

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

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CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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

Before the House Committee on
WATER & LAND

Tuesday, March 31, 2026
10:00 AM
State Capitol, Room 411

In consideration of
HOUSE CONCURRENT RESOLUTION 178
and
HOUSE RESOLUTION 168

**URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PRIORITIZE
ISSUING A WATER SET-ASIDE TO THE COUNTY OF MAUI THROUGH AN EXECUTIVE
ORDER BY THE GOVERNOR TO SUPPORT THE MANAGEMENT OF PUBLIC TRUST
WATER RESOURCES IN EAST MAUI**

The Department of Land and Natural Resources (Department) appreciates the intent of House Concurrent Resolution 178 and House Resolution 168, which urge the Department to prioritize issuing a water set-aside to the County of Maui through an Executive Order by the Governor to support the management of public trust water resources in East Maui, specifically the Nāhiku, Ke'anae, Honomanū, and Huelo State License Area. **The Department offers the following comments.**

The Department recognizes the ongoing interest in the disposition and management of surface water resources in East Maui, including those associated with the East Maui Irrigation system.

The Board of Land and Natural Resources (Board) is authorized to evaluate and approve any long-term disposition of state lands and resources, including the issuance of a water license by public auction or a set-aside to another government entity pursuant to chapter 171, HRS. Ultimately, the Board determines whether and on what terms any long-term disposition of state lands or resources is granted in the context of the specific request presented.

In addition, the Commission on Water Resource Management (CWRM) retains primary regulatory authority over water resources under chapter 174C, HRS, including the

establishment of instream flow standards and the allocation of water consistent with the public trust doctrine. Any proposed disposition or use of water will be subject to CWRM's oversight and must be consistent with CWRM's regulatory determinations and applicable law.

The Department acknowledges the concerns raised in these resolutions and notes that they may be addressed by the Board through the appropriate administrative process, with consideration of the respective roles of the Board and CWRM, and in compliance with all applicable legal requirements.

Mahalo for the opportunity to comment on this measure.

HCR-178

Submitted on: 3/29/2026 12:28:46 PM

Testimony for WAL on 3/31/2026 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------------------|---------------------------|-------------------|
| Robert H. Pahia | East Maui Water Authority Board | Support | Remotely Via Zoom |

Comments:

Aloha Chair and Committee Members . My name is Bobby Pahia and I am member of the East Maui Water Authority Board. In 2022 , through a voting process, Maui residents expressed their desire to have control and management of water resources from East Maui . I am here today to represent the voices that support HB168 . In solidarity, the Honorable Mayor Richard Bissen , recently submitted testimony in favor of Maui County's position to control and manage East Maui's water resources. In my opinion , and it is my hope , that you will heed the voice of our Maui residents and government officials and support HR168. I have faith in each and every one of you, that you will make the right decision. Thank you for your support . Mahalo

TO: Representative Mark J. Hashem, Chair
Representative Dee Morikawa, Vice Chair
Committee on Water & Land

Representative Chris Todd, Chair
Representative Jenna Takenouchi, Vice Chair
Committee on Finance

FROM: Kyle K. Nakanelua.

DATE: March 30, 2026

SUBJECT: SUPPORT OF HR168 & HCR178, URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PRIORITIZE ISSUING A WATER SET-ASIDE TO THE COUNTY OF MAUI THROUGH AN EXECUTIVE ORDER BY THE GOVERNOR TO SUPPORT THE MANAGEMENT OF PUBLIC TRUST WATER RESOURCES IN EAST MAUI.

Mahalo for the opportunity to testify. My name is Kyle Nakanelua. I am a taxpaying, registered Democrat and concerned citizen of the State of Hawaii and Maui County. I am a Taro farmer from the Moku of Ko'olau, the Ahupua'a of Wailuanui. My family has been stewarding these lands since Captain Cook sailed by here in the late 1700's. Since my Eponymous ancestor Aiai cut off one of the tentacles of the giant he'e Ha'alua.

I strongly support HCR 178 and HR 168 and encourage you to adopt them. This Resolution urges the Department of Land and Natural Resources to prioritize issuing a set-aside to the County of Maui through an Executive Order by the Governor to support the management of public water resources in East Maui.

A set-aside to the County of Maui for water resources in East Maui advances the County of Maui directive in managing our public water resources through a public institution, in the interest of the public, and guided by the purposes of the Public Trust Doctrine.

Mahalo for your consideration and for all your hard work to serve the needs of our citizens.

HCR-178

Submitted on: 3/30/2026 7:46:32 PM

Testimony for WAL on 3/31/2026 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|--------------------|-------------------|--------------------|------------------------|
| Brandon Makaawaawa | Nation of Hawai'i | Support | Written Testimony Only |

Comments:

Testimony of the Nation of Hawai'i

In Strong Support of HR168

Aloha Chair, Vice Chair, and Members of the Committee,

On behalf of the Nation of Hawai'i, I write in strong support of HR168, which sets aside public trust water resources in the Nāhiku, Ke'anae, Honomanu, and Huelo license areas of East Maui for the direct benefit of the people and lands of Maui County.

Water is not merely a resource—it is a living, ancestral trust. It is the lifeblood of our ahupua'a systems, sustaining kalo cultivation, nourishing ecosystems, and upholding the cultural, spiritual, and physical well-being of our people. For generations, East Maui communities have endured the diversion of their waters away from their lands, disrupting traditional practices and undermining the balance that once sustained thriving Native Hawaiian systems of abundance.

HR168 represents a necessary and long-overdue shift—one that restores balance by prioritizing the rightful stewardship of water by and for the people of Maui. We firmly support Maui County's efforts to manage East Maui water resources locally, ensuring that decisions are grounded in place-based knowledge, cultural understanding, and the needs of the communities who have maintained an enduring relationship with these waters.

The Nation of Hawai'i stands for the restoration of Native Hawaiian rights, culture, and self-determination. HR168 aligns directly with these principles. By setting aside water for local use, this measure advances food sovereignty, supports the restoration of lo'i kalo and traditional

agriculture, strengthens environmental resilience, and reaffirms the public trust doctrine as a responsibility to the people—not private or outside interests.

We emphasize that true stewardship must be guided by those who know these lands intimately. Therefore, we strongly urge that implementation includes meaningful, ongoing consultation with Native Hawaiian communities, cultural practitioners, and lineal descendants of these ahupua‘a. Additionally, clear and transparent mechanisms for community oversight must be established to ensure accountability and integrity in water management decisions.

This is not only a policy decision—it is a moment of restoration. A moment to correct historical imbalance and return water to its highest purpose: sustaining life, culture, and future generations.

For these reasons, the Nation of Hawai‘i respectfully urges the Committee to pass HR168.

Mahalo for the opportunity to testify.

Brandon Maka'awa'awa

Vice President, Nation of Hawai'i

HCR-178

Submitted on: 3/28/2026 8:19:53 AM

Testimony for WAL on 3/31/2026 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|-------------------------|--------------|--------------------|-------------------|
| Jonathan Likeke Scheuer | Individual | Support | Remotely Via Zoom |

Comments:

Chair Hashem, Vice Chair Morikawa, and Members of the House Committee on Water & Land

My name is Jonathan Likeke Scheuer and I have the distinct honor of serving as the Chair of the `Aha Wai o Maui Hikina (East Maui Regional Community Board) which is the governing body for the East Maui Water Authority. I am offering this testimony in my individual capacity.

I strongly support HCR 178 and HR 168 and encourage you to adopt them with minor amendments.

I recommend two changes based on my knowledge of water policy and law.

First, I recommend that the section describing public trust uses of water be revised to be consistent with the language of previous Supreme Court decisions and our contemporary understandings of the public trust beginning at line 10 on page 2 to the following language:

WHEREAS the courts have repeatedly enumerated specific Public Trust uses of water while still allowing that these uses may be added to in the future:

- i. the maintenance of waters in their natural state;
- ii. the protection of domestic (non-municipal) water uses;
- iii. the protection of water in the exercise of Native Hawaiian and traditional and customary rights;
- iv. the reservation of water for and uses of water on Hawaiian Home Lands by beneficiaries; and
- v. appurtenant rights

Second, I recommend that the word “water” be deleted from the phrase “water set aside” as it appears in the resolutions. The Governor with the concurrence of BLNR will need to set aside the resources and assets controlled by the state which it either has ownership of or rights to use, including both the ditch system itself as well as the water flowing off of state controlled lands, and the right to transmit water across the lands of others under previous agreements. The term “set aside” without qualification will encompass all these interests.

Mahalo for consideration of this testimony.

Jonathan Likeke Scheuer, Ph.D.
Kahālāwai Consulting LLC

Managing Environmental Conflict

Read: [Water and Power In West Maui](#) (2021)

Listen: [Hawai`i News Now Be Akamai: Why wai?](#) (2024)

Watch: [What Does Sustainable Yield Sustain? What \(and Who\) is Left Out?](#) (2021)

Connect: <http://www.linkedin.com/in/likeke>

HCR-178

Submitted on: 3/29/2026 1:56:19 PM

Testimony for WAL on 3/31/2026 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Michael Williams | Individual | Support | Written Testimony Only |

Comments:

Plesse pass this measure. Maui Cointy voters overwhelmingly created the East Maui Water Authority, and the funded its hiring the necessary staff. It is vitally important to support Maui's control of its own water.

HCR-178

Submitted on: 3/29/2026 1:57:55 PM

Testimony for WAL on 3/31/2026 10:00:00 AM

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

Comments:

I Support HR168 and HCR178 because these resolutions support Maui County's efforts to mangage East Maui Water resources for the public interest.
Private interests have managed our water for too long.

HCR-178

Submitted on: 3/29/2026 2:54:27 PM

Testimony for WAL on 3/31/2026 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Stephanie Austin | Individual | Support | Written Testimony Only |

Comments:

Please strongly support this important bill, putting control of the East Maui watershed and system under control of Maui County, and not private corporate interests. Our most precious resource, water, must not be in private hands and control.

Water is public trust!

HCR-178

Submitted on: 3/29/2026 3:30:19 PM

Testimony for WAL on 3/31/2026 10:00:00 AM

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

Comments:

I support and ask for your support for HR 168 and HCR 178

Maui Citizens voted to create the East Maui Water Authority. Since that Charter Amendment, the East Maui Water Authority has worked diligently to meet with East Maui residents, learning they fully support and intend to work on restoring the watershed from invasives and repairing the system left in much disrepair for decades.

Maui is ready to take care of our water systems in perpetuity.

Mahalo

Bill Greenleaf..Greenleaf Farm...Makwao

TO: Representative Mark J. Hashem, Chair
Representative Dee Morikawa, Vice Chair, Committee on Water & Land

Representative Chris Todd, Chair
Representative Jenna Takenouchi, Vice Chair
Committee on Finance

FROM: Prof. (Economics) Dick Mayer

DATE: March 29, 2026

SUBJECT: **SUPPORT OF HR168 & HCR178**, URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PRIORITIZE ISSUING A WATER SET-ASIDE TO THE COUNTY OF MAUI THROUGH AN EXECUTIVE ORDER BY THE GOVERNOR TO SUPPORT THE MANAGEMENT OF PUBLIC TRUST WATER RESOURCES IN EAST MAUI.

Thank you for the opportunity to testify in STRONG SUPPORT of both of these important resolutions.

My name is Dick Mayer. I have served on the Maui Planning Commission; been the Vice-Chair of the Citizen Advisory Committee for the Maui Island Plan, and was the original proponent of the Maui Water Authority (which has as its goal the efficient management of East Maui Water and the watershed for the benefit of East Maui residents, Upcountry Maui farmers and residents, the Waiohuli HHL lands, and Central Maui's Mahi Pono agricultural operations. I am offering this testimony in my individual capacity.

I strongly support HCR 178 and HR 168 and encourage you to adopt them. This Resolution urges the Department of Land and Natural Resources to prioritize issuing a set-aside to the County of Maui through an Executive Order by the Governor to support the management of public water resources in East Maui.

A set-aside to the County of Maui for water resources in East Maui advances the County of Maui's directive in managing our public water resources through a public institution, in the interest of the public, and guided by the purposes of the Public Trust Doctrine.

Mahalo for your consideration and for all your hard work to serve the needs of our residents.

EAST MAUI WATER SUPPORT

March 30, 2026

Aloha e Honorable Members,

On behalf of our 'ohana, community, and the many practitioners who continue to mālama 'āina in East Maui, we write in **strong support of 168 HR**, urging the Department of Land and Natural Resources to prioritize the issuance of a water set-aside to the County of Maui through an executive order by the Governor.

Water is not merely a resource in Hawai'i—it is a sacred trust. The streams of East Maui have sustained generations of Native Hawaiian families, feeding lo'i kalo systems that are deeply tied to our identity, genealogy, and survival. Kalo is our ancestor, and the perpetuation of kalo farming is the perpetuation of our people.

For over a century, East Maui waters have been diverted away from their natural stream systems, disrupting ecological balance and severing the lifeways of our communities. These diversions have contributed to a generational loss of kalo farming, where once-thriving lo'i systems have fallen dry, knowledge transmission has been interrupted, and families have been displaced from traditional practices that sustained both health and culture.

Today, we stand at a *wai-tal* moment. The continued control and management of East Maui water resources by large, corporate, non-Hawai'i-based entities perpetuates inequity and places our fragile ecosystems at further risk. Decisions made far from these lands often fail to reflect the 'ike kūpuna, stewardship values, and long-term sustainability practices that have guided Native Hawaiian resource management for generations.

A water set-aside to the County of Maui represents a necessary step toward restoring balance, accountability, and community-based management of our public trust resources. It would empower local governance, strengthen watershed restoration efforts, and support the revitalization of traditional and small-scale agriculture, including the return of lo'i kalo systems across East Maui.

This action aligns with the State's constitutional obligations to protect and preserve Hawai'i's natural resources for present and future generations. It also acknowledges the rightful role of local communities in the stewardship of wai—our most precious resource.

We urge you to support 168 HR and take decisive action to ensure that East Maui's waters are managed in a way that honors our past, sustains our present, and secures our future.

Mahalo for your leadership and commitment to protecting Hawai'i's public trust resources.

Me ka ha'aha'a,

Mary Ann Kamalani Pahukoa

HCR-178

Submitted on: 3/30/2026 9:09:28 AM

Testimony for WAL on 3/31/2026 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|------------------|--------------|--------------------|-------------------|
| Shay Chan Hodges | Individual | Support | Remotely Via Zoom |

Comments:

Thank you for the opportunity to testify in **STRONG SUPPORT** of this important resolution.

My name is Shay Chan Hodges and I am the former Chair of the Maui County Board of Water Supply and co-author of the 2019 Temporary Investigative Report (TIG), which studied the “Feasibility of Purchasing and Maintaining the EMI Water Delivery System” by the County of Maui. I am also currently a consultant to the East Maui Water Authority.

I am testifying on my own behalf.

I strongly support HCR 178 and HR 168, which urge the Department of Land and Natural Resources to prioritize issuing a set-aside to the County of Maui through an Executive Order by the Governor to support the management of public water resources in East Maui. A set-aside to the County of Maui for water resources in East Maui advances the County of Maui’s directive in managing our public water resources through a public institution, in the interest of the public, and guided by the purposes of the Public Trust Doctrine.

The Public Trust Doctrine is best served by County and State entities and cannot be implemented by a profit seeking foreign investment fund. Mahi Pono Holdings is owned entirely by the Canadian Public Sector Pension Investment Board (PSP), a \$214 billion Crown corporation that invests the retirement funds of Canadian government employees. Even the union representing PSP’s 240,000 member beneficiaries has urged Maui leaders to reject PSP's involvement in a long-term water lease, citing harm caused by PSP’s extractive investment practices.

PSP’s track record abroad illustrates the risks. In Australia, during a devastating drought and fire season, PSP bought and privatized water infrastructure in the Murray–Darling Basin and became the nation’s largest almond producer—a crop notorious for excessive water use. In Toronto, tenants of PSP-owned apartments endured unsafe conditions for years before winning a health and repair settlement after a lengthy rent strike. In the U.S., Minnesota’s Attorney General secured a \$4 million penalty against PSP’s HavenBrook Homes for gross neglect that endangered hundreds of families.

Here on Maui and throughout the State, corporate control has too often meant deferred maintenance, environmental damage, and disregard for cultural values.

Just this month, we have seen the potentially devastating impacts of corporate-owned water infrastructure on the North shore of Oahu.

Please pass HCR 178 and HR 168.

Mahalo for your consideration and for all your hard work to serve the needs of our citizens.

--Shay Chan Hodges, Haiku, Maui

HCR-178

Submitted on: 3/30/2026 10:14:44 AM

Testimony for WAL on 3/31/2026 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Stacey Alapai | Individual | Support | Written Testimony Only |

Comments:

I strongly support HR168 and HCR178 to prioritize public control of public trust resources like Maui County's efforts to manage East Maui water.

HCR-178

Submitted on: 3/30/2026 12:05:40 PM

Testimony for WAL on 3/31/2026 10:00:00 AM

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

Comments:

Aloha

Do the right thing! All islands are watching how this unfolds. Lahaina is a clear example of devastating water diversion practices, poor land management, and deforestation driven by cattle. Release the water and allow the natural habitats and cultural practices to continue.

Aloha

Maki Morinoue

Hawai'i Island

HCR-178

Submitted on: 3/30/2026 2:09:33 PM

Testimony for WAL on 3/31/2026 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| robin knox | Individual | Support | Written Testimony Only |

Comments:

I support this bill and believe it is in the best interest of the people of Maui County and is consistent and compliant with the Public Trust kuleana of both the County and State

HCR-178

Submitted on: 3/30/2026 7:48:40 PM

Testimony for WAL on 3/31/2026 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|------------------------|---------------------|---------------------------|------------------------|
| James L. Trasport, Jr. | Individual | Support | Written Testimony Only |

Comments:

Aloha, members of the Committee,

I support HR168 and HCR178 because these resolutions prioritize Maui County's efforts to manage East Maui's water in the interests of the public and guided by the Public Trust Doctrine.

Thanks,

Jimmy Trasport

HCR-178

Submitted on: 3/30/2026 11:18:11 PM

Testimony for WAL on 3/31/2026 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Kelsey Mapa | Individual | Support | Written Testimony Only |

Comments:

Aloha,

I am a resident of Upcountry Maui and I am writing in STRONG SUPPORT of HR168 and HCR178 because these resolutions prioritize Maui County's efforts to manage East Maui water in the interest of the public.

Water is life. Water is sacred. Water belongs to all of us and to all living beings on our island. It should not be privatized for profit by corporations. Please do the right thing and pass these resolutions. Mahalo!

HCR-178

Submitted on: 3/31/2026 9:23:15 AM

Testimony for WAL on 3/31/2026 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Gaylene L Barron | Individual | Oppose | Written Testimony Only |

Comments:

Water rights in East Maui have been battled for over and over. The language in this bill is unclear: "set-aside." Why does there need to be a Governor's executive order ordering agencies that already allow the County of Maui the ability to control the water in licensed areas? This is suspicious language and not clear. Let the County of Maui handle the issue. The water problem is an infrastructure problem, not capturing enough water and storing for the rising environmental and community needs ongoing. This appears as another ploy to take water from the community instead of creating more infrastructure to capture more of the water from resources such as storms, humidity and expand already existing reservoirs. For this reason, I oppose this bill.

HCR-178

Submitted on: 3/31/2026 9:38:01 AM

Testimony for WAL on 3/31/2026 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Jordan Hocker | Individual | Support | Written Testimony Only |

Comments:

Aloha committee members,

I am in strong support of HR168 and HCR178 because the public will throughout Maui County is the proper allocation of water resources to increase community resiliency. Maui County's efforts to manage East Maui water are long over due and in best interest of the public. I write to you as a resident of a Upcountry Maui from an area in Kula where my family and neighbors are dependent on the East Maui water systems due to the lack of water source locally. As someone who has been on water restriction, loss water infrastructure and is impacted by worsening drought conditions, it is imperative that public management of East Maui waters be seen through until the finish line. Please pass these bills, so that they can continue to do the will of the public in Maui County.

Mahalo,

Jordan Hocker