husband is a kalo farmer and our entire ‘ohana has been deeply engaged in the battle over wai in Maui Komohana and Kaua‘ula Valley in particular. **Mahalo for this opportunity to testify today in strong support of SB3327.**

The events of the last six months have made it clear that politics is poisoning our water. Last August, when fires ripped through Maui Komohana and devoured Lahaina, the Governor’s first response was to suspend the Water Code, stripping away hard-won constitutional protections with the stroke of a pen. Then, the governor-appointed chair of BLNR removed CWRM’s deputy director without cause, leaving the Commission leaderless and impotent so that large private interests could tighten their grasp on our wai in Kaua‘ula in particular. Even after our ‘ohana and community stood up to get the Code reinstated and made our voices heard, CWRM has taken no action on our water use permit applications, meanwhile, the IIFS for Kaua‘ula Stream continues to be violated while other streams across Maui Komohana run dry.

When major landowners and private developers such as West Maui Land Company pick up the phone or send a letter, their demands are met overnight. Yet when our community and supporters from across ka pae ‘āina turn out in the hundreds to demand that CWRM fulfill its kuleana as ke kahuwai pono, the Commission drags its feet and refuses to act. This is hewa. **SB3327** provides this legislature with an opportunity to liberate CWRM from DLNR and to get the politics out of our water policy. Under this bill, CWRM’s Executive Director would be insulated from corruption and political pressure, and empowered to deliver on the Commission’s constitutional and statutory obligations to protect and manage our wai for the benefit of all Hawai‘i’s people.

For too long, private purveyors have been allowed to illegally divert and hoard water with impunity. There is no better example of this than in Maui Komohana where private companies continue to control over 75% of our water. Their boundless greed has depleted our streams and endangered public safety. A \$5,000 fine, the current maximum allowed under the Water Code, is nothing more than a slap on the wrist to developers like West Maui Land Company who have made millions by exploiting a public trust resource when those with priority rights, such as other kuleana stewards in Kaua‘ula, lack water for basic household needs such as bathing their babies. I myself have had to bathe my son in a bucket when our water was cut off. Importantly, many ‘āina kuleana in Kaua‘ula rely on the stream for our domestic water needs. Higher fines are what

is necessary to deter repeated violations. **SB3327** will improve compliance with the Water Code by enabling CWRM to impose meaningful fines and penalties, especially for repeat offenders.

The reality is that we are living in a climate crisis. Extreme weather events are becoming more frequent each year, and the perpetuation of plantation water politics is only making our communities more vulnerable to disasters. Our hurt is not over. We need proactive solutions and a Commission that is empowered to take timely action in times of emergency. We ask that this legislature **please vote today in support of SB3327**. We have waited too long already. We implore you to take this necessary stand to protect our wai and to support our community so that we can actually focus on recovery.

Mahalo and ola i ka wai!

Lauren Palakiko

Senate Committee on Ways and Means; and Senate Committee on Judiciary
Hearing: March 1, 2024 @ 10:30 AM
State Capitol Conference Room 225
Strong Support for SB3327: Relating to the Water Commission

Aloha Chair Dela Cruz and Members of the Committee on Ways and Means, and Chair Rhoads and Members of the Committee on Judiciary,

My name is Charlie Palakiko and I am a kalo farmer in Kaua‘ula Valley. My ‘ohana have been stewards of ‘āina kuleana in Kaua‘ula for generations, and we have worked tirelessly to restore wai and waiwai to this ‘āina since the plantations shut down. In that time, I have experienced first hand how politics continue to influence our water policy at the expense of our community, our environment, and our wai. **Mahalo for this opportunity to testify today in strong support of SB3327.**

Our community in Maui Komohana fought hard to get the Lahaina Aquifer designated as a water management area because we believe in the Water Code. We also believed in the integrity of CWRM and in its ability to enforce the code in its role as ke kahuwai pono. But what we have experienced in the 18 months since designation is more of the same, profit-over-people approach to water management that we have been dealing with for years. Under the current system, with CWRM under DLNR control, us kalo farmers and true domestic users are at the bottom. We are the first ones to get our water shut off. We are the ones who have to constantly fight for our rights to water with the private diverters upstream. Our lo‘i and streams run dry before their swimming pools ever do. And last summer, after the fires, we were the ones who got blamed. Not the plantations and land companies who dried out Lahaina by diverting water for the last 150 years, but us, the kalo farmers who have only ever advocated for the restoration of our wai and the health of our ‘āina.

In the time when Maui Komohana most needed the State’s support, the Governor and the DLNR sided with the diverters. They bought into the false narrative being pushed by West Maui Land Company that somehow consideration for downstream users and restrictions imposed by the Water Code resulted in insufficient water for fire suppression. Even worse, the media ran with the Governor’s comments to paint the kanaka deputy director of CWRM and kalo farmers like me as criminals. The Governor suspended the Water Code and DLNR removed the CWRM deputy director without cause or explanation. And even after hundreds of our community put their recovery on pause to fly to O‘ahu and advocate for our wai, all we got was a reset to the status quo. Still yet, nothing has been done to repair this harm. Our water use permit applications sit in limbo, the IIFS for Kaua‘ula Stream continues to be violated, and I still worry if I will have enough water to wash my keiki, grow my kalo, and fight the next fire when it comes.

I support **SB3327** as a necessary measure to provide CWRM with the independence and authority needed to implement the Water Code as the legislature intended. An independent CWRM, under the direction of an Executive Director not beholden to DLNR, would be empowered to deliver on the Commission's constitutional and statutory obligations to protect and manage Hawai'i's wai for the benefit of the people. This bill would give CWRM a real means of enforcement against the true violators of the Water Code, the ones who take and then take more until there is nothing left.

Please **vote today in support of SB3327**. Take the politics out of our streams, out of our lo'i, and out of our water policy. Our community should no longer have to bear the burden of enforcing the Water Code. I ask that you give CWRM the tools it needs to protect our wai, and allow our community the space and peace of mind we need to heal.

Mahalo and ola i ka wai!
Charlie Palakiko

SB-3327-SD-1

Submitted on: 2/28/2024 5:31:35 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Rhonda	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads and Honorable Committee Members

My name is Rhonda Vincent . I'm testifying today in strong support of SB3327, SD1.

I urge this legislature to pass SB3327, SD1 and make it effective immediately. We need a Commission that is empowered to take proactive steps to address Hawai'i's diminishing water supplies.

Please help us get our water management back on track and pass SB3327, SD1 today.

Mahalo!

Rhonda

SB-3327-SD-1

Submitted on: 2/28/2024 6:06:57 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Isis Osborne	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads and Honorable Committee Members,

My name is Isis Osborne, and I live in Waikiki. I’m testifying today in strong support of SB3327, SD1.

We urge this legislature to pass SB3327, SD1 and make it effective immediately. We need a Water Commission that is empowered to take proactive steps to manage our precious wai. This is true now more than ever as Hawai‘i is literally burning as a combined result of resource abuse and global climate change. There is not enough freshwater to sustain local families, whether that is on Maui, where large corporate diverters have sucked the streams dry, or O‘ahu, where the U.S. military’s negligence has compromised our aquifers. Importantly, this bill will help the Commission hold violators accountable. It will also allow the Commission to be more responsive in times of emergency, including with temporary housing for Maui fire victims, Red Hill, and beyond.

The DLNR Chair’s response to this bill is emblematic of the political whiplash that has paralyzed our water policy, particularly in the wake of the Maui fires. Even as many of us continue to appear before the Commission and this legislature in unified support of proactive management, before and after the fires, Chair Chang continues to undermine our repeated calls for ke kahuwai pono. After submitting written testimony in support of restructuring the Commission, 24 hours later, Chair Chang backpedaled on her position. She cautioned committee members to be “thoughtful and not reactionary.” Now, we aren’t even sure she still supports this bill.

SB3327, SD1 is thoughtful. It will better equip the Water Commission to respond to the devastating wildfires, to Red Hill, and to similar water emergencies in the future. And while SB3327, SD1 is responsive to current water crises, it is not reactionary. Actually, a Review Commission assembled by the legislature offered many similar recommendations in the early 1990s. SB3327, SD1 implements the original intent of the Water Code when this legislature first passed the Water Code 37 years ago. Today, the military and other large landed interests continue to exert outsized influence on our water policy to the detriment of our communities, our streams, and our ‘āina. The Commission’s constitutional mandate has always been to protect and manage our water resources for the benefit of present and future generations. The amendments

proposed in SB3327, SD1 have the potential to bring the law to life at a crucial point in our history and when Hawai'i needs this the most.

Extreme weather events are becoming more frequent each year, and the perpetuation of plantation water politics is only making our communities more vulnerable to disasters. Lahaina is our latest wake up call, and we stand with Lahaina. This bill is a necessary step towards evolving our government to meet the demands of the climate emergency we are now living in. It will benefit communities across Hawai'i, such as those on O'ahu whose water supplies have been poisoned by Red Hill.

The Water Commission needs to be able to act. Please help us get our water management back on track and pass SB3327, SD1 today.

Ola i ka wai!

Isis Usborne

SB-3327-SD-1

Submitted on: 2/28/2024 6:19:21 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Malia Taylor-Wolfe	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads and Honorable Committee Members,

My name is Malia Taylor-Wolfe, and I am a member of ‘Ahahui o Hawai‘i, an organization of student advocates at the University of Hawai‘i at Mānoa William S. Richardson School of Law. I live in Honolulu, Hawai‘i and I am testifying today in **strong support** of SB3327, SD1.

We urge this legislature to pass SB3327, SD1 and make it effective immediately. We need a Water Commission that is empowered to take proactive steps to manage our precious wai. This is true now more than ever as Hawai‘i is literally burning as a combined result of resource abuse and global climate change. There is not enough freshwater to sustain local families, whether that is on Maui, where large corporate diverters have sucked the streams dry, or O‘ahu, where the U.S. military’s negligence has compromised our aquifers. Importantly, this bill will help the Commission hold violators accountable. It will also allow the Commission to be more responsive in times of emergency, including with temporary housing for Maui fire victims, Red Hill, and beyond.

The DLNR Chair’s response to this bill is emblematic of the political whiplash that has paralyzed our water policy, particularly in the wake of the Maui fires. Even as many of us continue to appear before the Commission and this legislature in unified support of proactive management, before and after the fires, Chair Chang continues to undermine our repeated calls for ke kahuwai pono. After submitting written testimony in support of restructuring the Commission, 24 hours later, Chair Chang backpedaled on her position. She cautioned committee members to be “thoughtful and not reactionary.” Now, we aren’t even sure she still supports this bill.

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SB3327, SD1 is responsive to current water crises, it is not reactionary. Actually, a Review Commission assembled by the legislature offered many similar recommendations in the early 1990s. SB3327, SD1 implements the original intent of the Water Code when this legislature first passed the Water Code 37 years ago. Today, the military and other large landed interests continue to exert outsized influence on our water policy to the detriment of our communities, our streams, and our ‘āina. The Commission’s constitutional mandate has always been to protect and manage our water resources for the benefit of present and future generations. The amendments proposed in SB3327, SD1 have the potential to bring the law to life at a crucial point in our history and when Hawai‘i needs this the most.

Extreme weather events are becoming more frequent each year, and the perpetuation of plantation water politics is only making our communities more vulnerable to disasters. Lahaina is our latest wake-up call, and we stand with Lahaina. This bill is a necessary step towards evolving our government to meet the demands of the climate emergency we are now living in. It will benefit communities across Hawai‘i, such as those on O‘ahu whose water supplies have been poisoned by Red Hill.

The Water Commission needs to be able to act. Please help us get our water management back on track and pass SB3327, SD1 today.

Ola i ka wai!

Malia Taylor-Wolfe

SB-3327-SD-1

Submitted on: 2/28/2024 6:58:41 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Kaila Wilkinson	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads and Honorable Committee Members,

My name is Kaila Wilkinson, and I live in Honolulu, but I was born and raised in Lahaina. I'm testifying today in strong support of SB3327, SD1.

We urge this legislature to pass SB3327, SD1 and make it effective immediately. We need a Water Commission that is empowered to take proactive steps to manage our precious wai. This is true now more than ever as Hawai'i is literally burning as a combined result of resource abuse and global climate change. There is not enough freshwater to sustain local families, whether that is on Maui, where large corporate diverters have sucked the streams dry, or O'ahu, where the U.S. military's negligence has compromised our aquifers. Importantly, this bill will help the Commission hold violators accountable. It will also allow the Commission to be more responsive in times of emergency, including with temporary housing for Maui fire victims, Red Hill, and beyond.

The DLNR Chair's response to this bill is emblematic of the political whiplash that has paralyzed our water policy, particularly in the wake of the Maui fires. Even as many of us continue to appear before the Commission and this legislature in unified support of proactive management, before and after the fires, Chair Chang continues to undermine our repeated calls for ke kahuwai pono. After submitting written testimony in support of restructuring the Commission, 24 hours later, Chair Chang backpedaled on her position. She cautioned committee members to be "thoughtful and not reactionary." Now, we aren't even sure she still supports this bill.

SB3327, SD1 is thoughtful. It will better equip the Water Commission to respond to the devastating wildfires, to Red Hill, and to similar water emergencies in the future. And while SB3327, SD1 is responsive to current water crises, it is not reactionary. Actually, a Review

Commission assembled by the legislature offered many similar recommendations in the early 1990s. SB3327, SD1 implements the original intent of the Water Code when this legislature first passed the Water Code 37 years ago. Today, the military and other large landed interests continue to exert outsized influence on our water policy to the detriment of our communities, our streams, and our 'āina. The Commission's constitutional mandate has always been to protect and manage our water resources for the benefit of present and future generations. The amendments proposed in SB3327, SD1 have the potential to bring the law to life at a crucial point in our history and when Hawai'i needs this the most.

Extreme weather events are becoming more frequent each year, and the perpetuation of plantation water politics is only making our communities more vulnerable to disasters. Lahaina is our latest wake up call, and we stand with Lahaina. This bill is a necessary step towards evolving our government to meet the demands of the climate emergency we are now living in. It will benefit communities across Hawai'i, such as those on O'ahu whose water supplies have been poisoned by Red Hill.

The Water Commission needs to be able to act. Please help us get our water management back on track and pass SB3327, SD1 today.

Ola i ka wai!

Kaila Wilkinson

SB-3327-SD-1

Submitted on: 2/28/2024 7:06:52 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Kyle K Kajihiro	Individual	Support	Written Testimony Only

Comments:

The water commission should be guided by the best science, responsibilities to traditional and customary Kanaka Maoli wisdom and practices, and the public trust doctrine, not special interest groups with economic motives. This bill is an important step towards a more independent body that is not subject to the same degree of political pressure that exists under the current arrangement. Thank you for your consideration.

Friday, March 1, 2024 @ 10:31 AM

Senate Committee on Ways and Means and Senate Committee on Judiciary
State Capitol Conference Room 211 and via Videoconference

Written Testimony in SUPPORT of SB3327 SD1: Relating to the Water Commission

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chairs, and Committee Members,

Thank you for this opportunity to testify in strong SUPPORT of SB3327, SD1. I am a second-year law student at the William S. Richardson School of Law participating in the Native Hawaiian Rights Clinic.

From Red Hill to the Lahaina wildfire, water issues in Hawai'i will only accelerate the longer we abide by the status quo. As the lead agency tasked with protecting our wai, the Water Commission must have the authority to take decisive action in water emergencies. An independent, well-funded Water Commission is needed to address the climate crisis and protect Hawai'i's wai for future generations.

SB3327 SD1 strengthens the Water Commission's decision-making power and insulates such decision-making from the executive's political whim. Creation of the Executive Director position, with procedures for regular review of the Executive Director's performance, will help extricate BLNR/DLNR from Water Commission proceedings while allowing the Commission to better fulfill its constitutional and statutory responsibilities. During emergencies, experts in Hawai'i water management and Native Hawaiian traditional and customary practices should be the ones making critical decisions regarding our wai - not those with deep pockets and skilled lobbyists.

To enforce its constitutional obligation, the Water Commission should have statutory authority to increase fines of up to \$60,000 per violation. In light of Hawai'i's history of water injustice, current fines of \$5,000 are not effective deterrents to those institutions and corporations who continue to profit from violating the State Water Code.

For these reasons, I respectfully urge the Committees to pass SB3327, SD1. Mahalo for your continuing support of our most precious natural resource.

Chiemi Bryant

SB-3327-SD-1

Submitted on: 2/28/2024 8:05:20 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
L. Pauahi Hookano	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads and Honorable Committee Members,

My name is Lisa Ann Pauahi Hookano, and I live in Wailuanui, Ko 'olau, Maui. I'm testifying today in strong support of SB3327, SD1.

It has been my personal experience that politics indeed does infiltrate the CWRM, as corporations with large land holdings and private developers have way more influence than they should regarding water and how it should be distributed.

Hawai 'i is isolated, and the days of unchecked development and tourism really should be over as well. Water is necessary for the survival of the population that lives here currently and into the future. Hawai 'i needs to start to grow our own food sustainably because of climate change, and we should have started focusing on this 20 years ago. Enough of the cow-towing to large corporations, corporate interests, and tourism interests. When will our legislators actually represent the PEOPLE that elect them?

Give the CWRM the opportunity to do their job without fear of repercussions. Enough with the dirty politics already. The people who elected you are tired and disgusted with it.

me ka inaina pono o ka 'āina,

na Lisa Ann Pauahi Hookano, M.Ed.

VIA ELECTRONIC DELIVERY

February 28, 2024

Senate Committees on Public Safety and Intergovernmental and Military Affairs; and
Water and Land

Hearing: March 1 , 2024, 10:30a

State Capitol Conference Room 225 and via Zoom

Re: Testimony in Strong Support of SB3327, SD1: Relating to the Commission on Water Resource Management

Aloha mai e Chairs Dela Cruz a me Rhoads, a me nā Members o ka Senate Committees on Ways and Means; and Judiciary,

My name is Kanoelani Steward and I am a kupa of Lahaina. Mahalo for the opportunity to testify in strong support of SB3327, SD1. I am committed to the future of this ‘āina and its resources and have appeared before the Commission on Water Resource Management for a number of years advocating for pono water management in Maui Komohana.

My master’s thesis focused on wai in Maui Komohana paying attention to its place within the history of water in Hawai‘i and the sugar plantation era in particular. I outlined historical accounts from nūpepa that detailed Maui Komohana as an abundant ‘āina momona as well as results suffered from the plantation era that continue to affect water usage and distribution today. Because of that research, I am keenly aware of the consequences of these plantation systems and the dire need to restructure the Water Commission to make much-needed progress – especially in the wake of these fires. I strongly urge you to pass SB3327, SD1 out of your committees today.

Alongside various community groups, we have appeared before the Water Commission to restore water to ‘āina and streams for the past few years. While we are grateful for the progress we have made over the years in partnership with the Water Commission, it has also been discouraging to witness private companies’ flagrant disregard of the Commission’s orders. In addition to restoring our traditional and customary practices, we are also faced with having to monitor and ensure compliance. This bill would be a step in the right direction and hold these companies accountable through increased fines and penalties.

SB3327, SD1 would also prioritize public trust purposes in a meaningful way and separate the Water Commission from politics. In the wake of the fires, our community spent so much time and energy asking for transparency and for the Commission to uphold pono. We watched them battle one another and unnamed forces. In a time when we should have been focusing on our families and town, it was exhausting. And, there’s no guarantee that it won’t happen again. The

Commission needs to be able to do its job independently of any political chaos or powers that arise. The Water Commission, with kuleana over our most precious resources, *needs* to be independent to prioritize wai.

This bill has the potential to bring the law to life at a crucial point in our history and when Lahaina needs this the most. This bill would allow the Commission to focus on achieving its constitutional and statutory purposes.

I ask that you please pass SB3327, SD1 today.

Me ka ha‘aha‘a,

Kanoelani Steward

SB-3327-SD-1

Submitted on: 2/28/2024 10:33:43 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Sherry Pollack	Individual	Support	Written Testimony Only

Comments:

I urge the Committees to PASS this measure.

TO: Chair Donovan M. Dela Cruz, Chair Karl Rhoads, Vice Chair Sharon Y. Moriwaki, Vice Chair Mike Gabbard, and members of the Senate Committees on Ways and Means and Judiciary

FROM: Sesame Shim

**RE: SB3327 SD1
Hearing on March 1, 2024
IN STRONG SUPPORT of SB3327 SD1**

Mai ka 'ūkiu e hihio ana i ka nāulu a ka ua Nahua me ka ua Lililehua e ola ai ka 'āina o ke komohana, e ola ai nā 'ia, nā holoholona, nā kānaka ho'i i ke kahe pono 'ana o ka wai mai uka a i kai. Eia nō mākou ke kāko'o nei i ko Lahaina a me ka pono o ka wai a puni ka Pae 'Āina o Hawai'i nei. Na ko Lahaina e alaka'i i ka pono no Lahaina, Na ko Maui e alaka'i i ka pono no Maui, Na ka Hawai'i e alaka'i i ka pono no Hawai'i nei.

Aloha mai e nā po'o a me nā lālā o ka 'Aha 'Ōlelo,
My name is Sesame Shim from Pukalani, Maui. I am testifying in **STRONG SUPPORT of SB3327 SD1.**

I am writing today as a mother of 2 keiki, as a kumu, and always and simply, as a kanaka of this 'āina. Just like everyone else in support of this bill. Just like all of you on the senate committee of water and land, just like all politicians in seats of power. We are ALL KANAKA and we all deserve the same rights as one another, not one superseding the other, not one benefiting and filling their deep pockets over another, not one or two or three abusing their power to benefit a few. *We all deserve the same equal rights.*

However, in the past 200 years, we have been at war over power. A war between the people of this 'āina and the people who want to exploit this 'āina. While our ali'i were able to maintain their power for the benefit of the people, we succumbed to the criminal militant tactics for exploitation. *However* we never gave up, and we will never give up. A criminal is a criminal based on his crime, not the color of his suit.

For far too long those who want to exploit this 'āina have been in the pockets of those in positions of power, in positions created and intended to serve *the people*. Even in a time of devastation for the entire community of Lahaina, private water purveyors will stop at nothing to kā'ili i ka mana. As if the pressures of the cost of living were not enough, as if the lack of resources to maintain our traditional way of life was not enough, as if the overcrowding of tourists and their trampling on the graves of our kūpuna were not enough... The power struggle

continues, and our current powers are corrupted at the hand of greed and capitalism in the midst of a very *unnatural* disaster.

We *need* protections from political corruption. We need protections from the abuse of power. We need the establishment of a position who can be chosen and supported by the people and not swayed by money. Just as the position of Executive Director of the water commission is described in SB3327 SD1.

Second, these protections are necessary due to the criminal privileges that for-profit entities have received since the Bayonet Constitution. The privileges that have dried up our rivers, that have starved our people, that have decimated our ‘āina, that have forced our kanaka away from their homes and cultural traditions. Our kanaka, those who are already protected by the public trust deserve to be prioritized in permitting and quickly approved for water under that public trust.

Third, it is time for justice to be served. Such that it is not a mere slap on the wrist and a small fee to be paid, but a large sum that will dissuade the criminal from repeat violations.

I stand with the next generation of k̄anaka, and we stand with all of our k̄upuna as well. We know our history, we know our language, we know where we come from, and we know where we need to go and how we need to get there. But, we also know the history of our colonizers and exploiters, we are privy to their tactics and their brutality to gain power. We know how they paint their myths and white their crimes. We see their truth and we see their fear. So do not be dissuaded by their fearful narratives, support and stand with the people, with the public trust, and approve SB3327 SD1. Mahalo for this opportunity to testify.

E OLA I KA WAI!!!

Senate Committee on Ways and Means; and Senate Committee on Judiciary
Hearing: Friday, March 1, 2024 @10:31am
State Capitol Conference Room 211
Strong Support for SB3327, SD1: Relating to the Water Commission

Aloha Chairs Dela Cruz and Rhoads and Honorable Committee Members,

My name is Holly Doyle and I live in Honolulu (96821). I'm a third-year law student at the University of Hawai'i at Mānoa William S. Richardson School of Law. I'm testifying today in strong support of SB3327, SD1.

I urge this legislature to **pass SB3327, SD1 and make it effective immediately**. Many well-intentioned decisionmakers have pledged to support Lahaina's kupa'āina following the August 2023 wildfires. The community has spoken clearly about what would be most helpful: the swift passage of SB3327. But it's been a battle to get this essential bill even this far. I ask you listen to Maui Komohana's kupa when they tell you what they need. They know better than anyone that the next climate catastrophe could be right around the corner. SB3327 will empower the Commission on Water Resource Management to take proactive steps to address Hawai'i's diminishing water supplies.

Despite recent characterizations by the DLNR Chair, this bill is far from "reactionary." On the contrary, SB3327, SD1 implements the original intent of the Water Code when the legislature first established the Water Commission 37 years ago. Today, just like half a century ago, large landed interests continue to exert outsized influence on our water policy to the detriment of our communities, our streams, and our 'āina. The Commission's constitutional mandate has always been to protect and manage our water resources for the benefit of present and future generations. The amendments proposed in SB3327, SD1 have the potential to bring the law to life at a crucial point in our history and when Lahaina needs this the most. This is vital for temporary, emergency housing in particular.

Extreme weather events are becoming more frequent each year, and the perpetuation of plantation water politics is only making our communities more vulnerable to disasters. Lahaina is our latest wake up call, and **this bill is a necessary step towards evolving our government to be reflective of the climate emergency we are now living in.**

Please help us get our water management back on track and pass SB3327, SD1 today.

Ola i ka wai!

Holly Doyle
96821

SB-3327-SD-1

Submitted on: 2/28/2024 11:40:40 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Erik Meade	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads and Honorable Committee Members,

Mahalo for this opportunity to testify on SB 3327 SD1, which I strongly support.

As a recent graduate of the William S. Richardson School of Law, University of Hawai‘i at Mānoa, who has dedicated considerable time to studying Hawai‘i water law, I find it surprising that individuals like Chair Chang would characterize this bill as reactionary. The actions taken by Governor Josh Green and Chair Chang in response to the Lahaina fire could indeed be described as reactionary, as I have previously testified both in writing and orally on several occasions.

This bill not only has the potential to prevent similar incidents of potentially law-breaking activities but also addresses the long-term issue of potentially unconstitutional private water utilities. By implementing proactive measures, we can mitigate future risks and ensure the proper management of water resources in Hawai‘i.

Please pass SB 3327 SD1.

Thank you for your consideration,
Erik Meade, Honolulu

SB-3327-SD-1

Submitted on: 2/29/2024 12:16:06 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Rhiannon Tereari`i Chandler-`Iao	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads and Honorable Committee Members,

My name is Tereari`i Chandler-`Iao and I live in Kula where I relocated after the Lahaina fire. I am testifying today in strong support of SB3327, SD1.

I want to express my **mahalo** to our leaders for their prior support of this bill. I know you understand how important our shared water resources are and the devastating impacts that climate change is already having. I am grateful for this bill's proactive purpose to protect our water resources and the important work of our State's Water Commission. We must finally, and honestly, prioritize our public trust purposes for the benefit of present and future generations. In addition, supporting this bill is a meaningful and substantial way to help the people of Lahaina.

The amendments proposed in SB3327, SD1 have the potential to give life to laws that have long promised hope to our communities. Thank you for helping to fulfill those promises for the protection of our most precious public trust resource, wai.

Please pass SB3327, SD1 today.

Mahalo,

R. Tereari`i Chandler-`Iao

SB-3327-SD-1

Submitted on: 2/29/2024 4:31:43 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Shalom Costa	Individual	Support	Written Testimony Only

Comments:

Please pass bill SB 3327 🙏

SB-3327-SD-1

Submitted on: 2/29/2024 5:23:07 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Kele Sipman	Individual	Support	Written Testimony Only

Comments:

Senate Committee on Ways and Means; and Senate Committee on Judiciary

Hearing: Friday, March 1, 2024 10:31 AM

State Capitol Conference Room 211

Strong Support for SB3327, SD1: Relating to the Water Commission

Aloha Chairs Dela Cruz and Rhoads and Honorable Committee Members,

My name is Kele sipman , and I live in Waiehu,I'm testifying today in strong support of SB3327, SD1.

*We urge this legislature to **pass SB3327, SD1 and make it effective immediately.** We need a Water Commission that is empowered to take proactive steps to manage our precious wai. This is true now more than ever as Hawai'i is literally burning as a combined result of resource abuse and global climate change. There is not enough freshwater to sustain local families, whether that is on Maui, where large corporate diverters have sucked the streams dry, or O'ahu, where the U.S. military's negligence has compromised our aquifers. Importantly, this bill will help the Commission hold violators accountable. It will also allow the Commission to be more responsive in times of emergency, including with temporary housing for Maui fire victims, Red Hill, and beyond.*

The DLNR Chair's response to this bill is emblematic of the political whiplash that has paralyzed our water policy, particularly in the wake of the Maui fires. Even as many of us continue to appear before the Commission and this legislature in unified support of proactive management, before and after the fires, Chair Chang continues to undermine our repeated calls

for ke kahuwai pono. After submitting written testimony in support of restructuring the Commission, 24 hours later, Chair Chang backpedaled on her position. She cautioned committee members to be “thoughtful and not reactionary.” Now, we aren’t even sure she still supports this bill.

SB3327, SD1 is thoughtful. It will better equip the Water Commission to respond to the devastating wildfires, to Red Hill, and to similar water emergencies in the future. And while SB3327, SD1 is responsive to current water crises, it is not reactionary. Actually, a Review Commission assembled by the legislature offered many similar recommendations in the early 1990s. SB3327, SD1 implements the original intent of the Water Code when this legislature first passed the Water Code 37 years ago. Today, the military and other large landed interests continue to exert outsized influence on our water policy to the detriment of our communities, our streams, and our ‘āina. The Commission’s constitutional mandate has always been to protect and manage our water resources for the benefit of present and future generations. The amendments proposed in SB3327, SD1 have the potential to bring the law to life at a crucial point in our history and when Hawai‘i needs this the most.

*Extreme weather events are becoming more frequent each year, and the perpetuation of plantation water politics is only making our communities more vulnerable to disasters. Lahaina is our latest wake up call, and we stand with Lahaina. **This bill is a necessary step towards evolving our government to meet the demands of the climate emergency we are now living in.** It will benefit communities across Hawai‘i, such as those on O‘ahu whose water supplies have been poisoned by Red Hill.*

*The Water Commission needs to be able to act. **Please help us get our water management back on track and pass SB3327, SD1 today.***

Ola i ka wai!

Kele sipman

SB-3327-SD-1

Submitted on: 2/29/2024 6:04:58 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
chauncey hh	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads and Honorable Committee Members,

My name is Chauncey Hirose-Hulbert, and I live in Manoa. I am submitting testifying in strong support of SB3327, SD1.

As greater impacts of climate change and militarization effect hawaii's people CWRM must have all tools available to protect the people's interest and access to wai.

SB3327, SD1 will allow the Commission to be more responsive in times of emergency, including with temporary housing for Maui fire victims, Red Hill, and beyond.

Today, the military and other large landed interests continue to exert outsized influence on our water policy to the detriment of our communities, our streams, and our ‘āina. The Commission’s constitutional mandate has always been to protect and manage our water resources for the benefit of present and future generations. The amendments proposed in SB3327, SD1 have the potential to bring the law to life at a crucial point in our history and when Hawai‘i needs this the most.

The Water Commission needs to be able to act. Please help us get our water management back on track and pass SB3327, SD1 today.

Ola i ka wai!

mahalo

Chauncey Hirose-Hulbert

SB-3327-SD-1

Submitted on: 2/29/2024 6:07:16 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Leonard Nakoa III	Individual	Support	Written Testimony Only

Comments:

I am in full support of this bill. After da fire we got educated that we need to take back control of our water

SB-3327-SD-1

Submitted on: 2/29/2024 6:47:51 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Alba Bermudez	Individual	Support	Written Testimony Only

Comments:

Protect the water of all cost . Water is life and its for the people . For our local people

SB-3327-SD-1

Submitted on: 2/29/2024 6:58:34 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Curren Ohama	Individual	Support	Written Testimony Only

Comments:

I support SB3327

SB-3327-SD-1

Submitted on: 2/29/2024 7:15:16 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Archie Kalepa	Individual	Support	Written Testimony Only

Comments:

Senate Committee on Ways and Means; and
Senate Committee on Judiciary
Hearing: March 1, 2024, 10:31AM
State Capitol Conference Room 211

Strong Support for SB3327, SD1: Relating to the Commission on Water Resource
Management

Aloha Chairs Dela Cruz and Rhoads and Members of the Committees on Ways and Means, and Judiciary,

My name is Archie Kalepa and I am a kupa of Lahaina. My people have stewarded this ‘āina since time immemorial, and that is a kuleana that I proudly ‘auamo. We have lived with the struggle for water in our community for more than 130 years. Over a century ago, plantations completely diverted our streams, forcing us off our ancestral lands because without fresh water we were no longer able to feed ourselves.

After decades of advocacy for our wai, the Water Commission finally took the initiative to proactively manage Maui Komohana’s public trust resources by establishing numeric instream flow standards and designating a water management area. Water was finally returned to our streams and our community immediately saw a rebound in native stream life such as ‘o‘opu and ‘ōpae. Fish came back to the mouth of the streams to spawn.

‘Ohana with generational ties to this area returned to their ancestral lands to resume kalo cultivation. My ‘ohana restored our ancestral lands in Kahoma and we worked hard to reclaim that space so that hāloa could thrive once again, at least until the 2023 wildfires intensified the battle for wai in Maui Komohana.

The forward progress our community made to protect and restore our wai was undone via the political maneuvering of Chair Chang and her higher ups as well as West Maui Land Company executives who used this tragedy to exert even more control over our public trust water resources. Auē. It is impossible for me to put into words the degree to which our community is still struggling, months after the fires. We remain in disaster recovery mode and yet we are taking the time away from restoration and rebuilding to appear before your committees because we know that our community cannot rebuild and will not survive without our wai.

My request is a simple one: please pass SB3327, SD1. Given Chair Chang’s behavior in the wake of the fires, our trust has been broken. This bill will help to address political

1

imbalances and maneuvering and restore the public's trust in government. There are so many bills this session that claim to support Lahaina. SB3327, SD1 will actually benefit our community while also helping others across Hawai'i pae 'āina.

In Maui Komohana our streams are the lifeblood of our community. We are in a new era that requires a different allocation of water to support our community, ensure a healthier ecosystem, and distribute water consistent with the priorities set forth by law and traditional concepts of land management, such as aloha 'āina. Our community is more resolute than ever and urges you to pass SB3327, SD1 so that our resources will be managed based on law, policy, and science – not politics.

Wai is the most important resource for Lahaina, for Maui, and for our entire pae 'āina. Without wai, there can be no waiwai. We have to get this right if there is any hope for Lahaina to rebuild in a way that respects and centers community, and it starts with the values with which we embrace our water resources. I implore your committees to stand in solidarity with the kupa of Lahaina in our efforts to rebuild our community and steward our water resources in a way that is pono and ensures that our community can continue to survive and thrive.

SB 3327, SD1 will help us to make this happen. Please pass out this bill today.

Mahalo for your time and consideration.

Me ka ha'aha'a,

Archie Kalepa

2

SB-3327-SD-1

Submitted on: 2/29/2024 7:19:07 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Casey Hearl	Individual	Support	Written Testimony Only

Comments:

Please pass SB3327, SD1 today!

SB-3327-SD-1

Submitted on: 2/29/2024 7:19:24 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Michelei Tancayo	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and members of the Committees,

As a kalo farmer, I strongly support SB3327, because it aims to improve the implementation of the state water code. We need to ensure that stream flow water is protected and instream flow standards are being met for our aina, communities and future generations.

Food and water, both are intertwined and inseparable. It takes water to grow food and so food security relies on a foundation of water security. It takes water to grow kalo and so kalo security relies on a foundation of water security. I don't have to tell you the connection between food and water. I just need to make sure you understand that the value of kalo, as a food source, as our source of life, culture and identity as native Hawaiians IS IMPORTANT and VALUABLE!

Mahalo, Michelei Tancayo

SB-3327-SD-1

Submitted on: 2/29/2024 7:37:11 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Brissa Christophersen	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am writing **in support of SB3327** because I believe that CWRM should be given the independence to safeguard water, which would align more to its constitutional obligations, and ensure freedom from any interference in fulfilling kuleana to take care of our waters here in Hawai‘i.

Too many times that CWRM has tried to speak up for the communities (people & ‘āina) they represent, but they currently have minimal ability to actually enforce justice. As a kupa of Maui, and after seeing what the Lahaina fires in August did to our wahi pana and its people, I was very disappointed and upset with Governor Green’s choice to suspend the Water Code, which only supported private water purveyors. This is but one example of how our "State of Hawai‘i" system has failed us as people who live here and drink this water.

Liberate Hawai‘i’s water policies from the corrupting influences of money and politics!

Aloha nō,

Brissa



Restore the Commons

Friday, March 1, 2024, 10:31 sm

Senate Committees on Ways and Means and on Judiciary

SENATE BILL 3327 – RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT

Position: Oppose

Me ke Aloha, Chairs Delacruz and Rhoads, Vice-Chairs Kitagawa and Gabbard, and Members of the Committees on Ways and Means and on Judiciary:

Amending the Water Code is fraught with limited perspectives. The original Water Code was drafted by a composite of different experts. It took ten whole years for competing perspectives to resolve a holistic view of water management issues. Since then, a number of contested cases have sharpened our view of how to use and interpret it. There is a risk of amending the Water Code as if it were solely a legal or political document (as opposed to encompassing ecological, hydrological, and cultural dimensions). A single profession sees only its own image, as a hammerer sees only nails. We have seen this problem rear its head under recent administration, which abandoned time-honored and thoroughly vetted principles of administration in favor of personal agendas. It is an appropriate time to look more closely at improving the choice of administrators. Statutory changes may be unnecessary and create new problems.

One of the beauties of the Water Code experience to date, in view of the famous dictum “water is for fighting”, is that policy flexibility and programmatic, administrative flexibility have enabled the Water Commission to adapt to ripening understandings of the values, uses, protections, and priorities of water, and the appropriate means to adjudicate conflicts. The early Commissions, administrators, and staff were drawn from a wide variety of backgrounds, working in concert to produce progressive results, which of course have perpetually been dissatisfying to loud voices of opinion. As another saying has it, making every competing voice a little unhappy means you’re probably getting it right from an overall perspective.

Early Commissions, administrators, and staff have been rightfully wary of powerful, too-smart people from one field or another coming up with “brilliant” suggestions to “fix” the Water Code. The inevitably incomplete Code has provided for numerous contested cases to improve its application to water resource challenges, welcoming Supreme Court rulings that interpreted situations according to real life conditions rather than hypothetical or presumptuous judgment. It has been interesting to read critiques of this situation from different viewpoints as if the Commission has repeatedly failed, when in fact the opposite is true – flexibility and adaptability has been its strength.

SB3327 must be viewed through this lens. Beware of one who thinks its ox is being gored, who has an axe to grind, or who favors one range of solutions over another. Every perspective is tantalized by the prospect of tweaking the Code in their direction. Can wise heads prevail?

It seems sorely tempting to want the Code to be more definitive by one’s own lights, when its broadness has been a saving grace, allowing an evolving world of decision-makers to shape water policy according to unique conditions. Do we really want a more independent, authoritarian structure to narrow the Code’s flexibility and adaptability? Do we distrust the power of competing voices to accept an agreeable balance of science and culture?

SB3327 alters the organizational structure to create a more centralized authority where none has been needed over 30 years of competing interests wending through difficult processes to achieve better clarity, specificity, applicability, and management. Some must be getting impatient or pecunious.

“Efficiency” is an easily misguided term. Making the Code actually work in real life turns out to be an administrative chore, not simply a legal proposition. Purely legal council has ignored key issues in past disputes. Diverse staff should be incorporated into dispute proceedings to assure that complex scientific and administrative dimensions are addressed. As is becoming a familiar case, lack of adequate staffing is a matter of nickel-and-diming important issues to unsatisfactory *in*conclusion for all considered. Adequate staffing, not just in numbers but in deep background and administrative experience, is the key to more efficient performance.

“Experienced leadership” is a loaded phrase. Over the years, the Commission has been blessed with experience of all kinds, reflecting and respecting different expertise and wisdom. Sometimes it seems that the impatient prefer “experienced manipulation”. Crises tend to bring out the worst in manipulative expedience when what it is truly needed is better listening and more humility. Competition ultimately needs to give way to collaboration, with earnest heads understanding the need for decisiveness amid inclusiveness. This kind of leadership seems harder to come by than flag-bearing “leaders” on a mission.

SB3327 desires statutory language on declaring emergencies, but the Water Code already has administrative rules for it, duly approved through a public process, in virtually the same language.

SB3327's giving priority to resolution of matters affecting public trust uses of water seems misplaced. Requiring separate proceedings to interrupt the flow of work unnecessarily hinders timely action on simpler matters.

Many of us have been appropriately wary of messing with such a precariously balanced, determinative agency. SB3327 gives us pause.

Mahalo for the opportunity to address this issue,

/s/ Charley Ice, Hydrologist (retired), Commission on Water Resource Management (25 years)

SB-3327-SD-1

Submitted on: 2/29/2024 7:53:00 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Keoni Shizuma	Individual	Support	Written Testimony Only

Comments:

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

I stand in support of SB3327.

We all know the saying, “water is life.” Water is one of the most vital and important resources in our islands, and without it, no life will be able to survive. As such, the management of our water resources should remain outside of any political party or influence, and thus be removed from BLNR’s chairperson, and not appointed to the position by BLNR’s chairperson, nor report to or serve said chairperson. I believe that having the Executive Director of CWRM being independent of BLNR’s chair is most beneficial and shall provide the board with the consistency that has been needed for a while.

I have 2 recommendations for changes to this bill:

1. Require the Executive Director to have experience or expertise in traditional water resource management techniques and in traditional Hawaiian riparian usage
2. Increase the number of members from 1 to 3 that shall have substantial experience or expertise in traditional Hawaiian water resource management techniques and in traditional Hawaiian riparian usage.

The result of Native Hawaiian cultural practices and water usage beliefs and understandings around water led us to a water resource rich environment that was here when Captain Cook and the missionaries arrived. Water was abundant throughout these islands and it supplied enough to not just sustain the population of Native Hawaiians, but also to produce enough food to sustain the population. These cultural practices and understandings is what guided our kupuna and resulted in abundance. These practices and understandings should also guide the Executive Director of the water commission.

Currently, of the 5 members of the commission, only 1 member is required to have experience or expertise in traditional water resource management techniques and in traditional Hawaiian riparian usage. Having this experience and expertise is of the utmost importance and the majority of the board shall have this, not just a single member. This experience and expertise shall be the norm, not the exception.

Mahalo nui loa for your time and consideration.

Keoni Shizuma

SB-3327-SD-1

Submitted on: 2/29/2024 8:12:02 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Micaela Hogger	Individual	Support	Written Testimony Only

Comments:

Subject: Testimony in Support of Bill SB3327

To Chair Keohokalole, Vice Chair Fukunaga, and the members of the Senate Committee on Commerce and Consumer Protection,

I am writing as a concerned member of the Maui community to express my support for SB3327, which addresses the pressing need for water protections in the aftermath of recent natural disasters, particularly the Lahaina fires on August 8. After the August 8th fires, private water purveyors were able to hoard more water than they needed due to a decrease in restrictions.

I endorse the bill's intent to extend protections for our water by creating an independence from the Department of Land and Natural Resources. This is a crucial step toward providing stability and security against disaster capitalism in the future. Helping to ensure water is safeguarded from corruption influences.

In summary, SB3327 represents a crucial step forward in addressing the challenges faced by our community post-disasters. I urge the legislature to pass this bill to provide much-needed environmental relief and support to the entire population of Maui County citizens. Water is something we must work together to protect and conserve for future generations.

Mahalo for your attention and commitment to the well-being of our community.

Sincerely,

Micaela Hogger

SB-3327-SD-1

Submitted on: 2/29/2024 8:19:31 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Athena Roebuck	Individual	Support	Written Testimony Only

Comments:

Aloha,

Please vote to pass this bill SB3327 which grants CWRM independence to safeguard water,

aligning with it's constitutional duties, and ensures freedom from political interference in fulfilling it's duty to malama wai.

Mahalo,

Athena Roebuck and family

SB-3327-SD-1

Submitted on: 2/29/2024 8:22:29 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Lauren Ballesteros-Watanabe	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads and Honorable Committee Members,

My name is Lauren Ballesteros-Watanabe, and I live in Honolulu. I'm testifying today in strong support of SB3327, SD1.

I urge you to please pass SB3327, SD1 and make it effective immediately. We need a Water Commission that is empowered to take proactive steps to manage our precious wai. This is true now more than ever as Hawai'i is literally burning as a combined result of resource abuse and global climate change. There is not enough freshwater to sustain local families, whether that is on Maui, where large corporate diverters have sucked the streams dry, or O'ahu, where the U.S. military's negligence has compromised our aquifers. Importantly, this bill will help the Commission hold violators accountable.

SB3327, SD1 is thoughtful. It will better equip the Water Commission to respond to the devastating wildfires, to Red Hill, and to similar water emergencies in the future. And while SB3327, SD1 is responsive to current water crises, it is not reactionary. Actually, a Review Commission assembled by the legislature offered many similar recommendations in the early 1990s. SB3327, SD1 implements the original intent of the Water Code when this legislature first passed the Water Code 37 years ago. Today, the military and other large landed interests continue to exert outsized influence on our water policy to the detriment of our communities, our streams, and our 'āina. The Commission's constitutional mandate has always been to protect and manage our water resources for the benefit of present and future generations. The amendments proposed in SB3327, SD1 have the potential to bring the law to life at a crucial point in our history and when Hawai'i needs this the most.

The Water Commission needs to be able to act. Please help us get our water management back on track and pass SB3327, SD1 today.

Ola i ka wai!

Lauren Ballesteros-Watanabe

SB-3327-SD-1

Submitted on: 2/29/2024 8:24:46 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
cheryl burghardt	Individual	Support	Written Testimony Only

Comments:

I stand on my previous SUPPORT of this bill SB3327 .

SB-3327-SD-1

Submitted on: 2/29/2024 8:30:23 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Raul Nohea Goodness	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads and Honorable Committee Members,

My name is Raul Nohea Goodness, and I live in Wailuku Maui. I'm testifying today in strong support of SB3327, SD1.

We urge this legislature to pass SB3327, SD1 and make it effective immediately. We need a Water Commission that is empowered to take proactive steps to manage our precious wai. This is true now more than ever as Hawai'i is literally burning as a combined result of resource abuse and global climate change. There is not enough freshwater to sustain local families, whether that is on Maui, where large corporate diverters have sucked the streams dry, or O'ahu, where the U.S. military's negligence has compromised our aquifers. Importantly, this bill will help the Commission hold violators accountable. It will also allow the Commission to be more responsive in times of emergency, including with temporary housing for Maui fire victims, Red Hill, and beyond.

SB-3327-SD-1

Submitted on: 2/29/2024 8:37:35 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Noah foti	Individual	Support	Written Testimony Only

Comments:

I support this bill

SB-3327-SD-1

Submitted on: 2/29/2024 8:38:05 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Ann Wallace	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and Members of the Committees,

My name is Ann Wallace and I STRONGLY SUPPORT SB3327 SD1, to secure a just and resilient future for our water resources and by extension, our islands as a whole.

As our climate crisis inevitably worsens, and our water resources become ever more scarce, it is critical that our precious wai is managed as a public trust resource, as envisioned in our Constitution and Water Code - and protected from the legacy of corporate water hoarding and waste that continues to this day.

SB-3327-SD-1

Submitted on: 2/29/2024 8:41:14 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Greg Puppione	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and Members of the Committees,

My name is Greg Puppione and I STRONGLY SUPPORT SB3327 SD1, to secure a just and resilient future for our water resources and by extension, our islands as a whole.

As our climate crisis inevitably worsens, and our water resources become ever more scarce, it is critical that our precious wai is managed as a public trust resource, as envisioned in our Constitution and Water Code - and protected from the legacy of corporate water hoarding and waste that continues to this day.

Unfortunately, longstanding political vulnerabilities have hampered and will continue to hamper the Water Commission in its work to implement our Water Code and uphold the public trust in our water resources. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Commission. Another Governor appointee, the state Attorney General, is the sole entity allowed to provide the Commission with legal advice. This has raised and continues to raise serious concerns regarding politically connected special interests influencing the Governor and his appointees, to impede the work of the Commission and its staff.

By requiring the Commission to choose its own Chair, select its own executive director, and allowing it to retain its own legal counsel, this measure will provide important layers of political insulation that the Commission will need to fulfill its critical mission in a meaningful and timely manner. These provisions, as well as a performance review process to ensure an objective, apolitical basis for staff employment decisions, would also allow Commission staff to fulfill their constitutional and statutory obligations without the fear of political retribution.

*Accordingly, I respectfully urge the Committees to **PASS** this measure. Mahalo nui for the opportunity to testify.*

Senate Committee on Ways and Means

Senate Committee on Judiciary

Hearing: March 1, 2024, 10:31AM

Conference Room 211

Strong Support for SB 3327, SD1: Relating to the Water Commission

Aloha Chairs Dela Cruz and Rhoads and Committee Members:

I'm Ke'eaumoku Kapu, a kupa of Kaua'ula and a kia'i and kahu of Moku'ula and Mokuhinia. As you all know, wai is one of our most important resources. Many of us have been working on this for generations, but I feel like the eyes of the world are now on Maui and have focused on water because of all the action that has gone down since the August 2023 fires. To be honest, most of it hasn't been good. In fact, it's pretty pilau. The Water Code was suspended, Deputy Director Manuel was "redeployed," and water was taken from Kaua'ula Stream not to fight fires, but to fill swimming pools. No can this kine. We need to be able to count on our Water Commissioners to be pono. Their motto is: Ke Kahuwai Pono, and pono is the highest standard that we have as Kanaka.

I am testifying today in strong support of SB 3327, SD1. Because to be pono, the Water Commission needs kōkua, and this bill initiates some necessary changes. The political gamesmanship around our wai in Maui Komohana is hewa. It has forced our community and my 'ohana in particular to invest too much of our time and energy trying to get the Water Commission and Chair to do their jobs, instead of playing politics. Unfortunately, I have many examples – such as the failure to enforce the interim instream flow standard in Kaua'ula and allowing the reactivation of Pioneer Mill's skimming wells – that have undermined our faith that this Commission will be pono unless changes are made to its administrative structure. And we need the Water Commission to be pono because too much is at stake.

After the fires, Nā 'Aikāne o Maui filed a water use permit application for the restoration of Moku'ula Island and Loko o Mokuhinia. Words cannot explain how sacred and important these wahi pana are. They were the historic seat of power for our Hawaiian Kingdom, home of our revered mo'ō Kihawahine, and where Maui's highest ranking ali'i were laid to rest. Like many of our sacred spaces they were drained dry when Pioneer Mill began taking water from area streams, including Kaua'ula, and pumping its skimming wells in particular. Today, Moku'ula and Mokuhinia are entombed by three feet of sediment and an abandoned baseball field within Malu'ulu o Lele Park.

Since long before the August 2023 fires, our community has struggled to restore Moku'ula, Mokuhinia, and this traditional 'auwai system. The Pioneer Mill skimming wells that dried Mokuhinia were recently reactivated by Wainee Land and Homes LLC. We objected at every stage of the skimming wells' reactivation process and since, but nothing was done by the Water Commission's groundwater branch. For example, we lodged objections with the Water Commission when the pump test for the shaft occurred because we saw an immediate impact on the flow of Pahumanamana 'Auwai. No response. In all the time that we have had kuleana

toward this 'āina, this 'auwai held the last visible remaining wai on the surface of what was once an area of significant fresh water abundance and cultural mana. This summer, it was totally dry, although some flow returned after the fires while the skimming well was shut down. My point here is that we need the Water Commission to uphold the law and protect and restore our sacred spaces, but politics keep getting in the way.

To be Kahuwai Pono, the Water Commission must revitalize the glory and mana of this wahi pana that was once the political, religious, and cultural center of Maui and our pae 'āina. This is just one example of the fundamental re-examination of water distribution that is necessary in Maui Komohana that will help to support the continued exercise or reemergence of cultural practices. It would also put Kānaka Maoli with lineal ties to this 'āina at the forefront of reconstruction, and establish a foundation of cultural and environmental values on which to build back Lahaina from the devastation of the fires. E ho'i ka nani i Moku'ula!

Those of us who have been appearing before the Water Commission for years and even generations are not confident that this will happen unless changes are made. **Please pass SB 3327, SD1 to begin that process of healing and restoration. E ho'i ka nani!**

Ke Aloha 'Āina,

Ke'eumoku Kapu

SB-3327-SD-1

Submitted on: 2/29/2024 8:46:48 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Toni Eaton	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and Members of the Committees,

My name is Toni Eaton and I STRONGLY SUPPORT SB3327 SD1, to secure a just and resilient future for our water resources and by extension, our islands as a whole.

As our climate crisis inevitably worsens, and our water resources become ever more scarce, it is critical that our precious wai is managed as a public trust resource, as envisioned in our Constitution and Water Code - and protected from the legacy of corporate water hoarding and waste that continues to this day.

Unfortunately, longstanding political vulnerabilities have hampered and will continue to hamper the Water Commission in its work to implement our Water Code and uphold the public trust in our water resources. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Commission. Another Governor appointee, the state Attorney General, is the sole entity allowed to provide the Commission with legal advice. This has raised and continues to raise serious concerns regarding politically connected special interests influencing the Governor and his appointees, to impede the work of the Commission and its staff.

By requiring the Commission to choose its own Chair, select its own executive director, and allowing it to retain its own legal counsel, this measure will provide important layers of political insulation that the Commission will need to fulfill its critical mission in a meaningful and timely manner. These provisions, as well as a performance review process to ensure an objective, apolitical basis for staff employment decisions, would also allow Commission staff to fulfill their constitutional and statutory obligations without the fear of political retribution.

*Accordingly, I respectfully urge the Committees to **PASS** this measure. Mahalo nui for the opportunity to testify.*

SB-3327-SD-1

Submitted on: 2/29/2024 8:54:26 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Jessica dos Santos	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Wakai, Chair Inouye, Vice Chair Elefante, and Esteemed Members of the Committees,

My name is Jessica dos Santos, and I submit this testimony today to express my strong support for SB3327, a crucial piece of legislation aimed at empowering the Water Commission to safeguard our invaluable water resources and uphold the public trust doctrine.

The devastating August fires laid bare glaring deficiencies in Hawai‘i’s fire suppression mechanisms and emergency response systems, bringing to light the urgent need for reforms in our approach to natural resource management. In the wake of such tragedies, it is imperative that we take proactive measures to bolster our state's resilience and ensure the well-being of our communities.

SB3327 represents a significant step forward in this regard. By granting the Water Commission the authority to swiftly address water emergencies and enforce the water code with meaningful fines, this bill equips our state with the tools necessary to confront the challenges posed by prolonged droughts, aquifer contamination, and other unforeseen events. No longer will violators be able to exploit legal loopholes to the detriment of our shared water resources and the livelihoods that depend on them.

Furthermore, SB3327 serves as a bulwark against undue political influence, safeguarding the integrity of the Water Commission's vital work. By allowing the Commission to independently select its leadership and legal counsel, free from the specter of external pressures, we ensure that decisions are made in the best interests of the public, rather than serving the agenda of well-connected special interests.

The importance of this legislation cannot be overstated. It not only strengthens our ability to respond effectively to water crises but also reinforces the fundamental principle that water is a public trust, belonging to all citizens of Hawai‘i. As stewards of this precious resource, it is incumbent upon us to enact policies that prioritize the long-term well-being of our communities and ecosystems.

In closing, I urge the Committees to wholeheartedly endorse SB3327 and advance its passage for the betterment of Hawai‘i and its people. Mahalo nui for your attention to this critical issue, and for the opportunity to lend my support to this important legislation.

Respectfully submitted,

Jessica dos Santos

SB-3327-SD-1

Submitted on: 2/29/2024 8:56:06 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Ehito Kimura	Individual	Support	Written Testimony Only

Comments:

Senate Committee on Ways and Means; and Senate Committee on Judiciary

Hearing: Friday, March 1, 2024 10:31 AM

State Capitol Conference Room 211

Strong Support for SB3327, SD1: Relating to the Water Commission

Aloha Chairs Dela Cruz and Rhoads and Honorable Committee Members,

My name is Ehito Kimura, and I live in Alewa Heights. I'm testifying today in strong support of SB3327, SD1.

We urge this legislature to pass SB3327, SD1 and make it effective immediately. We need a Water Commission that is empowered to take proactive steps to manage our precious wai. This is true now more than ever as Hawai'i is literally burning as a combined result of resource abuse and global climate change. There is not enough freshwater to sustain local families, whether that is on Maui, where large corporate diverters have sucked the streams dry, or O'ahu, where the U.S. military's negligence has compromised our aquifers. Importantly, this bill will help the Commission hold violators accountable. It will also allow the Commission to be more responsive in times of emergency, including with temporary housing for Maui fire victims, Red Hill, and beyond.

The DLNR Chair's response to this bill is emblematic of the political whiplash that has paralyzed our water policy, particularly in the wake of the Maui fires. Even as many of us continue to appear before the Commission and this legislature in unified support of proactive management, before and after the fires, Chair Chang continues to undermine our repeated calls for ke kahuwai pono. After submitting written testimony in support of restructuring the Commission, 24 hours later, Chair Chang backpedaled on her position. She cautioned committee members to be "thoughtful and not reactionary." Now, we aren't even sure she still supports this bill.

SB3327, SD1 is thoughtful. It will better equip the Water Commission to respond to the devastating wildfires, to Red Hill, and to similar water emergencies in the future. And while SB3327, SD1 is responsive to current water crises, it is not reactionary. Actually, a Review Commission assembled by the legislature offered many similar recommendations in the early 1990s. SB3327, SD1 implements the original intent of the Water Code when this legislature first passed the Water Code 37 years ago. Today, the military and other large landed interests continue to exert outsized influence on our water policy to the detriment of our communities, our streams, and our 'āina. The Commission's constitutional mandate has always been to protect and manage our water resources for the benefit of present and future generations. The amendments proposed in SB3327, SD1 have the potential to bring the law to life at a crucial point in our history and when Hawai'i needs this the most.

Extreme weather events are becoming more frequent each year, and the perpetuation of plantation water politics is only making our communities more vulnerable to disasters. Lahaina is our latest wake up call, and we stand with Lahaina. This bill is a necessary step towards evolving our government to meet the demands of the climate emergency we are now living in. It will benefit communities across Hawai'i, such as those on O'ahu whose water supplies have been poisoned by Red Hill.

The Water Commission needs to be able to act. Please help us get our water management back on track and pass SB3327, SD1 today.

Ola i ka wai!

Ehito Kimura

SB-3327-SD-1

Submitted on: 2/29/2024 9:11:02 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Ruth Fujita	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and Members of the Committees,

My name is Ruth Fujita and I STRONGLY SUPPORT SB3327 SD1, to secure a just and resilient future for our water resources and by extension, our islands as a whole.

As our climate crisis inevitably worsens, and our water resources become ever more scarce, it is critical that our precious wai is managed as a public trust resource, as envisioned in our Constitution and Water Code - and protected from the legacy of corporate water hoarding and waste that continues to this day.

Unfortunately, longstanding political vulnerabilities have hampered and will continue to hamper the Water Commission in its work to implement our Water Code and uphold the public trust in our water resources. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Commission. Another Governor appointee, the state Attorney General, is the sole entity allowed to provide the Commission with legal advice. This has raised and continues to raise serious concerns regarding politically connected special interests influencing the Governor and his appointees, to impede the work of the Commission and its staff.

By requiring the Commission to choose its own Chair, select its own executive director, and allowing it to retain its own legal counsel, this measure will provide important layers of political insulation that the Commission will need to fulfill its critical mission in a meaningful and timely manner. These provisions, as well as a performance review process to ensure an objective, apolitical basis for staff employment decisions, would also allow Commission staff to fulfill their constitutional and statutory obligations without the fear of political retribution.

*Accordingly, I respectfully urge the Committees to **PASS** this measure. Mahalo nui for the opportunity to testify.*

SB-3327-SD-1

Submitted on: 2/29/2024 9:11:04 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Jodi Robinson	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and Members of the Committees,

I STRONGLY SUPPORT SB3327 SD1, to secure a just and resilient future for our water resources and by extension, our islands as a whole.

As our climate crisis inevitably worsens, and our water resources become ever more scarce, it is critical that our precious wai is managed as a public trust resource, as envisioned in our Constitution and Water Code - and protected from the legacy of corporate water hoarding and waste that continues to this day.

Unfortunately, longstanding political vulnerabilities have hampered and will continue to hamper the Water Commission in its work to implement our Water Code and uphold the public trust in our water resources. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Commission. Another Governor appointee, the state Attorney General, is the sole entity allowed to provide the Commission with legal advice. This has raised and continues to raise serious concerns regarding politically connected special interests influencing the Governor and his appointees, to impede the work of the Commission and its staff.

By requiring the Commission to choose its own Chair, select its own executive director, and allowing it to retain its own legal counsel, this measure will provide important layers of political insulation that the Commission will need to fulfill its critical mission in a meaningful and timely manner. These provisions, as well as a performance review process to ensure an objective, apolitical basis for staff employment decisions, would also allow Commission staff to fulfill their constitutional and statutory obligations without the fear of political retribution.

*Accordingly, I respectfully urge the Committees to **PASS** this measure. Mahalo nui for the opportunity to testify.*

SB-3327-SD-1

Submitted on: 2/29/2024 9:13:20 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Ashley Clark	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads and Honorable Committee Members,

My name is Ashley Clark, and I live in Mānoa. I’m testifying today in strong support of SB3327, SD1.

We urge this legislature to pass SB3327, SD1 and make it effective immediately. We need a Water Commission that is empowered to take proactive steps to manage our precious wai. This is true now more than ever as Hawai‘i is literally burning as a combined result of resource abuse and global climate change. There is not enough freshwater to sustain local families, whether that is on Maui, where large corporate diverters have sucked the streams dry, or O‘ahu, where the U.S. military’s negligence has compromised our aquifers. Importantly, this bill will help the Commission hold violators accountable. It will also allow the Commission to be more responsive in times of emergency, including with temporary housing for Maui fire victims, Red Hill, and beyond.

The DLNR Chair’s response to this bill is emblematic of the political whiplash that has paralyzed our water policy, particularly in the wake of the Maui fires. Even as many of us continue to appear before the Commission and this legislature in unified support of proactive management, before and after the fires, Chair Chang continues to undermine our repeated calls for ke kahuwai pono. After submitting written testimony in support of restructuring the Commission, 24 hours later, Chair Chang backpedaled on her position. She cautioned committee members to be “thoughtful and not reactionary.” Now, we aren’t even sure she still supports this bill.

SB3327, SD1 is thoughtful. It will better equip the Water Commission to respond to the devastating wildfires, to Red Hill, and to similar water emergencies in the future. And while SB3327, SD1 is responsive to current water crises, it is not reactionary. Actually, a Review

Commission assembled by the legislature offered many similar recommendations in the early 1990s. SB3327, SD1 implements the original intent of the Water Code when this legislature first passed the Water Code 37 years ago. Today, the military and other large landed interests continue to exert outsized influence on our water policy to the detriment of our communities, our streams, and our 'āina. The Commission's constitutional mandate has always been to protect and manage our water resources for the benefit of present and future generations. The amendments proposed in SB3327, SD1 have the potential to bring the law to life at a crucial point in our history and when Hawai'i needs this the most.

Extreme weather events are becoming more frequent each year, and the perpetuation of plantation water politics is only making our communities more vulnerable to disasters. Lahaina is our latest wake up call, and we stand with Lahaina. This bill is a necessary step towards evolving our government to meet the demands of the climate emergency we are now living in. It will benefit communities across Hawai'i, such as those on O'ahu whose water supplies have been poisoned by Red Hill.

The Water Commission needs to be able to act. Please help us get our water management back on track and pass SB3327, SD1 today.

Ola i ka wai!

Ashley Clark

Senate Committee on Ways and Means and Senate Committee on Judiciary
State Capitol Conference Room 211 and via Videoconference
Written Testimony in SUPPORT of SB3327 SD1: Relating to the Water Commission

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chairs, and Committee Members,

Thank you for this opportunity to testify in strong SUPPORT of SB3327, SD1. I am a second-year law student at the William S. Richardson School of Law participating in the Native Hawaiian Rights Clinic.

This bill will allow the State to take proactive measures to ensure water resources are managed appropriately, reducing the budgetary nightmare we are currently in the State navigates the high costs associated with relief efforts in Maui Komohana, after the fires ravaged beloved community members and places.

It helps to insulate the Water Commission from the pollution of external politics. It creates an Executive Director position, which will help separate BLNR/DLNR from Water Commission proceedings while allowing the Commission to fulfill its constitutional and statutory mandates.

It increases statutory fines for water code violations to up to \$60,000. As it stands now, \$5,000 fines are easily absorbed by private water hoarders as small business expenses. Making fines meaningful is crucial if the State wants to see water mismanagement come to an end.

The State, too, has a constitutional mandate to act as a trustee over public trust resources, such as *wai*. The budget *should* prioritize the creation of positions like these, which promote pono execution of the State's constitutional trust duties.

Had such a position been in existence, the intense, widespread practice of water mismanagement could have been stopped at once. Politicians *have* the power to stop these things from happening to our community in a *preventative* way, rather than in the reactive, outrageously costly way we have had to with the tragedy in Lahaina. Yet, the **pollution of politics**, of the State's greedy and power-hungry interfering with the law, has culminated in the unspeakable. Our public servants have the power to end this, starting with bills like SB3327.

At the Senate Committee on Water and Land hearing on February 7th, 2024, I had the privilege of supporting young, passionate students from a kula kaiapuni in Maui. One of these students eloquently stated: "**Ho'omoe wai kāhi ke kāo'o**"—**let us all travel together like water flowing in one direction**. Our children are our future. They should not have to come to the legislature to beg for their life.

For these reasons, I respectfully urge the Committees to pass SB3327, SD1. Mahalo for your continuing support of our State's *wai* and *waiwai*.

OLA I KA WAI

Denielle M. Pedro

SB-3327-SD-1

Submitted on: 2/29/2024 9:21:23 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Christina Kaleiwahea	Individual	Support	Written Testimony Only

Comments:

Aloha,

Please pass SB3327, SD1.

Thank you,

Christina (‘Aiea resident, Internal Auditor & MS Finance student)

SB-3327-SD-1

Submitted on: 2/29/2024 9:24:43 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Nanea Lo	Individual	Support	Written Testimony Only

Comments:

Hello,

My name is Nanea Lo. I'm born and raised in the Hawaiian Kingdom. I live in Mō'ili'ili. I'm writing in STRONG SUPPORT of SB3327 SD1.

Recent events have shown yet again that, when there is a water crisis in Hawai'i, it always falls to the community to step up and protect our wai. Years of political interference in our water policy have led to continued lack of enforcement, poor resource management, and questionable decisionmaking by the state agencies charged with the kuleana of preserving our water. From its inception, CWRM, the agency tasked with implementing our state Water Code, has been fettered by its attachment and subservience to its parent agency DLNR. We need not look too far in the past to see how this structural arrangement can impede CWRM from taking meaningful action in times of emergency.

In the months since the Maui fires, the Lahaina community has continued to speak out and speak up on behalf of their wai, calling on CWRM to enforce protections and develop a water management plan that puts community and the health of the resource first. History has shown that, as currently structured, CWRM has never been empowered to take such a proactive approach.

As we continue to experience the impacts of the climate crisis, and the consequences of historical mismanagement, it is crucial that communities across all islands call upon the legislature to pass SB3327, SD1 and give CWRM the independence and authority it needs to fulfill its obligation as ke kahawai pono.

Me ke aloha 'āina,

Nanea Lo, Mō'ili'ili, O'ahu

SB-3327-SD-1

Submitted on: 2/29/2024 9:26:26 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
John NAYLOR	Individual	Support	Written Testimony Only

Comments:

Aloha,

I strongly support SB 3327 ! Water is life. We must keep it in the public trust for ALL time.

Mahalo,

JN Makawo

SB-3327-SD-1

Submitted on: 2/29/2024 9:30:18 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Tsonnemaker15@gmail.com	Individual	Support	Written Testimony Only

Comments:

I support this bill and how it will give CWRM the ability to place public trust and communities first when protecting our wai.

SB-3327-SD-1

Submitted on: 2/29/2024 9:33:19 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Marilyn Mick	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and Members of the Committees,

My name is Marilyn Mick and I STRONGLY SUPPORT SB3327 SD1, to secure a just and resilient future for our water resources and by extension, our islands as a whole.

As our climate crisis inevitably worsens, and our water resources become ever more scarce, it is critical that our precious wai is managed as a public trust resource, as envisioned in our Constitution and Water Code - and protected from the legacy of corporate water hoarding and waste that continues to this day.

Unfortunately, longstanding political vulnerabilities have hampered and will continue to hamper the Water Commission in its work to implement our Water Code and uphold the public trust in our water resources. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Commission. Another Governor appointee, the state Attorney General, is the sole entity allowed to provide the Commission with legal advice. This has raised and continues to raise serious concerns regarding politically connected special interests influencing the Governor and his appointees, to impede the work of the Commission and its staff.

By requiring the Commission to choose its own Chair, select its own executive director, and allowing it to retain its own legal counsel, this measure will provide important layers of political insulation that the Commission will need to fulfill its critical mission in a meaningful and timely manner. These provisions, as well as a performance review process to ensure an objective, apolitical basis for staff employment decisions, would also allow Commission staff to fulfill their constitutional and statutory obligations without the fear of political

retribution.

*Accordingly, I respectfully urge the Committees to **PASS** this measure. Mahalo nui for the opportunity to testify.*

Matilyn Mick, Honolulu

SB-3327-SD-1

Submitted on: 2/29/2024 9:33:59 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Susan Gorman-Chang	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads and Honorable Committee Members,

My name is Susan Gorman-Chang and I reside in Ewa Beach. I'm testifying today in strong support of SB3327, SD1.

I urge this legislature to **pass SB3327, SD1 and make it effective immediately**. We need a Water Commission that is empowered to take proactive steps to manage our precious wai. This is true now more than ever as Hawai'i is literally burning as a combined result of resource abuse and global climate change. There is not enough freshwater to sustain local families, whether that is on Maui, where large corporate diverters have sucked the streams dry, or O'ahu, where the U.S. military's negligence has compromised our aquifers. Importantly, this bill will help the Commission hold violators accountable. It will also allow the Commission to be more responsive in times of emergency, including with temporary housing for Maui fire victims, Red Hill, and beyond.

The DLNR Chair's response to this bill is emblematic of the political whiplash that has paralyzed our water policy, particularly in the wake of the Maui fires. Even as many of us continue to appear before the Commission and this legislature in unified support of proactive management, before and after the fires, Chair Chang continues to undermine our repeated calls for ke kahuwai pono. After submitting written testimony in support of restructuring the Commission, 24 hours later, Chair Chang backpedaled on her position. She cautioned committee members to be "thoughtful and not reactionary." Now, we aren't even sure she still supports this bill.

SB3327, SD1 is thoughtful. It will better equip the Water Commission to respond to the devastating wildfires, to Red Hill, and to similar water emergencies in the future. And while SB3327, SD1 is responsive to current water crises, it is not reactionary. Actually, a Review Commission assembled by the legislature offered many similar recommendations in the early 1990s. SB3327, SD1 implements the original intent of the Water Code when this legislature first passed the Water Code 37 years ago. Today, the military and other large landed interests continue to exert outsized influence on our water policy to the detriment of our communities, our

streams, and our 'āina. The Commission's constitutional mandate has always been to protect and manage our water resources for the benefit of present and future generations. The amendments proposed in SB3327, SD1 have the potential to bring the law to life at a crucial point in our history and when Hawai'i needs this the most.

Extreme weather events are becoming more frequent each year, and the perpetuation of plantation water politics is only making our communities more vulnerable to disasters. Lahaina is our latest wake up call, and we stand with Lahaina. **This bill is a necessary step towards evolving our government to meet the demands of the climate emergency we are now living in.** It will benefit communities across Hawai'i, such as those on O'ahu whose water supplies have been poisoned by Red Hill.

The Water Commission needs to be able to act. **Please help us get our water management back on track and pass SB3327, SD1 today.**

Ola i ka wai!

Susan Gorman-Chang

SB-3327-SD-1

Submitted on: 2/29/2024 9:43:43 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Janice Toma Shiira	Testifying for Shimanchu Wai Protectors	Support	Written Testimony Only

Comments:

Please pass SB3327, SD1

Council for Native Hawaiian Advancement
91-1270 Kinoaiki St., Bldg. 1
Kapolei, HI 96707

Hawai'i State Senate Testimony
SB 3327, SD 1 Relating to the Commission on Water Resource Management
March 1, 2024, Room 211 at 10:31 am

RE: Strong support of SB3327, SD 1

February 29, 2024

The Council for Native Hawaiian Advancement (CNHA) writes in **strong support of SB 3327, SD1**, as it would help to provide the independence the Commission on Water Resource Management (CWRM) needs to fulfill its kuleana to mālama wai. This bill is not reactionary, but rather seeks to finally implement amendments suggested in the 1994 Report by the Review Commission on the State Water Code. The state and all of its subdivisions, including CWRM, have an affirmative duty to protect and preserve our water resources for the benefit of future generations. SB 3327, SD1 is necessary for CWRM to be able to 'auamo this constitutional and statutory kuleana.

Since the August 8th fires in Lahaina and Kula, we at CNHA have invested significant resources in Maui's recovery. Through Kako'o Maui, we have raised millions of dollars for immediate relief efforts, opened resource and distribution centers, and started a host housing program. Yet, while these programs are incredibly important and impactful, the current Administration continues to manipulate the Chair to push an agenda that further harms the Lahaina community and its wai. We implore these Committees to pass SB 3327, SD1 to operationalize longstanding policy recommendations that will take the politics out of Hawai'i's wai.

SB 3327, SD1 calls for the disentanglement of CWRM from the Department of Land and Natural Resources to limit the department's oversight over CWRM staff. It also bars the chair of the Board of Land and Natural Resources from also serving as CWRM's chair. These amendments to the Commission's administrative structure will provide the autonomy it needs as kahuwai pono to protect and preserve Hawai'i's precious water resources for generations to come.

So many on Maui lost everything to the fires. SB 3327, SD1 offers an opportunity for folks to focus on recovery and not whether the Governor's agenda is interfering with the Water Commission's decisionmaking. It will also help to expedite the distribution of water for temporary emergency housing so that people can move out of hotel rooms or tents on the beach, and into more stable homes. CNHA will continue to do our part to kako'o this incredible community, but it is critical that this Legislature also support the community through meaningful and long-term policy solutions. SB3327, SD1 is one such solution. Please **vote today to pass SB 3327, SD1** for the future of Lahaina and for all of Hawai'i's wai.

Me ka ha'aha'a,
Kūhiō Lewis
Chief Executive Officer, CNHA

About the Council for Native Hawaiian Advancement

CNHA is a member-based 501(c)3 non-profit organization with a mission to enhance the cultural, economic, political, and community development of Native Hawaiians. For more information, visit www.hawaiiancouncil.org/.

SB-3327-SD-1

Submitted on: 2/29/2024 9:44:45 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Maki Morinoue	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and Members of the Committees,

My name is Maki Morinoue and I STRONGLY SUPPORT SB3327 SD1, to secure a just and resilient future for our water resources and by extension, our islands as a whole.

As our climate crisis inevitably worsens, and our water resources become ever more scarce, it is critical that our precious wai is managed as a public trust resource, as envisioned in our Constitution and Water Code - and protected from the legacy of corporate water hoarding and waste that continues to this day.

Unfortunately, longstanding political vulnerabilities have hampered and will continue to hamper the Water Commission in its work to implement our Water Code and uphold the public trust in our water resources. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Commission. Another Governor appointee, the state Attorney General, is the sole entity allowed to provide the Commission with legal advice. This has raised and continues to raise serious concerns regarding politically connected special interests influencing the Governor and his appointees, to impede the work of the Commission and its staff.

By requiring the Commission to choose its own Chair, select its own executive director, and allowing it to retain its own legal counsel, this measure will provide important layers of political insulation that the Commission will need to fulfill its critical mission in a meaningful and timely manner. These provisions, as well as a performance review process to ensure an objective, apolitical basis for staff employment decisions, would also allow Commission staff to fulfill their constitutional and statutory obligations without the fear of political retribution.

*Accordingly, I respectfully urge the Committees to **PASS** this measure. Mahalo nui for the opportunity to testify.*

Aloha

Maki Morinoue

Hawai'i Island, 96725

SB-3327-SD-1

Submitted on: 2/29/2024 9:46:02 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Gretchen Losano	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads and Honorable Committee Members,

Please support SB3327, SD1 and make it effective immediately. For far too long the the majority of the wai in Maui komohana has been controlled by private interests and corporations. The purpose of the Water Commission is to manage and protect our water resources for this generation amd enact policies that will continue to do so for the next 7 generations. As a community, Maui komohana has been repeatedly requesting proactive management of our most precious resource for the benefit of the entire community, instead of allowing 75% of our wai to go to filling swimming pools and watering lawns for second, third, and fourth homeowners, the majority of whom don't live on Maui, or contribute to our community. It is insane that it has even taken this long to be considering a viable alternative management plan. It is so painful to think about the devastating losses that our community has endured, and the fact that they could have been prevented had this legislation happend 5 or even 1 year ago...

Sadly, we cannot change the past, but we can move forward with a resolve to do the right thing and make sure our kaiāulu is protected for all the generations to come so history doesn't repeat itself. Please show that you support Lahaina and pass SB3327. OLA I KA WAI!

Mahalo piha,

Gretchen Losano

Lahaina, Maui

SB-3327-SD-1

Submitted on: 2/29/2024 9:47:34 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Steve Bell	Individual	Support	Written Testimony Only

Comments:

Senate Committee on Ways and Means; and Senate Committee on Judiciary

Hearing: Friday, March 1, 2024 10:31 AM

State Capitol Conference Room 211

Strong Support for SB3327, SD1: Relating to the Water Commission

Aloha Chairs Dela Cruz and Rhoads and Honorable Committee Members,

My name is Steve Bell, and I live in Honolulu in the Saint Louis Heights area adjacent to Wa'ahila Ridge. I'm testifying today in strong support of SB3327, SD1.

*We urge this legislature to **pass SB3327, SD1 and make it effective immediately**. We need a Water Commission that is empowered to take proactive steps to manage our precious wai. This is true now more than ever as Hawai'i is literally burning as a combined result of resource abuse and global climate change. There is not enough freshwater to sustain local families, whether that is on Maui, where large corporate diverters have sucked the streams dry, or O'ahu, where the U.S. military's negligence has compromised our aquifers. Importantly, this bill will help the Commission hold violators accountable. It will also allow the Commission to be more responsive in times of emergency, including with temporary housing for Maui fire victims, Red Hill, and beyond.*

The DLNR Chair's response to this bill is emblematic of the political whiplash that has paralyzed our water policy, particularly in the wake of the Maui fires. Even as many of us continue to appear before the Commission and this legislature in unified support of proactive management, before and after the fires, Chair Chang continues to undermine our repeated calls for ke kahuwai pono. After submitting written testimony in support of restructuring the Commission, 24 hours later, Chair Chang backpedaled on her position. She cautioned committee

members to be “thoughtful and not reactionary.” Now, we aren’t even sure she still supports this bill.

SB3327, SD1 is thoughtful. It will better equip the Water Commission to respond to the devastating wildfires, to Red Hill, and to similar water emergencies in the future. And while SB3327, SD1 is responsive to current water crises, it is not reactionary. Actually, a Review Commission assembled by the legislature offered many similar recommendations in the early 1990s. SB3327, SD1 implements the original intent of the Water Code when this legislature first passed the Water Code 37 years ago. Today, the military and other large landed interests continue to exert outsized influence on our water policy to the detriment of our communities, our streams, and our ‘āina. The Commission’s constitutional mandate has always been to protect and manage our water resources for the benefit of present and future generations. The amendments proposed in SB3327, SD1 have the potential to bring the law to life at a crucial point in our history and when Hawai‘i needs this the most.

*Extreme weather events are becoming more frequent each year, and the perpetuation of plantation water politics is only making our communities more vulnerable to disasters. Lahaina is our latest wake up call, and we stand with Lahaina. **This bill is a necessary step towards evolving our government to meet the demands of the climate emergency we are now living in.** It will benefit communities across Hawai‘i, such as those on O‘ahu whose water supplies have been poisoned by Red Hill.*

*The Water Commission needs to be able to act. **Please help us get our water management back on track and pass SB3327, SD1 today.***

Ola i ka wai!

Steve Bell, Ph.D.

sdb319@gmail.com

SB-3327-SD-1

Submitted on: 2/29/2024 9:47:39 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Vanessa Ruderman	Individual	Support	Written Testimony Only

Comments:

Hello,

Thank you for taking the time to hear my testimony in favor of **SB 3327**.

I support this bill to grant CWRM independence to safeguard water, aligning with its constitutional duties and ensuring freedom from political interference in fulfilling its duty to malama wai.

Vanessa Ruderman

SB-3327-SD-1

Submitted on: 2/29/2024 9:50:31 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
John Carty	Individual	Support	Written Testimony Only

Comments:

I write in support of SB3327. Water needs to be a public resource and here in West Maui we see what happens when a greedy private entity controls 75% of the water! It is not working and needs to end!!!!!! This bill will help restore balance. Water as a public trust will be supported by this bill. Right now luxury developments are prioritized instead of the health of the environment, culture and the people.

SB-3327-SD-1

Submitted on: 2/29/2024 9:52:50 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Madison Owens	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads and Honorable Committee Members,

My name is Madison Owens, and I live on Oahu. I'm testifying today in strong support of SB3327, SD1.

We urge this legislature to pass SB3327, SD1 and make it effective immediately. We need a Water Commission that is empowered to take proactive steps to manage our precious wai. This is true now more than ever as Hawai'i is literally burning as a combined result of resource abuse and global climate change. There is not enough freshwater to sustain local families, whether that is on Maui, where large corporate diverters have sucked the streams dry, or O'ahu, where the U.S. military's negligence has compromised our aquifers. Importantly, this bill will help the Commission hold violators accountable. It will also allow the Commission to be more responsive in times of emergency, including with temporary housing for Maui fire victims, Red Hill, and beyond.

The DLNR Chair's response to this bill is emblematic of the political whiplash that has paralyzed our water policy, particularly in the wake of the Maui fires. Even as many of us continue to appear before the Commission and this legislature in unified support of proactive management, before and after the fires, Chair Chang continues to undermine our repeated calls for ke kahuwai pono. After submitting written testimony in support of restructuring the Commission, 24 hours later, Chair Chang backpedaled on her position. She cautioned committee members to be "thoughtful and not reactionary." Now, we aren't even sure she still supports this bill.

SB3327, SD1 is thoughtful. It will better equip the Water Commission to respond to the devastating wildfires, to Red Hill, and to similar water emergencies in the future. And while SB3327, SD1 is responsive to current water crises, it is not reactionary. Actually, a Review Commission assembled by the legislature offered many similar recommendations in the early 1990s. SB3327, SD1 implements the original intent of the Water Code when this legislature first passed the Water Code 37 years ago. Today, the military and other large landed interests continue to exert outsized influence on our water policy to the detriment of our communities, our streams, and our 'āina. The Commission's constitutional mandate has always been to protect and manage our water resources for the benefit of present and future generations. The amendments

proposed in SB3327, SD1 have the potential to bring the law to life at a crucial point in our history and when Hawai'i needs this the most.

Extreme weather events are becoming more frequent each year, and the perpetuation of plantation water politics is only making our communities more vulnerable to disasters. Lahaina is our latest wake up call, and we stand with Lahaina. This bill is a necessary step towards evolving our government to meet the demands of the climate emergency we are now living in. It will benefit communities across Hawai'i, such as those on O'ahu whose water supplies have been poisoned by Red Hill.

The Water Commission needs to be able to act. Please help us get our water management back on track and pass SB3327, SD1 today.

Ola i ka wai!

Madison Owens

SB-3327-SD-1

Submitted on: 2/29/2024 9:53:11 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Cheryl Ho	Individual	Support	Written Testimony Only

Comments:

Aloha, Chair Delacruz, Chair Rhoads, and WAM and Judiciary Committee members:

Our islands are connected by history and the ocean and the fresh water.

I am a resident of Nu'uaniu whose kumu hula's family home was destroyed by the Lahaina fire. She and her daughter continue to lead us in the study and practice of traditional mele and oli and hula which epitomize the essence of the significance of WATER in all its forms and uses. Their 'ohana has lent their energy over the years to the efforts to restore water to the streams of Maui Komohana.

I stand in STRONG SUPPORT of this bill, which proposes to restructure the Water Commission so that it more effectively implements the original intent of the Water Code when this legislature first passed the Water Code 37 years ago. It seeks to eliminate the political influence of large corporations on decisions regarding water use.

The amendments proposed in SB3327, SD1 have the potential to bring the law to life at a crucial point in our history and when Hawai'i needs this the most.

Please pass SB3327, for the sake of all of Hawai'i and her future.

Cheryl Ho, Nu'uaniu

SB-3327-SD-1

Submitted on: 2/29/2024 9:56:02 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Manawaiakea	Testifying for E OLA KAKOU HAWAII	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and Members of the Committees,

As a Kanaka Maoli, Wahine Maoli Po'o of E Ola Kakou Hawai'i I STRONGLY SUPPORT SB3327 SD1, to secure a pono and pa'a future for our waieai natural resources (Wai-water) and by extension, Ko Hawai'i Pae Āina.

As our climate crisis inevitably worsens, and our water resources become ever more scarce, it is critical that our precious wai is managed as a public trust resource, as envisioned in our Constitution and Water Code - and protected from the legacy of corporate water hoarding and waste that continues to this day.

Unfortunately, longstanding political vulnerabilities have hampered and will continue to hamper the Water Commission in its work to implement our Water Code and uphold the public trust in our water resources. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Commission. Another Governor appointee, the state Attorney General, is the sole entity allowed to provide the Commission with legal advice. This has raised and continues to raise serious concerns regarding politically connected special interests influencing the Governor and his appointees, to impede the work of the Commission and its staff.

By requiring the Commission to choose its own Chair, select its own executive director, and allowing it to retain its own legal counsel, this measure will provide important layers of political insulation that the Commission will need to fulfill its critical mission in a meaningful and timely manner. These provisions, as well as a performance review process to ensure an objective, apolitical basis for staff employment decisions, would also allow Commission staff to fulfill their constitutional and statutory obligations without the fear of political retribution.

*Accordingly, I respectfully urge the Committees to **PASS** this measure. Mahalo nui for the opportunity to testify.*

SB-3327-SD-1

Submitted on: 2/29/2024 9:58:45 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
John Carty	Testifying for Save Honolua Coalition	Support	Written Testimony Only

Comments:

Save Honolua Coalition strongly supports SB3327. The streams and the water that they carry are the life blood to and essential for the health of our land, sea, culture, and people. Private entities have been allowed to control 75% of this water here in West Maui and look where that has gotten us. Resorts and luxury homes flourish while the land and the people suffer. The fire is a great example of the consequences of greedy hoarding of water. Water is a public trust and needs to be managed accordingly. So pass this bill and also give more effluence to the cultural practitioners and environmental scientists who know how to correctly manage water for the health of our land, sea, and community.

SB-3327-SD-1

Submitted on: 2/29/2024 10:01:41 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Margaret ANN Renick	Individual	Support	Written Testimony Only

Comments:

PLEASE PASS this Bill!!! Mahalo.

SB-3327-SD-1

Submitted on: 2/29/2024 10:06:08 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Lory Ono	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and Members of the Committees,

My name is Lory Ono and I STRONGLY SUPPORT SB3327 SD1, to secure a just and resilient future for our water resources and by extension, our islands as a whole.

As our climate crisis inevitably worsens, and our water resources become ever more scarce, it is critical that our precious wai is managed as a public trust resource, as envisioned in our Constitution and Water Code - and protected from the legacy of corporate water hoarding and waste that continues to this day.

Unfortunately, longstanding political vulnerabilities have hampered and will continue to hamper the Water Commission in its work to implement our Water Code and uphold the public trust in our water resources. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Commission. Another Governor appointee, the state Attorney General, is the sole entity allowed to provide the Commission with legal advice. This has raised and continues to raise serious concerns regarding politically connected special interests influencing the Governor and his appointees, to impede the work of the Commission and its staff.

By requiring the Commission to choose its own Chair, select its own executive director, and allowing it to retain its own legal counsel, this measure will provide important layers of political insulation that the Commission will need to fulfill its critical mission in a meaningful and timely manner. These provisions, as well as a performance review process to ensure an objective, apolitical basis for staff employment decisions, would also allow Commission staff to fulfill their constitutional and statutory obligations without the fear of political retribution.

*Accordingly, I respectfully urge the Committees to **PASS** this measure. Mahalo nui for the opportunity to testify.*

SB-3327-SD-1

Submitted on: 2/29/2024 10:09:01 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Kauilani Almeida, President	Individual	Support	Written Testimony Only

Comments:

Aloha. My name is Kauilani Almeida and I am a beneficiary pursuant to the Hawaiiia Homes Commissin Act 1920, amended 1921. I also serve as the Pelekikena of PPHLCA whose 280 voting membership are also beneficiary lessees of the aforementioned HHCA.

we support SB3327.

SB-3327-SD-1

Submitted on: 2/29/2024 10:10:13 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Wailani	Individual	Support	Written Testimony Only

Comments:

I am a ten year old girl who lives next to a dry stream. We need water to grow food and for the land to be healthy. Stop taking care of rich people who don't live here! Take care of the people who take care of the land.

SB-3327-SD-1

Submitted on: 2/29/2024 10:17:04 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Nelson	Individual	Support	Written Testimony Only

Comments:

Aloha,

Our water is so important. I strongly urge you to pass this bill. Thank you so much.

Elizabeth Nelson

Kaneohe

SB-3327-SD-1

Submitted on: 2/29/2024 10:17:56 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
KODA DAILY	Testifying for Oahu water protectors	Support	Written Testimony Only

Comments:

OLA I KA WAI.

SB-3327-SD-1

Submitted on: 2/29/2024 10:18:18 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Emerson Goo	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads and Honorable Committee Members,

My name is Emerson Goo, and I live in Honolulu, Hawai‘i. I’m a planner and landscape designer testifying today in strong support of SB3327, SD1.

I urge this legislature to pass SB3327, SD1 and make it effective immediately. We need a Water Commission that is empowered to take proactive steps to manage our precious wai. This is true now more than ever as Hawai‘i is literally burning as a combined result of resource abuse and global climate change. There is not enough freshwater to sustain local families, whether that is on Maui, where large corporate diverters have sucked the streams dry, or O‘ahu, where the U.S. military’s negligence has compromised our aquifers. Importantly, this bill will help the Commission hold violators accountable. It will also allow the Commission to be more responsive in times of emergency, including with temporary housing for Maui fire victims, Red Hill, and beyond.

As other cities in the US face looming water crises, the relatively robust protections of public trust uses in Hawai‘i can serve as lessons for other regions seeking to implement sustainable and equitable water policies. However, these protections need to be strengthened, not eroded. The Maui fires have shown that the CWRM is vulnerable to attack from those seeking to relax water regulations in the name of development. Hawai‘i has taken important steps to recognize in law and public policy the importance of treating surface and groundwater as connected, monitoring our streams and aquifers, recognizing indigenous rights to land and water, and ensuring that upstream diversions of water and senior appropriators leave a fair amount of water for others downstream/next-in-line. The Commission should be empowered and shielded against undue political pressure to continue to implement these important water resource management standards and practices. Hawai‘i needs to model what landscape architect Kotchakorn Voraakhom calls a “water-based urbanism”, which protects and adapts to the flows and sources of water throughout the landscape, and which places its importance to the public at large above the interests of individual developers.

Extreme weather events are becoming more frequent each year, and the perpetuation of plantation water politics is only making our communities more vulnerable to disasters. Lahaina is our latest wake up call, and we stand with Lahaina. This bill is a necessary step towards evolving our government to meet the demands of the climate emergency we are now living in. It will

benefit communities across Hawai'i, such as those on O'ahu whose water supplies have been poisoned by Red Hill.

The Water Commission needs to be able to act. Please help us get our water management back on track and pass SB3327, SD1 today.

Ola i ka wai!

Emerson Go

SB-3327-SD-1

Submitted on: 2/29/2024 10:26:26 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
courtney o'kief	Individual	Support	Written Testimony Only

Comments:

I support this bill because I want to see the proper management of surface and groundwater resources for the benefit of all people. I do not want to see the implementation of the state water code influenced by interests not intended to uphold the publics trust.

SB-3327-SD-1

Submitted on: 2/29/2024 10:26:46 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Kainoa Wilson	Individual	Support	Written Testimony Only

Comments:

Senate Committee on Ways and Means; and Senate Committee on Judiciary

Hearing: Friday, March 1, 2024 @10:31am

State Capitol Conference Room 211

Strong Support for SB3327, SD1: Relating to the Water Commission

Aloha Chairs Dela Cruz and Rhoads and Honorable Committee Members,

My name is Kainoa Wilson and I live in Honokohau Valley, Maui. I'm testifying today in strong support of SB3327, SD1.

We urge this legislature to pass SB3327, SD1 and make it effective immediately. Climate change is not going to wait another 25 years. We need a Commission that is empowered to take proactive steps to address Hawai'i's diminishing water supplies.

The DLNR Chair's February 7 testimony is emblematic of the political whiplash that has paralyzed our water policy, particularly in the wake of the Maui fires. Even as many of us continue to appear before the Commission and this legislature in unified support of proactive management, before and after the fires, Chair Chang continues to undermine our repeated calls for ke kahuwai pono. After submitting written testimony in support of restructuring the Commission, 24 hours later, Chair Chang backpedaled on her position in public hearings as she cautioned committee members to be "thoughtful and not reactionary." Now, we aren't even sure she still supports this bill.

This bill is far from “reactionary.” On the contrary, SB3327, SD1 implements the original intent of the Water Code when the legislature first established the Water Commission 37 years ago. Today, just like half a century ago, large landed interests continue to exert outsized influence on our water policy to the detriment of our communities, our streams, and our ‘āina. The Commission’s constitutional mandate has always been to protect and manage our water resources for the benefit of present and future generations. The amendments proposed in SB3327, SD1 have the potential to bring the law to life at a crucial point in our history and when Lahaina needs this the most. This is vital for temporary, emergency housing in particular.

Extreme weather events are becoming more frequent each year, and the perpetuation of plantation water politics is only making our communities more vulnerable to disasters. Lahaina is our latest wake up call, and this bill is a necessary step towards evolving our government to be reflective of the climate emergency we are now living in.

Please help us get our water management back on track and pass SB3327, SD1 today. Mahalo for your time and consideration on this important matter.

Ola i ka wai!

Kainoa Wilson

SB-3327-SD-1

Submitted on: 2/29/2024 10:28:00 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Pete Doktor	Individual	Support	Written Testimony Only

Comments:

Aloha e Chairs Dela Cruz and Rhoads and Honorable Committee Members,

On behalf of my Moanalua `ohana, I'm testifying today as a US military veteran in strong support of SB3327, SD1.

It has been very stressful since the Red Hill Fuel Tanks leaks in 2014 worrying if we would find out after the fact of contamination, like military families would later in 2021.

We need a Water Commission that is empowered to take proactive steps to manage our precious wai.

SB3327, SD1 is thoughtful. It will better equip the Water Commission to respond to the devastating wildfires, to Red Hill, and to similar water emergencies in the future. Today, the military and other large landed interests continue to exert outsized influence on our water policy to the detriment of our communities, our streams, and our 'āina. The Commission's constitutional mandate has always been to protect and manage our water resources for the benefit of present and future generations. The amendments proposed in SB3327, SD1 have the potential to bring the law to life at a crucial point in our history and when Hawai'i needs this the most.

The Water Commission needs to be able to act. Please help us get our water management back on track and pass SB3327, SD1 today.

Mahalo nui for your advocacy for our true wealth and security, our wai.

E Mālama Pono,

Pete Doktor

Moanalua

SB-3327-SD-1

Submitted on: 2/29/2024 10:29:24 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Marianne Fisher	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am writing in Strong support of bill SB 3327.

Separating the Water Commission from the DLNR would be the best way to manage the water rights on Maui, and the best solution available at this time to support the people.

Mahalo for your consideration.

Sincerely, Marianne Fisher, Maui

SB-3327-SD-1

Submitted on: 2/29/2024 10:29:41 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Robert H. Pahia	Individual	Support	Written Testimony Only

Comments:

I am in strong support of SB3327 . Please support passage of SB3327

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 10:32:21 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Denise Boisvert	Individual	Support	Written Testimony Only

Comments:

I fully and strongly support SB3327 SD1.

Please pass it. Mahalo!

SB-3327-SD-1

Submitted on: 2/29/2024 10:34:03 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Kim Jorgensen	Individual	Support	Written Testimony Only

Comments:

Please pass SB3327 SD1.

SB-3327-SD-1

Submitted on: 2/29/2024 10:40:02 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Jackie Keefe	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs, Vice Chairs, and Members of the Committees on Judiciary and Ways and Means,

My name is Jackie Keefe and I am a resident of Lahaina. I am writing to express my strong support of SB3327.

As you likely know, Maui has been experiencing a water crisis for a long time. Residents fly to O'ahu regularly for CWRM meetings, and it often feels like nothing will ever change. The appointment of Kaleo Manuel was the first time that Maui residents started to feel some hope. With his resignation, this are once again uncertain.

This bill establishes multiple important guidelines. The phrase "maintenance of waters in its natural state" matters because Maui has significant water diversctions that have contributed to the death of our 'aina. An instream use protection program is significant because, as it stands now, water companies on Maui can do as they wish over the weekends because no one from CWRM is working and therefore enforcing standards. Requiring CWRM to cooperate with all other entities is a historical step, as CWRM has previously been basically autonomous and holding of all power regarding water issues. The allowance to acquire private property for the purposes of water conservation is distinctive for the same reason!

I applaud the steps proposed to attach only in an administrative manner CWRM to DLNR, since it has previously been too cloudy.

I would like to request that the language of Section 10 (a) be amended to *the commission shall enforce...*

I would also like to see this act take effect ASAP.

Thank you for your consideration.

Jackie Keefe

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 10:42:30 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Nani Dapitan-Haake	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am writing to express my support for SB3377 following my recent testimony submission.

As a resident of Lahaina, I have witnessed firsthand the devastating impact of the August wildfires, and I cannot overstate the importance of responsibly managing Hawaii's freshwater resources. For too long, the decision-making regarding our water has been influenced by those with power and vested interests—private water purveyors, real estate speculators, and the military—often resulting in detrimental outcomes for our community. This is evident through our dry streams, struggling taro farmers, the persistence of wildfires, and contamination issues such as the lingering presence of jet fuel in our water.

SB3377 represents a pivotal step towards removing political interests from water policy by proposing the separation of the water commission from the Department of Land and Natural Resources. The urgent need for this became even more apparent in the wake of the August fires. The exploitation of the situation by those benefiting from 'plantation disaster capitalism' showcased a blatant disregard for the well-being of Maui's residents and ecosystem, as they maneuvered to tighten their grip on freshwater resources.

It was particularly alarming to witness how the suspension of water codes led to a reckless scramble for freshwater in West Maui, with private entities stockpiling more water than permissible or necessary under the guise of fire suppression. The removal of the Deputy Director of the Water Commission based on unsubstantiated allegations further highlighted the influence exerted by these private interests.

The passage of SB3377 offers us a chance to reclaim and safeguard Hawaii's water policies from corruption and undue influence. By supporting this bill, we can ensure that our water resources benefit the people, not just the powerful.

Thank you for considering my position on this critical issue.

Mahalo,

Nani Dapitan-Haake

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 10:46:25 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
jennifer valentine	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and Members of the Committees,

I STRONGLY SUPPORT SB3327 SD1, to secure a just and resilient future for our water resources and by extension, our islands as a whole.

As our climate crisis inevitably worsens, and our water resources become ever more scarce, it is critical that our precious wai is managed as a public trust resource, as envisioned in our Constitution and Water Code - and protected from the legacy of corporate water hoarding and waste that continues to this day.

Unfortunately, longstanding political vulnerabilities have hampered and will continue to hamper the Water Commission in its work to implement our Water Code and uphold the public trust in our water resources. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Commission. Another Governor appointee, the state Attorney General, is the sole entity allowed to provide the Commission with legal advice. This has raised and continues to raise serious concerns regarding politically connected special interests influencing the Governor and his appointees, to impede the work of the Commission and its staff.

By requiring the Commission to choose its own Chair, select its own executive director, and allowing it to retain its own legal counsel, this measure will provide important layers of political insulation that the Commission will need to fulfill its critical mission in a meaningful and timely manner. These provisions, as well as a performance review process to ensure an objective, apolitical basis for staff employment decisions, would also allow Commission staff to fulfill their constitutional and statutory obligations without the fear of political retribution.

*Accordingly, I respectfully urge the Committees to **PASS** this measure. Mahalo nui for the opportunity to testify.*

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 11:12:12 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Thomas Brandt	Individual	Support	Written Testimony Only

Comments:

Strong support!

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 11:25:08 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Stacey Alapai	Individual	Support	Written Testimony Only

Comments:

I STRONGLY SUPPORT SB3327 SD1, to secure a just and resilient future for our water resources and by extension, our islands as a whole.

As our climate crisis inevitably worsens, and our water resources become ever more scarce, it is critical that our precious wai is managed as a public trust resource, as envisioned in our Constitution and Water Code - and protected from the legacy of corporate water hoarding and waste that continues to this day.

Unfortunately, longstanding political vulnerabilities have hampered and will continue to hamper the Water Commission in its work to implement our Water Code and uphold the public trust in our water resources. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Commission. Another Governor appointee, the state Attorney General, is the sole entity allowed to provide the Commission with legal advice. This has raised and continues to raise serious concerns regarding politically connected special interests influencing the Governor and his appointees, to impede the work of the Commission and its staff.

By requiring the Commission to choose its own Chair, select its own executive director, and allowing it to retain its own legal counsel, this measure will provide important layers of political insulation that the Commission will need to fulfill its critical mission in a meaningful and timely manner. These provisions, as well as a performance review process to ensure an objective, apolitical basis for staff employment decisions, would also allow Commission staff to fulfill their constitutional and statutory obligations without the fear of political retribution.

*Accordingly, I respectfully urge the Committees to **PASS** this measure. Mahalo nui for the opportunity to testify.*

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 11:51:15 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Janice Palma-Glennie	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard and members of the committee,

I strongly support SB2237 SD1 as it will help provide a sustainable and fair future related to the use of our most precious Public Trust resource, water.

with climate change, increased population and all of the other pressures on water supplies, we need a plan to act rather than re-act which this legislation helps to do. it will also help sort out the bureaucratic and political issues standing in the way of making timely, necessary and wise water use decisions. Requiring the Commission to choose its own Chair, select its own executive director, while allowing it to retain its own legal counsel, this measure can provide necessary political protections that the Commission will need to fulfill its critical mission in a meaningful and timely manner.

Mahalo for seeing the value of this bill in protecting the wai and for passing it today with the help of your vote.

Sincerely,

janice Palma-Glennie

Kailua-Kona

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 12:08:00 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Linda Lyerly	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and Members of the Committees,

My name is Linda Lyerly, I reside in Lahaina, Maui and I STRONGLY SUPPORT SB3327 SD1, to secure a just and resilient future for our water resources and by extension, our islands as a whole.

By requiring the Commission to choose its own Chair, select its own executive director, and allowing it to retain its own legal counsel, this measure will provide important layers of political insulation that the Commission will need to fulfill its critical mission in a meaningful and timely manner. These provisions, as well as a performance review process to ensure an objective, apolitical basis for staff employment decisions, would also allow Commission staff to fulfill their constitutional and statutory obligations without the fear of political retribution.

Respectfully submitted. Please support this very important Bill!

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 12:32:26 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Matt L	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and Members of the Committees,

My name is Matt K L and I STRONGLY SUPPORT SB3327 SD1, to secure a just and resilient future for our water resources and by extension, our islands as a whole.

As our climate crisis inevitably worsens, and our water resources become ever more scarce, it is critical that our precious wai is managed as a public trust resource, as envisioned in our Constitution and Water Code - and protected from the legacy of corporate water hoarding and waste that continues to this day.

Unfortunately, longstanding political vulnerabilities have hampered and will continue to hamper the Water Commission in its work to implement our Water Code and uphold the public trust in our water resources. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Commission. Another Governor appointee, the state Attorney General, is the sole entity allowed to provide the Commission with legal advice. This has raised and continues to raise serious concerns regarding politically connected special interests influencing the Governor and his appointees, to impede the work of the Commission and its staff.

By requiring the Commission to choose its own Chair, select its own executive director, and allowing it to retain its own legal counsel, this measure will provide important layers of political insulation that the Commission will need to fulfill its critical mission in a meaningful and timely manner. These provisions, as well as a performance review process to ensure an objective, apolitical basis for staff employment decisions, would also allow Commission staff to fulfill their constitutional and statutory obligations without the fear of political retribution.

Why this bill is important?

First, this bill would address political vulnerabilities that has allowed and could continue to allow powerful corporate interests to unduly influence the crucially important work of the Water Commission. Currently, the Commission Chair is a member of the Governor’s cabinet, subject to his direct influence, and is also apparently able to unilaterally “reassign” or take adverse employment action against Commission staff. As we saw in the aftermath of the Lahaina fires, the “reassignment” of water deputy Kaleo Manuel raised serious concerns regarding [politically](#)

[powerful corporate water hoarders potentially influencing the Governor](#), and by extension, his appointed Commission Chair and appointed Attorney General, to retaliate against a deputy who had made historic progress in the implementation of the Water Code.

Second, this bill would authorize the Water Commission to impose meaningful fines against those who could otherwise over pump our aquifers and drain our streams dry with impunity – notwithstanding the law or the needs of the community. The current \$5,000 daily fine CWRM is authorized to levy is wholly insufficient to hold multinational corporations - or the Department of Defense - accountable if and when their water code violations impact priority public needs, including for affordable housing. Without the increased fines authorized under this measure, millions of gallons of water per day could be illegally monopolized by deep pocket entities for a fraction of a cent per gallon in penalties, harming our precious water resources, and the homes, schools, farms, small businesses, and others that rely on them.

Third, this bill would clarify and streamline the Water Commission’s ability to respond to water emergencies, such as those arising from the Red Hill water crisis or the Lahaina fires.

Please pass this bill!!

Mahalo,

Matt

LATE

Senate Committee on Ways and Means; and Senate Committee on Judiciary
Hearing: Friday, March 1, 2024 10:31 AM
State Capitol Conference Room 211
Strong Support for SB3327, SD1: Relating to the Water Commission

Aloha Chairs Dela Cruz and Rhoads and Honorable Committee Members,

My name is Dru Hara, I live in Niu, O‘ahu, and I am a third-year law student at the University of Hawai‘i at Mānoa William S. Richardson School of Law. Mahalo nui for hearing this bill today and providing the community an opportunity to testify on behalf of our precious freshwater resources. I am testifying today **in strong support of SB3327, SD1**. I will quickly note that, because SB3327, SD1 was added to this hearing as an amendment to the agenda on Wednesday afternoon, the public was not provided with the usual 48-hour notice and, thus, this testimony is being submitted late.

During my time as a law student, it has been my privilege to work closely with Maui Komohana community members as they navigate the water use permitting process and continue to zealously advocate for the preservation of their natural resources and their legal rights to water under the Hawai‘i Constitution and the state Water Code, HRS chapter 174c. This community believes in the Water Code and believed, for a time, in the Water Commission’s ability to enforce the Code’s mandates and protections. This belief in the Commission was shattered after the fires when the BLNR Chair removed deputy Kaleo Manuel without cause and the Governor suspended the Water Code, leaving CWRM powerless in Lahaina’s time of need. In response, hundreds of Lahaina residents paused their recovery to advocate for the reinstatement of the Water Code last Fall. And though that particular harm has been addressed in part, people across Maui Komohana continue to demand that CWRM take a more proactive role in their recovery.

SB3327, SD1 is an extension of that demand. As expressed in the over 200 pages of testimony submitted in support of this bill before its first Senate committee hearing, the people of Lahaina firmly believe that **SB3327, SD1** is a necessary measure to enact long-needed structural changes and to enable CWRM to exercise its duty and authority as trustee of our water resources. To give this bill its full effect, I also urge you to **reinsert the proposed amendment** to the Water Code that was included in the original version of SB3327 and would add a subsection **HRS § 174C-5(17)** granting CWRM the authority to directly address water emergencies. This would provide a concrete mechanism for CWRM to help deliver **water for temporary emergency housing** in Maui Komohana. I note that this emergency provision, along with the penalties provision contained in SB3327, SD1, were part of an administration package that was passed by this legislature last year but were ultimately vetoed by the Governor.

While it is tempting for me to poke holes in the criticisms that have been offered relating to SB3327, SD1, I will leave it to more practiced legal minds to point out the flaws in the Attorney General’s and other’s opposition to this bill—like how the AG’s track record representing CWRM has been problematic at best, and how previous testimony from the AG’s Office misunderstands the public trust provisions of our constitution and the duties of the Water Commission.

My plea is simple, **support SB3327, SD1 to support Lahaina.** There has been much talk among government about what is needed to help the people affected by the fires, but at this juncture there are very few bills still alive that will actually result in any real benefit to the Lahaina community. This bill provides an opportunity for the legislature to respond to Lahaina's needs and provide greater protection of our water resources across Hawai'i. **Please pass SB3327, SD1 today.** Mahalo nunui for your consideration of this testimony.

E ola i ka wai!

Dru Hara

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 1:20:54 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
DIANE CHOY FUJIMURA	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and Members of the Committees

My name is Diane Choy Fujimura and I STRONGLY SUPPORT SB3327 SD1, to secure a just and resilient future for our water resources and by extnsion our islands as a whole.

We learned some very hard lessons from the Red Hill water crisis and the Lahaina wild fires. One, our water resources are scarce, and we must make every effort to protect and manage our wai for now and future generations.

Two, the Water Commission must ste up to the plate and implement the Water Code for the larger community It must be free from political influence. The Governor appoints the Chair of the Board of Land and Natural Resources, who chairs the Commission. The state Attorney General alone provides the Commission with legal advice. The Commission must be free from these interests. Unfortunately, we witnessed the Chair of the Commission unilaterally reassignng an employee and staff of the Cmmission, with no investigation or disclosures preceding the reassignment. This raised valid concerns about the corporate interests in Maui who were found to be hoarding precious water, and pretty much lying about their water needs.

The Commission must be able to act on its own, This bill will authorize the Commission to impose meaningful fines against thosewho could otherwise over pump our aquifers and drain our streams dry. The current \$5,000 daily fine is a drop in the bucket to multinational corporations, or the Departme of Defense accountable.

Mahalo for your consideration and the opportunity to testify!

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 1:43:05 PM
Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Kealohilani Minami	Individual	Support	Written Testimony Only

Comments:

Senate Committee on Ways and Means; and Senate Committee on Judiciary

Hearing: Friday, March 1, 2024 10:31 AM

State Capitol Conference Room 211

Strong Support for SB3327, SD1: Relating to the Water Commission

Aloha Chairs Dela Cruz and Rhoads and Honorable Committee Members,

My name is Kealohilani, and I am a genealogical descendent of Lāhainā, Maui but now live in California. I'm testifying today in strong support of SB3327, SD1.

We urge this legislature to pass SB3327, SD1 to make it effective immediately. We need a Water Commission that is empowered to take proactive steps to manage our precious wai. This is true now more than ever as Hawai'i is literally burning as a combined result of resource abuse and global climate change. There is not enough freshwater to sustain local families, whether that is on Maui, where large corporate diverters have sucked the streams dry, or O'ahu, where the U.S. military's negligence has compromised our aquifers. Importantly, this bill will help the Commission hold violators accountable. It will also allow the Commission to be more responsive in times of emergency, including with temporary housing for Maui fire victims, Red Hill, and beyond.

The DLNR Chair's response to this bill is emblematic of the political whiplash that has paralyzed our water policy, particularly in the wake of the Maui fires. Even as many of us continue to appear before the Commission and this legislature in unified support of proactive management, before and after the fires, Chair Chang continues to undermine our repeated calls

for ke kahuwai pono. After submitting written testimony in support of restructuring the Commission, 24 hours later, Chair Chang backpedaled on her position. She cautioned committee members to be “thoughtful and not reactionary.” Now, we aren’t even sure she still supports this bill.

SB3327, SD1 is thoughtful. It will better equip the Water Commission to respond to the devastating wildfires, to Red Hill, and to similar water emergencies in the future. And while SB3327, SD1 is responsive to current water crises, it is not reactionary. Actually, a Review Commission assembled by the legislature offered many similar recommendations in the early 1990s. SB3327, SD1 implements the original intent of the Water Code when this legislature first passed the Water Code 37 years ago. Today, the military and other large landed interests continue to exert outsized influence on our water policy to the detriment of our communities, our streams, and our ‘āina. The Commission’s constitutional mandate has always been to protect and manage our water resources for the benefit of present and future generations. The amendments proposed in SB3327, SD1 have the potential to bring the law to life at a crucial point in our history and when Hawai‘i needs this the most.

Extreme weather events are becoming more frequent each year, and the perpetuation of plantation water politics is only making our communities more vulnerable to disasters. Lahaina is our latest wake up call, and we stand with Lahaina. This bill is a necessary step towards evolving our government to meet the demands of the climate emergency we are now living in. It will benefit communities across Hawai‘i, such as those on O‘ahu whose water supplies have been poisoned by Red Hill.

The Water Commission needs to be able to act. Please help us get our water management back on track and pass SB3327, SD1 today.

Ola i ka wai!

Kealohilani Minami

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 2:06:11 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Konia Freitas	Individual	Support	Written Testimony Only

Comments:

Senate Committee on Ways and Means; and Senate Committee on Judiciary

Strong Support for SB3327, SD1: Relating to the Water Commission

Aloha Chairs Dela Cruz and Rhoads and Honorable Committee Members,

My name is Konia Freitas, and I live in Halawauka, Ewa, O'ahu. I'm testifying today in strong **support** of SB3327, SD1.

I urge this legislature to pass SB3327, SD1, and make it effective immediately. We need a Water Commission that takes active steps to manage our precious water resources. This is true now more than ever as Hawai'i is literally burning as a combined result of local resource abuse, hyper-scaled urban, and poor rural land management, not to mention militarization, and global climate change.

SB3327, SD1 is carefully thought out. The Commission's constitutional mandate has always been to protect and manage our water resources for the benefit of present and future generations. The amendments proposed in SB3327, SD1 have the potential to bring the law to life at a crucial point in our history and when Hawai'i needs this the most. It will better equip the Water Commission to respond to the devastating wildfires, Red Hill, and similar water emergencies in the future.

Today, the military and other large landed interests continue to exert outsized influence on our water policy to the detriment of our communities, streams, and 'āina. Lahaina is our latest wake-up call, and I stand with Lahaina. This bill is a necessary step towards evolving our government to meet the demands of the climate emergency we are now living in. It will benefit communities across Hawai'i.

Please help us get our water management back on track and pass SB3327, SD1 today.

Ola i ka wai!

Konia Freitas, Phd

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 2:09:09 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Millie Ho	Individual	Support	Written Testimony Only

Comments:

Aloha mai e Senator/Representative,

I am writing to express my strong support for SB 3317, which would require the Department of Health to continue testing beaches during Brown Water Advisories (BWA) and to take samples even if the water is brown. As a frequent beachgoer, Native Hawaiian that supports our Ahupua'a, and Hawaii resident, I believe this bill would benefit our safety and well-being. Currently, the DOH's suspending testing during BWA eliminates data that would indicate high bacterial counts in Hawaii's coastal waters. This can create a perception that our coastal waters are cleaner than they are, which is a cause for concern. I believe that it would be more transparent and in the best interest of public health to continue testing during BWA, as it would give us a more accurate understanding of the water quality at our local beaches, which is critical for our health and safety.

As someone who cares deeply about our community's health and well-being, I respectfully request your support for this bill. We must proactively protect ourselves from potential health risks associated with contaminated waters. By passing this bill, we can ensure that the DOH is taking the necessary steps to safeguard our public health.

Thank you for your attention to this matter.

Mahalo Nui,

Millie Ho

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 2:19:46 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

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

Comments:

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Honorable Committee Members,

I am testifying in strong support of SB3327 SD1.

Increased fine limit provides the necessary power to dissuade private interests from repeatedly taking more water than allowed and overstressing aquifers.

SB3327 SD1 also provides CWRM the appropriate authority to take action in the case of an emergency, which it has not been the case to date.

Please support SB3327 SD1. It is an important measure to restore trust in the State Commission on Water Resources, and to ensure it can exercise its constitutional and statutory duties to uphold Hawai'i's water code and protect our precious public trust water resources free from political influence.

Mahalo for your consideration. Ola i ka wai!

Aloha,

Shannon M.

Hawai'i Island Resident

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 2:20:35 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Bianca Isaki	Individual	Support	Written Testimony Only

Comments:

Please support allowing the Water Commission to hold water code violators accountable with meaningful fines, and take emergency and timely action during water shortages caused by prolonged droughts, aquifer contamination, rising chloride levels, or other unforeseen events. and protecting Water Commission members and staff from the influence of opportunistic and politically connected corporate interests, allowing them to implement the state Water Code in the public's interest, and without fear of political retribution.

Yours,

Bianca Isaki

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 2:21:43 PM
Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Ezgi Green	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Honorable Committee Members,

I am testifying in solid support of SB3327 SD1, which will finally implement decades-long recommendations to try to minimize political influences on our Water Commission. It will also enable the CWRM Commissioners and their staff to focus on their essential duties instead of responding to political maneuvering.

We, unfortunately, witnessed the worst kind of political influence and attempted water grabs in the aftermath of the Lāhainā fires. Wealthy developers seeking water for luxury developments, using the cover of the recent disaster, engaged in a damaging misinformation campaign that was parroted in both local and national media. This misinformation campaign led to the temporary revoking of the water code, threats of undoing the hard-won Maui Komohana water management area, and the unwarranted scapegoating and reassignment of then Deputy Director Manuel.

It was only after a massive outcry from a still grieving community that the administration walked back its suspension of the water code, threats to undo the water management area, and reassignment of former Deputy Director Manuel. This kind of politicking placed an additional burden on an already traumatized community by forcing them to defend a ground and surface area water management they already fought decades to enact. Despite just losing homes and loved ones, hundreds of displaced Lāhainā residents took time while still grieving and flew to another island multiple times to defend their water rights and an unfairly scapegoated Deputy Director. No community should ever be put in this position.

Increased fine limits provide the necessary power to dissuade private interests from repeatedly taking more water than allowed and overstressing aquifers.

SB3327 SD1 also provides CWRM the appropriate authority to take action in the case of an emergency, which has not been the case to date.

Please support SB3327 SD1. It is an important measure to restore trust in the State Commission on Water Resources and to ensure it can exercise its constitutional and statutory duties to uphold Hawai‘i’s water code and protect our precious public trust in water resources free from political influence.

Mahalo for your consideration. Ola i ka wai!

Ezgi Green, Waialua

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 2:30:20 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Hansen	Individual	Support	Written Testimony Only

Comments:

Aloha:

I am testifying in strong support of SB3327 SD1 which will finally implement decades-long recommendations to try to minimize political influences on our Water Commission. It will also enable the CWRM Commissioners and their staff to focus on their important duties instead of responding to political maneuvering.

We unfortunately witnessed the worst kind political influence and attempted water grabs in the aftermath of the Lāhainā fires. Wealthy developers seeking water for luxury developments, using the cover of the recent disaster, engaged in a damaging misinformation campaign that was parroted in both local and national media. This misinformation campaign led to the temporary revoking of the water code, threats of undoing the hard won Maui Komohana water management area and the unwarranted scapegoating and reassignment of then Deputy Director Manuel.

It was only after massive outcry from a still grieving community that the administration walked back its suspension of the water code, threats to undo the water management area and reassignment of former Deputy Director Manuel. This kind of politicking placed an additional burden on an already traumatized community by forcing them to defend a ground and surface area water management they already fought decades to enact. Despite just losing homes and loved ones, hundreds of displaced Lāhainā residents took time while still grieving and flew to another island multiple times to defend their water rights and an unfairly scapegoated Deputy Director. No community should ever be put in this position.

Increased fine limit provides the necessary power to dissuade private interests from repeatedly taking more water than allowed and overstressing aquifers.

SB3327 SD1 also provides CWRM the appropriate authority to take action in the case of an emergency, which it has not been the case to date.

Please support SB3327 SD1. It is an important measure to restore trust in the State Commission on Water Resources, and to ensure it can exercise its constitutional and statutory duties to uphold Hawai'i's water code and protect our precious public trust water resources free from political influence.

Mahalo for your consideration.

Elizabeth Hansen

Hakalau HI 96710

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 2:30:58 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Kawena Lauriano	Individual	Support	Written Testimony Only

Comments:

Aloha mai kākou,

Please support SB3327 SD1. It is an important measure to restore trust in the State Commission on Water Resources, and to ensure it can exercise its constitutional and statutory duties to uphold Hawai‘i’s water code and protect our precious public trust water resources free from political and corporate influence.

E ola i ka wai,
Kawena

LATE

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Honorable Committee Members,

I am testifying in strong support of SB3327 SD1 which will finally implement decades-long recommendations to try to minimize political influences on our Water Commission. It will also enable the CWRM Commissioners and their staff to focus on their important duties instead of responding to political maneuvering.

We unfortunately witnessed the worst kind political influence and attempted water grabs in the aftermath of the Lāhainā fires. Wealthy developers seeking water for luxury developments, using the cover of the recent disaster, engaged in a damaging misinformation campaign that was parroted in both local and national media.

It was only after massive outcry from a still grieving community that the administration walked back its suspension of the water code, threats to undo the water management area and reassignment of former Deputy Director Manuel. This kind of politicking placed an additional burden on an already traumatized community by forcing them to defend a ground and surface area water management they already fought decades to enact. Despite just losing homes and loved ones, hundreds of displaced Lāhainā residents took time while still grieving and flew to another island multiple times to defend their water rights and an unfairly scapegoated Deputy Director. No community should ever be put in this position.

Increased fine limit provides the necessary power to dissuade private interests from repeatedly taking more water than allowed and overstressing aquifers.

SB3327 SD1 also provides CWRM the appropriate authority to take action in the case of an emergency, which it has not been the case to date.

Please support SB3327 SD1. It is an important measure to restore trust in the State Commission on Water Resources, and to ensure it can exercise its constitutional and statutory duties to uphold Hawai'i's water code and protect our precious public trust water resources free from political influence.

Mahalo for your consideration. Ola i ka wai!

All the best,
William Speed, Kailua, O`ahu 96734-1851

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 2:32:25 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
pamela burrell	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Honorable Committee Members,

Please support SB3327 SD1. It is an important measure to restore trust in the State Commission on Water Resources, and to ensure it can exercise its constitutional and statutory duties to uphold Hawai'i's water code and protect our precious public trust water resources free from political influence.

Mahalo for your consideration. Ola i ka wai!
Pamela Burrell, Kalihiwai, Kaua'i

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 2:32:36 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Dennis O'Shea	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Honorable Committee Members,

I am testifying in strong support of SB3327 SD1 which will finally implement decades-long recommendations to try to minimize political influences on our Water Commission. It will also enable the CWRM Commissioners and their staff to focus on their important duties instead of responding to political maneuvering.

It is long past time. Please do this. The water belongs to the aina.

Mahalo



SB-3327-SD-1

Submitted on: 2/29/2024 2:48:47 PM
Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Shay Chan Hodges	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and Members of the Committees,

My name is Shay Chan Hodges and I STRONGLY SUPPORT SB3327 SD1, to secure a just and resilient future for our water resources and by extension, our islands as a whole.

As our climate crisis inevitably worsens, and our water resources become ever more scarce, it is critical that our precious wai is managed as a public trust resource, as envisioned in our Constitution and Water Code - and protected from the legacy of corporate water hoarding and waste that continues to this day.

Unfortunately, longstanding political vulnerabilities have hampered and will continue to hamper the Water Commission in its work to implement our Water Code and uphold the public trust in our water resources. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Commission. Another Governor appointee, the state Attorney General, is the sole entity allowed to provide the Commission with legal advice. This has raised and continues to raise serious concerns regarding politically connected special interests influencing the Governor and his appointees, to impede the work of the Commission and its staff.

By requiring the Commission to choose its own Chair, select its own executive director, and allowing it to retain its own legal counsel, this measure will provide important layers of political insulation that the Commission will need to fulfill its critical mission in a meaningful and timely manner. These provisions, as well as a performance review process to ensure an objective, apolitical basis for staff employment decisions, would also allow Commission staff to fulfill their constitutional and statutory obligations without the fear of political retribution.

*Accordingly, I respectfully urge the Committees to **PASS** this measure. Mahalo nui for the opportunity to testify.*

*--Shay Chan Hodges
Maui, Hawaii*

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 2:50:00 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Cynthia Hathaway	Individual	Support	Written Testimony Only

Comments:

I am testifying in strong support of SB3327 SD1 to minimize political influences on our Water Commission. Increased fine limits may help deter private interests from taking more water than allotted. keep politics out of our water commissioners' work as public servants. Thank you.

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 2:52:27 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Nancy Harter	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and Members of the Committees,

My name is Nancy Harter and I STRONGLY SUPPORT SB3327 SD1, to secure a just and resilient future for our water resources and by extension, our islands as a whole.

As our climate crisis inevitably worsens, and our water resources become ever more scarce, it is critical that our precious wai is managed as a public trust resource, as envisioned in our Constitution and Water Code - and protected from the legacy of corporate water hoarding and waste that continues to this day.

Unfortunately, longstanding political vulnerabilities have hampered and will continue to hamper the Water Commission in its work to implement our Water Code and uphold the public trust in our water resources. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Commission. Another Governor appointee, the state Attorney General, is the sole entity allowed to provide the Commission with legal advice. This has raised and continues to raise serious concerns regarding politically connected special interests influencing the Governor and his appointees, to impede the work of the Commission and its staff.

By requiring the Commission to choose its own Chair, select its own executive director, and allowing it to retain its own legal counsel, this measure will provide important layers of political insulation that the Commission will need to fulfill its critical mission in a meaningful and timely manner. These provisions, as well as a performance review process to ensure an objective, apolitical basis for staff employment decisions, would also allow Commission staff to fulfill their constitutional and statutory obligations without the fear of political retribution.

*Accordingly, I respectfully urge the Committees to **PASS** this measure. Mahalo nui for the opportunity to testify.*

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 2:53:46 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Rodger Hansen	Individual	Support	Written Testimony Only

Comments:

Aloha: I am testifying in strong support of SB3327 SD1 which will finally implement decades-long recommendations to try to minimize political influences on our Water Commission. It will also enable the CWRM Commissioners and their staff to focus on their important duties instead of responding to political maneuvering.

We unfortunately witnessed the worst kind political influence and attempted water grabs in the aftermath of the Lāhainā fires. Wealthy developers seeking water for luxury developments, using the cover of the recent disaster, engaged in a damaging misinformation campaign that was parroted in both local and national media. This misinformation campaign led to the temporary revoking of the water code, threats of undoing the hard won Maui Komohana water management area and the unwarranted scapegoating and reassignment of then Deputy Director Manuel.

It was only after massive outcry from a still grieving community that the administration walked back its suspension of the water code, threats to undo the water management area and reassignment of former Deputy Director Manuel. This kind of politicking placed an additional burden on an already traumatized community by forcing them to defend a ground and surface area water management they already fought decades to enact. Despite just losing homes and loved ones, hundreds of displaced Lāhainā residents took time while still grieving and flew to another island multiple times to defend their water rights and an unfairly scapegoated Deputy Director. No community should ever be put in this position.

Increased fine limit provides the necessary power to dissuade private interests from repeatedly taking more water than allowed and overstressing aquifers.

SB3327 SD1 also provides CWRM the appropriate authority to take action in the case of an emergency, which it has not been the case to date.

Please support SB3327 SD1. It is an important measure to restore trust in the State Commission on Water Resources, and to ensure it can exercise its constitutional and statutory duties to uphold Hawai'i's water code and protect our precious public trust water resources free from political influence.

Mahalo for your consideration.

Rodger Hansen/ Hakalau HI 96710

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 2:53:57 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Lucie Schragger	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Honorable Committee Members,

I am testifying in strong support of SB3327 SD1 which will finally implement decades-long recommendations to try to minimize political influences on our Water Commission. It will also enable the CWRM Commissioners and their staff to focus on their important duties instead of responding to political maneuvering.

We unfortunately witnessed the worst kind political influence and attempted water grabs in the aftermath of the Lāhainā fires. Wealthy developers seeking water for luxury developments, using the cover of the recent disaster, engaged in a damaging misinformation campaign that was parroted in both local and national media. This misinformation campaign led to the temporary revoking of the water code, threats of undoing the hard won Maui Komohana water management area and the unwarranted scapegoating and reassignment of then Deputy Director Manuel.

It was only after massive outcry from a still grieving community that the administration walked back its suspension of the water code, threats to undo the water management area and reassignment of former Deputy Director Manuel. This kind of politicking placed an additional burden on an already traumatized community by forcing them to defend a ground and surface area water management they already fought decades to enact. Despite just losing homes and loved ones, hundreds of displaced Lāhainā residents took time while still grieving and flew to another island multiple times to defend their water rights and an unfairly scapegoated Deputy Director. No community should ever be put in this position.

Increased fine limit provides the necessary power to dissuade private interests from repeatedly taking more water than allowed and overstressing aquifers.

SB3327 SD1 also provides CWRM the appropriate authority to take action in the case of an emergency, which it has not been the case to date.

Please support SB3327 SD1. It is an important measure to restore trust in the State Commission on Water Resources, and to ensure it can exercise its constitutional and statutory duties to uphold Hawai'i's water code and protect our precious public trust water resources free from political influence.

Mahalo for your consideration. Ola i ka wai!

Lucie Schrager, 'Ewa Beach

LATE

My name is Keolahou Ake, and I STRONGLY SUPPORT SB3327 SD1, to secure a just and resilient future for our water resources and by extension, our islands as a whole.

As our climate crisis worsens and water resources dwindle, it is imperative that our precious water (wai) is managed as a public trust resource, in alignment with our Constitution and Water Code. This ensures protection from historical issues like corporate water accumulation and misuse that persist today.

Regrettably, persistent political vulnerabilities have hindered and will continue to impede the Water Commission's ability to implement our Water Code and uphold the public trust in our water resources. Currently, the Commission is led by a Governor appointee - the Board of Land and Natural Resources Chairperson. Additionally, the state Attorney General, another Governor appointee, is the sole legal advisor to the Commission. This setup raises concerns about politically connected interests influencing decisions and potentially obstructing the Commission's work.

To address these challenges, empowering the Commission to select its own Chair, executive director, and legal counsel would provide crucial political insulation necessary for the Commission to carry out its vital mission effectively and independently. These provisions, coupled with a performance review process to ensure unbiased staff decisions, would enable Commission staff to fulfill their obligations without fear of political repercussions.

I therefore respectfully request that the Committees approve and PASS this measure. Thank you for the opportunity to testify.

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 3:13:52 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Mary Lu Kelley	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Honorable Committee Members,

Aloha from Kauai. I am testifying in strong support of SB3327 SD1 which will finally implement decades-long recommendations to try to minimize political influences on our Water Commission. It will also enable the CWRM Commissioners and their staff to focus on their important duties instead of responding to political maneuvering.

We unfortunately witnessed the worst kind political influence and attempted water grabs in the aftermath of the Lāhainā fires. Wealthy developers seeking water for luxury developments, using the cover of the recent disaster, engaged in a damaging misinformation campaign that was parroted in both local and national media. This misinformation campaign led to the temporary revoking of the water code, threats of undoing the hard won Maui Komohana water management area and the unwarranted scapegoating and reassignment of then Deputy Director Manuel.

It was only after massive outcry from a still grieving community that the administration walked back its suspension of the water code, threats to undo the water management area and reassignment of former Deputy Director Manuel. This kind of politicking placed an additional burden on an already traumatized community by forcing them to defend a ground and surface area water management they already fought decades to enact. Despite just losing homes and loved ones, hundreds of displaced Lāhainā residents took time while still grieving and flew to another island multiple times to defend their water rights and an unfairly scapegoated Deputy Director. No community should ever be put in this position.

Increased fine limit provides the necessary power to dissuade private interests from repeatedly taking more water than allowed and overstressing aquifers.

SB3327 SD1 also provides CWRM the appropriate authority to take action in the case of an emergency, which it has not been the case to date.

Please support SB3327 SD1. It is an important measure to restore trust in the State Commission on Water Resources, and to ensure it can exercise its constitutional and statutory duties to uphold Hawai'i's water code and protect our precious public trust water resources free from political influence.

Mahalo for your consideration. Ola i ka wai! Do the right thing.

Mary Lu Kelley

Koloa, Kauai

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 3:19:32 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Martha Evans	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Honorable Committee Members,

I am testifying in strong support of SB3327 SD1 which will finally implement decades-long recommendations to try to minimize political influences on our Water Commission. It will also enable the CWRM Commissioners and their staff to focus on their important duties instead of responding to political maneuvering.

We unfortunately witnessed the worst kind political influence and attempted water grabs in the aftermath of the Lāhainā fires. Wealthy developers seeking water for luxury developments, using the cover of the recent disaster, engaged in a damaging misinformation campaign that was parroted in both local and national media. This misinformation campaign led to the temporary revoking of the water code, threats of undoing the hard won Maui Komohana water management area and the unwarranted scapegoating and reassignment of then Deputy Director Manuel.

It was only after massive outcry from a still grieving community that the administration walked back its suspension of the water code, threats to undo the water management area and reassignment of former Deputy Director Manuel. This kind of politicking placed an additional burden on an already traumatized community by forcing them to defend a ground and surface area water management they already fought decades to enact. Despite just losing homes and loved ones, hundreds of displaced Lāhainā residents took time while still grieving and flew to another island multiple times to defend their water rights and an unfairly scapegoated Deputy Director. No community should ever be put in this position.

Increased fine limit provides the necessary power to dissuade private interests from repeatedly taking more water than allowed and overstressing aquifers.

SB3327 SD1 also provides CWRM the appropriate authority to take action in the case of an emergency, which it has not been the case to date.

Please support SB3327 SD1. It is an important measure to restore trust in the State Commission on Water Resources, and to ensure it can exercise its constitutional and statutory duties to uphold Hawai'i's water code and protect our precious public trust water resources free from political influence.

Mahalo for your consideration. Ola i ka wai!
Martha Evans

Honolulu

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 3:29:15 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Mele Andrade	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Honorable Committee Members,

I am testifying in **strong support of SB3327 SD1** which will finally implement decades-long recommendations to try to minimize political influences on our Water Commission. It will also enable the CWRM Commissioners and their staff to focus on their important duties instead of responding to political maneuvering.

We unfortunately witnessed the worst kind political influence and attempted water grabs in the aftermath of the Lāhainā fires. Wealthy developers seeking water for luxury developments, using the cover of the recent disaster, engaged in a damaging misinformation campaign that was parroted in both local and national media. This misinformation campaign led to the temporary revoking of the water code, threats of undoing the hard won Maui Komohana water management area and the unwarranted scapegoating and reassignment of then Deputy Director Manuel.

Increased fine limit provides the necessary power to dissuade private interests from repeatedly taking more water than allowed and overstressing aquifers.

SB3327 SD1 also provides CWRM the appropriate authority to take action in the case of an emergency, which it has not been the case to date.

Please support SB3327 SD1. It is an important measure to restore trust in the State Commission on Water Resources, and to ensure it can exercise its constitutional and statutory duties to uphold Hawai‘i’s water code and protect our precious public trust water resources free from political influence.

Mahalo for your consideration. Ola i ka wai!

Mele Andrade, Wailuku, Maui

mpnandrade@gmail.com

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 3:29:46 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Sven Sorge	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Honorable Committee Members,

I am testifying in strong support of SB3327 SD1 which will finally implement decades-long recommendations to try to minimize political influences on our Water Commission. It will also enable the CWRM Commissioners and their staff to focus on their important duties instead of responding to political maneuvering.

We unfortunately witnessed the worst kind political influence and attempted water grabs in the aftermath of the Lāhainā fires. Wealthy developers seeking water for luxury developments, using the cover of the recent disaster, engaged in a damaging misinformation campaign that was parroted in both local and national media. This misinformation campaign led to the temporary revoking of the water code, threats of undoing the hard won Maui Komohana water management area and the unwarranted scapegoating and reassignment of then Deputy Director Manuel.

It was only after massive outcry from a still grieving community that the administration walked back its suspension of the water code, threats to undo the water management area and reassignment of former Deputy Director Manuel. This kind of politicking placed an additional burden on an already traumatized community by forcing them to defend a ground and surface area water management they already fought decades to enact. Despite just losing homes and loved ones, hundreds of displaced Lāhainā residents took time while still grieving and flew to another island multiple times to defend their water rights and an unfairly scapegoated Deputy Director. No community should ever be put in this position.

Increased fine limit provides the necessary power to dissuade private interests from repeatedly taking more water than allowed and overstressing aquifers.

SB3327 SD1 also provides CWRM the appropriate authority to take action in the case of an emergency, which it has not been the case to date.

Please support SB3327 SD1. It is an important measure to restore trust in the State Commission on Water Resources, and to ensure it can exercise its constitutional and statutory duties to uphold Hawai'i's water code and protect our precious public trust water resources free from political influence.

Mahalo for your consideration. Ola i ka wai!

Sven Sorge

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 3:33:55 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Nicole LeClaire	Individual	Support	Written Testimony Only

Comments:

Please support SB3327 SD1. It is an important measure to restore trust in the State Commission on Water Resources, and to ensure it can exercise its constitutional and statutory duties to uphold Hawai'i's water code and protect our precious public trust water resources free from political influence.

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 3:35:58 PM
Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Piilani Mau	Individual	Support	Written Testimony Only

Comments:

My name is Pi'ilani Mau and I STRONGLY SUPPORT SB3327 SD1, to secure a just and resilient future for our water resources and by extension, our islands as a whole.

As our climate crisis inevitably worsens, and our water resources become ever more scarce, it is critical that our precious wai is managed as a public trust resource, as envisioned in our Constitution and Water Code - and protected from the legacy of corporate water hoarding and waste that continues to this day.

Unfortunately, longstanding political vulnerabilities have hampered and will continue to hamper the Water Commission in its work to implement our Water Code and uphold the public trust in our water resources. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Commission. Another Governor appointee, the state Attorney General, is the sole entity allowed to provide the Commission with legal advice. This has raised and continues to raise serious concerns regarding politically connected special interests influencing the Governor and his appointees, to impede the work of the Commission and its staff.

By requiring the Commission to choose its own Chair, select its own executive director, and allowing it to retain its own legal counsel, this measure will provide important layers of political insulation that the Commission will need to fulfill its critical mission in a meaningful and timely manner. These provisions, as well as a performance review process to ensure an objective, apolitical basis for staff employment decisions, would also allow Commission staff to fulfill their constitutional and statutory obligations without the fear of political retribution.

*Accordingly, I respectfully urge the Committees to **PASS** this measure. Mahalo nui for the opportunity to testify.*

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 3:52:11 PM
Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Christopher Boscole	Individual	Support	Written Testimony Only

Comments:

I am testifying in strong support of SB3327 SD1 which will finally implement decades-long recommendations to try to minimize political influences on our Water Commission. It will also enable the CWRM Commissioners and their staff to focus on their important duties instead of responding to political maneuvering.

We unfortunately witnessed the worst kind political influence and attempted water grabs in the aftermath of the Lāhainā fires. Wealthy developers seeking water for luxury developments, using the cover of the recent disaster, engaged in a damaging misinformation campaign that was parroted in both local and national media. This misinformation campaign led to the temporary revoking of the water code, threats of undoing the hard won Maui Komohana water management area and the unwarranted scapegoating and reassignment of then Deputy Director Manuel.

It was only after massive outcry from a still grieving community that the administration walked back its suspension of the water code, threats to undo the water management area and reassignment of former Deputy Director Manuel. This kind of politicking placed an additional burden on an already traumatized community by forcing them to defend a ground and surface area water management they already fought decades to enact. Despite just losing homes and loved ones, hundreds of displaced Lāhainā residents took time while still grieving and flew to another island multiple times to defend their water rights and an unfairly scapegoated Deputy Director. No community should ever be put in this position.

Increased fine limit provides the necessary power to dissuade private interests from repeatedly taking more water than allowed and overstressing aquifers.

SB3327 SD1 also provides CWRM the appropriate authority to take action in the case of an emergency, which it has not been the case to date.

Please support SB3327 SD1. It is an important measure to restore trust in the State Commission on Water Resources, and to ensure it can exercise its constitutional and statutory duties to uphold Hawai'i's water code and protect our precious public trust water resources free from political influence.

SB-3327-SD-1

Submitted on: 2/29/2024 4:08:30 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Camille Barcoma	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and Members of the Committees,

My name is Camille Barcoma, and I STRONGLY SUPPORT SB3327 SD1, to secure a just and resilient future for our water resources and by extension, our islands as a whole. We all need water to live.

As our climate crisis inevitably worsens, and our water resources become ever more scarce, it is critical that our precious wai is managed as a public trust resource, as envisioned in our Constitution and Water Code - and protected from the legacy of corporate water hoarding and waste that continues to this day.

Unfortunately, longstanding political vulnerabilities have hampered and will continue to hamper the Water Commission in its work to implement our Water Code and uphold the public trust in our water resources. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Commission. Another Governor appointee, the state Attorney General, is the sole entity allowed to provide the Commission with legal advice. This has raised and continues to raise serious concerns regarding politically connected special interests influencing the Governor and his appointees, to impede the work of the Commission and its staff.

By requiring the Commission to choose its own Chair, select its own executive director, and allowing it to retain its own legal counsel, this measure will provide important layers of political insulation that the Commission will need to fulfill its critical mission in a meaningful and timely manner. These provisions, as well as a performance review process to ensure an objective, apolitical basis for staff employment decisions, would also allow Commission staff to fulfill their constitutional and statutory obligations without the fear of political retribution.

*Accordingly, I respectfully urge the Committees to **PASS** this measure. Mahalo nui for the opportunity to testify.*

SB-3327-SD-1

Submitted on: 2/29/2024 4:08:47 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Stephanie Austin	Individual	Support	Written Testimony Only

Comments:

Please support this important bill which will provide protection for officials tasked with ensuring decision making in the public interest, free from political influence!

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 4:42:34 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Arna Lahela Johnson	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Honorable Committee Members,

I am writing to provide strong testimony in support of SB3327 SD1, a vital measure aimed at finally implementing long-overdue recommendations to mitigate political influences on our Water Commission. This legislation is crucial in allowing the Commissioners and their dedicated staff to focus on their essential duties without the distraction of political maneuvering.

Regrettably, we have recently witnessed the detrimental impact of political interference and attempted water appropriations following the devastating Lāhainā fires. In the wake of this tragedy, affluent developers, under the guise of disaster relief, launched a harmful misinformation campaign that was echoed in both local and national media. This campaign resulted in the temporary suspension of the water code, threats to dismantle the hard-won Maui Komohana water management area, and the unjust scapegoating and reassignment of Deputy Director Manuel.

Only through the resounding outcry of our grieving community did the administration retract its suspension of the water code, withdrawal of threats against the water management area, and reinstatement of former Deputy Director Manuel. Such political maneuvers not only burdened an already traumatized community but also forced them to defend a water management system they had fought tirelessly to establish over decades. Despite enduring profound losses, hundreds of displaced Lāhainā residents, amidst their grief, traveled multiple times to another island to defend their water rights and advocate for the unfairly targeted Deputy Director. No community should ever endure such distressing circumstances.

Increasing the fine limit is imperative to dissuade private interests from continuously exploiting water resources beyond permissible limits, thereby alleviating undue stress on aquifers. Furthermore, SB3327 SD1 grants the necessary authority to the CWRM to take swift action in emergency situations, a capability that has been lacking until now.

I urge you to lend your support to SB3327 SD1. It is a critical step towards reinstating trust in the State Commission on Water Resources and ensuring its ability to fulfill its constitutional and statutory obligations in upholding Hawai'i's water code and safeguarding our invaluable public trust water resources, devoid of political influence.

Thank you for your attention to this pressing matter. Ola i ka wai!

Arna Lahela Johnson

SB-3327-SD-1

Submitted on: 2/29/2024 5:12:38 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
brandi corpuz	Individual	Support	Written Testimony Only

Comments:

Aloha, My name is Brandi Corpuz and I am in full support of SB3327. For far too long developers and weathy land owners have been in control of our water resources. It is time to give control back to the rightful owners, the people of Hawaii. No one should be in control of our water resources for profit and private benefit. We need to have our water protected and disignated for our people and our aina period. Please support SB3327 because its long overdue.

Sincerely, Brandi Corpuz

SB-3327-SD-1

Submitted on: 2/29/2024 5:16:06 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Jessica Kuzmier	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Honorable Committee Members,

I am testifying in strong support of SB3327 SD1 which will finally implement decades-long recommendations to try to minimize political influences on our Water Commission. It will also enable the CWRM Commissioners and their staff to focus on their important duties instead of responding to political maneuvering.

We unfortunately witnessed the worst kind political influence and attempted water grabs in the aftermath of the Lāhainā fires. Wealthy developers seeking water for luxury developments, using the cover of the recent disaster, engaged in a damaging misinformation campaign that was parroted in both local and national media. This misinformation campaign led to the temporary revoking of the water code, threats of undoing the hard won Maui Komohana water management area and the unwarranted scapegoating and reassignment of then Deputy Director Manuel.

It was only after massive outcry from a still grieving community that the administration walked back its suspension of the water code, threats to undo the water management area and reassignment of former Deputy Director Manuel. This kind of politicking placed an additional burden on an already traumatized community by forcing them to defend a ground and surface area water management they already fought decades to enact. Despite just losing homes and loved ones, hundreds of displaced Lāhainā residents took time while still grieving and flew to another island multiple times to defend their water rights and an unfairly scapegoated Deputy Director. No community should ever be put in this position.

Increased fine limit provides the necessary power to dissuade private interests from repeatedly taking more water than allowed and overstressing aquifers.

SB3327 SD1 also provides CWRM the appropriate authority to take action in the case of an emergency, which it has not been the case to date.

Please support SB3327 SD1. It is an important measure to restore trust in the State Commission on Water Resources, and to ensure it can exercise its constitutional and statutory duties to uphold Hawai'i's water code and protect our precious public trust water resources free from political influence.

Mahalo for your consideration.

SB-3327-SD-1

Submitted on: 2/29/2024 5:31:51 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Michele Nihipali	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and Members of the Committees,

My name is Michele Nihipali and I STRONGLY SUPPORT SB3327 SD1, to secure a just and resilient future for our water resources and by extension, our islands as a whole.

As our climate crisis inevitably worsens, and our water resources become ever more scarce, it is critical that our precious wai is managed as a public trust resource, as envisioned in our Constitution and Water Code - and protected from the legacy of corporate water hoarding and waste that continues to this day.

Unfortunately, longstanding political vulnerabilities have hampered and will continue to hamper the Water Commission in its work to implement our Water Code and uphold the public trust in our water resources. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Commission. Another Governor appointee, the state Attorney General, is the sole entity allowed to provide the Commission with legal advice. This has raised and continues to raise serious concerns regarding politically connected special interests influencing the Governor and his appointees, to impede the work of the Commission and its staff.

By requiring the Commission to choose its own Chair, select its own executive director, and allowing it to retain its own legal counsel, this measure will provide important layers of political insulation that the Commission will need to fulfill its critical mission in a meaningful and timely manner. These provisions, as well as a performance review process to ensure an objective, apolitical basis for staff employment decisions, would also allow Commission staff to fulfill their constitutional and statutory obligations without the fear of political retribution.

*Accordingly, I respectfully urge the Committees to **PASS** this measure. Mahalo nui for the opportunity to testify.*

Michele Nihipali

54-074 A Kam Hwy.

Hauula, HI 96717

SB-3327-SD-1

Submitted on: 2/29/2024 6:27:15 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Koohan Paik	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and Members of the Committees,

My name is Koohan Paik-Mander and I STRONGLY SUPPORT SB3327 SD1, to secure a just and resilient future for our water resources and by extension, our islands as a whole.

As our climate crisis inevitably worsens, and our water resources become ever more scarce, it is critical that our precious wai is managed as a public trust resource, as envisioned in our Constitution and Water Code - and protected from the legacy of corporate water hoarding and waste that continues to this day.

Unfortunately, longstanding political vulnerabilities have hampered and will continue to hamper the Water Commission in its work to implement our Water Code and uphold the public trust in our water resources. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Commission. Another Governor appointee, the state Attorney General, is the sole entity allowed to provide the Commission with legal advice. This has raised and continues to raise serious concerns regarding politically connected special interests influencing the Governor and his appointees, to impede the work of the Commission and its staff.

By requiring the Commission to choose its own Chair, select its own executive director, and allowing it to retain its own legal counsel, this measure will provide important layers of political insulation that the Commission will need to fulfill its critical mission in a meaningful and timely manner. These provisions, as well as a performance review process to ensure an objective, apolitical basis for staff employment decisions, would also allow Commission staff to fulfill their constitutional and statutory obligations without the fear of political retribution.

*Accordingly, I respectfully urge the Committees to **PASS** this measure. Mahalo nui for the opportunity to testify.*

SB-3327-SD-1

Submitted on: 2/29/2024 6:44:08 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
jeanne wheeler	Individual	Support	Written Testimony Only

Comments:

We very much need this bill, to protect our water for all... please pass it! Mahalo, JW

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 6:46:44 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Andrea DeCosta	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Honorable Committee Members,

I am testifying in strong support of SB3327 SD1 which will finally implement decades-long recommendations to try to minimize political influences on our Water Commission. It will also enable the CWRM Commissioners and their staff to focus on their important duties instead of responding to political maneuvering.

We unfortunately witnessed the worst kind political influence and attempted water grabs in the aftermath of the Lāhainā fires. Wealthy developers seeking water for luxury developments, using the cover of the recent disaster, engaged in a damaging misinformation campaign that was parroted in both local and national media. This misinformation campaign led to the temporary revoking of the water code, threats of undoing the hard won Maui Komohana water management area and the unwarranted scapegoating and reassignment of then Deputy Director Manuel.

It was only after massive outcry from a still grieving community that the administration walked back its suspension of the water code, threats to undo the water management area and reassignment of former Deputy Director Manuel. This kind of politicking placed an additional burden on an already traumatized community by forcing them to defend a ground and surface area water management they already fought decades to enact. Despite just losing homes and loved ones, hundreds of displaced Lāhainā residents took time while still grieving and flew to another island multiple times to defend their water rights and an unfairly scapegoated Deputy Director. No community should ever be put in this position.

Increased fine limit provides the necessary power to dissuade private interests from repeatedly taking more water than allowed and overstressing aquifers.

SB3327 SD1 also provides CWRM the appropriate authority to take action in the case of an emergency, which it has not been the case to date.

Please support SB3327 SD1. It is an important measure to restore trust in the State Commission on Water Resources, and to ensure it can exercise its constitutional and statutory duties to uphold Hawai'i's water code and protect our precious public trust water resources free from political influence.

Mahalo for your consideration. Ola i ka wai!

Ilima DeCosta

Honolulu, Hawai'i

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 6:49:05 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Natasha Latta	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and Members of the Committees,

My name is Natasha Latta. I STRONGLY SUPPORT SB3327 SD1, to secure a just and resilient future for our water resources and by extension, our islands as a whole.

As our climate crisis inevitably worsens, and our water resources become ever more scarce, it is critical that our precious wai is managed as a public trust resource, as envisioned in our Constitution and Water Code - and protected from the legacy of corporate water hoarding and waste that continues to this day.

Unfortunately, longstanding political vulnerabilities have hampered and will continue to hamper the Water Commission in its work to implement our Water Code and uphold the public trust in our water resources. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Commission. Another Governor appointee, the state Attorney General, is the sole entity allowed to provide the Commission with legal advice. This has raised and continues to raise serious concerns regarding politically connected special interests influencing the Governor and his appointees, to impede the work of the Commission and its staff.

By requiring the Commission to choose its own Chair, select its own executive director, and allowing it to retain its own legal counsel, this measure will provide important layers of political insulation that the Commission will need to fulfill its critical mission in a meaningful and timely manner. These provisions, as well as a performance review process to ensure an objective, apolitical basis for staff employment decisions, would also allow Commission staff to fulfill their constitutional and statutory obligations without the fear of political retribution.

*Accordingly, I respectfully urge the Committees to **PASS** this measure. Mahalo nui for the opportunity to testify.*

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 7:00:00 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Alyssandra Rousseve	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and Members of the Committees,

My name is Lyss Rousseve, a Master's of Environmental Management graduate at UH Manoa, and I strongly support SB3327 SD1, which aims to safeguard our water resources for a sustainable and just future, benefiting our islands as a whole.

As the climate emergency deepens, leading to increasingly scarce water resources, it is essential that we manage our valuable wai as a communal trust resource, in alignment with the vision laid out in our Constitution and Water Code. This approach is crucial to protect against the ongoing issues of corporate water monopolization and wasteful practices.

Regrettably, persistent political challenges have obstructed, and will likely continue to obstruct, the efforts of the Water Commission to enforce our Water Code and maintain the communal trust in our water resources. Currently, the Commission is led by a Governor's appointee, the Chairperson of the Board of Land and Natural Resources, with the state Attorney General, another appointee, being the only source of legal counsel for the Commission. This arrangement has led to significant concerns about the influence of politically connected interests over the Governor and his appointees, undermining the Commission's efforts and its staff.

Proposing that the Commission independently elect its Chair, appoint its own executive director, and hire its own legal representation will introduce vital protective measures necessary for the Commission to effectively carry out its crucial role. Additionally, implementing a performance review process to make staffing decisions based on objective and non-political criteria will empower the Commission's staff to meet their constitutional and legislative responsibilities free from the threat of political backlash.

Therefore, I urge the Committees to approve this measure. Mahalo nui for allowing me to provide my testimony.

E Mālama Pono,

Lyss

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 7:30:57 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Raymond K Ollero Jr	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and Members of the Committees,

My name is Raymond Ollero and I STRONGLY SUPPORT SB3327 SD1, to secure a just and resilient future for our water resources and by extension, our islands as a whole.

As our climate crisis inevitably worsens, and our water resources become ever more scarce, it is critical that our precious wai is managed as a public trust resource, as envisioned in our Constitution and Water Code - and protected from the legacy of corporate water hoarding and waste that continues to this day.

Unfortunately, longstanding political vulnerabilities have hampered and will continue to hamper the Water Commission in its work to implement our Water Code and uphold the public trust in our water resources. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Commission. Another Governor appointee, the state Attorney General, is the sole entity allowed to provide the Commission with legal advice. This has raised and continues to raise serious concerns regarding politically connected special interests influencing the Governor and his appointees, to impede the work of the Commission and its staff.

By requiring the Commission to choose its own Chair, select its own executive director, and allowing it to retain its own legal counsel, this measure will provide important layers of political insulation that the Commission will need to fulfill its critical mission in a meaningful and timely manner. These provisions, as well as a performance review process to ensure an objective, apolitical basis for staff employment decisions, would also allow Commission staff to fulfill their constitutional and statutory obligations without the fear of political retribution.

*Accordingly, I respectfully urge the Committees to **PASS** this measure. Mahalo nui for the opportunity to testify.*

SB-3327-SD-1

Submitted on: 2/29/2024 7:50:22 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Noelle Lindenmann	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Honorable Committee Members,

I am testifying in strong support of SB3327 SD1 which will finally implement decades-long recommendations to try to minimize political influences on our Water Commission. It will also enable the CWRM Commissioners and their staff to focus on their important duties instead of responding to political maneuvering.

We unfortunately witnessed the worst kind political influence and attempted water grabs in the aftermath of the Lāhainā fires. Wealthy developers seeking water for luxury developments, using the cover of the recent disaster, engaged in a damaging misinformation campaign that was parroted in both local and national media. This misinformation campaign led to the temporary revoking of the water code, threats of undoing the hard won Maui Komohana water management area and the unwarranted scapegoating and reassignment of then Deputy Director Manuel.

It was only after massive outcry from a still grieving community that the administration walked back its suspension of the water code, threats to undo the water management area and reassignment of former Deputy Director Manuel. This kind of politicking placed an additional burden on an already traumatized community by forcing them to defend a ground and surface area water management they already fought decades to enact. Despite just losing homes and loved ones, hundreds of displaced Lāhainā residents took time while still grieving and flew to another island multiple times to defend their water rights and an unfairly scapegoated Deputy Director. No community should ever be put in this position.

Increased fine limit provides the necessary power to dissuade private interests from repeatedly taking more water than allowed and overstressing aquifers.

SB3327 SD1 also provides CWRM the appropriate authority to take action in the case of an emergency, which it has not been the case to date.

Please support SB3327 SD1. It is an important measure to restore trust in the State Commission on Water Resources, and to ensure it can exercise its constitutional and statutory duties to uphold Hawai‘i’s water code and protect our precious public trust water resources free from political influence.

Mahalo for your consideration. Ola i ka wai!

Noelle Lindenmann, Kailua-Kona

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 7:54:27 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Anela Evans	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Honorable Committee Members,

I am testifying in **strong support** of SB3327 SD1 which will finally implement decades-long recommendations that attempt to minimize political influences on our Water Commission. The bill will also enable the CWRM Commissioners and their staff to focus on their important duties instead of responding to political maneuvering.

We unfortunately witnessed the worst kind political influence and attempted water grabs in the aftermath of the Lahaina fires. Wealthy developers seeking water for luxury developments, under the veil of the aftermath of the recent disaster, engaged in a damaging misinformation campaign that was parroted in both local and national media. This misinformation campaign led to the temporary revoking of the water code, threats of undoing the hard won Maui Komohana water management area and the unwarranted scapegoating and reassignment of then Deputy Director Manuel.

It was only after massive outcry from a still-grieving community that the administration rescinded its suspension of the water code, threats to undo the water management area and reassignment of former Deputy Director Manuel. This kind of politicking placed an additional burden on the traumatized and reeling community by forcing them to defend a ground and surface area water management they already fought decades to enact. Despite just losing their homes and loved ones, hundreds of displaced Lahaina residents made the time and effort to travel to O'ahu from Maui on multiple occasions to defend their water rights and an unfairly scapegoated Deputy Director. This community should have ever been put in this position and/or feel this sort of burden, especially while they were, and still are, attempting to heal and recover from the deadliest disaster in Hawai'i's recorded history.

The increased fine limit that this bill calls for will provide the necessary power to dissuade private interests from repeatedly taking more water than allowed and overstressing aquifers.

SB3327 SD1 also provides CWRM the appropriate authority to take action in the case of an emergency, which it has not been the case to date.

Please support SB3327 SD1. It is an important measure to restore trust in the State Commission on Water Resources, and to ensure it can exercise its constitutional and statutory duties to uphold Hawai'i's water code and protect our precious public trust water resources free from political influence.

Mahalo for your consideration. Ola i ka wai!

ʻĀnela M.K. Evans, native of Lānaʻi and genealogical descendent of Lahaina, Maui.

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 8:31:55 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Valerie Wayne	Individual	Support	Written Testimony Only

Comments:

I ask for your strong support of this bill. Climate change is upon us and Lahaina is our latest wake up call. This bill is a necessary step to benefit communities across Hawai‘i, such as those on O‘ahu whose water supplies have been poisoned by Red Hill.

The Water Commission needs to be able to act. Please help us get our water management back on track and pass SB3327, SD1 today.

Mahalo for your thoughtful consideration,

Valerie Wayne, Professor Emerita, University of Hawaii at Manoa

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 8:43:59 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

I am testifying in strong support of SB3327 SD1 which will finally implement decades-long recommendations to try to minimize political influences on our Water Commission. It will also enable the CWRM Commissioners and their staff to focus on their important duties instead of responding to political maneuvering.

We unfortunately witnessed the worst kind political influence and attempted water grabs in the aftermath of the Lāhainā fires. Wealthy developers seeking water for luxury developments, using the cover of the recent disaster, engaged in a damaging misinformation campaign that was parroted in both local and national media. This misinformation campaign led to the temporary revoking of the water code, threats of undoing the hard won Maui Komohana water management area and the unwarranted scapegoating and reassignment of then Deputy Director Manuel.

It was only after massive outcry from a still grieving community that the administration walked back its suspension of the water code, threats to undo the water management area and reassignment of former Deputy Director Manuel. This kind of politicking placed an additional burden on an already traumatized community by forcing them to defend a ground and surface area water management they already fought decades to enact. Despite just losing homes and loved ones, hundreds of displaced Lāhainā residents took time while still grieving and flew to another island multiple times to defend their water rights and an unfairly scapegoated Deputy Director. No community should ever be put in this position.

Increased fine limit provides the necessary power to dissuade private interests from repeatedly taking more water than allowed and overstressing aquifers.

SB3327 SD1 also provides CWRM the appropriate authority to take action in the case of an emergency, which it has not been the case to date.

Please support SB3327 SD1. It is an important measure to restore trust in the State Commission on Water Resources, and to ensure it can exercise its constitutional and statutory duties to uphold Hawai'i's water code and protect our precious public trust water resources free from political influence.

Mahalo for your consideration. Ola i ka wai!

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 8:45:33 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
De Austin	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Honorable Committee Members,

I am testifying in **strong support of SB3327 SD1 which will finally implement decades-long recommendations to try to minimize political influences on our Water Commission.** It will also enable the CWRM Commissioners and their staff to focus on their important duties instead of responding to political maneuvering.

I also want to point out that our Hawaiian water sources are under a dark threat. As an island nation, with a much smaller land mass than the US continent or some other countries, our water table is fragile. With the Red Hill event, and other water poisoning disasters around the world, I can foresee a future where Maui's water would be seen as a revenue-making opportunity versus the natural and inherent right of human beings to survive. I do not forget the chilling words of Peter Brabeck-Letmathe, a former chairman and CEO of Nestlé, who said that calling water is a human right is extreme. His company pirates from area watersheds in other nations, including First Nations and other indigenous communities.

If we are not extremely diligent and true kia'i wai, the Lahui and the residents of these islands will fall victim to this same, marketplace-driven, American mindset which places profits above people, destroying health and communities.

We unfortunately witnessed the worst kind political influence and attempted water grabs in the aftermath of the Lāhainā fires. Wealthy developers seeking water for luxury developments, using the cover of the recent disaster, engaged in a damaging misinformation campaign that was parroted in both local and national media. This misinformation campaign led to the temporary revoking of the water code, threats of undoing the hard won Maui Komohana water management area and the unwarranted scapegoating and reassignment of then Deputy Director Manuel.

It was only after massive outcry from a still grieving community that the administration walked back its suspension of the water code, threats to undo the water management area and reassignment of former Deputy Director Manuel. This kind of politicking placed an additional burden on an already traumatized community by forcing them to defend a ground and surface area water management they already fought decades to enact. Despite just losing homes and loved ones, hundreds of displaced Lāhainā residents took time while still grieving and flew to

another island multiple times to defend their water rights and an unfairly scapegoated Deputy Director. **No community should ever be put in this position.**

Increased fine limit provides the necessary power to dissuade private interests from repeatedly taking more water than allowed and overstressing aquifers.

SB3327 SD1 also provides CWRM the appropriate authority to take action in the case of an emergency, which it has not been the case to date.

Please support SB3327 SD1. It is an important measure to restore trust in the State Commission on Water Resources, and to ensure it can exercise its constitutional and statutory duties to uphold Hawai'i's water code and protect our precious public trust water resources free from political influence.

Mahalo for your consideration. Ola i ka wai!

Dezireen Austin, Kihei, Maui

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 8:48:18 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
David Dinner	Individual	Support	Written Testimony Only

Comments:

Water has been a political football resulting in decisions that are detrimental to the community use. Please pass this bill to level the playing field. Mahalo

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 8:49:56 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Johanna Stone	Individual	Support	Written Testimony Only

Comments:

Aloha mai kakou!

My name is Johanna Kapomaikai Stone, I live in Kapaakea, Moiliili, Kona, Oahu. I'm testifying today in strong support of SB3327, SD1.

We urge this legislature to pass SB3327, SD1 and make it effective immediately. We need a Water Commission that is empowered to take proactive steps to manage our precious wai. This is true now more than ever as Hawai'i is literally burning as a combined result of resource abuse and global climate change. There is not enough freshwater to sustain local families, whether that is on Maui, where large corporate diverters have sucked the streams dry, or O'ahu, where the U.S. military's negligence has compromised our aquifers. Importantly, this bill will help the Commission hold violators accountable. It will also allow the Commission to be more responsive in times of emergency, including with temporary housing for Maui fire victims, Red Hill, and beyond.

The DLNR Chair's response to this bill is emblematic of the political whiplash that has paralyzed our water policy, particularly in the wake of the Maui fires. Even as many of us continue to appear before the Commission and this legislature in unified support of proactive management, before and after the fires, Chair Chang continues to undermine our repeated calls for ke kahuwai pono. After submitting written testimony in support of restructuring the Commission, **24 hours later, Chair Chang backpedaled on her position.** She cautioned committee members to be "thoughtful and not reactionary." **Now, we aren't even sure she still supports this bill. This is unacceptable!**

SB3327, SD1 is thoughtful. It will better equip the Water Commission to respond to the devastating wildfires, to Red Hill, and to similar water emergencies in the future. And while SB3327, SD1 is responsive to current water crises, it is not reactionary. Actually, a Review Commission assembled by the legislature offered many similar recommendations in the early 1990s. SB3327, SD1 implements the original intent of the Water Code when this legislature first passed the Water Code 37 years ago. Today, the military and other large landed interests continue to exert outsized influence on our water policy to the detriment of our communities, our streams, and our 'āina. The Commission's constitutional mandate has always been to protect and manage our water resources for the benefit of present and future generations. The amendments proposed in SB3327, SD1 have the potential to bring the law to life at a crucial point in our history and when Hawai'i needs this the most.

Extreme weather events are becoming more frequent each year, and the perpetuation of plantation water politics is only making our communities more vulnerable to disasters. Lahaina is our latest wake up call, and we stand with Lahaina. This bill is a necessary step towards evolving our government to meet the demands of the climate emergency we are now living in. It will benefit communities across Hawai'i, such as those on O'ahu whose water supplies have been poisoned by the Navy desecrating, Kapukaki, as they consistently do. Hence the **6 SUPER FUND** sites at ke awa lau o Puuloa alone, where we cannot access, and the Arizona memorial HAS BEEN LEAKING FUEL. And the navy refuses to clean this up. Per usual.

The Water Commission needs to be able to act. Do your duty and help us get our water management back on track and pass SB3327, SD1 today.

Ola i ka wai!

Johanna K Stone

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 8:58:24 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Cynthia Punihaole Kennedy	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz

I am in strong support of this measure that gives the Water Commission greater independence to do their work in a pono way.

I humbly ask that you support and pass SB 3327.

Mahalo

Cynthia Punihaole Kennedy

Kalaoa Kona Hawaii Island

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 9:25:39 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Tiare Kaolelopono	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Honorable Committee Members,

I am testifying in strong support of SB3327 SD1 which will finally implement decades-long recommendations to try to minimize political influences on our Water Commission. It will also enable the CWRM Commissioners and their staff to focus on their important duties instead of responding to political maneuvering.

We unfortunately witnessed the worst kind political influence and attempted water grabs in the aftermath of the Lāhainā fires. Wealthy developers seeking water for luxury developments, using the cover of the recent disaster, engaged in a damaging misinformation campaign that was parroted in both local and national media. This misinformation campaign led to the temporary revoking of the water code, threats of undoing the hard won Maui Komohana water management area and the unwarranted scapegoating and reassignment of then Deputy Director Manuel.

It was only after massive outcry from a still grieving community that the administration walked back its suspension of the water code, threats to undo the water management area and reassignment of former Deputy Director Manuel. This kind of politicking placed an additional burden on an already traumatized community by forcing them to defend a ground and surface area water management they already fought decades to enact. Despite just losing homes and loved ones, hundreds of displaced Lāhainā residents took time while still grieving and flew to another island multiple times to defend their water rights and an unfairly scapegoated Deputy Director. No community should ever be put in this position.

Increased fine limit provides the necessary power to dissuade private interests from repeatedly taking more water than allowed and overstressing aquifers.

SB3327 SD1 also provides CWRM the appropriate authority to take action in the case of an emergency, which it has not been the case to date.

Please support SB3327 SD1. It is an important measure to restore trust in the State Commission on Water Resources, and to ensure it can exercise its constitutional and statutory duties to uphold Hawai'i's water code and protect our precious public trust water resources free from political influence.

Mahalo for your consideration. Ola i ka wai!

Tiare Ka'ōlelopono
Kāne'ohe Watershed Resident
(808) 375-2049
tiare@wisdomcircles.org

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 9:33:28 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Julie Stowell	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard and members of the Committees,

My name is Julie Stowell and I strongly support SB3327 SD1, to secure a safe and resilient future for our water resources.

Water is a public trust, and it is critical that it be managed as such. Our precious wai must be protected from the legacy of corporate water hoarding and waste that continues to this day.

Longstanding political vulnerabilities have constrained the Water Commission in its work to implement our Water Code and uphold the public trust in our water resources. It is concerning that a Governor appointee, the BLNR Chairperson, chairs the Commission, while another Governor appointee, the state Attorney General, is the sole entity allowed to provide the Commission with legal advice. It would seem that politically connected special interests could influence the Governor and his appointees, to impede the work of the Commission and its staff.

By requiring the Commission to choose its own Chair, select its own executive director and allowing it to retain its own legal counsel, this measure will provide important layers of political insulation that the Commission will need to fulfill its critical mission in a meaningful and timely manner.

I urge the Committees to PASS this measure.

Mahalo for the opportunity to testify.

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 9:39:01 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Georgia L Hoopes	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Honorable Committee Members,

I am testifying in strong support of SB3327 SD1 which will finally implement decades-long recommendations to try to minimize political influences on our Water Commission. It will also enable the CWRM Commissioners and their staff to focus on their important duties instead of responding to political maneuvering.

We unfortunately witnessed the worst kind political influence and attempted water grabs in the aftermath of the Lāhainā fires. Wealthy developers seeking water for luxury developments, using the cover of the recent disaster, engaged in a damaging misinformation campaign that was parroted in both local and national media. This misinformation campaign led to the temporary revoking of the water code, threats of undoing the hard won Maui Komohana water management area and the unwarranted scapegoating and reassignment of then Deputy Director Manuel.

It was only after massive outcry from a still grieving community that the administration walked back its suspension of the water code, threats to undo the water management area and reassignment of former Deputy Director Manuel. This kind of politicking placed an additional burden on an already traumatized community by forcing them to defend a ground and surface area water management they already fought decades to enact. Despite just losing homes and loved ones, hundreds of displaced Lāhainā residents took time while still grieving and flew to another island multiple times to defend their water rights and an unfairly scapegoated Deputy Director. No community should ever be put in this position.

Increased fine limit provides the necessary power to dissuade private interests from repeatedly taking more water than allowed and overstressing aquifers.

SB3327 SD1 also provides CWRM the appropriate authority to take action in the case of an emergency, which it has not been the case to date.

Please support SB3327 SD1. It is an important measure to restore trust in the State Commission on Water Resources, and to ensure it can exercise its constitutional and statutory duties to uphold Hawai'i's water code and protect our precious public trust water resources free from political influence.

Mahalo for your consideration. Ola i ka wai!

Georgia Hoopes, Kalaheo

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 9:46:45 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Nicki Tedesco	Individual	Support	Written Testimony Only

Comments:

I support SB3327 which grants CWRM independence to safeguard water.

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and Members of the Committees,

LATE

My name is Christina Medina and I STRONGLY SUPPORT SB3327 SD1, to secure a just and resilient future for our water resources and by extension, our islands as a whole.

As our climate crisis inevitably worsens, and our water resources become ever more scarce, it is critical that our precious wai is managed as a public trust resource, as envisioned in our Constitution and Water Code - and protected from the legacy of corporate water hoarding and waste that continues to this day.

Unfortunately, longstanding political vulnerabilities have hampered and will continue to hamper the Water Commission in its work to implement our Water Code and uphold the public trust in our water resources. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Commission. Another Governor appointee, the state Attorney General, is the sole entity allowed to provide the Commission with legal advice. This has raised and continues to raise serious concerns regarding politically connected special interests influencing the Governor and his appointees, to impede the work of the Commission and its staff.

By requiring the Commission to choose its own Chair, select its own executive director, and allowing it to retain its own legal counsel, this measure will provide important layers of political insulation that the Commission will need to fulfill its critical mission in a meaningful and timely manner. These provisions, as well as a performance review process to ensure an objective,

apolitical basis for staff employment decisions, would also allow Commission staff to fulfill their constitutional and statutory obligations without the fear of political retribution.

Accordingly, I respectfully urge the Committees to **PASS** this measure. Mahalo nui for the opportunity to testify.

Christina Medina

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 10:02:58 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
emily gambino	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Honorable Committee Members,

I am testifying in strong support of SB3327 SD1 which will finally implement decades-long recommendations to try to minimize political influences on our Water Commission. It will also enable the CWRM Commissioners and their staff to focus on their important duties instead of responding to political maneuvering.

We unfortunately witnessed the worst kind political influence and attempted water grabs in the aftermath of the Lāhainā fires. Wealthy developers seeking water for luxury developments, using the cover of the recent disaster, engaged in a damaging misinformation campaign that was parroted in both local and national media. This misinformation campaign led to the temporary revoking of the water code, threats of undoing the hard won Maui Komohana water management area and the unwarranted scapegoating and reassignment of then Deputy Director Manuel.

It was only after massive outcry from a still grieving community that the administration walked back its suspension of the water code, threats to undo the water management area and reassignment of former Deputy Director Manuel. This kind of politicking placed an additional burden on an already traumatized community by forcing them to defend a ground and surface area water management they already fought decades to enact. Despite just losing homes and loved ones, hundreds of displaced Lāhainā residents took time while still grieving and flew to another island multiple times to defend their water rights and an unfairly scapegoated Deputy Director. No community should ever be put in this position.

Increased fine limit provides the necessary power to dissuade private interests from repeatedly taking more water than allowed and overstressing aquifers.

SB3327 SD1 also provides CWRM the appropriate authority to take action in the case of an emergency, which it has not been the case to date.

Please support SB3327 SD1. It is an important measure to restore trust in the State Commission on Water Resources, and to ensure it can exercise its constitutional and statutory duties to uphold Hawai'i's water code and protect our precious public trust water resources free from political influence.

Mahalo for your consideration.

Emily Gambino, Makawao, HI

LATE

SB-3327-SD-1

Submitted on: 2/29/2024 10:42:04 PM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Sharde Mersberg Freitas	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and Members of the Committees,

My name is Sharde Mersberg Freitas and I STRONGLY SUPPORT SB3327 SD1, to secure a just and resilient future for our water resources and by extension, our islands as a whole.

As our climate crisis inevitably worsens, and our water resources become ever more scarce, it is critical that our precious wai is managed as a public trust resource, as envisioned in our Constitution and Water Code - and protected from the legacy of corporate water hoarding and waste that continues to this day.

Unfortunately, longstanding political vulnerabilities have hampered and will continue to hamper the Water Commission in its work to implement our Water Code and uphold the public trust in our water resources. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Commission. Another Governor appointee, the state Attorney General, is the sole entity allowed to provide the Commission with legal advice. This has raised and continues to raise serious concerns regarding politically connected special interests influencing the Governor and his appointees, to impede the work of the Commission and its staff.

By requiring the Commission to choose its own Chair, select its own executive director, and allowing it to retain its own legal counsel, this measure will provide important layers of political insulation that the Commission will need to fulfill its critical mission in a meaningful and timely manner. These provisions, as well as a performance review process to ensure an objective, apolitical basis for staff employment decisions, would also allow Commission staff to fulfill their constitutional and statutory obligations without the fear of political retribution.

As a law student, I wrote a paper that used a contextual legal analysis to review the injustices, particularly to kānaka maoli, with the Water Commission upholding the status quo. My analysis reviewed a consistent pattern with those who benefit and those who are harmed as a result of the Water Commission maintaining the status quo. This bill is necessary to facilitate needed change, and will ultimately support the Water Commission fulfilling its affirmative duty to uphold the public trust.

Accordingly, I respectfully urge the Committees to **PASS** this measure. Mahalo nui for the opportunity to testify.

I am agreeing to pass this trust over to the Water Commision and their staff to help focus on implementing the Water Code and uphold the public trust doctrine, without fear of political interference or retribution. They will help get the water to a more sustainable way of living.

LATE

LATE

SB-3327-SD-1

Submitted on: 3/1/2024 5:13:07 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Barbara Barry	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Honorable Committee Members,

I am testifying in strong support of SB3327 SD1 which will finally implement decades-long recommendations to try to minimize political influences on our Water Commission. It will also enable the CWRM Commissioners and their staff to focus on their important duties instead of responding to political maneuvering.

We unfortunately witnessed the worst kind political influence and attempted water grabs in the aftermath of the Lāhainā fires. Wealthy developers seeking water for luxury developments, using the cover of the recent disaster, engaged in a damaging misinformation campaign that was parroted in both local and national media. This misinformation campaign led to the temporary revoking of the water code, threats of undoing the hard won Maui Komohana water management area and the unwarranted scapegoating and reassignment of then Deputy Director Manuel.

It was only after massive outcry from a still grieving community that the administration walked back its suspension of the water code, threats to undo the water management area and reassignment of former Deputy Director Manuel. This kind of politicking placed an additional burden on an already traumatized community by forcing them to defend a ground and surface area water management they already fought decades to enact. Despite just losing homes and loved ones, hundreds of displaced Lāhainā residents took time while still grieving and flew to another island multiple times to defend their water rights and an unfairly scapegoated Deputy Director. No community should ever be put in this position.

Increased fine limit provides the necessary power to dissuade private interests from repeatedly taking more water than allowed and overstressing aquifers.

SB3327 SD1 also provides CWRM the appropriate authority to take action in the case of an emergency, which it has not been the case to date.

Please support SB3327 SD1. It is an important measure to restore trust in the State Commission on Water Resources, and to ensure it can exercise its constitutional and statutory duties to uphold Hawai'i's water code and protect our precious public trust water resources free from political influence.

Mahalo for your consideration. Ola i ka wai!

LATE

SB-3327-SD-1

Submitted on: 3/1/2024 6:04:01 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Jeff Ugai	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Honorable Committee Members,

I write in strong support of SB3327 SD1. The proposed legislation implements decades-long recommendations to try to minimize political influences on our Water Commission.

Tthe Lāhainā fires illustrates the risk of undue political influence on our water system. Wealthy developers seeking water for luxury developments, using the cover of the recent disaster, engaged in a damaging misinformation campaign that was parroted in both local and national media. This misinformation campaign led to the temporary revoking of the water code, threats of undoing the hard won Maui Komohana water management area and the unwarranted scapegoating and reassignment of then Deputy Director Manuel.

SB3327 SD1 provides CWRM the appropriate authority to take action in the case of an emergency, which it has not been the case to date.

Please support SB3327 SD1. It is an important measure to restore trust in the State Commission on Water Resources, and to ensure it can exercise its constitutional and statutory duties to uphold Hawai‘i’s water code and protect our precious public trust water resources free from political influence.

Mahalo for your consideration.

Jeff and Jose Ugai, Kapaa

LATE

SB-3327-SD-1

Submitted on: 3/1/2024 6:05:36 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Malia Maunakea	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and Members of the Committees,

My name is Malia Maunakea and I STRONGLY SUPPORT SB3327 SD1, to secure a just and resilient future for our water resources and by extension, our islands as a whole.

As our climate crisis inevitably worsens, and our water resources become ever more scarce, it is critical that our precious wai is managed as a public trust resource, as envisioned in our Constitution and Water Code - and protected from the legacy of corporate water hoarding and waste that continues to this day.

Unfortunately, longstanding political vulnerabilities have hampered and will continue to hamper the Water Commission in its work to implement our Water Code and uphold the public trust in our water resources. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Commission. Another Governor appointee, the state Attorney General, is the sole entity allowed to provide the Commission with legal advice. This has raised and continues to raise serious concerns regarding politically connected special interests influencing the Governor and his appointees, to impede the work of the Commission and its staff.

By requiring the Commission to choose its own Chair, select its own executive director, and allowing it to retain its own legal counsel, this measure will provide important layers of political insulation that the Commission will need to fulfill its critical mission in a meaningful and timely manner. These provisions, as well as a performance review process to ensure an objective, apolitical basis for staff employment decisions, would also allow Commission staff to fulfill their constitutional and statutory obligations without the fear of political retribution.

*Accordingly, I respectfully urge the Committees to **PASS** this measure. Mahalo nui for the opportunity to testify.*

LATE

SB-3327-SD-1

Submitted on: 3/1/2024 6:10:59 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Eduardo A. Gandolfo	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and Members of the Committees,

My name is Eduardo A. Gandolfo and I STRONGLY SUPPORT SB3327 SD1, to secure a just and resilient future for our water resources and by extension, our islands as a whole.

As our climate crisis inevitably worsens, and our water resources become ever more scarce, it is critical that our precious wai is managed as a public trust resource, as envisioned in our Constitution and Water Code - and protected from the legacy of corporate water hoarding and waste that continues to this day.

Unfortunately, longstanding political vulnerabilities have hampered and will continue to hamper the Water Commission in its work to implement our Water Code and uphold the public trust in our water resources. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Commission. Another Governor appointee, the state Attorney General, is the sole entity allowed to provide the Commission with legal advice. This has raised and continues to raise serious concerns regarding politically connected special interests influencing the Governor and his appointees, to impede the work of the Commission and its staff.

By requiring the Commission to choose its own Chair, select its own executive director, and allowing it to retain its own legal counsel, this measure will provide important layers of political insulation that the Commission will need to fulfill its critical mission in a meaningful and timely manner. These provisions, as well as a performance review process to ensure an objective, apolitical basis for staff employment decisions, would also allow Commission staff to fulfill their constitutional and statutory obligations without the fear of political retribution.

*Accordingly, I respectfully urge the Committees to **PASS** this measure. Mahalo nui for the opportunity to testify.*

LATE

SB-3327-SD-1

Submitted on: 3/1/2024 7:02:20 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
KEALA FUNG	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Honorable Committee Members,

I am testifying in strong support of SB3327 SD1 which will finally implement decades-long recommendations to try to minimize political influences on our Water Commission. It will also enable the CWRM Commissioners and their staff to focus on their important duties instead of responding to political maneuvering.

We unfortunately witnessed the worst kind political influence and attempted water grabs in the aftermath of the Lāhainā fires. Wealthy developers seeking water for luxury developments, using the cover of the recent disaster, engaged in a damaging misinformation campaign that was parroted in both local and national media. This misinformation campaign led to the temporary revoking of the water code, threats of undoing the hard won Maui Komohana water management area and the unwarranted scapegoating and reassignment of then Deputy Director Manuel.

It was only after massive outcry from a still grieving community that the administration walked back its suspension of the water code, threats to undo the water management area and reassignment of former Deputy Director Manuel. This kind of politicking placed an additional burden on an already traumatized community by forcing them to defend a ground and surface area water management they already fought decades to enact. Despite just losing homes and loved ones, hundreds of displaced Lāhainā residents took time while still grieving and flew to another island multiple times to defend their water rights and an unfairly scapegoated Deputy Director. No community should ever be put in this position.

Increased fine limit provides the necessary power to dissuade private interests from repeatedly taking more water than allowed and overstressing aquifers.

SB3327 SD1 also provides CWRM the appropriate authority to take action in the case of an emergency, which it has not been the case to date.

Please support SB3327 SD1. It is an important measure to restore trust in the State Commission on Water Resources, and to ensure it can exercise its constitutional and statutory duties to uphold Hawai'i's water code and protect our precious public trust water resources free from political influence.

Mahalo for your consideration. Ola i ka wai!

Keala Fung, Honolulu

LATE

SB-3327-SD-1

Submitted on: 3/1/2024 7:46:22 AM

Testimony for WAM on 3/1/2024 10:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Jody Smith	Individual	Support	Written Testimony Only

Comments:

I SUPPORT SB3327 SD1 to improve the management of Hawaii's water resources as a public trust resource, as envisioned in our Constitution and Water Code and protect these resources corporate water hoarding and waste that continues to this day.

Political vulnerabilities at the Water Commission hamper their efforts and must be addressed now.

Commission staff must be enabled to fulfill their constitutional and statutory obligations without the fear of political retribution and without the undue influence of special interests

Require the Commission to choose its own Chair, select its own executive director, and allow it to retain its own legal counsel,

Implement a performance review process to ensure an objective, apolitical basis for staff employment decisions,

Please PASS this measure.