

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

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MEIA

ERNEST Y. W. LAU, P.E.
MANAGER AND CHIEF ENGINEER
MANAKIA A ME KAHU WILIKI

ERWIN KAWATA
DEPUTY MANAGER
HOPE MANAKIA



NĀ'ĀLEHU ANTHONY, Chair
JONATHAN KANESHIRO, Vice Chair
LANCE WILHELM
JEFFREY LAUPOLA
EDWIN H. SNIFFEN, Ex-Officio
GENE C. ALBANO, P.E., Ex-Officio

February 4, 2026

The Honorable Carol Fukunaga, Chair
and Members
Senate Committee on Public Safety and Military Affairs
Hawai'i State Capitol, Room 016
Honolulu, Hawai'i 96813

The Honorable Chris Lee, Chair
and Members
Senate Committee on Water, Land, Culture and the Arts
Hawaii State Capitol, Room 016
Honolulu, Hawai'i 96813

Dear Chair Fukunaga, Chair Lee and Members:

Subject: Senate Bill 2002: Relating to Water

The Honolulu Board of Water Supply (BWS) supports Senate Bill (SB) 2002, relating to water. BWS has reviewed the provisions outlined in SB 2002, which makes several amendments to the Commission on Water Resource Management (Commission), and the state water code pursuant to Hawai'i Revised Statutes (HRS) chapter 174C. The BWS would like to highlight its position to a few of these amendments as follows:

SECTION 3 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 3. 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 Carol Fukunaga, Chair
The Honorable Chris Lee, Chair
and Members
February 4, 2026
Page 2

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

SECTION 5 amends Section 174C-6, HRS, changes the ~~Deputy to the chairperson to Executive Director~~ of the commission on water resource management. For the reasons, stated above the BWS supports the amendments made in this section.

BWS has concerns about the propriety of raising the penalty ceiling for violations of the State Water Code, as determined by the Commission, from \$5,000 to \$60,000 per violation. Stakeholder input is needed to determine if the increase in fines could potentially impose a financial burden. Exercising all due diligence and outreach to the general public for feedback would determine if the compounded increase per day per violation is an effective deterrent and if the penalty could negatively impact the agricultural industry, water utilities, individuals, and affordable housing projects.

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 2002.

Very truly yours,



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



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

ON THE FOLLOWING MEASURE:
S.B. NO. 2002, RELATING TO WATER.

BEFORE THE:
SENATE COMMITTEES ON WATER, LAND, CULTURE AND THE ARTS AND ON
PUBLIC SAFETY AND MILITARY AFFAIRS

DATE: Wednesday, February 4, 2026 **TIME:** 3:01 p.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Miranda C. Steed, Deputy Attorney General

Chairs Lee and Fukunaga and Members of the Committees:

The Department of the Attorney General 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 Director, makes the Chairperson of the Board of Land and Natural Resources (BLNR) and the Director of Health ex officio voting members of the CWRM who are ineligible to serve as chairperson, increases enforcement penalties for water code violations, 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 the provision of this bill providing the CWRM with authority to hire its own legal counsel.

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.

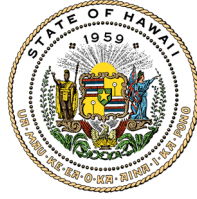
The Department of the Attorney General is also unique in its ability under the law to undertake concurrent representation of multiple state agencies or parties that may have conflicting interests, something that private attorneys are not able to do under the Hawaii Rules of Professional Conduct, the 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.

We respectfully request that this Committee hold the bill. 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

CIARA W.K. KAHAHANE
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 PARK

Testimony of
RYAN K.P. KANAKA'OLE
Acting Chairperson

Before the Senate Committees on
PUBLIC SAFETY AND MILITARY AFFAIRS
and
WATER, LAND, CULTURE, AND THE ARTS

Wednesday, February 4, 2026
3:01 P.M.
State Capitol, Conference Room 016

In consideration of
SENATE BILL 2002
RELATING TO WATER

Senate Bill 2002 allows the Commission on Water Resource Management (Commission) to retain independent counsel; repeals the position of First Deputy to the Chairperson of the Commission and establishes the position of Executive Director of the Commission; reorganizes the Commission's placement within the Department of Land and Natural Resources (Department) to be administratively attached only; makes all members of the Commission except the Chairperson of the Board of Land and Natural Resources and Director of Health eligible to serve as chairperson; and makes conforming amendments. The bill also expands the Commission's ability to charge penalties for certain water use offenses; increases the Commission's authority to declare water emergencies and issue orders to address them; and adds one member to the nominating committee for the Commission to be appointed by the Chief Executive Officer of the Office of Hawaiian Affairs. The Department offers the following comments.

The Commission plays a crucial role in overseeing and managing the State's precious freshwater resources. Established by the Hawai'i State Legislature in 1987 to implement and administer the State Water Code, Hawai'i Revised Statutes chapter 174C, the Commission is charged with a public trust obligation of the highest order — "to protect, control, and regulate the use of Hawai'i's water resources for the benefit of its people." Under the laws and constitution of the State of Hawai'i, the Commission has a dual mandate of protecting and preserving the State's

freshwater resources while providing for the maximum reasonable and beneficial use of water by present and future generations.

These critical duties and public trust responsibilities make the Commission an integral part of broader 'āina management. As part of the Department, the Commission helps to ensure that water management decisions are made within the larger context of responsible stewardship for all of Hawai'i's natural resources. The Commission's placement within the Department ensures close coordination with sister divisions whose missions are deeply interconnected with water resources. Water governance is embedded within land, forest, and nearshore management rather than treated as a siloed function. The Deputy Director for the Commission serves as part of the Department's leadership team and plays an active role in integrating water management considerations into Department-wide planning and resource management efforts.

The Commission's current structure ensures that water expertise is represented where departmental and administration priorities are set. Given water's foundational role across the Department's responsibilities—including land use, conservation, wildfire resilience, agriculture, housing, and climate adaptation—this integration supports coordinated planning and informed decision-making.

SB2002 proposes several significant structural changes to the Commission's leadership and placement within State government. These proposals raise administrative and operational concerns. Replacing the Deputy Director with an Executive Director, altering appointment and reporting relationships, and limiting the Department's leadership role in Commission governance may weaken administrative clarity, diffuse accountability, and complicate day-to-day operations, while reducing the Chair's ability to remain closely informed of Department-wide legal developments, administrative capacity, and operational constraints.

The timing of these proposed structural changes is also a significant concern. The Commission and Department are currently managing unprecedented challenges, including prolonged drought conditions and increased water use conflicts. Introducing major structural changes during this period risks destabilizing operations at a time when continuity, institutional knowledge, and administrative focus are particularly important.

To strengthen continuity, capacity, and institutional memory within the Commission, the Department would support consideration of alternative approaches that build administrative capacity without disrupting existing governance relationships. One such option would be the establishment of a permanent Assistant Administrator position to supplement the Deputy Director, providing additional management support, operational continuity, and institutional memory while preserving the Commission's effective integration within the Department.

The Department also wishes to note its support for provisions in SB2002 related to water shortage response and enforcement penalties. The Commission respectfully directs the

Legislature to the Department's prior testimony and technical input on House Bill 306 and House Bill 510 during the 2025 Legislative Session, which addressed similar concepts.

As the Legislature continues to explore potential reforms, the Department respectfully encourages a measured and inclusive process that engages the community, Commissioners, and Commission staff, and that carefully evaluates administrative impacts and potential unintended consequences. Any changes to the Commission's structure should strengthen the Commission's capacity to fulfill its public trust responsibilities and to serve as an effective, integrated component of the Department's broader mission.

Mahalo for the opportunity to comment on this measure.



**SENATE COMMITTEE ON WATER, LAND, CULTURE AND THE ARTS
SENATE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS**

February 4, 2026

3:01 PM

Conference Room 016

In SUPPORT of SB2002: RELATING TO WATER

Aloha Chair Lee, Chair Fukunaga, Vice Chair Inouye, and Members of the Committees,

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i **SUPPORTS SB2002**, which address the long history of political interference, political retribution, and/or perceived or actual conflicts of interest in the management, protection, and restoration 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 and its staff. 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 and effectuation of the public trust, contrary to the Legislature's intent and to the detriment of the public interest in our wai.¹

To address these vulnerabilities, this bill would 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 member. 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 and/or retribution, as we saw after the Lahaina tragedy. The Commission would also 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 and its staff can do their important work to protect, restore, and manage our most precious resource, objectively and without undue influence by powerful special interests.

Beyond the political safeguards, this bill would also authorize the Water Commission to take more expeditious emergency action in declaring a water shortage, wherever such a shortage may occur – an important tool to address exigent situations such as that created by our years-long drought or the contamination of a drinking water aquifer. Moreover, the proposed increase

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/>.



in potential fines are critical to deter those who might otherwise overpump our aquifers or drain our streams dry with impunity. With regards to this latter authority, the current \$5,000 daily fine the Commission is authorized to levy is wholly insufficient to hold the Department of Defense or multinational corporations accountable, if and when their water code violations impact priority public needs. Without these increased fines, 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.

Finally, the Sierra Club appreciates the inclusion of an appointee of the Office of Hawaiian Affairs' chief executive officer on the nominating committee for new Commission members. This would better ensure that nominees have an understanding of the unique Native Hawaiian rights and interests that have been historically undermined by Commission decisions.

Accordingly, the Sierra Club of Hawai'i urges the Committees to **PASS** SB2002. Mahalo nui for the opportunity to testify.

SB-2002

Submitted on: 2/2/2026 4:03:42 PM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Henry Curtis	Testifying for Life of the Land	Support	Written Testimony Only

Comments:

Aloha Senators

Please pass this critical bill to ensure an independent Water Commission

Mahalo

Henry Curtis

Executive Director



SENATE COMMITTEE ON WATER, LAND, CULTURE AND THE ARTS

Senator Chris Lee, Chair

Senator Lorraine R. Inouye, Vice Chair

SENATE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Senator Carol Fukunaga, Chair

Senator Chris Lee, Vice Chair

TESTIMONY IN **STRONG SUPPORT** OF SENATE BILL 2002

February 4, 2026, 3:01 p.m.

Room 016 & Videoconference

State Capitol

415 South Beretania Street

Aloha Chairs Lee and Fukunaga, Vice-Chairs Inouye and Lee, and Committee Members:

Earthjustice **strongly supports Senate Bill 2002**, “Relating to Water.” Our office has decades of experience in Hawai‘i water law, including direct involvement in numerous Hawai‘i Supreme Court cases interpreting and implementing the State Water Code, HRS chapter 174C (“Code”). SB 2002 implements long-standing and long-overdue recommendations to improve the Code, protect the Commission on Water Resource Management from political interference and ensure its independence, and restore public confidence in the commission and the rule of law. The persistent political assaults against the commission since the Lahaina wildfire disaster underscore the need for these reforms.

SB 2002’s beneficial amendments include:

- Enabling the commission to retain independent counsel. This is essential to ensuring the commission’s independence since, throughout its history, the commission has repeatedly been deprived of effective counsel or denied legal representation altogether at critical times.
- Creating the position of executive director of the commission, instead of the current position of first deputy of the Department of Land and Natural Resources (“DLNR”). This also protects the commission’s autonomy by increasing the independence of its administrator.
- Clarifying that the Chair of DLNR will not be the chair of the commission. This also furthers the independence of the commission as its own agency, rather than a subsidiary of DLNR.

- Adding an appointee of the Office of Hawaiian Affairs to the commission nominating committee. This amendment adds an important voice to the nomination process, which has also suffered from undue political influence.
- Enhances the commission's enforcement and regulatory powers, including under emergency and shortage conditions. These amendments have been proposed for several years running and are important updates to the commission's water management kuleana.

As SB 2022's preamble recognizes, many of these improvements were recommended in the 1994 report of the comprehensive Review Commission process that the legislature convened to evaluate the Code five years after its establishment. The report recognized the potential for "significant conflicts" and the need for "greater autonomy" and "accountability" for the commission and "administrative distance" from DLNR. Similarly, the Model Water Code, which provided the foundation for Hawai'i's Code, prescribes the establishment of an independent board that elects its own chairperson and employs its own executive director and legal staff. The lessons of time and historical and ongoing experience have only further validated these recommendations.

SB 2002 also incorporates amendments to the Code's provisions for penalties and declarations of water shortages and emergencies. The penalty amounts in the Code are outdated and need to be increased to enhance the commission's ability to enforce compliance. The amendments to the water shortage provisions resolve questions the Green administration raised about the commission's ability to declare a water shortage after the Red Hill pollution incident and clarifies and confirms the commission's ability to rapidly respond to such emergencies.

In conclusion, SB 2002 helps the commission fulfill its vital, constitutionally mandated role in increasingly challenging times. The bill would also help rebuild the public's trust and confidence in the commission, which has seriously eroded in the aftermath of the Lahaina wildfires. Earthjustice thus recommends and requests that SB 2002 be passed.

Mahalo for the opportunity to testify. Please do not hesitate to contact us with any questions or for further information.

Isaac H. Moriwake, Esq.
Managing Attorney
Earthjustice, Mid-Pacific Office



February 3, 2026

To: Chair Lee, Vice Chair Inouye, the Senate Committee on Water, Land, Culture, and the Arts, and Chair Fukunaga, Vice Chair Lee, and the Senate Committee on Public Safety and Military Affairs

Subject: SB2002, Relating to Water

Aloha,

We are writing to express my strong support for SB2002. This measure is vital to ensuring that the Commission on Water Resource Management (CWRM) operates as an independent steward of the State's most precious resource. The bill addresses long-standing structural vulnerabilities that have allowed political pressure to undermine the Commission's public trust duties.

SB2002 strengthens water governance through several essential reforms:

- **Structural Autonomy:** The bill provides CWRM with greater independence from the Department of Land and Natural Resources (DLNR). It replaces the current deputy role with an Executive Director who is answerable directly to the Commission. Additionally, it allows commissioners to elect their own Chairperson, reducing the potential for external political influence.
- **Independent Legal Counsel:** Authorizing the Commission to retain its own legal staff ensures consistent representation. This reform prevents the Commission from being left without counsel during critical water disputes when the Attorney General may have a conflict of interest.
- **Meaningful Deterrence:** The bill increases penalties for water code violations to up to \$60,000 per violation, per day. These enhanced fines create a robust deterrent against the unauthorized diversion or misuse of water.
- **Indigenous Knowledge in Leadership:** By adding a nominating committee member appointed by the Office of Hawaiian Affairs, the bill ensures that Native Hawaiian water rights and traditional knowledge are prioritized during the leadership selection process.
- **Modernized Emergency Management:** Drawing on lessons from the 2023 Maui wildfires, the bill updates protocols for water shortages. It mandates that the Commission consider the impacts of the climate crisis and requires transparent public notifications through newspapers and digital platforms.

As Hawai'i faces escalating challenges from climate change and drought, we need a Commission that is structurally empowered to prioritize long-term public interests. We urge these committees to pass SB2002 to restore public confidence in our state's water management.

Mahalo,
The Food+ Policy Team
#fixourfoodsystem

The Food+ Policy internship develops student advocates who learn work skills while increasing civic engagement to become emerging leaders. We focus on good food systems policy because we see the importance and potential of the food system in combating climate change and increasing the health, equity, and resiliency of Hawai'i communities.

In 2026, the cohort of interns are undergraduate and graduate students and young professionals working in the food system. They are a mix of traditional and nontraditional students, including parents and veterans, who have backgrounds in education, farming, public health, nutrition, and Hawaiian culture.



February 3, 2026

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Mahalo,

Carlin McFadden & the Food+ Policy Team

#fixourfoodsystem

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In 2026, the cohort of interns are undergraduate and graduate students and young professionals working in the food system. They are a mix of traditional and nontraditional students, including parents and veterans, who have backgrounds in education, farming, public health, nutrition, and Hawaiian culture.



LATE

Testimony of **Lahaina Strong**
Before the Senate Committees on
Water, Land, Culture and the Arts and Public Safety and Military Affairs
Committees

In Consideration of Senate Bill No. 2002
RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT

Aloha Chairs Lee and Fukunaga, Vice Chair Inouye, and members of the Senate Water, Land, Culture and the Arts and Public Safety and Military Affairs Committees,

We are submitting this testimony on behalf of Lahaina Strong, and we strongly support SB2002 to free the Commission on Water Resource Management from political interference and restore integrity to how Hawai'i governs its most sacred public trust resource, wai.

We speak as Lahaina fire survivors and West Maui residents who have seen firsthand what happens when water governance fails the public. The August 8, 2023 fire was a direct result of water mismanagement. For generations, Maui Komohana has lived with a severe imbalance in water distribution and when the crisis came, our community paid the price.

In the aftermath of the fire, we also witnessed how powerful water extractors and developers were able to leverage their relationships and influence with the Governor's office to shape decisions inside CWRM. That political pressure led to the reinstatement of a CWRM deputy, based on claims that were later discredited, resulting in global backlash against an innocent public servant and outright racist and offensive narratives coming from people who don't understand our ecology. That moment revealed exactly why this bill is necessary. Our water governance is way too entangled with political power and private influence. This has tremendously eroded public trust and even more destructively eroded the ecological health of our islands.

SB2002 is needed because the current structure leaves the Water Commission vulnerable to exactly this kind of interference. When the BLNR Chair, a Governor

appointee, controls the Commission's agenda, and when the Attorney General, also a Governor appointee, controls its legal counsel, the Commission is not truly independent. This creates a system where well-connected interests can shape outcomes behind closed doors, rather than letting water experts and community needs lead decision-making. There are way too many games being played by the establishment, but the future sustainability of Hawai'i needs true, dedicated servants who want to ensure our water systems thrive.

We need water experts on CWRM who prioritize the science-based, and culturally grounded management of our water resources, and understand that water is a public trust, a cultural foundation, and a matter of life and safety.

By allowing the Commission to choose its own Chair, hire its own executive director, and retain its own legal counsel, SB2002 creates the independence necessary for honest, accountable, and community-centered water governance. Stronger enforcement through meaningful fines is also essential so that deep-pocket violators cannot simply treat water law as optional.

Our most important public trust resources should never be part of a political influence and money game. It is time to shift water governance away from powerful private interests and back into the hands of the people who actually understand and respect these systems.

For these reasons, Lahaina Strong respectfully urges you to PASS SB2002.

Me ke aloha nui,

Paele Kiakona, Jordan Ruidas, Courtney Lazo, De Andre Makakoa

On behalf of Lahaina Strong

SB-2002

Submitted on: 2/3/2026 10:24:44 PM

Testimony for WLA on 2/4/2026 3:01:00 PM



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

Comments:

Aloha Chairs Lee and Fukunaga, Vice Chair Inouye, and members of the Committees,

Save Honolulu Coalition **STRONGLY SUPPORTS** SB2002 to ensure the Commission on Water Resource Management and its staff can implement the Water Code without fear of political retribution.

This bill corrects political vulnerabilities that have allowed powerful interests to interfere with the Commission’s work. Today, the BLNR Chair, a gubernatorial appointee, also chairs the Water Commission and controls its agenda, and the Attorney General, also a gubernatorial appointee, is the Commission’s sole source of legal advice. This concentration of influence leaves the Commission and its staff exposed to political pressure.

By allowing the Commission to choose its own Chair, select its own Executive Director, and retain its own legal counsel, SB2002 adds essential independence for objective, law-based management of Hawai‘i’s water resources. The bill’s objective staff review process further protects staff who enforce the Water Code.

We also support the bill’s authorization of meaningful fines for Water Code violations and the inclusion of an appointee of the Office of Hawaiian Affairs’ CEO on the Water Commission Nominating Committee to ensure proper consideration of Native Hawaiian water rights.

For communities that depend on healthy waters and places like Honolulu, these reforms matter. We respectfully urge you to PASS SB2002.

Mahalo nui for the opportunity to testify.

Sincerely,

John Carty

Secretary, Save Honolulu Coalition

SB-2002

Submitted on: 2/2/2026 3:03:57 PM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Bo Breda	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Lee and Fukunaga, Vice Chair Inouye, and members of the Senate Water, Land, Culture and the Arts and Public Safety and Military Affairs Committees,

My name is Bo Breda and I **STRONGLY SUPPORT SB2002**, to enable the Water Commission and its staff to implement the Water Code without fear of political retribution.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, the Attorney General, who is also appointed by the Governor, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the Water Commission and its staff. Accordingly, those with influence over the Governor, including corporate water hoarders, can substantially interfere and have interfered with the work of the Commission, through his political appointees.

By requiring the Commission to choose its own Chair, select its own executive director, and retain its own legal counsel, this measure will provide important layers of political insulation necessary for the objective management of our water resources, as otherwise required by the Water Code, constitution, and public trust. These provisions, as well as a staff 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 fear of political retribution.

In addition, I support this measure's authorization of meaningful fines for water code violations, based on a careful assessment of the circumstances of each case; such authority is critical to protecting the public interest from deep pocket water code violators who could easily shrug off the Commission's current maximum daily fine.

Finally, I also support the inclusion of an appointee of the Office of Hawaiian Affairs' CEO in the Water Commission Nominating Committee, especially given the Commission's historical disregard of Native Hawaiian water rights in its decisionmaking. Such an appointee will ensure that the nominating committee considers prospective commissioners' understanding of Hawaiian water rights in making recommendations to the Governor for new commissioners.

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

opportunity to testify.

Sincerely,
Bo Breda

SB-2002

Submitted on: 2/2/2026 3:05:53 PM

Testimony for WLA on 2/4/2026 3:01:00 PM

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

Comments:

Aloha Chairs Lee and Fukunaga, Vice Chair Inouye, and members of the Senate Water, Land, Culture and the Arts and Public Safety and Military Affairs Committees,

My name is Peter Wilson and I **STRONGLY SUPPORT SB2002**, to enable the Water Commission and its staff to implement the Water Code without fear of political retribution.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, the Attorney General, who is also appointed by the Governor, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the Water Commission and its staff. Accordingly, those with influence over the Governor, including corporate water hoarders, can substantially interfere and have interfered with the work of the Commission, through his political appointees.

By requiring the Commission to choose its own Chair, select its own executive director, and retain its own legal counsel, this measure will provide important layers of political insulation necessary for the objective management of our water resources, as otherwise required by the Water Code, constitution, and public trust. These provisions, as well as a staff 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 fear of political retribution.

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Finally, I also support the inclusion of an appointee of the Office of Hawaiian Affairs' CEO in the Water Commission Nominating Committee, especially given the Commission's historical disregard of Native Hawaiian water rights in its decisionmaking. Such an appointee will ensure that the nominating committee considers prospective commissioners' understanding of Hawaiian water rights in making recommendations to the Governor for new commissioners.

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

opportunity to testify.

Sincerely,
Peter Wilson

SB-2002

Submitted on: 2/2/2026 3:06:39 PM

Testimony for WLA on 2/4/2026 3:01:00 PM

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

Comments:

Aloha Chairs Lee and Fukunaga, Vice Chair Inouye, and members of the Senate Water, Land, Culture and the Arts and Public Safety and Military Affairs Committees,

My name is Jodi Robinson and I **STRONGLY SUPPORT SB2002**, to enable the Water Commission and its staff to implement the Water Code without fear of political retribution.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, the Attorney General, who is also appointed by the Governor, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the Water Commission and its staff. Accordingly, those with influence over the Governor, including corporate water hoarders, can substantially interfere and have interfered with the work of the Commission, through his political appointees.

By requiring the Commission to choose its own Chair, select its own executive director, and retain its own legal counsel, this measure will provide important layers of political insulation necessary for the objective management of our water resources, as otherwise required by the Water Code, constitution, and public trust. These provisions, as well as a staff 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 fear of political retribution.

In addition, I support this measure's authorization of meaningful fines for water code violations, based on a careful assessment of the circumstances of each case; such authority is critical to protecting the public interest from deep pocket water code violators who could easily shrug off the Commission's current maximum daily fine.

Finally, I also support the inclusion of an appointee of the Office of Hawaiian Affairs' CEO in the Water Commission Nominating Committee, especially given the Commission's historical disregard of Native Hawaiian water rights in its decisionmaking. Such an appointee will ensure that the nominating committee considers prospective commissioners' understanding of Hawaiian water rights in making recommendations to the Governor for new commissioners.

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

Sincerely,
Jodi Robinson

SB-2002

Submitted on: 2/2/2026 3:09:37 PM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Joan Heartfield PhD	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Lee and Fukunaga, Vice Chair Inouye, and members of the Senate Water, Land, Culture and the Arts and Public Safety and Military Affairs Committee

My name is Dr Joan Heartfield and I **STRONGLY SUPPORT SB2002**, to enable the Water Commission and its staff to implement the Water Code without fear of political retribution.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, the Attorney General, who is also appointed by the Governor, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the Water Commission and its staff. Accordingly, those with influence over the Governor, including corporate water hoarders, can substantially interfere and have interfered with the work of the Commission, through his political appointees.

By requiring the Commission to choose its own Chair, select its own executive director, and retain its own legal counsel, this measure will provide important layers of political insulation necessary for the objective management of our water resources, as otherwise required by the Water Code, constitution, and public trust. These provisions, as well as a staff 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 fear of political retribution.

In addition, I support this measure's authorization of meaningful fines for water code violations, based on a careful assessment of the circumstances of each case; such authority is critical to protecting the public interest from deep pocket water code violators who could easily shrug off the Commission's current maximum daily fine.

Finally, I also support the inclusion of an appointee of the Office of Hawaiian Affairs' CEO in the Water Commission Nominating Committee, especially given the Commission's historical disregard of Native Hawaiian water rights in its decisionmaking. Such an appointee will ensure that the nominating committee considers prospective commissioners' understanding of Hawaiian water rights in making recommendations to the Governor for new commissioners.

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

Sincerely, Joan Heartfield, PhD

SB-2002

Submitted on: 2/2/2026 3:33:05 PM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Christy Shaver	Individual	Support	Written Testimony Only

Comments:

Ioha Chairs Lee and Fukunaga, Vice Chair Inouye, and members of the Senate Water, Land, Culture and the Arts and Public Safety and Military Affairs Committees,

My name is Christy Shaver and I **STRONGLY SUPPORT SB2002**, to enable the Water Commission and its staff to implement the Water Code without fear of political retribution.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, the Attorney General, who is also appointed by the Governor, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the Water Commission and its staff. Accordingly, those with influence over the Governor, including corporate water hoarders, can substantially interfere and have interfered with the work of the Commission, through his political appointees.

By requiring the Commission to choose its own Chair, select its own executive director, and retain its own legal counsel, this measure will provide important layers of political insulation necessary for the objective management of our water resources, as otherwise required by the Water Code, constitution, and public trust. These provisions, as well as a staff 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 fear of political retribution.

In addition, I support this measure's authorization of meaningful fines for water code violations, based on a careful assessment of the circumstances of each case; such authority is critical to protecting the public interest from deep pocket water code violators who could easily shrug off the Commission's current maximum daily fine.

Finally, I also support the inclusion of an appointee of the Office of Hawaiian Affairs' CEO in the Water Commission Nominating Committee, especially given the Commission's historical disregard of Native Hawaiian water rights in its decisionmaking. Such an appointee will ensure that the nominating committee considers prospective commissioners' understanding of Hawaiian water rights in making recommendations to the Governor for new commissioners.

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

opportunity to testify.

Sincerely,
Christy Shaver

SB-2002

Submitted on: 2/2/2026 3:45:26 PM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Michele Nihipali	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Lee and Fukunaga, Vice Chair Inouye, and members of the Senate Water, Land, Culture and the Arts and Public Safety and Military Affairs Committees,

My name is Michele Nihipali and I **STRONGLY SUPPORT SB2002**, to enable the Water Commission and its staff to implement the Water Code without fear of political retribution.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, the Attorney General, who is also appointed by the Governor, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the Water Commission and its staff. Accordingly, those with influence over the Governor, including corporate water hoarders, can substantially interfere and have interfered with the work of the Commission, through his political appointees.

By requiring the Commission to choose its own Chair, select its own executive director, and retain its own legal counsel, this measure will provide important layers of political insulation necessary for the objective management of our water resources, as otherwise required by the Water Code, constitution, and public trust. These provisions, as well as a staff 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 fear of political retribution.

In addition, I support this measure's authorization of meaningful fines for water code violations, based on a careful assessment of the circumstances of each case; such authority is critical to protecting the public interest from deep pocket water code violators who could easily shrug off the Commission's current maximum daily fine.

Finally, I also support the inclusion of an appointee of the Office of Hawaiian Affairs' CEO in the Water Commission Nominating Committee, especially given the Commission's historical disregard of Native Hawaiian water rights in its decisionmaking. Such an appointee will ensure that the nominating committee considers prospective commissioners' understanding of Hawaiian water rights in making recommendations to the Governor for new commissioners.

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

opportunity to testify.

Sincerely,
Michele Nihipali

54-074 A Kam Hwy.

Hauula, HI 96717

SB-2002

Submitted on: 2/2/2026 4:03:14 PM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Perle Besserman	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Lee and Fukunaga, Vice Chair Inouye, and members of the Senate Water, Land, Culture and the Arts and Public Safety and Military Affairs Committees,

My name is Perle Besserman, and I **STRONGLY SUPPORT SB2002**, to enable the Water Commission and its staff to implement the Water Code without fear of political retribution.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, the Attorney General, who is also appointed by the Governor, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the Water Commission and its staff. Accordingly, those with influence over the Governor, including corporate water hoarders, can substantially interfere and have interfered with the work of the Commission, through his political appointees.

By requiring the Commission to choose its own Chair, select its own executive director, and retain its own legal counsel, this measure will provide important layers of political insulation necessary for the objective management of our water resources, as otherwise required by the Water Code, constitution, and public trust. These provisions, as well as a staff 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 fear of political retribution.

In addition, I support this measure's authorization of meaningful fines for water code violations, based on a careful assessment of the circumstances of each case; such authority is critical to protecting the public interest from deep pocket water code violators who could easily shrug off the Commission's current maximum daily fine.

Finally, I also support the inclusion of an appointee of the Office of Hawaiian Affairs' CEO in the Water Commission Nominating Committee, especially given the Commission's historical disregard of Native Hawaiian water rights in its decisionmaking. Such an appointee will ensure that the nominating committee considers prospective commissioners' understanding of Hawaiian water rights in making recommendations to the Governor for new commissioners.

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

opportunity to testify.

Sincerely,

Perle Besserman

SB-2002

Submitted on: 2/2/2026 4:38:25 PM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Dee Green	Individual	Support	Written Testimony Only

Comments:

I strongly support SB2002 because it strengthens the independence of the Water Commission and allows it to carry out the Water Code without political pressure.

SB2002 lets the Commission select its own chair, executive director, and legal counsel, and establishes objective staff reviews, ensuring commissioners and staff can fulfill their duties without fear of retaliation.

The bill also authorizes meaningful fines for Water Code violations, giving the Commission tools to hold violators accountable, and includes an appointee of the Office of Hawaiian Affairs' CEO on the Nominating Committee to help protect Native Hawaiian water rights.

For these reasons, I respectfully urge the Committees to pass SB2002.

SB-2002

Submitted on: 2/2/2026 4:40:55 PM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Chris Anton	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Lee and Fukunaga, Vice Chair Inouye, and members of the Senate Water, Land, Culture and the Arts and Public Safety and Military Affairs Committees,

My name is Chris Anton and I STRONGLY SUPPORT SB2002, to enable the Water Commission and its staff to implement the Water Code without fear of political retribution.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, the Attorney General, who is also appointed by the Governor, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the Water Commission and its staff. Accordingly, those with influence over the Governor, including corporate water hoarders, can substantially interfere and have interfered with the work of the Commission, through his political appointees.

By requiring the Commission to choose its own Chair, select its own executive director, and retain its own legal counsel, this measure will provide important layers of political insulation necessary for the objective management of our water resources, as otherwise required by the Water Code, constitution, and public trust. These provisions, as well as a staff 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 fear of political retribution.

In addition, I support this measure's authorization of meaningful fines for water code violations, based on a careful assessment of the circumstances of each case; such authority is critical to protecting the public interest from deep pocket water code violators who could easily shrug off the Commission's current maximum daily fine.

Finally, I also support the inclusion of an appointee of the Office of Hawaiian Affairs' CEO in the Water Commission Nominating Committee, especially given the Commission's historical disregard of Native Hawaiian water rights in its decisionmaking. Such an appointee will ensure that the nominating committee considers prospective commissioners' understanding of Hawaiian water rights in making recommendations to the Governor for new commissioners.

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

opportunity to testify.

Sincerely,
Chris Anton

SB-2002

Submitted on: 2/2/2026 4:50:28 PM

Testimony for WLA on 2/4/2026 3:01:00 PM

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

Comments:

Aloha Chairs Lee and Fukunaga, Vice Chair Inouye, and members of the Senate Water, Land, Culture and the Arts and Public Safety and Military Affairs Committees,

My name is William Reese Liggett and I **STRONGLY SUPPORT SB2002**, to enable the Water Commission and its staff to implement the Water Code without fear of political retribution.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, the Attorney General, who is also appointed by the Governor, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the Water Commission and its staff. Accordingly, those with influence over the Governor, including corporate water hoarders, can substantially interfere and have interfered with the work of the Commission, through his political appointees.

By requiring the Commission to choose its own Chair, select its own executive director, and retain its own legal counsel, this measure will provide important layers of political insulation necessary for the objective management of our water resources, as otherwise required by the Water Code, constitution, and public trust. These provisions, as well as a staff 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 fear of political retribution.

In addition, I support this measure's authorization of meaningful fines for water code violations, based on a careful assessment of the circumstances of each case; such authority is critical to protecting the public interest from deep pocket water code violators who could easily shrug off the Commission's current maximum daily fine.

Finally, I also support the inclusion of an appointee of the Office of Hawaiian Affairs' CEO in the Water Commission Nominating Committee, especially given the Commission's historical disregard of Native Hawaiian water rights in its decisionmaking. Such an appointee will ensure that the nominating committee considers prospective commissioners' understanding of Hawaiian water rights in making recommendations to the Governor for new commissioners.

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

opportunity to testify.

Sincerely,
William Reese Liggett

SB-2002

Submitted on: 2/2/2026 4:52:21 PM

Testimony for WLA on 2/4/2026 3:01:00 PM

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

Comments:

Aloha Chair and Committee members

I strongly support SB2002 because it strengthens the independence of the Water Commission and allows it to carry out the Water Code without fear of political pressure.

Currently, the Commission is vulnerable to political influence. The Chair of the Board of Land and Natural Resources and the Attorney General—both appointed by the Governor—control the Commission’s agenda and legal advice, allowing well-connected interests, including large water users, to sway decisions that should be guided by law, science, and the public trust.

SB2002 would allow the Commission to select its own chair, executive director, and legal counsel, and establish objective performance reviews for staff. These changes protect commissioners and staff so they can carry out their duties without fear of political retaliation.

I also support the bill’s authorization of meaningful fines for Water Code violations. Strong enforcement tools are necessary to deter serious violators who can easily absorb the current penalties.

Finally, including an appointee of the Office of Hawaiian Affairs’ CEO on the Nominating Committee is an important step toward ensuring Native Hawaiian water rights are respected in selecting future commissioners.

For these reasons, I respectfully urge you to pass SB2002.

Cheryl Burghardt

Nuuanu Oahu

Aloha Chairs Lee and Fukunaga, Vice Chair Inouye, and members of the Senate Water, Land, Culture and the Arts and Public Safety and Military Affairs Committees,

My name is Millicent Coxand I **STRONGLY SUPPORT SB2002**, to enable the Water Commission and its staff to implement the Water Code without fear of political retribution.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, the Attorney General, who is also appointed by the Governor, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the Water Commission and its staff. Accordingly, those with influence over the Governor, including corporate water hoarders, can substantially interfere and have interfered with the work of the Commission, through his political appointees.

By requiring the Commission to choose its own Chair, select its own executive director, and retain its own legal counsel, this measure will provide important layers of political insulation necessary for the objective management of our water resources, as otherwise required by the Water Code, constitution, and public trust. These provisions, as well as a staff 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 fear of political retribution.

In addition, I support this measure's authorization of meaningful fines for water code violations, based on a careful assessment of the circumstances of each case; such authority is critical to protecting the public interest from deep pocket water code violators who could easily shrug off the Commission's current maximum daily fine.

Finally, I also support the inclusion of an appointee of the Office of Hawaiian Affairs' CEO in the Water Commission Nominating Committee, especially given the Commission's historical disregard of Native Hawaiian water rights in its decisionmaking. Such an appointee will ensure that the nominating committee considers prospective commissioners'

SB-2002

Submitted on: 2/2/2026 9:41:21 PM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Richard Kite	Individual	Support	Written Testimony Only

Comments:

My name is Richard Kite and I **STRONGLY SUPPORT SB2002**, to enable the Water Commission and its staff to implement the Water Code without fear of political retribution.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, the Attorney General, who is also appointed by the Governor, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the Water Commission and its staff. Accordingly, those with influence over the Governor, including corporate water hoarders, can substantially interfere and have interfered with the work of the Commission, through his political appointees.

By requiring the Commission to choose its own Chair, select its own executive director, and retain its own legal counsel, this measure will provide important layers of political insulation necessary for the objective management of our water resources, as otherwise required by the Water Code, constitution, and public trust. These provisions, as well as a staff 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 fear of political retribution.

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Finally, I also support the inclusion of an appointee of the Office of Hawaiian Affairs' CEO in the Water Commission Nominating Committee, especially given the Commission's historical disregard of Native Hawaiian water rights in its decisionmaking. Such an appointee will ensure that the nominating committee considers prospective commissioners' understanding of Hawaiian water rights in making recommendations to the Governor for new commissioners.

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

Sincerely,
Richard Kite

SB-2002

Submitted on: 2/2/2026 10:08:03 PM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
tia pearson	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Lee and Fukunaga, Vice Chair Inouye, and members of the Senate Water, Land, Culture and the Arts and Public Safety and Military Affairs Committees,

My name is _____ and I **STRONGLY SUPPORT SB2002**, to enable the Water Commission and its staff to implement the Water Code without fear of political retribution.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, the Attorney General, who is also appointed by the Governor, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the Water Commission and its staff. Accordingly, those with influence over the Governor, including corporate water hoarders, can substantially interfere and have interfered with the work of the Commission, through his political appointees.

By requiring the Commission to choose its own Chair, select its own executive director, and retain its own legal counsel, this measure will provide important layers of political insulation necessary for the objective management of our water resources, as otherwise required by the Water Code, constitution, and public trust. These provisions, as well as a staff 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 fear of political retribution.

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Finally, I also support the inclusion of an appointee of the Office of Hawaiian Affairs' CEO in the Water Commission Nominating Committee, especially given the Commission's historical disregard of Native Hawaiian water rights in its decisionmaking. Such an appointee will ensure that the nominating committee considers prospective commissioners' understanding of Hawaiian water rights in making recommendations to the Governor for new commissioners.

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

Tia Pearson

SB-2002

Submitted on: 2/3/2026 4:19:06 AM

Testimony for WLA on 2/4/2026 3:01:00 PM

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

Comments:

Aloha Chairs Lee and Fukunaga, Vice Chair Inouye, and members of the Senate Water, Land, Culture and the Arts and Public Safety and Military Affairs Committees,

My name is Jodi Rodar and I **STRONGLY SUPPORT SB2002**, to enable the Water Commission and its staff to implement the Water Code without fear of political retribution.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, the Attorney General, who is also appointed by the Governor, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the Water Commission and its staff. Accordingly, those with influence over the Governor, including corporate water hoarders, can substantially interfere and have interfered with the work of the Commission, through his political appointees.

By requiring the Commission to choose its own Chair, select its own executive director, and retain its own legal counsel, this measure will provide important layers of political insulation necessary for the objective management of our water resources, as otherwise required by the Water Code, constitution, and public trust. These provisions, as well as a staff 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 fear of political retribution.

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Finally, I also support the inclusion of an appointee of the Office of Hawaiian Affairs' CEO in the Water Commission Nominating Committee, especially given the Commission's historical disregard of Native Hawaiian water rights in its decisionmaking. Such an appointee will ensure that the nominating committee considers prospective commissioners' understanding of Hawaiian water rights in making recommendations to the Governor for new commissioners.

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

Thank you.

Sincerely,

Jodi Rodar

SB-2002

Submitted on: 2/3/2026 7:49:06 AM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Shay Chan Hodges	Individual	Support	Written Testimony Only

Comments:

My name is Shay Chan Hodges and I **STRONGLY SUPPORT SB2002**, to enable the Water Commission and its staff to implement the Water Code without fear of political retribution.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, the Attorney General, who is also appointed by the Governor, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the Water Commission and its staff. Accordingly, those with influence over the Governor, including corporate water hoarders, can substantially interfere and have interfered with the work of the Commission, through his political appointees.

By requiring the Commission to choose its own Chair, select its own executive director, and retain its own legal counsel, this measure will provide important layers of political insulation necessary for the objective management of our water resources, as otherwise required by the Water Code, constitution, and public trust. These provisions, as well as a staff 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 fear of political retribution.

In addition, I support this measure's authorization of meaningful fines for water code violations, based on a careful assessment of the circumstances of each case; such authority is critical to protecting the public interest from deep pocket water code violators who could easily shrug off the Commission's current maximum daily fine.

Finally, I also support the inclusion of an appointee of the Office of Hawaiian Affairs' CEO in the Water Commission Nominating Committee, especially given the Commission's historical disregard of Native Hawaiian water rights in its decisionmaking. Such an appointee will ensure that the nominating committee considers prospective commissioners' understanding of Hawaiian water rights in making recommendations to the Governor for new commissioners.

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

Sincerely,
Shay Chan Hodges

Aloha Chairs Lee and Fukunaga, Vice Chair Inouye, and members of the Senate Water, Land, Culture and the A
Committees,

I am U'ilani Naipo and I **STRONGLY SUPPORT** SB2002, to enable the Water Commission and its staff to imp
retribution.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere w
Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Com
Attorney General, who is also appointed by the Governor, is the sole provider of legal advice to the Water Comm
considerable power over the Water Commission and its staff. Accordingly, those with influence over the Govern
substantially interfere and have interfered with the work of the Commission, through his political appointees.

By requiring the Commission to choose its own Chair, select its own executive director, and retain its own legal
layers of political insulation necessary for the objective management of our water resources, as otherwise require
trust. These provisions, as well as a staff performance review process to ensure an objective, apolitical basis for s
Commission staff to fulfill their constitutional and statutory obligations without fear of political retribution.

In addition, I support this measure's authorization of meaningful fines for water code violations, based on a care
case; such authority is critical to protecting the public interest from deep-pocket water code violators who could
maximum daily fine.

Finally, I also support the inclusion of an appointee of the Office of Hawaiian Affairs' CEO in the Water Comm
the Commission's historical disregard of Native Hawaiian water rights in its decisionmaking. Such an appointee
considers prospective commissioners' understanding of Hawaiian water rights in making recommendations to th

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

Sincerely,

U'ilani Naiipo

I am U'ilani Naipo, and I **STRONGLY SUPPORT** SB2002, to enable the Water Commission and its staff to im
political retribution.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere w
Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Com
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In addition, I support this measure's authorization of meaningful fines for water code violations, based on a care
case; such authority is critical to protecting the public interest from deep-pocket water code violators who could

maximum daily fine.

I also support the inclusion of an appointee of the Office of Hawaiian Affairs' CEO in the Water Commission. The Commission's historical disregard of Native Hawaiian water rights in its decision-making. Such an appointee will consider prospective commissioners' understanding of Hawaiian water rights in making recommendations to the Commission.

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

Sincerely,

U'ilani Naiipo



Wednesday, February 4, 2026, 3:01 pm

Senate Committees on Water, Land, Culture, and the Arts; and Public Safety and Military Affairs
SENATE BILL 2002 – RELATING TO WATER

Position: Support Intent; seek clarification of Senate's understanding.

Me ke Aloha, Chairs Lee and Fukunaga, Vice Chairs Inouye and Lee, and Members of the Committees on Water, Land, Culture, and the Arts and Public Safety and Military Affairs

SB2002 intends to provide greater independence for the Commission on Water Resource Management. It poses a host of changes, including substituting a Commission-chosen Chair and an Executive Director for its governing Chair and Deputy; and providing for independent legal counsel.

An independent Water Commission is a worthy purpose, but bear in mind that water is for fighting, and cooperation must be maximized to reach beneficial public conclusions. Beware insistent protagonists. Force is not the first resort in cultivating the rule of law. Nothing happens in a vacuum and the integration of expertise is invaluable.

An independent attorney is a good idea, as the purpose of current Department of the Attorney General designees is only to protect the Commission from incurring unanticipated liability. There is no one to advocate for the Commission when challenged. Frankly, while lawyers are loathe to admit it, water is a public trust used by many different perspectives and purposes, and all must be served in a cooperative manner while respecting the environment itself as a first call. This will be a challenge for independent counsel.

The Commission staff gains a great deal through its cooperative consultation with and ready access to the Aquatics Division, Forestry, Conservation and Coastal Lands, Land Division, even the Bureau of Conveyances; the Department of Health Environmental Management Division, Department of Agriculture, and Hawaiian Home Lands.

An independent Chair is a good idea, but a good chair must maintain essential coordination with other agencies. The Chair cannot imagine to be truly independent or dominant. Similarly, the existing Deputy or proposed Executive Director must be skilled at cooperative relations with county agencies, private companies and land owners, contractors, and consultants, as well as the State agencies.

Administration of the Water Code requires tremendous coordination -- something not well understood nor appreciated by advocates of particular agendas.

Mahalo for the opportunity to address this issue,

/s/ Charley Ice, Hoa'āina, Waimalu, O'ahu;

retired Hydrologist, Commission on Water Resource Management (25 years) and Planner at DHHL (10 years);

former Chair of O'ahu Democratic Party Region 5 ('Aiea-Pearl City);

SB-2002

Submitted on: 2/3/2026 11:36:15 AM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
pahnelopi mckenzie	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Lee and Fukunaga, Vice Chair Inouye, and members of the Senate Water, Land, Culture and the Arts and Public Safety and Military Affairs Committees,

I STRONGLY SUPPORT SB2002, to enable the Water Commission and its staff to implement the Water Code without fear of political retribution.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, the Attorney General, who is also appointed by the Governor, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the Water Commission and its staff. Accordingly, those with influence over the Governor, including corporate water hoarders, can substantially interfere and have interfered with the work of the Commission, through his political appointees.

By requiring the Commission to choose its own Chair, select its own executive director, and retain its own legal counsel, this measure will provide important layers of political insulation necessary for the objective management of our water resources, as otherwise required by the Water Code, constitution, and public trust. These provisions, as well as a staff 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 fear of political retribution.

In addition, I support this measure's authorization of meaningful fines for water code violations, based on a careful assessment of the circumstances of each case; such authority is critical to protecting the public interest from deep pocket water code violators who could easily shrug off the Commission's current maximum daily fine.

Finally, I also support the inclusion of an appointee of the Office of Hawaiian Affairs' CEO in the Water Commission Nominating Committee, especially given the Commission's historical disregard of Native Hawaiian water rights in its decisionmaking. Such an appointee will ensure that the nominating committee considers prospective commissioners' understanding of Hawaiian water rights in making recommendations to the Governor for new commissioners.

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

Sincerely, Pannelopi McKenzie

SB-2002

Submitted on: 2/3/2026 1:51:44 PM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Glenn Choy	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill

LATE

SB-2002

Submitted on: 2/3/2026 3:31:05 PM

Testimony for WLA on 2/4/2026 3:01:00 PM

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

Comments:

Aloha, Chairs Fukunaga and Lee, Vice Chairs Lee and Inouye, and Members of the Committees,

My name is Carolyn Eaton. I am a resident of Oahu. I strongly support this bill and its three critical elements. The first insures the independence of the Water Commission from manipulation by state leaders brought to power by election. Politics and monied interests can exert pressure contrary to the common good.

The Commission will receive the authority, herein, to levy fines in amounts of magnitude better to deter deep-pocket water code violators.

The representation of the Office of Hawaiian Affairs on the Water Commission Nominating Committee should serve to insure understanding of Hawaiian water rights into the future of the Commission.

Mahalo for the opportunity to respectfully urge your support of SB 2002, and to express my gratitude for your work to protect and strengthen the Water Commission. Its work is critical.

LATE

SB-2002

Submitted on: 2/3/2026 4:19:24 PM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Zachary Kubo	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Lee and Fukunaga, Vice Chair Inouye, and members of the Senate Water, Land, Culture and the Arts and Public Safety and Military Affairs Committees,

My name is Zachary Kubo and I **STRONGLY SUPPORT SB2002**, to enable the Water Commission and its staff to implement the Water Code without fear of political retribution.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, the Attorney General, who is also appointed by the Governor, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the Water Commission and its staff. Accordingly, those with influence over the Governor, including corporate water hoarders, can substantially interfere and have interfered with the work of the Commission, through his political appointees.

By requiring the Commission to choose its own Chair, select its own executive director, and retain its own legal counsel, this measure will provide important layers of political insulation necessary for the objective management of our water resources, as otherwise required by the Water Code, constitution, and public trust. These provisions, as well as a staff 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 fear of political retribution.

In addition, I support this measure’s authorization of meaningful fines for water code violations, based on a careful assessment of the circumstances of each case; such authority is critical to protecting the public interest from deep pocket water code violators who could easily shrug off the Commission’s current maximum daily fine.

Finally, I also support the inclusion of an appointee of the Office of Hawaiian Affairs’ CEO in the Water Commission Nominating Committee, especially given the Commission’s historical disregard of Native Hawaiian water rights in its decisionmaking. Such an appointee will ensure that the nominating committee considers prospective commissioners’ understanding of Hawaiian water rights in making recommendations to the Governor for new commissioners.

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

Sincerely,
Zachary Kubo

LATE

SB-2002

Submitted on: 2/3/2026 6:15:51 PM

Testimony for WLA on 2/4/2026 3:01:00 PM

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

Comments:

I STRONGLY SUPPORT SB2002 which would enable the Water Commission and its staff to implement the Water Code without fear of political retribution. Please pass this measure.

SB-2002

Submitted on: 2/3/2026 6:34:36 PM

Testimony for WLA on 2/4/2026 3:01:00 PM



Submitted By	Organization	Testifier Position	Testify
De Andre Makakoa	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Lee and Fukunaga, Vice Chair Inouye, and members of the Senate Water, Land, Culture and the Arts and Public Safety and Military Affairs Committees,

My name is De Andre Makakoa, and I strongly support SB2002 to free the Commission on Water Resource Management from political interference and restore integrity to how Hawai'i governs its most sacred public trust resource, wai.

I speak as a Lahaina fire survivor and a West Maui resident who has seen firsthand what happens when water governance fails the public. The August 8, 2023 fire was a direct result of water mismanagement. For generations, Maui Komohana has lived with a severe imbalance in water distribution and when the crisis came, our community paid the price.

In the aftermath of the fire, we also witnessed how powerful water extractors and developers were able to leverage their relationships and influence with the Governor's office to shape decisions inside CWRM. That political pressure led to the reinstatement of a CWRM deputy, based on claims that were later discredited, resulting in global backlash against an innocent public servant and outright racist and offensive narratives coming from people who don't understand our ecology. That moment revealed exactly why this bill is necessary. Our water governance is way too entangled with political power and private influence. This has tremendously eroded public trust and even more destructively eroded the ecological health of our islands.

SB2002 is needed because the current structure leaves the Water Commission vulnerable to exactly this kind of interference. When the BLNR Chair, a Governor appointee, controls the Commission's agenda, and when the Attorney General, also a Governor appointee, controls its legal counsel, the Commission is not truly independent. This creates a system where well-connected interests can shape outcomes behind closed doors, rather than letting water experts and community needs lead decision-making. There are way too many games being played by the establishment, but the future sustainability of Hawai'i needs true, dedicated servants who wants to ensure our water systems thrive.

We need water experts on CWRM who prioritize the science-based, and culturally grounded management of our water resources, and understands that water is a public trust, a cultural foundation, and a matter of life and safety.

By allowing the Commission to choose its own Chair, hire its own executive director, and retain its own legal counsel, SB2002 creates the independence necessary for honest, accountable, and community-centered water governance. Stronger enforcement through meaningful fines is also essential so that deep-pocket violators cannot simply treat water law as optional.

Our most important public trust resources should never be part of a political influence and money game. It is time to shift water governance away from powerful private interests and back into the hands of the people who actually understand and respect these systems.

For these reasons, I respectfully urge you to PASS SB2002.

Me ke aloha nui,
De Andre Makakoa

SB-2002

Submitted on: 2/3/2026 7:34:55 PM

Testimony for WLA on 2/4/2026 3:01:00 PM



Submitted By	Organization	Testifier Position	Testify
Keri Zacher	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Lee and Fukunaga, Vice Chair Inouye, and members of the Senate Water, Land, Culture and the Arts and Public Safety and Military Affairs Committees,

My name is Keri Zacher and I **STRONGLY SUPPORT SB2002**, to enable the Water Commission and its staff to implement the Water Code without fear of political retribution.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, the Attorney General, who is also appointed by the Governor, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the Water Commission and its staff. Accordingly, those with influence over the Governor, including corporate water hoarders, can substantially interfere and have interfered with the work of the Commission, through his political appointees.

By requiring the Commission to choose its own Chair, select its own executive director, and retain its own legal counsel, this measure will provide important layers of political insulation necessary for the objective management of our water resources, as otherwise required by the Water Code, constitution, and public trust. These provisions, as well as a staff 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 fear of political retribution.

In addition, I support this measure's authorization of meaningful fines for water code violations, based on a careful assessment of the circumstances of each case; such authority is critical to protecting the public interest from deep pocket water code violators who could easily shrug off the Commission's current maximum daily fine.

Finally, I also support the inclusion of an appointee of the Office of Hawaiian Affairs' CEO in the Water Commission Nominating Committee, especially given the Commission's historical disregard of Native Hawaiian water rights in its decisionmaking. Such an appointee will ensure that the nominating committee considers prospective commissioners' understanding of Hawaiian water rights in making recommendations to the Governor for new commissioners.

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

opportunity to testify.
Sincerely, Keri Zacher

LATE

SB-2002

Submitted on: 2/3/2026 7:47:41 PM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Anela Evans	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Lee and Fukunaga, Vice Chair Inouye, and members of the Senate Water, Land, Culture and the Arts and Public Safety and Military Affairs Committees,

My name is Anela Evans and I **STRONGLY SUPPORT SB2002**, to enable the Water Commission and its staff to implement the Water Code without fear of political retribution.

It is the only way to ensure that our precious water resources are protected and properly managed.

For far too long, we, the people of Hawai‘i, have had to endure the effects of a legacy of water mismanagement by large landowners and developers who have deep political ties. Our aquifers is left polluted, our streams run dry, our lo‘i lay fallow, and our reef systems degraded.

I urge you to support this bill and I thank you for thr opportunity to have my voice heard.

LATE

SB-2002

Submitted on: 2/3/2026 8:03:16 PM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Arika Murphy	Individual	Support	Written Testimony Only

Comments:

My name is ___Arika Hultquist ___ and I **STRONGLY SUPPORT SB2002**, to enable the Water Commission and its staff to implement the Water Code without fear of political retribution.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, the Attorney General, who is also appointed by the Governor, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the Water Commission and its staff. Accordingly, those with influence over the Governor, including corporate water hoarders, can substantially interfere and have interfered with the work of the Commission, through his political appointees.

By requiring the Commission to choose its own Chair, select its own executive director, and retain its own legal counsel, this measure will provide important layers of political insulation necessary for the objective management of our water resources, as otherwise required by the Water Code, constitution, and public trust. These provisions, as well as a staff 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 fear of political retribution.

In addition, I support this measure’s authorization of meaningful fines for water code violations, based on a careful assessment of the circumstances of each case; such authority is critical to protecting the public interest from deep pocket water code violators who could easily shrug off the Commission’s current maximum daily fine.

Finally, I also support the inclusion of an appointee of the Office of Hawaiian Affairs’ CEO in the Water Commission Nominating Committee, especially given the Commission’s historical disregard of Native Hawaiian water rights in its decisionmaking. Such an appointee will ensure that the nominating committee considers prospective commissioners’ understanding of Hawaiian water rights in making recommendations to the Governor for new commissioners.

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

Sincerely,
Arika Hultquist

LATE

SB-2002

Submitted on: 2/3/2026 8:09:51 PM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Lauren Palakiko	Individual	Support	Remotely Via Zoom

Comments:

Aloha Chairs Lee and Fukunaga, Vice Chair Inouye, and members of the Senate Water, Land, Culture and the Arts and Public Safety and Military Affairs Committees,

My name is Lauren Palakiko, I am married to a kalo farmer in Kaua‘ula Valley, and I **STRONGLY SUPPORT SB2002**, to enable the Water Commission and its staff to implement the Water Code without fear of political retribution.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, the Attorney General, who is also appointed by the Governor, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the Water Commission and its staff. Accordingly, those with influence over the Governor, including corporate water hoarders, can substantially interfere and have interfered with the work of the Commission, through his political appointees.

By requiring the Commission to choose its own Chair, select its own executive director, and retain its own legal counsel, this measure will provide important layers of political insulation necessary for the objective management of our water resources, as otherwise required by the Water Code, constitution, and public trust. These provisions, as well as a staff 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 fear of political retribution.

In addition, I support this measure’s authorization of meaningful fines for water code violations, based on a careful assessment of the circumstances of each case; such authority is critical to protecting the public interest from deep pocket water code violators who could easily shrug off the Commission’s current maximum daily fine.

Finally, I also support the inclusion of an appointee of the Office of Hawaiian Affairs’ CEO in the Water Commission Nominating Committee, especially given the Commission’s historical disregard of Native Hawaiian water rights in its decisionmaking. Such an appointee will ensure that the nominating committee considers prospective commissioners’ understanding of Hawaiian water rights in making recommendations to the Governor for new commissioners.

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

Sincerely,

Lauren Palakiko

LATE

SB-2002

Submitted on: 2/3/2026 8:14:21 PM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Charlie Palakiko	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Lee and Fukunaga, Vice Chair Inouye, and members of the Senate Water, Land, Culture and the Arts and Public Safety and Military Affairs Committees,

My name is Charlie Palakiko, I am a kalo farmer in Kaua‘ula Valley, and I **STRONGLY SUPPORT SB2002**, to enable the Water Commission and its staff to implement the Water Code without fear of political retribution.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, the Attorney General, who is also appointed by the Governor, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the Water Commission and its staff. Accordingly, those with influence over the Governor, including corporate water hoarders, can substantially interfere and have interfered with the work of the Commission, through his political appointees.

By requiring the Commission to choose its own Chair, select its own executive director, and retain its own legal counsel, this measure will provide important layers of political insulation necessary for the objective management of our water resources, as otherwise required by the Water Code, constitution, and public trust. These provisions, as well as a staff 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 fear of political retribution.

In addition, I support this measure’s authorization of meaningful fines for water code violations, based on a careful assessment of the circumstances of each case; such authority is critical to protecting the public interest from deep pocket water code violators who could easily shrug off the Commission’s current maximum daily fine.

Finally, I also support the inclusion of an appointee of the Office of Hawaiian Affairs’ CEO in the Water Commission Nominating Committee, especially given the Commission’s historical disregard of Native Hawaiian water rights in its decisionmaking. Such an appointee will ensure that the nominating committee considers prospective commissioners’ understanding of Hawaiian water rights in making recommendations to the Governor for new commissioners.

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

Sincerely,

Charlie Palakiko

LATE

SB-2002

Submitted on: 2/3/2026 8:53:08 PM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Chris McKeown	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Lee and Fukunaga, Vice Chair Inouye, and members of the Senate Water, Land, Culture and the Arts and Public Safety and Military Affairs Committees,

My name is Chris McKeown, and I strongly support SB2002 to ensure the Water Commission and its staff can carry out the Water Code without fear of political retribution.

SB2002 corrects structural weaknesses that have allowed political pressure and special interests to interfere with the Commission's work. At present, the Chair of the Board of Land and Natural Resources, a gubernatorial appointee, serves as Chair of the Water Commission and controls its agenda. The Attorney General, also appointed by the Governor, is the Commission's sole source of legal counsel. Together, these arrangements concentrate excessive political influence over the Commission and its staff, allowing outside interests with access to the Governor, including corporate water hoarders, to improperly interfere with water management decisions.

This measure provides essential political insulation by allowing the Commission to select its own Chair, appoint its own executive director, and retain independent legal counsel. These changes are necessary to ensure objective water management consistent with the Water Code, the Constitution, and the public trust doctrine. The inclusion of an objective staff performance review process further protects Commission employees, enabling them to fulfill their statutory and constitutional duties without fear of retaliation.

I also support the bill's authorization of meaningful fines for Water Code violations, assessed based on the specific circumstances of each case. This authority is critical to deterring deep pocket violators who can easily absorb the Commission's current maximum penalties.

Finally, I strongly support including an appointee of the Office of Hawaiian Affairs CEO on the Water Commission Nominating Committee. Given the Commission's historical disregard for Native Hawaiian water rights, this ensures that nominees' understanding of those rights is meaningfully considered when making recommendations to the Governor.

For these reasons, I respectfully urge the Committees to pass SB2002. Mahalo nui for the opportunity to testify.

Sincerely,

Chris McKeown

LATE

SB-2002

Submitted on: 2/3/2026 8:57:40 PM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Leianaikaroselaniomaui SingKeliikoa	Individual	Support	Written Testimony Only

Comments:

My name is Leianaikaroselaniomaui Sing-Keliikoa. I support SB 2002. Our wai our kuleana, our people need to be in control of our water. Not outsiders that only want to develop and damage our home our Aina!

please pass SB2002 mahalo

LATE

SB-2002

Submitted on: 2/3/2026 9:07:26 PM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Samantha Kramer	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Lee and Fukunaga, Vice Chair Inouye, and Members of the Senate Committees on Water, Land, Culture and the Arts, and Public Safety and Military Affairs,

My name is Samantha Kramer, and I strongly support SB2002, which is necessary to ensure that the Commission on Water Resource Management and its staff can implement the Water Code without fear of political retribution.

This measure addresses structural political vulnerabilities that have enabled powerful special interests to interfere with the work of the Commission and its staff. Currently, the Chair of the Board of Land and Natural Resources—an appointee of the Governor—also serves as Chair of the Water Commission and controls its agenda. Additionally, the Attorney General, also appointed by the Governor, is the sole provider of legal counsel to the Commission. Together, these arrangements place significant influence over the Water Commission in the hands of gubernatorial appointees. As a result, individuals and entities with political influence over the Governor, including corporate water hoarders, have been able to interfere with the Commission’s work through these channels.

By requiring the Commission to select its own Chair, appoint its own Executive Director, and retain independent legal counsel, SB2002 provides essential political insulation necessary for the objective management of Hawai‘i’s water resources, as required by the Water Code, the Hawai‘i Constitution, and the public trust doctrine. The bill’s inclusion of a staff performance review process further ensures that employment decisions are made on an objective, apolitical basis, allowing staff to carry out their constitutional and statutory duties without fear of retaliation.

I also support the bill’s authorization of meaningful fines for Water Code violations, based on a careful assessment of the circumstances of each case. This authority is critical to protecting the

public interest from well-resourced violators who can easily absorb the Commission's current maximum daily fine.

Finally, I support the inclusion of an appointee from the Office of Hawaiian Affairs' Chief Executive Officer on the Water Commission Nominating Committee. Given the Commission's historical disregard of Native Hawaiian water rights, this provision is necessary to ensure that prospective commissioners are evaluated on their understanding of and respect for those rights when recommendations are made to the Governor.

For these reasons, I respectfully urge the Committees to pass SB2002. Mahalo nui for the opportunity to submit written testimony.

Sincerely,

Samantha Kramer

LATE

SB-2002

Submitted on: 2/3/2026 9:15:01 PM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Jackie Keefe	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Lee & Fukunaga, Vice Chairs Inouye (& Lee), and Members of the Committees,

My name is Jackie Keefe, and I **strongly support SB2002**, to enable the Water Commission and its staff to implement the Water Code without fear of political retribution.

I am a resident of Lahaina, and we are facing some of the starkest water crises in Hawai'i. Over 75% of west Maui's water is privately controlled, and CWRM as it stands today is not protecting the public trust.

CWRM is heavily influenced by politics as multiple of its positions report directly to the Governor. These political vulnerabilities often allow for powerful corporate interests to unduly influence the Water Commission's work. (We are still reeling from the political attack on Kaleo Manuel after the Lahaina wildfires!)

By requiring the Commission to choose its own Chair, select its own Executive Director, and retain its own legal counsel, this measure will provide important layers of political insulation necessary for the objective management of our water resources as required by the Water Code, State Constitution, and public trust doctrine. These provisions, as well as a staff performance review process to ensure an objective, apolitical basis for staff employment decisions, would allow Commission staff to fulfill their constitutional and statutory obligations without fear of political retribution.

Our community cannot bear to continually hear the words "*there is just not water*" followed by a decision to approve unreasonable permit applications.

I respectfully urge the Committees to **pass this measure**.

Mahalo for the opportunity to testify.

Jackie Keefe, Lahaina

LATE

SB-2002

Submitted on: 2/3/2026 9:26:30 PM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
J. Kehau Lucas	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Lee and Fukunaga, Vice Chair Inouye, and members of the Senate Water, Land, Culture and the Arts and Public Safety and Military Affairs Committees,

My name is Kēhau Lucas, and **I strongly support SB2002**, which is essential to ensuring that the Water Commission and its staff can implement Hawai‘i’s Water Code without fear of political interference.

Background and Need:

Currently, the structure of the Water Commission leaves it vulnerable to political pressure. The Board of Land and Natural Resources (BLNR) Chairperson, appointed by the Governor, chairs the Water Commission and controls its agenda. Additionally, the Attorney General—also a gubernatorial appointee—serves as the sole legal advisor to the Commission. Both positions wield substantial influence over the Commission and its staff.

Historical and documented instances show that powerful special interests—particularly corporate water users—have leveraged these political appointments to interfere with the Commission’s decision-making, undermining the public trust in Hawai‘i’s water resources. For example, [insert specific case or citation if available, e.g., “in [year], the Commission’s decision on [specific water issue] was reportedly influenced by external political pressure”]. This interference compromises the Commission’s ability to fulfill its statutory obligations under the Water Code and its constitutional duty to protect water as a public trust resource, as affirmed in *In re Water Use Permit Applications* (94 Hawai‘i 97, 9 P.3d 409, 2000).

Provisions of SB2002:

This measure directly addresses these vulnerabilities by:

1. Allowing the Water Commission to choose its own Chair and executive director, providing leadership that is accountable first to the Water Code and public trust responsibilities, not to political appointees.
2. Enabling the Commission to retain independent legal counsel, ensuring unbiased legal guidance in enforcing water rights.
3. Establishing a staff performance review process that is objective and apolitical, allowing staff to perform their duties without fear of retaliation.

Enforcement Authority:

SB2002 also strengthens enforcement by authorizing meaningful fines for Water Code violations, tailored to each case. Current fines are inadequate to deter corporate violators of water law. Without enforcement teeth, the Commission cannot effectively protect the public interest, leaving water resources vulnerable to overuse and mismanagement.

Protection of Native Hawaiian Water Rights:

Importantly, the measure includes an appointee of the Office of Hawaiian Affairs (OHA) CEO on the Water Commission Nominating Committee. Historically, the Commission has underprioritized Native Hawaiian water rights, despite constitutional and statutory obligations under Article XI of the Hawai'i Constitution and the Water Code. Including OHA ensures that prospective commissioners are evaluated for their understanding of these rights, supporting culturally responsive and legally sound water governance.

Conclusion:

By providing political insulation, strengthening enforcement, and safeguarding Native Hawaiian water rights, SB2002 empowers the Water Commission to carry out its constitutional and statutory duties in the public interest.

For these reasons, I respectfully urge the Committees to PASS SB2002.

Mahalo nui for the opportunity to testify.

Aloha 'āina,

J. Kēhau Lucas

LATE

SB-2002

Submitted on: 2/3/2026 9:46:11 PM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Momi Wheeler	Individual	Support	Written Testimony Only

Comments:

Aloha ‘Āina, Chairs Lee and Fukunaga, Vice Chair Inouye, and members of the Senate Water, Land, Culture and the Arts and Public Safety and Military Affairs Committees,

This testimony is in **SUPPORT of SB2002**, to ensure the Water Commission and staff can enforce the Water Code without political interference.

This bill resolves issues where Governor-appointed officials currently influence the Commission’s agenda and legal advice, allowing outside interests to interfere. Empowering the Commission to select its own Chair, executive director, and legal counsel provides essential independence and protects staff from undue pressure.

I also support stronger fines for Water Code violations, which are necessary to prevent abuse by those able to pay current penalties easily. Including an Office of Hawaiian Affairs appointee in the Nominating Committee will help address historic neglect of Native Hawaiian water rights.

For these reasons, I urge you to **PASS SB2002**. Mahalo nui for considering my testimony.

‘Āina Aloha,

Momi Wheeler

LATE

SB-2002

Submitted on: 2/3/2026 10:32:20 PM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Tara Rojas	Individual	Support	Remotely Via Zoom

Comments:

Aloha Chair and members of the committee,

I submit testimony in **strong support of SB2002, with targeted amendments** to further protect the Commission on Water Resource Management’s independence and public trust mandate.

SB2002 correctly identifies longstanding structural conflicts that have undermined the Commission’s ability to protect Hawai‘i’s water resources, including the inherent conflict created when the Chairperson of the Board of Land and Natural Resources presides over the water commission, and the vulnerability created when the Commission lacks independent legal counsel. The bill’s reforms - allowing independent counsel, establishing an Executive Director appointed and evaluated by the Commission, and enabling the Commission to elect its own chair - are essential to restoring public confidence and strengthening protection of instream flows, aquifers, and lawful water governance, especially under the escalating climate crisis.

I respectfully recommend amendments to strengthen SB2002 further:

1. **Clarify “administrative purposes only”** to ensure DLNR cannot reassert control over CWRM decision-making through budget, staffing, or administrative dependency that compromises independence.
2. **Reconsider ex officio voting membership** for BLNR and DOH (or narrow its scope), to avoid reintroducing political pressure into Commission votes. If ex officio participation is retained, it should be structured to support technical coordination without diluting the Commission’s independent authority.

SB2002 is an overdue step toward meaningful, enforceable, independent water governance consistent with Article XI, Section 7 of the Hawai‘i Constitution and the State’s public trust obligations. I urge the committee to pass SB2002 with the above amendments to ensure the Commission can act decisively to protect water for present and future generations.

Mahalo for the opportunity to submit testimony.

LATE

SB-2002

Submitted on: 2/4/2026 1:58:38 AM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Linda Lyerly	Individual	Support	Written Testimony Only

Comments:

Please pass this important bill for the future of our fresh water source.

Sincerely, Linda Lyerly. Lahaina

LATE

SB-2002

Submitted on: 2/4/2026 4:43:40 AM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Hollie Bearden	Individual	Support	Written Testimony Only

Comments:

My name is Hollie Bearden and I **STRONGLY SUPPORT SB2002**, to enable the Water Commission and its staff to implement the Water Code *without* fear of political retribution.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, the Attorney General, who is also appointed by the Governor, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the Water Commission and its staff. Accordingly, those with influence over the Governor, including corporate water hoarders, can substantially interfere and have interfered with the work of the Commission, through his political appointees.

By requiring the Commission to choose its own Chair, select its own executive director, and retain its own legal counsel, this measure will provide important layers of political insulation necessary for the objective management of our water resources, as otherwise required by the Water Code, constitution, and public trust. These provisions, as well as a staff 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 fear of political retribution.

In addition, I support this measure’s authorization of meaningful fines for water code violations, based on a careful assessment of the circumstances of each case; such authority is critical to protecting the public interest from deep pocket water code violators who could easily shrug off the Commission’s current maximum daily fine.

Finally, I also support the inclusion of an appointee of the Office of Hawaiian Affairs’ CEO in the Water Commission Nominating Committee, especially given the Commission’s historical disregard of Native Hawaiian water rights in its decisionmaking. Such an appointee will ensure that the nominating committee considers prospective commissioners’ understanding of Hawaiian water rights in making recommendations to the Governor for new commissioners.

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

Sincerely,
Hollie Bearden

LATE

SB-2002

Submitted on: 2/4/2026 7:18:31 AM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Patti Choy	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Lee and Fukunaga, Vice Chair Inouye, and members of the Senate Water, Land, Culture and the Arts and Public Safety and Military Affairs Committees,

I STRONGLY SUPPORT SB2002, to enable the Water Commission and its staff to implement the Water Code without fear of political retribution.

SB2002 will help to control the use of our water, a public resource, as a political football to dish out favors for the benefit of controlling corporate and military interests that have a stranglehold on the people's right to clean and abundant water throughout Hawaii.

Please allow CWRM to do its job in a transparent and meaningful manner that is free and clear of political manipulation. Our water is not a political toy to be abused by politicians and their cronies.

I respectfully urge the Committees to PASS this measure. Mahalo.

Ola i ka wai for ALL.

LATE

SB-2002

Submitted on: 2/4/2026 7:55:31 AM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Miriam Keo	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Lee and Fukunaga, Vice Chair Inouye, and members of the Senate Water, Land, Culture and the Arts and Public Safety and Military Affairs Committees,

My name is Miriam Keo and I STRONGLY SUPPORT SB2002, to enable the Water Commission and its staff to implement the Water Code without fear of political retribution and in true service of the people of Hawai'i.

The tragic Lahaina wildfires made painfully clear what happens when water resources are mismanaged and public trust protections are weakened. For generations, Lahaian was sustained by an extensive Hawaiian 'auwai system that carefully balanced water for lo'i kalo, communities, and ecosystems. Over time, much of this water was diverted away from local streams to serve large-scale agricultural and private interests, leaving the land dry and vulnerable

The wildfire disaster was not just a climate event, it was also the result of long-term water decisions that prioritized profit over community resilience, cultural practices, and environmental stewardship.

SB2002 would address the political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Water Commission and its staff. Currently, a Governor appointee — the Chairperson of the Board of Land and Natural Resources — chairs the Water Commission and dictates its agenda, while the Attorney General, also appointed by the Governor, serves as the sole provider of legal counsel. This structure creates undue political pressure and opens the door for corporate water users and other well-connected entities to influence decisions meant to protect public trust resources.

By allowing the Commission to choose its own Chair, select its own executive director, and retain independent legal counsel, this bill would provide critical political insulation so water decisions are based on science, law, and community well-being — not political convenience. It would also empower staff to uphold the Water Code and Hawai'i Constitution without fear of retaliation, ensuring our water is managed responsibly for present and future generations.

I also strongly support the authorization of meaningful fines for Water Code violations. In the wake of the Lahaina fires, we cannot afford to treat illegal water diversions or misuse as minor infractions. Strong enforcement tools are essential to deter deep-pocketed violators who currently view small fines as simply a cost of doing business.

Finally, I support including an appointee of the Office of Hawaiian Affairs' CEO on the Water Commission Nominating Committee. Native Hawaiian water rights and traditional land management practices emphasize balance, sustainability, and collective responsibility; values desperately needed as Hawai'i faces increasing drought, wildfires, and water scarcity. For too long, these perspectives have been sidelined in water policy decisions. This inclusion would help ensure future commissioners understand and respect both constitutional public trust duties and Native Hawaiian rights.

The lessons of Lahaina are clear: when water governance is weakened, communities suffer. SB2002 is a necessary step toward restoring accountability, honoring traditional stewardship, and protecting Hawai'i's most vital resource.

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

Mahalo for your time,

Miriam Keo

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LATE

SB-2002

Submitted on: 2/4/2026 9:25:18 AM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Todd Robertson	Individual	Support	Written Testimony Only

Comments:

I, Todd J. Robertson, SUPPORT SB2002 to free the Water Commission from undue political influence, impose meaningful fines to uphold the Water Code, and require a nominating committee member appointed by the Office of Hawaiian Affairs' CEO. It is long overdue that we enact measures to ensure that the Water Commission acts independently of politics and political influence for the betterment of our communities throughout the State of Hawai'i.

I am a member of the Hawai'i community, residing in Mililani on Oahu, and have been active in various community programs and support initiatives as a community member of Hawai'i for more than 28 years. Wai (water) is our most precious resource, and we must ensure that we do our best as community members to protect it responsibly, outside of the influence of political leaders.

That is why I am in support of SB2002.

Thank you,

Todd J. Robertson

LATE

SB-2002

Submitted on: 2/4/2026 9:44:04 AM

Testimony for WLA on 2/4/2026 3:01:00 PM

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

Comments:

Protect the Water Commission and its staff from the influence of opportunistic and politically connected special interests, allowing them to implement the state Water Code in the public’s interest, and without fear of political retribution.

Authorizing 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.

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.

To 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.

To allow the Office of Hawaiian Affairs’ CEO to appoint a member of the Water Commission Nominating Committee, to help in its nomination of new commissioners; this change would ensure that the committee recognizes the importance of the unique Native Hawaiian water rights and interests that have been historically ignored or undermined by Commission decisions.

LATE

SB-2002

Submitted on: 2/4/2026 10:39:40 AM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Kiley Adolpho	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Lee and Fukunaga, Vice Chair Inouye, and esteemed members of the Senate Committees on Water, Land, Culture and the Arts, and Public Safety and Military Affairs,

I am Kiley Adolpho, and I strongly support SB2002. This bill is crucial to allow the Water Commission and its staff to carry out the Water Code without facing political backlash.

The bill seeks to address political vulnerabilities that have allowed influential special interests to improperly affect the Commission's operations. Currently, a Governor appointee—the Chairperson of the Board of Land and Natural Resources—leads the Water Commission and sets its agenda. Additionally, the Attorney General, also appointed by the Governor, provides the Commission's exclusive legal counsel. These appointees hold significant control over the Commission and its staff, enabling those who influence the Governor, including corporate entities, to intervene in the Commission's activities through political channels.

This bill proposes that the Commission elect its own chair, choose its executive director, and hire its legal counsel, creating essential safeguards for unbiased water-resource management as required by the Water Code, the Constitution, and the public trust. These measures, together with a performance-review process for staff, would empower Commission employees to fulfill their constitutional and legal duties without fear of political repercussions.

I also endorse the bill's provision authorizing substantial, case-sensitive fines for violations of the Water Code. This authority is vital to protect the public interest against wealthy violators who might otherwise ignore current daily fine limits.

Finally, I support including an appointee from the Office of Hawaiian Affairs' CEO on the Water Commission Nominating Committee. Given the Commission's past neglect of Native Hawaiian water rights, such an appointee will help ensure that candidates' understanding of these rights is considered when nominating new commissioners.

Therefore, I respectfully urge the Committees to approve this measure. Mahalo nui for the opportunity to present my testimony.

Sincerely,

Kiley Adolpho

LATE

SB-2002

Submitted on: 2/4/2026 10:58:46 AM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Leo Nahe Smith	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Lee and Fukunaga, Vice Chair Inouye, and members of the Senate Water, Land, Culture and the Arts and Public Safety and Military Affairs Committees,

My name is Leo Nahenahemailani and I **STRONGLY SUPPORT SB2002**, to enable the Water Commission and its staff to implement the Water Code without fear of political retribution.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, the Attorney General, who is also appointed by the Governor, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the Water Commission and its staff. Accordingly, those with influence over the Governor, including corporate water hoarders, can substantially interfere and have interfered with the work of the Commission, through his political appointees.

By requiring the Commission to choose its own Chair, select its own executive director, and retain its own legal counsel, this measure will provide important layers of political insulation necessary for the objective management of our water resources, as otherwise required by the Water Code, constitution, and public trust. These provisions, as well as a staff 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 fear of political retribution.

In addition, I support this measure's authorization of meaningful fines for water code violations, based on a careful assessment of the circumstances of each case; such authority is critical to protecting the public interest from deep pocket water code violators who could easily shrug off the Commission's current maximum daily fine.

Finally, I also support the inclusion of an appointee of the Office of Hawaiian Affairs' CEO in the Water Commission Nominating Committee, especially given the Commission's historical disregard of Native Hawaiian water rights in its decisionmaking. Such an appointee will ensure that the nominating committee considers prospective commissioners' understanding of Hawaiian water rights in making recommendations to the Governor for new commissioners.

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

Sincerely,
Leo Nahe

LATE

SB-2002

Submitted on: 2/4/2026 11:26:20 AM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Sierra Dew	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Lee and Fukunaga, Vice Chair Inouye, and members of the Senate Water, Land, Culture and the Arts and Public Safety and Military Affairs Committees,

My name is Sierra Dew and I **STRONGLY SUPPORT SB2002**, to enable the Water Commission and its staff to implement the Water Code without fear of political retribution.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, the Attorney General, who is also appointed by the Governor, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the Water Commission and its staff. Accordingly, those with influence over the Governor, including corporate water hoarders, can substantially interfere and have interfered with the work of the Commission, through his political appointees.

By requiring the Commission to choose its own Chair, select its own executive director, and retain its own legal counsel, this measure will provide important layers of political insulation necessary for the objective management of our water resources, as otherwise required by the Water Code, constitution, and public trust. These provisions, as well as a staff 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 fear of political retribution.

In addition, I support this measure's authorization of meaningful fines for water code violations, based on a careful assessment of the circumstances of each case; such authority is critical to protecting the public interest from deep pocket water code violators who could easily shrug off the Commission's current maximum daily fine.

Finally, I also support the inclusion of an appointee of the Office of Hawaiian Affairs' CEO in the Water Commission Nominating Committee, especially given the Commission's historical disregard of Native Hawaiian water rights in its decisionmaking. Such an appointee will ensure that the nominating committee considers prospective commissioners' understanding of Hawaiian water rights in making recommendations to the Governor for new commissioners.

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

Sincerely,

Sierra Dew

LATE

SB-2002

Submitted on: 2/4/2026 12:45:49 PM

Testimony for WLA on 2/4/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Ezgi Green	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Lee and Fukunaga, Vice Chair Inouye, and members of the Senate Water, Land, Culture and the Arts and Public Safety and Military Affairs Committees,

I STRONGLY SUPPORT SB2002, to enable the Water Commission and its staff to implement the Water Code without fear of political retribution.

This bill addresses critical political vulnerabilities that allow powerful special interests to interfere with the Commission’s work. Currently, the Governor appoints both the Water Commission Chair and the Attorney General who provides legal counsel to the Commission. This structure allows those with influence over the Governor, including corporate water hoarders, to substantially interfere with the Commission’s constitutional obligations.

By requiring the Commission to choose its own Chair, select its own executive director, and retain its own legal counsel, SB2002 will provide essential political insulation necessary for objective water management in the public interest.

I also support this measure’s authorization of meaningful fines for water code violations. The current \$5,000 maximum daily fine is wholly insufficient to deter deep pocket violators who could monopolize millions of gallons of water per day while treating minimal penalties as the cost of doing business.

Finally, I support including an Office of Hawaiian Affairs appointee on the Water Commission Nominating Committee, given the Commission’s historical disregard of Native Hawaiian water rights.

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

Sincerely,
Ezgi Green

Waialua, O'ahu