



**WRITTEN 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, S.D. 1, RELATING TO WATER.

BEFORE THE:

SENATE COMMITTEES ON JUDICIARY AND ON WAYS AND MEANS

DATE: Wednesday, March 4, 2026 **TIME:** 10:35 a.m.

LOCATION: State Capitol, Room 211

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Miranda C. Steed,
Deputy Attorney General, at (808) 587-2992)

Chairs Rhoads and Cruz 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.



OFFICE OF HAWAIIAN AFFAIRS

TESTIMONY IN SUPPORT OF SB2002 SD1
RELATING TO WATER

SENATE COMMITTEE ON WAYS AND MEANS

Hawai'i Capitol

March 4, 2026

10:35 AM

Room 211

Aloha e Dela Cruz, Vice Chair Moriwaki, and Members of the Senate Committee on Ways and Means:

The Office of Hawaiian Affairs (OHA) **SUPPORTS SB2002 SD1**, which would provide greater independence to the Commission on Water Resources Management (Commission) as the primary state agency responsible for the protection, remediation, and preservation of our limited wai resources, and ensure the Commission has the members, staff, and tools necessary for the effective execution of its vital mandate.

OHA has a vested interest in the stewardship and conservation of wai as essential to the exercise of a range of traditional and customary Native Hawaiian practices. Haw. Const. Art., § 7. Wai is further protected by the constitutional public trust doctrine, Haw. Const. Art. XI § 1, guaranteeing that the state manage our natural resources for the benefit of present and *future* generations. Similarly, traditional Hawaiian laws and land use practices revolved around the sharing and beneficial management of water as a community good necessary to meet a range of social and ecological needs. Indeed, “Ola i ka wai” (Water is life). Without clean water, life in Hawai'i is not possible.

With these foundational principles in mind, OHA strongly supports the proposed changes to the State Water Code, Hawai'i Revised Statutes (HRS) Chapter 174C, as set forth in SB2002 SD1. Initial water code proposals sought an independent department to manage water. The 1993 water code review, mentioned in Section 1, reiterated the need for an autonomous water authority with an independent executive separate from the Department of Land and Natural Resources (DLNR) to facilitate the state's constitutional public trust obligation to protect and regulate the use of Hawai'i's water resources. The proposed amendments in this measure would bring the Commission into alignment with this original vision, by allowing the Commission to hire independent legal counsel, select

its chief executive officer, and choose a chairperson not administratively and politically attached to DLNR.

In addition to these much needed administrative reforms to the structure of the Commission, SB2002 SD1 would (1) update the penalty structure to ensure that fine amounts are sufficient to deter repeat violations of the law, and (2) clarify the Commission's powers to declare shortages. These are practical tools necessary to ensure the effective management and protection of water resources, particularly when threatened by bad actors and emergency conditions, including ongoing and potential worsening of drought conditions seen on Maui and Hawai'i Island.

Finally, OHA appreciates and supports the addition of OHA to the nominating committee for the Commission. OHA has experience with recruitment and nomination as the principal agency tasked with recruiting, vetting, and nominating geographic (moku) to serve on the island burial councils (IBCs) for appointment by the Governor and confirmation by the State. See HRS § 6E-43.5. OHA thus has recruitment channels¹ and expertise relevant to the loea seat reserved for an individual with "substantial experience or expertise in traditional Hawaiian water resource management techniques and in traditional Hawaiian riparian usage." HRS § 174C-7(b). Moreover, as stated at the outset, OHA has a vested interest in the protection of wai resources, with a long history of advocacy in this area, and stands ready to service in this capacity.

Mahalo for the opportunity to support passage of this measure.

¹ These public recruitment channels include OHA's website, social media accounts, and award winning *Ka Wai Ola* newspaper.

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

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



KALI WATSON
CHAIRPERSON, HHC
Ka Luna Ho'okele

KATIE L. LAMBERT
DEPUTY TO THE CHAIR
Ka Hope Luna Ho'okele

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
Ka 'Oihana 'Āina Ho'opulapula Hawaii'i

P. O. BOX 1879
HONOLULU, HAWAII 96805

TESTIMONY OF KALI WATSON, CHAIR
HAWAIIAN HOMES COMMISSION
BEFORE THE SENATE COMMITTEES ON
WAYS & MEANS AND JUDICIARY
ON MARCH 4, 2026 AT 10:35AM IN CR 211

SB2002, SD1, RELATING TO WATER

March 4, 2026

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

The Department of Hawaiian Home Lands (DHHL) **supports with amendments** this bill which makes a number of changes to update the provisions for the leadership, governance, and administration of the Commission on Water Resource Management (CWRM) to improve its ability to fulfill its constitutionally and statutorily mandated responsibilities.

DHHL agrees with the analysis laid out in the preamble of the bill and the proposed amendments in the measure. DHHL observes, however, that while the rights of DHHL beneficiaries for water are protected in the Water Code, the operations of CWRM have frequently and famously resulted in the violation of these rights, a significant and notable part of the failure of CWRM to fulfill its constitutionally and statutorily mandated responsibilities.

The Hawai'i Supreme Court has twice had to overrule decisions by CWRM where they did not protect the rights of DHHL and its beneficiaries (*In re Waiola O Molokai, Inc.*, 103 Hawai'i 401, 433, 83 P.3d 664, 696 (2004) and *In re Kukui (Moloka'i) Inc.*, 116 Hawai'i 481, 486, 174 P.3d 320, 325 (2007)). Even in 2026, DHHL has been waiting for years for action from CWRM for legally mandated reservations of water in East Maui and on Molokai.

Accordingly, DHHL respectfully requests the Committees to amend this measure to include a new Section appropriately numbered to read as follows:

SECTION __. Section 174C-7, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) There is established within the department a commission on water resource management consisting of ~~[seven]~~ eight members which shall have exclusive jurisdiction and final authority in all matters relating to implementation and administration of the state water code, except as otherwise specifically provided in this chapter.

(b) Five members shall be appointed by the governor subject to confirmation by the senate in the manner prescribed in subsection (d) ~~[. Each]~~; provided that each member shall have substantial experience in the area of water resource management; provided further that at least one member shall have substantial experience or expertise in traditional Hawaiian water resource management techniques and in traditional Hawaiian riparian usage ~~[such as]~~ including those preserved by section 174C-101. The chairperson of the board of land and natural resources shall be the chairperson of the commission. The director of health ~~[or the director's designee]~~ and the chairperson of the Hawaiian homes commission, or their respective designees, shall serve as ~~[an]~~ ex officio ~~[+], [+]~~ voting ~~[member.]~~ members."

Thank you for your consideration of our testimony.

SB-2002-SD-1

Submitted on: 3/2/2026 6:12:52 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

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

Comments:

Aloha!

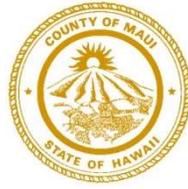
The Free Access Coalition supports SB2002.

[SB2002 SD1](#) would protect the Water Commission and its staff from being unduly influenced or even threatened by politically connected special interests, such as luxury real estate developers, multinational investment firms, or the U.S. military. **From Red Hill, to Lahaina, to Kona, we have seen the Water Commission’s work appear to be stifled, swayed, or even punished time and again** by those with close ties to the Governor’s office, which directs both the Commission’s chair AND its legal counsel.

Among other important provisions, this measure would accordingly require the Commission to choose its own chair, and to retain its own attorney instead of relying on the Governor's Attorney General, as well as establish clear performance standards that can protect its staff from arbitrary retaliation for simply doing their job.

RICHARD T. BISSEN, JR.
Mayor

JOSIAH K. NISHITA
Managing Director



OFFICE OF THE MAYOR
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
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TO: Senator Donovan M. Dela Cruz, Chair
Senator Sharon Y. Moriwaki, Vice Chair
Committee on Ways and Means

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Committee on Judiciary

FROM: Richard T. Bissen, Jr., Mayor
John Stufflebean, P.E., Director of Water Supply

DATE: March 2, 2026

SUBJECT: **COMMENTS ON SB2002 SD1 RELATING TO WATER**

Thank you for the opportunity to provide **COMMENTS** on this measure which allows the Commission on Water Resource Management to retain independent counsel. Repeals the First Deputy to the Chairperson of CWRM. Establishes the Executive Director of the CWRM. Administratively attaches the CWRM to the Department of Land and Natural Resources. Authorizes members of CWRM to be eligible to serve as chairperson. Requires the Chairperson of the Board of Land and Natural Resources and Director of Health to serve as ex officio voting members who are ineligible to serve as chairperson. Adds one member to the nominating committee for CWRM, to be appointed by the Chief Executive Officer of the Office of Hawaiian Affairs. Authorizes entities to whom an emergency order is directed to challenge the order under certain conditions. Clarifies the notification requirements and contents of declarations of water shortages. Establishes fines. Makes conforming amendments.

Our **COMMENTS** are as follows:

1. 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.
2. 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.

Mahalo for your consideration.

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

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



March 4, 2026

RICK BLANGIARDI
MAYOR
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

The Honorable Donovan M. Dela Cruz, Chair
and Members
Senate Committee on Ways and Means
Hawaii State Capitol, Room 211
Honolulu, Hawaii 96813

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

Dear Chair Dela Cruz, Chair Rhoads and Members:

Subject: Senate Bill 2002, SD 1: Relating to Water

The Honolulu Board of Water Supply (BWS) strongly supports Senate Bill (SB) 2002, Senate Draft (SD) 1, relating to water with some recommended changes. BWS has reviewed the provisions outlined in SB 2002, SD1, which makes several amendments to the Commission on Water Resource Management (Commission), and the state water code pursuant to Hawaii Revised Statutes (HRS) chapter 174C. The BWS would like to highlight its position on a few of these amendments as follows:

SECTION 2 – We support the Commission's ability to retain attorneys as necessary.

SECTION 3 - We support converting the first deputy to the chairperson to an executive director of the commission on water resource management. The BWS strongly supports this amendment as it reduces the potential political influence on important water decisions. Water is a critical resource to life, health, and our well-being. Back in the late 1920s, the territorial legislature also saw the problems with political influence over important 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 reduce the perception of political influence on water. The BWS strongly supports this concept being applied to the Commission. Like the BWS, this model would allow for more independence on water decisions that are vital for life for our community.

The Honorable Donovan M. Dela Cruz, Chair
The Honorable Karl Rhoads, Chair
and Members
March 4, 2026
Page 2

SECTION 4 – We support allowing the Commission to appoint and dismiss attorneys as may be necessary, who shall be exempt from chapter 76, HRS.

SECTION 5 – We support the amendments to Section 174C-6, HRS, which 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.

SECTION 6 - We support the proposed changes that would help improve the independence of the Commission to be able to make important water resources decisions that fulfill our State Constitution and eliminate a potential conflict of interest that exists. We offer the recommendation to proposed subsection (c) to state “(c) The chairperson of the board of land and natural resources or the chairperson’s designee and the director of health or the director’s designee. . . shall serve as ex officio voting members, but shall not be eligible to serve as the chairperson of the commission.”

SECTION 8

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.

SECTION 9

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

Thank you for the opportunity to testify on SB 2002, SD 1.

Very truly yours,



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

SB-2002-SD-1

Submitted on: 3/2/2026 9:04:54 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

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

Comments:

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Testimony Before The
Senate Committee on the Judiciary (JDC)
Senate Committee on Ways and Means (WAM)
IN SUPPORT OF SB2002 SD1

March 4, 2026, 10:35 a.m., Room 211 & via Videoconference

We are Olan Leimomi Fisher and Kevin Chang, Kua'āina Advocate and Executive Director, respectively, testifying on behalf of [Kua'āina Ulu 'Auamo \(or KUA\)](#). "Kua'āina Ulu 'Auamo" stands for "grassroots growing through shared responsibility," and our acronym "KUA" means "backbone." **Our mission is to connect and empower communities to improve their quality of life through the collective care for their biocultural (natural and cultural) heritage, serving as a "backbone organization" that supports creative and community-driven solutions to problems stemming from environmental degradation.** Hawai'i's biocultural resources continue to be negatively impacted by political, economic, and social changes, and the increasing dangers of climate change make fostering and empowering resilient communities acutely critical.

Currently KUA supports three major networks of: (1) over 40 mālama 'āina (caring for our 'āina or "that which feeds") community groups collectively referred to as E Alu Pū (moving forward together); (2) over 60 loko i'a (fishpond aquaculture systems unique to Hawai'i) and wai 'ōpae (anchialine pool systems) sites in varying stages of restoration and development, with numerous caretakers, stakeholders, and volunteers known as the Hui Mālama Loko I'a ("caretakers of fishponds"); and (3) the Limu Hui made up of over 50 loea (traditional experts) and practitioners in all things "limu" or locally-grown "seaweed." **Our shared vision is to once again experience what our kūpuna (ancestors) referred to as 'ĀINA MOMONA – abundant and healthy ecological systems that sustain our community resilience and well-being.**

KUA strongly supports SB2002 SD1 as a step toward achieving 'āina momona.

Mōhala i ka wai ka maka o ka pua.

Unfolded by the water are the faces of the flowers.

Flowers thrive where there is water, as thriving people are found where living conditions are good.¹

This measure reaffirms the state's obligation to uphold the constitutional rights of its people by ensuring the responsible and transparent management, conservation, and protection of our wai (freshwater) for sustaining healthy environments and people. The communities we work with are intimately aware of the significance of wai to their traditional and customary practices, as a part of the public trust and most importantly to support all life itself. Sustainable and effective management of our wai by the most qualified experts and staff for the Commission on Water Resource Management (CWRM) is *essential* for the health of us all, including both mauka and makai mālama 'āina practitioners, loko i'a, and our nearshore life such as limu.

¹ Pukui, Mary Kawena, 'Ōlelo No'eau: Hawaiian Proverbs & Poetical Sayings, #2178 (1983).

SB2002 SD1 will provide urgently-needed governmental reform for managing our wai, by allowing CWRM to obtain independent leadership and legal counsel and ensuring that its staff are evaluated based on transparent and objective performance standards. The penalties implemented through this measure will also help to prevent flagrant water code violations, and including an OHA representative on the commission nominating committee will also help ensure CWRM candidates are adept at Native Hawaiian water rights.

The communities we work with are committed to ensuring the long-term health of our biocultural resources that they have cared for and depended on for generations since time immemorial. **We believe protecting our environment, the foundation of our very existence, is about sustained and long-term commitments toward achieving ‘āina momona abundance once again.** To get there requires maintaining protections for mālama ‘āina, including through this bill, to protect necessary water quality standards for all the life and practices that clean wai sustains. Our decisions today will continue to shape the future that our keiki’s keiki’s keiki will one day inherit – we hope for a future of shared and harmonious abundance, and hope you do, too.

Mahalo nui loa for this opportunity to submit testimony. Please **PASS** SB2002 SD1.

Aloha ‘Āina Momona no nā kau ā kau.

SB-2002-SD-1

Submitted on: 3/3/2026 5:10:45 AM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Nakoʻolani Warrington	Testifying for Kupuna for the Moopuna	Support	Written Testimony Only

Comments:

STRONG SUPPORT for SB 2002 SD1

Please protect our precious water.

Support and pass this important bill. Mahalo.

Testimony of Nā Alakaʻi o ka ʻAhahui o Hawaiʻi
Before the Joint Senate Committees on Ways and Means and the Judiciary

Wednesday, March 4, 2026 at 10:35 am

State Capitol, Conference Room 211
415 South Beretania Street
Honolulu, HI 96813

Re: Support for SB2002, SD1 Relating to Water

Aloha e Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and Committee Members,

We are the alakaʻi of ʻAhahui o Hawaiʻi (“the Hui”), an organization of student advocates at the William S. Richardson School of Law. For over 50 years, the Hui has advocated for Native Hawaiian justice in all areas of law, especially those affecting Native Hawaiian communities, traditional and customary practices, resource management, and environmental protection. Today we submit this **testimony in strong support of SB2002, SD1.**

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

Most disappointing throughout this process has been the Commission on Water Resource Management’s (“CWRM”) inability or unwillingness to step in and act on its constitutional and statutory obligation to protect and manage our water resources. In a time when the Commission’s leadership and decisive action is needed more than ever, CWRM has been hamstrung by political interference from the Governor, the Department of Land and Natural Resources (“DLNR”), and large economic interests. One example is correspondence between former CWRM Chair Dawn Chang and some of the largest landowners in Maui Komohana revealing that Chair Chang, under direction of the Governor, unilaterally authorized the illegal pumping of groundwater to irrigate the Kapalua Golf Course. Moreover, the Attorney General has consistently rubber-stamped this and other politically-motivated decisions. This kind of maneuvering evidences the exact type of political instability that has plagued the Commission for years.

SB2002, SD1 is about making the structural changes necessary to cure historic issues within the agency and to provide CWRM with the independence and authority it needs to satisfy its constitutional directive to our most precious public trust resource. This bill would remove the politics from our

water policy by granting CWRM independence from DLNR. The proposed amendments are not new or radical ideas, but instead are based on recommendations made in a 1994 Report by the Review Commission on the State Water Code. The report suggested a restructuring of CWRM to afford the Commission the autonomy needed to effectively protect and preserve Hawaiʻi’s precious freshwater resources. As the last few years since the Lahaina fires have shown, reorganization is necessary to keep the politics out of our waters. While former Chair Chang and other commissioners may disagree that there are politics involved, the truth is that legacy diverters and those with power have and will continue to exert influence over the Chair and CWRM so long as it is housed within DLNR under the direction of the Governor. The provisions in this bill would separate the two, allowing CWRM to focus on its constitutional mandate and, importantly, empower the Commission to do its job and respond to devastating wildfires, the Kapūkakā (Red Hill) fuel leaks, and future water crises that may arise as the climate emergency intensifies. In Lahaina, SB2002, SD1 can expedite CWRM’s allocation of water for housing for fire survivors and alleviate the politicking that has slowed action on water use permitting.

Chief Justice Richardson, the namesake of our law school, set the foundation for modern water law and the public trust doctrine that we have today. His court set the precedent that water must be held in trust for the common good and cannot be privately owned or sold. As he would say, when it comes to water, “think of the little guy downstream.” We honor that legacy today by voicing our **support for SB2002, SD1**, a bill that protects the Commission from political interference and protects the “little guys” from commercial interests and antiquated plantation water policies that have plagued Hawaiʻi’s wai and its people for over a century.

Please vote today in support of SB2002, SD1 to free the Commission and free our streams.

Mahalo for the opportunity to provide this testimony.

E ola i ka wai!

Kyle K. Moriguchi (‘26)	Bronson Gonzales (‘26)
Lenei Sousa Naipo (‘27)	Derek Kamakanaaloha Soong (‘27)
Ka’ohi Gomera (‘27)	Kyson Kainalu James-Foree (‘27)
Justice Kao Castroverde-Moniz (‘27)	Taecia Kukui Akana (‘28)
Kalāmanamana Harman (‘28)	Sonny Dryden Kuehuikapono Seto Myers (‘28)
Kiana Kekoa (‘28)	



SENATE COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

SENATE COMMITTEE ON WAYS AND MEANS

Senator Donovan M. Dela Cruz, Chair
Senator Sharon Y. Moriwaki, Vice Chair

TESTIMONY IN **STRONG SUPPORT** OF SENATE BILL 2002 SD1

Wednesday, March 4, 2026, 10:35 a.m.
Conference Room 211 & Videoconference
State Capitol
415 South Beretania Street

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

Earthjustice **strongly supports Senate Bill 2002 SD1**, “Relating to Water.” This bill implements long-standing and long-overdue recommendations to improve the State Water Code, HRS chapter 174C, and ensure the independence of the state Commission on Water Resource Management along similar lines as the independent and professional Board of Water Supply on O‘ahu. As the bill’s preamble explains, these reforms are necessary to enable the commission to focus on priorities such as supporting affordable housing and protecting our precious water supplies, free from the external interference and distraction that has been seen under this administration since the Lahaina wildfires.

SB 2002’s beneficial amendments include:

- Allowing the commission the option to employ its own counsel, similar to many other specialized agencies (e.g., the Public Utilities Commission). This is important to ensure the commission’s independence since, throughout its history, the commission has 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 administrative agency, instead of its current position as 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 been undermined by undue political influence.
- Enhancing 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 2002'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 Water 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 that 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 kuleana in increasingly challenging times. It will enable the commission to focus on priorities like affordable housing more efficiently and professionally. It will 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

Testimony in Support of SB2002

Submitted to the Senate Committees on Judiciary and Ways and Means

by Evan Weber, Our Hawai'i, 3/4/2026

Chairs, Vice Chairs, and Committee Members,

On behalf of Our Hawai'i and our more than 38,000 members and supporters across the pae 'āina, we submit testimony in strong support of SB2002 SD1.

Water is a public trust. It is not a political prize, nor a private asset for those with influence. Our state Constitution and Water Code are clear: Hawai'i's freshwater resources must be protected for present and future generations, and for the cultural practices, ecosystems, and communities that depend on them.

Yet in recent years, the Commission on Water Resource Management has struggled to fulfill that mandate.

We saw this:

- In 2021, during the Red Hill disaster, when the Commission could not declare an emergency water shortage after the U.S. Navy contaminated O'ahu's primary aquifer with jet fuel and PFAS.
- In 2023, following the Lāhainā wildfires, when the Commission's Deputy Director was unilaterally reassigned amid controversy, raising serious concerns about political interference at a critical moment.
- In 2025, when drinkable groundwater was reportedly allowed to irrigate turf during a historic drought while residents faced severe restrictions.
- Today, as West Maui water use permit applications for homes, farms, and small businesses have remained unprocessed for years — effectively freezing housing and local economic recovery on the west side.

This pattern did not begin yesterday. For decades, the Water Commission has faced instability, leadership turnover, and outside pressure that undermine its ability to carry out its public trust responsibilities. In a time of accelerating climate change, prolonged drought, and increasing development pressure, this dysfunction is no longer sustainable.

SB2002 offers common-sense structural reforms to strengthen the independence, expertise, and accountability of the Commission. The goal is simple: objective, science-based water management insulated from political interference.

Local families need certainty. Kalo farmers need reliable stream flows. Native ecosystems need protection. Homebuilders need timely permitting decisions. And taxpayers need assurance that violations will result in meaningful enforcement.

We cannot properly house our people, protect cultural practices, or plan for long-term sustainability if the state does not know the condition of its water resources, cannot process permits in a timely manner, or cannot enforce the law when violations occur.

Water policy should not be driven by special treatment, shenanigans, or pay-to-play politics. It must be grounded in data, fairness, and the long-term well-being of our islands.

SB2002 strengthens the institutional framework necessary to uphold Hawai'i's constitutional public trust obligations and to ensure there is water enough for our communities — now and for generations to come. Mahalo for the opportunity to testify. We respectfully urge you to pass SB2002 SD1.

SB-2002-SD-1

Submitted on: 3/3/2026 8:59:03 AM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Barbara Kaaumoana	Testifying for Hanalei Watershed Hui	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair and members,

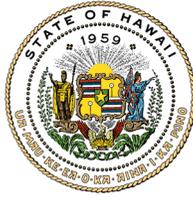
We **STRONGLY SUPPORT** SB 202SD1 and the independence and integrity of our Hawaii State Water Commission and its work on behalf of our resources and resilience.

Me ka pono

Makaala Kaaumoana

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
WAYS AND MEANS
and
JUDICIARY

Wednesday, March 4, 2026
10:35 A.M.
State Capitol, Conference Room 211

In consideration of
SENATE BILL 2002, SENATE DRAFT 1
RELATING TO WATER

Senate Bill 2002, Senate Draft 1 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 Department 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.

SB-2002-SD-1

Submitted on: 3/3/2026 9:35:59 AM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Karlo Tanjuakio	Testifying for GLSS	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members —

My name is Karlo Tanjuakio and I **STRONGLY SUPPORT SB2002 SD1**, to enable the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

With increasingly severe droughts and ever more revelations about new drinking water contamination threats, our need for careful, objective, and fair decisionmaking over Hawai'i's increasingly scarce water resources has never been more evident.

Unfortunately, from responding to the ongoing aquifer contamination underlying the Navy's Red Hill Facility, to issuing West Maui water use permits being pursued by both luxury "gentlemen farm" developers and bona fide kalo farmers, major upcoming water decisions by the Water Commission will be fraught with the risk of undue influence by powerful and politically connected special interests.

Now more than ever, we must act to mitigate this risk, starting with unilateral control that the Governor's office can exert over the Commission and its work.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. Currently, a Governor appointee - the Department of Land and Natural Resources director - 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, such as corporate water hoarders and military water polluters, 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 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.

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

With gratitude —

Karlo Tanjuakio



Hui o Nā Wai 'Ehā

Ola i ka wai WWW.HUIONAWAIEHA.ORG

Hui o Nā Wai 'Ehā Board of Directors

March 3, 2026

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**Maui Tomorrow
(Collaborator)**
Albert Perez
(Executive Director)

Legal Counsel
Isaac Moriwake
(Earthjustice)

To: Senate Committee on Ways and Means and Senate Committee on Judiciary

Hearing: March 4, 2026, 10:35 AM State Capitol Conference Room 211

Re: In Strong Support for SB2002 SD1: Relating to Water

Aloha e Senate Chairs Dela Cruz and Rhoads, and members of the Committees on Ways and Means, and Judiciary,

My name is Hōkūao Pellegrino, President of Hui o Nā Wai 'Ehā on the island of Maui. I'm testifying today in **strong support of SB2002 SD1.**

Hui o Nā Wai 'Ehā was established in 2003. Our mission is to advocate for the restoration and stewardship of mauka to makai streamflow in Waikapū, Wailuku, Waiehu, Waihe'e Streams on Maui, to protect the natural and cultural resources relate to traditional and customary practices of Native Hawaiian kuleana kalo farmers, and to engage the Maui community through outreach education programs and initiatives focused on water resources management. Our organization's core value is centered around "Ola i ka wai", which speaks to the importance of protecting one of our most important natural resources, the life-giving waters of Kāne Hui o Nā Wai 'Ehā strongly believes in and adheres to the Hawai'i's Water Code (HRS Ch. 174C) as well as the need for balanced decision making between instream and offstream uses of wai.

Hui o Nā Wai 'Ehā has an active community membership base of over 800 members and a following of over 10,000 throughout our social media outlets, many who are kuleana kalo and diversified agricultural farmers, educators, scientists, environmentalists, and concerned Maui and Hawai'i residents who share similar beliefs and practices in water resource management. We are an organization that has a watchful eye not only over water issues in Nā Wai 'Ehā but all across Maui, while engaging and educating members on their role in community-based water resource management.

Hui o Nā Wai 'Ehā (501c3) • 213 West Waikō Road, Wailuku, Maui, Hawaii 96793

(808) 430-4534 • Huionawai4@gmail.com • www.huionawaieha.org •  

The Mission of Hui o Nā Wai 'Ehā is to advocate for the restoration and stewardship of mauka to makai streamflow in Waikapū, Wailuku Waiehu, Waihe'e Streams (Nā Wai 'Ehā), to protect cultural and natural resources pertaining to traditional and customary practices of Native Hawaiian kuleana kalo farmers and to conduct water resource management education outreach programs for the Maui community.

We urge this Joint Committee to **pass SB2002, SD1**. Climate change is not going to wait another 25 years. We need a Commission that is empowered to take proactive steps to address Hawai'i's diminishing water supplies, not bending a knee to legacy plantation corporations trying to maintain their grip on our water resources for profit.

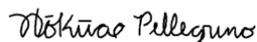
The former DLNR Chair's August 22, 2025 letter and related correspondence authorizing Maui Land and Pineapple to pump our precious groundwater to irrigate the Kapalua Golf Course is emblematic of the political maneuvering that has afflicted our water policy, particularly in the wake of the Maui fires. Even as many of us continue to appear before the Commission and this legislature in unified support of proactive management, before *and* after the fires, Chair Chang continued to undermine our repeated calls for ke kahuwai pono, the Water Commission's motto.

This bill is far from "reactionary," however. On the contrary, SB2202, SD1 implements the original intent of the Water Code when the legislature first established the Water Commission almost 40 years ago. Today, just like half a century ago, large landed interests continue to exert inappropriate influence over our water policy to the detriment of our communities, our streams, and our 'āina. The Commission's constitutional mandate has always been to protect and manage our water resources for the benefit of present and future generations. The amendments proposed in SB2002, SD1 have the potential to bring the law to life at a crucial point in our history and when Lahaina needs this the most. This is vital for housing for fire survivors in particular.

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

Please help us get our water management back on track and pass SB2002, SD1 today.

Ola i ka wai!



Hōkūao Pellegrino (Board President)

Hui o Nā Wai 'Ehā (501c3) • 213 West Waikō Road, Wailuku, Maui, Hawaii 96793

(808) 430-4534 • Huionawai4@gmail.com • www.huionawaieha.org •  

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Environmental Caucus of The Democratic Party of Hawai'i

LATE

Tuesday, March 3, 2026

To: Senator Donovan Dela Cruz, Chair, Ways and Means Committee (WAM),
Senator Sharon Y. Moriwaki, Vice Chair, and Members of the Ways Means Committee
Senator Karl Rhoads, Chair, Committee on Judiciary
Senator Mike Gabbard, Vice Chair, Committee on Judiciary
Re: SB 2002, SD 1, re Commission on Water Resource Management
Decision-making: March 4, 2026, 10:35 a.m. Conference Room 211 & video

Aloha, Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Members of the Senate Committees on Ways and Means and Judiciary!

On behalf of the approximately 6,680 members of the Environmental Caucus of the Democratic Party of Hawai'i, we respectfully request that the Senate Committees on Ways and Means and Judiciary **approve SB 2002 SD 1.**

We agree with much of the prior testimony by Hawaii Food + Policy and follow their recommendations. The bill is vital to help ensure that the Commission on Water Resource Management (CWRM) operates as an independent steward of the State's water resource. The bill addresses long-standing structural vulnerabilities that have allowed political pressure to undermine the CWRM's public trust duties. SB 2002 would strengthen water governance through several essential reforms:

First, it would create **structural autonomy** for CWRM. The bill would give CWRM greater independence from the Department of Land and Natural Resources (DLNR). It would replace the current deputy role with an Executive Director who is answerable directly to the Commission. Additionally, it would allow the CWRM commissioners to elect their own Chairperson, reducing the potential for external political influence.

Second, it would allow CWRM to have its own **independent legal counsel**: This would ensure consistent legal representation. This is essential if the Attorney General has a conflict of interest.

Third, the bill would **increase penalties** for water code violations up to \$60,000 per violation per day. This is essential. The current schedule of fines is toothless and not a deterrent as far as corporate water users are concerned.

Fourth, the bill would expressly provide for **indigenous knowledge** by adding a nominating committee member appointed by the Office of Hawaiian Affairs. This would help



ensure that Native Hawaiian water rights and traditional knowledge are prioritized during the leadership selection process.

Fifth, the bill would **modernize emergency management**: Drawing on lessons from the 2023 Maui wildfires, the bill would update protocols for water shortages. It mandates that the Commission consider the impacts of the climate crisis, and it would require transparent public notifications through newspapers and digital platforms. As Hawai'i faces escalating challenges from climate change and drought, Hawaii needs CWRM to be structurally empowered to prioritize long-term public interests.

We believe that improving the structural status of CWRM is vital to the long-term environmental well-being of the State of Hawai'i, and therefore the Environmental Caucus strongly supports this bill. Thank you very much in advance for considering our support.

Alan B. Burdick, Co-Chair burdick808@gmail.com

Mike Ewall, Co-Chair mike@energyjustice.net

Melodie Aduja, Co-Chair Emerita legislativepriorities@gmail.com

Environmental Caucus of the Democratic Party of Hawai'i



LATE

**SENATE COMMITTEE ON JUDICIARY
SENATE COMMITTEE ON WAYS AND MEANS**

March 4, 2026

10:35 AM

Conference Room 211

In SUPPORT of SB2002 SD1: RELATING TO WATER

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

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i **SUPPORTS SB2002 SD1**, which addresses 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.

As a preliminary matter, the Sierra Club notes that the concerns raised by the attorney general's office ignore *decades* of water-related attorney general advocacy and attorney general-advised decisionmaking by the Water Commission and other agencies, a history that evidences a longstanding pattern of unfair and in many cases unlawful bias in favor of corporate entities with significant political and financial capital. This includes but is not limited to:

- The attorney general's termination of the commission's assigned deputy attorney general in the Waiāhole contested case hearing, as a means to "cure" any conflict between the commission and the interests of other agencies more aligned with the large corporate and landowner parties in that case. *In re Waiāhole*, 94 Hawai'i 97 (2000);
- The attorney general-advised water commission's subsequent, repeated losses at the Hawai'i Supreme Court concerning water and the public trust:
 - *In re Wai'ola o Moloka'i*, 103 Hawai'i 401 (2004) (finding that the attorney general-advised water commission violated the Department of Hawaiian Homeland's (DHHL's) water reservation rights, which was established as a public trust purpose; unlawfully granted a water use permit to a commercial entity based on insufficient evidence; unlawfully granted an "interim" water use permit to that same entity for a new water use; and failed to protect constitutionally protected Native Hawaiian traditional and customary rights);
 - *In re Kukui*, 116 Hawai'i 481 (2007) (finding that the attorney general-advised water commission failed to adequately characterize DHHL's water reservation as a public trust purpose; failed to adequately scrutinize a corporate water user's request for water; failed to proactively consider how a hotel's closure would impact the corporation's water needs; and failed to require the corporate water user to demonstrate a lack of harm to Native Hawaiian traditional and customary rights);
 - *In re Petition to Amend Interim Instream Flow Stds. for Maui Streams*, No. SCWC-11-0001005, 2012 Haw. LEXIS 9 (Jan. 11, 2012) (finding that the attorney-general advised water commission violated the due process rights of East Maui Native Hawaiian traditional and customary practitioners impacted by stream flow decisions); *see also In re Petition to Amend Interim Instream Flow Standards for Waikamoi*, 128 Hawai'i 497 (ICA 2012) (same); and



SIERRA CLUB OF HAWAII

- *In re Surface Water Use Applications*, 154 Hawai'i 309 (2024) (finding that the attorney general-advised commission failed to consider how the closure of sugar operations would impact the former plantation's water needs; failed to assess and mitigate impacts to Native Hawaiian traditional and customary water rights consistent with the *Ka Pa'akai o ka 'Aina v. Land Use Comm'n* ruling; and failed to seriously assess alternative sources that may be available to meet the needs of a corporate water user);
among others;
- The troubling and conflicted nature of the attorney general's representation of other state agencies on water-related matters, as illustrated also by numerous court decisions such as:
 - *Carmichael v. Bd. of Land & Nat. Res.*, 150 Hawai'i 547 (2022) (finding that the attorney-general advised Board of Land and Natural Resources (BLNR) engaged in a "particularly troubling" practice of allowing water to be diverted under one-year revocable permits "for more than ten years —using a sweeping process that applied to hundreds of other permits—without scrutiny and without an adequate explanation as to why a continuance served the best interests of the State");
 - *BLNR v. Crabtree*, 154 Hawai'i 113 (2024) (finding that the attorney general's arguments about the need for more East Maui water to fight the 2023 Maui wildfires "were so manifestly and palpably without merit, so as to indicate bad faith");
 - *Sierra Club v. Bd. of Land & Nat'l Res.*, SCWC-22-0000516 (Hawai'i Sep. 5, 2025) (finding that the attorney-general advised BLNR violated the due process rights of water advocates by denying a contested case request for the issuance of East Maui stream diversion permits for 2021);
 - *Kia'i Wai O Wai'ale'ale v. BLNR*, SCWC-23-0000383 (Hawai'i Sep. 30, 2025) (rejecting the attorney general's oft-repeated argument that the BLNR has no jurisdiction to protect streams); and
 - *Sierra Club v. BLNR, Alexander & Baldwin, et. al.*, Civ. No. 1CCV-22-0000794 (Haw. Cir. Ct. Oct. 29, 2025) (finding that the attorney-general advised BLNR violated the due process rights of water advocates by denying a contested case request for the issuance of East Maui stream diversion permits for 2022, and ordering that future stream diversion permits do not allow for more water to be diverted from East Maui until the implementation of commission-ordered stream flow restoration requirements from 2022);
among others; and
- The attorney general-advised BLNR's ongoing refusal to apply Hawai'i Supreme Court and environmental court rulings relating to water and water rights, and the attorney general's continued flaunting of clearly applicable precedent. See *Sierra Club Appeals BLNR's Unconstitutional Rejection of Due Process, Public Trust in East Maui*, January 2026, available at <https://sierraclubhawaii.org/blog/east-maui-january-2026>.

Tellingly, the aforementioned decisions and actions by the attorney general and its agency "clients" have all been made in favor of large corporate interests with relatively significant financial and political capital, and to the detriment of small farmers, Native Hawaiian traditional and customary practitioners, and individual public trust stakeholders with little apparent financial resources or political connections.



Accordingly, any assertion by the attorney general that it can provide adequate legal counsel to the commission, free from conflict or perceived conflict between the water code and well-connected special interests who may be inconvenienced by the code and/or our public trust in water, is belied by a long history underscoring the commission's need for ready access to independent legal counsel.

Notably, the political vulnerabilities of the Commission and its staff that this bill seeks to address extend beyond its legal representation. Currently, the Commission's Chair is a member of the Governor's cabinet, as is its aforementioned 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 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 O'ahu's drinking water aquifer. Moreover, the proposed increase 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.

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



SIERRA CLUB

OF HAWAII

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 SD1. Mahalo nui for the opportunity to testify.

LATE

SB-2002-SD-1

Submitted on: 3/3/2026 2:22:01 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Lucienne de Naie	Testifying for Haiku Community Association	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

Haiku Community Association in Hamakualoa moku on Maui stands in **STRONG SUPPORT** of this bill. Our state Water commission and its staff needs to make its decisions based upon the clearest information possible- without political influence.

The current process allows great pressure to be put on whoever the the Governor and their administration may be to make decisions that may be expedient in the short term, but have profoundly negative consequences in the long term. Even our area, on the "wet" side of Maui has faced unprecedented droughts over the past two years. Our stream levels have dropped sharply from what we knew 20 years ago. We need water management decisions that consider long term trends, not only short term needs.

HB2002 SD1 would give the Stae Water Commission the ability to choose its own Chair, select its own executive director, and retain its own legal counse. The public feels that this gives much more accountability and transparency when the process occurs this way- insulated more from political pressures. Our Community Association has been around since the 1980's. It represents local farmers, cultural practioners, and residents of a rural area with many ststreams and many indivual well water systems. We urge your committees to pass this bill forward. We need fair, prudent and objective management of our water resources to fulfill the Public Trust objectives in our State Constitution.

Mahalo for you hard work and your consideration

Lucienne de Naie

President Haiku Community Association

LATE

SB-2002-SD-1

Submitted on: 3/3/2026 7:41:45 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Testifying for Hawaii Reef and Ocean Coalition	Comments	Written Testimony Only

Comments:

SUPPORT the various provisions providing greater independence for CWRM, excluding the authority to hire its own legal counsel.

SB-2002-SD-1

Submitted on: 3/2/2026 4:57:19 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, Support

2002 SB RELATING TO WATER.

SB-2002-SD-1

Submitted on: 3/2/2026 5:26:55 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

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

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

My name is Christy Shaver and I STRONGLY SUPPORT SB2002 SD1, to enable the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

With increasingly severe droughts and ever more revelations about new drinking water contamination threats, our need for careful, objective, and fair decisionmaking over Hawai'i's increasingly scarce water resources has never been more evident.

Unfortunately, from responding to the ongoing aquifer contamination underlying the Navy's Red Hill Facility, to issuing water use permits being pursued by both luxury "gentlemen farm" developers and bona fide kalo farmers, major upcoming water decisions by the Water Commission will be fraught with the risk of undue influence by powerful and politically connected special interests.

Now more than ever, we must act to mitigate this risk, starting with unilateral control that the Governor's office can exert over the Commission and its work.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. 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, such as corporate water hoarders and military water polluters, 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 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 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-SD-1

Submitted on: 3/2/2026 6:26:26 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

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

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

My name is BoBreda and I **STRONGLY SUPPORT SB2002 SD1**, to allow the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

With increasingly severe droughts and ever more revelations about new drinking water contamination threats, our need for careful, objective, and fair decisionmaking over Hawai'i's increasingly scarce water resources has never been more evident.

Unfortunately, from responding to the ongoing aquifer contamination underlying the Navy's Red Hill Facility, to issuing water use permits being pursued by both luxury "gentlemen farm" developers and bona fide kalo farmers, major upcoming water decisions by the Water Commission will be fraught with the risk of undue influence by powerful and politically connected special interests.

Now more than ever, we must act to mitigate this risk, starting with the unilateral control that the Governor's office can exert over the Commission and its work.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. 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, such as corporate water hoarders and military water polluters, can substantially interfere and have interfered with the work of the Commission, through the Governor's 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 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 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,
BoBreda

SB-2002-SD-1

Submitted on: 3/2/2026 6:34:00 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

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

Comments:

My name is Peter Wilson and I **STRONGLY SUPPORT SB2002 SD1**, to allow the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

With increasingly severe droughts and ever more revelations about new drinking water contamination threats, our need for careful, objective, and fair decisionmaking over Hawai'i's increasingly scarce water resources has never been more evident.

Unfortunately, from responding to the ongoing aquifer contamination underlying the Navy's Red Hill Facility, to issuing water use permits being pursued by both luxury "gentlemen farm" developers and bona fide kalo farmers, major upcoming water decisions by the Water Commission will be fraught with the risk of undue influence by powerful and politically connected special interests.

Now more than ever, we must act to mitigate this risk, starting with the unilateral control that the Governor's office can exert over the Commission and its work.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. 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, such as corporate water hoarders and military water polluters, can substantially interfere and have interfered with the work of the Commission, through the Governor's 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 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 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-SD-1

Submitted on: 3/2/2026 6:34:12 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Kealii Pang, Ph.D.	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

My name is Kealii Pang, Ph.D., and I am a Native Hawaiian resident of Honolulu testifying in STRONG SUPPORT of SB2002 SD1.

As someone with a doctorate who follows the intersection of science and policy, I can attest that the effective management of our water resources requires decisions based on data and the public trust, not political pressure. The recent crises at Red Hill and the ongoing disputes in West Maui are stark reminders that when politics interfere with science, our communities and our waters suffer.

SB2002 SD1 is a crucial and overdue reform to insulate the Commission on Water Resource Management from the undue influence of powerful special interests. The current structure, where the Commission’s chair and legal counsel are direct appointees of the Governor, creates a fundamental conflict of interest. It leaves the Commission vulnerable to retaliation and its staff fearful of simply doing their jobs.

This bill directly addresses these vulnerabilities by:

1. Allowing the Commission to choose its own chair and hire its own legal counsel, ensuring independent legal advice free from the Governor's influence.
2. Establishing clear performance standards for staff, protecting them from arbitrary political retribution.
3. Including an OHA appointee on the nominating committee, which is vital to ensuring that Native Hawaiian traditional and customary water rights are respected in future appointments.

For too long, the promise of the 1978 Constitutional Convention to protect our water for the people has been undermined by political maneuvering. SB2002 SD1 takes a bold and necessary step to fulfill that promise. I respectfully urge you to pass this measure.

Mahalo nui for the opportunity to testify.

Sincerely,
Kealii Pang, Ph.D.
Honolulu, Hawai'i

SB-2002-SD-1

Submitted on: 3/2/2026 6:36:13 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

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

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

My name is JJ Wassell and I **STRONGLY SUPPORT SB2002 SD1**, to allow the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

With increasingly severe droughts and ever more revelations about new drinking water contamination threats, our need for careful, objective, and fair decisionmaking over Hawai'i's increasingly scarce water resources has never been more evident.

Unfortunately, from responding to the ongoing aquifer contamination underlying the Navy's Red Hill Facility, to issuing water use permits being pursued by both luxury "gentlemen farm" developers and bona fide kalo farmers, major upcoming water decisions by the Water Commission will be fraught with the risk of undue influence by powerful and politically connected special interests.

Now more than ever, we must act to mitigate this risk, starting with the unilateral control that the Governor's office can exert over the Commission and its work.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. 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, such as corporate water hoarders and military water polluters, can substantially interfere and have interfered with the work of the Commission, through the Governor's 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 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 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,
JJ Wassell

SB-2002-SD-1

Submitted on: 3/2/2026 6:37:41 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Beppie Shapiro	Individual	Support	Written Testimony Only

Comments:

The Water Commission has responsibilities which are critical for islands plagued by drought and histories of unequal legal access to water source. To manage these responsibilities in the interest of all island residents, the Commission must be free from manipulation by interested parties who through wealth or relationships attempt to control Commission decisions that affect them.

SB2002 SD1 would take important steps to protect the independence and responsiveness of the Commission. Please pass this measure.

SB-2002-SD-1

Submitted on: 3/2/2026 6:41:13 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

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

Comments:

I am writing in **strong support** of SB2002, a measure that would strengthen the independence and effectiveness of the Water Commission by ensuring its leadership and legal counsel are structurally insulated from political pressure—whether from developers, corporate interests, or any other entity with influence in our state.

Why This Bill Is Necessary

Hawai‘i's water is our most precious public trust resource. It sustains our communities, our farms, our ecosystems, and our cultural practices. The Water Commission is charged with the solemn responsibility of managing this resource for the benefit of all people, in accordance with the Water Code and the Public Trust Doctrine. But the Commission's current governance structure creates inherent vulnerabilities that can hinder its ability to carry out this mission effectively.

Currently, the Commission's Chair is a member of the Governor's cabinet, and its legal counsel is provided by the Attorney General, who also serves at the pleasure of the Governor. This structure means that both key leadership positions are ultimately accountable to the executive branch, creating potential conflicts when the Commission must make decisions that affect powerful interests—whether luxury developers, multinational corporations, or federal agencies like the U.S. military.

From **Red Hill** to **Lahaina** to **Kona**, we have seen the consequences when water decisions become entangled with political considerations. In each case, the public interest demands that decisions be made based on the best available science and constitutional mandates—not on who has access to power. SB2002 addresses this challenge not by assigning blame, but by improving the structural independence that allows the Commission to do its job without fear or favor.

What SB2002 Does

SB2002 makes several targeted improvements to the Commission's governance structure:

1. **Independent Leadership:** The bill would allow Commission members to choose their own Chair from among their volunteer members, rather than having the Chair be a Governor's appointee. This ensures the Chair's primary accountability is to the Commission's mission, not to external political considerations.

2. **Independent Legal Counsel:** The Commission would be authorized to hire its own legal counsel when needed, supplementing the Attorney General's services with independent expertise. This is not a reflection on the Attorney General's office, but a recognition that complex water disputes may benefit from specialized counsel whose sole client is the Commission itself.
3. **Executive Director Protection:** The Commission would select its own executive director, with performance reviews based on documented, objective assessments. This protects dedicated public servants from arbitrary retaliation and ensures continuity of expertise.
4. **Meaningful Enforcement Tools:** The bill authorizes the Commission to impose more meaningful fines against water code violators. The current \$5,000 daily fine is insufficient to deter violations by well-resourced entities. This is simply about ensuring that the law applies equally to all.
5. **Broader Representation:** The bill allows the Office of Hawaiian Affairs' CEO to appoint a member of the Water Commission Nominating Committee, ensuring that Native Hawaiian rights and interests are fully considered in Commission appointments.

A Structural Solution for a Structural Challenge

It is important to emphasize that SB2002 is not about any particular administration or any individual. It is about creating a governance structure that serves Hawai'i well regardless of who holds office. Just as we have designed other public trust institutions—like the Judiciary or the Office of Hawaiian Affairs—to have appropriate independence from day-to-day political pressures, so too should our Water Commission be structured to make decisions based on the law and science, free from undue influence.

The Commission's dedicated staff work tirelessly to protect our water resources. They should be able to fulfill their constitutional and statutory obligations without fear of retaliation for simply doing their jobs. SB2002 provides the structural support they need and deserve.

Conclusion

Water is the foundation of life in Hawai'i. The decisions we make today about how to manage this precious resource will echo for generations. SB2002 is a thoughtful, measured step toward ensuring those decisions are made with integrity, independence, and a steadfast focus on the public interest.

I respectfully urge this committee to pass SB2002.

Mahalo for the opportunity to testify.

SB-2002-SD-1

Submitted on: 3/2/2026 7:32:23 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Chad K Taniguchi	Individual	Support	Written Testimony Only

Comments:

Please support this bill for a strong Water Commission.

SB-2002-SD-1

Submitted on: 3/2/2026 8:11:46 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Samuel M Mitchell	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

My name is Sam Mitchell and I **STRONGLY SUPPORT SB2002 SD1**, to allow the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

With increasingly severe droughts and ever more revelations about new drinking water contamination threats, our need for careful, objective, and fair decision-making over Hawai'i's increasingly scarce water resources has never been more evident.

Unfortunately, from responding to the ongoing aquifer contamination underlying the Navy's Red Hill Facility, to issuing water use permits being pursued by both luxury "gentlemen farm" developers and bona fide kalo farmers, major upcoming water decisions by the Water Commission will be fraught with the risk of undue influence by powerful and politically connected special interests.

Now more than ever, we must act to mitigate this risk, starting with the unilateral control that the Governor's office can exert over the Commission and its work.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. 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, such as corporate water hoarders and military water polluters, can substantially interfere with the work of the Commission, through the Governor's 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, the 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 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 in the Water Commission Nominating Committee, especially given the Commission's historical disregard of Native Hawaiian water rights in its decision-making. 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,
Samuel Mitchell Makiki NB1-10

SB-2002-SD-1

Submitted on: 3/2/2026 8:36:36 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

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

Comments:

would protect the Water Commission and its staff from being unduly influenced or even threatened by politically connected special interests, such as luxury real estate developers, multinational investment firms, or the U.S. military. From Red Hill, to Lahaina, to Kona, we have seen the Water Commission's work appear to be stifled, delayed, or even punished time and again by those with close ties to the Governor's office, which directs both the Commission's chair AND its legal counsel. Among other important provisions, this measure would require the Commission to choose its own chair and to retain its own attorney, as well as establish clear performance standards that can protect its staff from arbitrary retaliation for simply doing their job.

TESTIMONY FOR SB2002

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

My name is Betsy Bowen, and I STRONGLY SUPPORT SB2002 SD1, to allow the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

With increasingly severe droughts and water contamination threats, our need for careful, objective, and fair decision making over Hawai'i's scarce water resources has never been more important.

Major upcoming water decisions by the Water Commission are at a high risk of undue influence by powerful and politically connected special interests.

Now more than ever, we must act to eliminate this risk, starting with the unilateral control that the Governor's office can exert over the Commission and its work.

This bill would address political vulnerabilities that have allowed powerful special interests to interfere with the work of the Commission and its staff, since its very inception. 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, such as corporate water hoarders and military water polluters, can substantially interfere and have interfered with the work of the Commission, through the Governor's 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 allow Commission staff to fulfill their constitutional obligations without fear of 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 support the inclusion of an appointee of the Office of Hawaiian Affairs in the Water Commission Nominating Committee, especially given the Commission's historical disregard of Native Hawaiian water rights in its decision making. 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,

Betsy C Bowen

SB-2002-SD-1

Submitted on: 3/2/2026 10:03:37 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Kate Paine	Individual	Support	Written Testimony Only

Comments:

Influence from political pressures need not be in the decision making processes of the water commission. Please pass this bill to insure autonomy of commission.

SB-2002-SD-1

Submitted on: 3/2/2026 10:26:36 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
KEALA FUNG	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

My name is Keala Fung and I **STRONGLY SUPPORTSB2002 SD1**, to allow the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

With increasingly severe droughts and ever more revelations about new drinking water contamination threats, our need for careful, objective, and fair decisionmaking over Hawai'i's increasingly scarce water resources has never been more evident.

Unfortunately, from responding to the ongoing aquifer contamination underlying the Navy's Red Hill Facility, to issuing water use permits being pursued by both luxury "gentlemen farm" developers and bona fide kalo farmers, major upcoming water decisions by the Water Commission will be fraught with the risk of undue influence by powerful and politically connected special interests.

Now more than ever, we must act to mitigate this risk, starting with the unilateral control that the Governor's office can exert over the Commission and its work.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. 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, such as corporate water hoarders and military water polluters, can substantially interfere and have interfered with the work of the Commission, through the Governor's 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 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 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,
Keala Fung, Honolulu hi

SB-2002-SD-1

Submitted on: 3/2/2026 10:29:08 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

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

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

I **STRONGLY SUPPORT SB2002 SD1**, to enable the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

Please PASS this measure, as our water must be managed without political interference.

Thank you.

SB-2002-SD-1

Submitted on: 3/2/2026 10:37:42 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Guy Kudo	Individual	Support	Written Testimony Only

Comments:

To Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

Please PASS SB2002 SD1.

Our water is beyond precious and cannot be used as a political bargaining chip for special interests. The wai is for everyone.

Thank you.

SB-2002-SD-1

Submitted on: 3/2/2026 10:43:08 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

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

Comments:

Before the Joint Senate Committees on Ways and Means and the Judiciary

Wednesday, March 4, 2026 at 10:35 am

State Capitol, Conference Room 211

415 South Beretania Street

Honolulu, HI 96813

Re: Support for SB2002, SD1 Relating to Water

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

My name is Kaleookalani Naone. I am testifying in STRONG SUPPORT OF SB2002, SD1 because it protects the Water Commission from political interference and restores its independence to safeguard Hawai'i's public trust resource, our precious wai.

The current structure has left the Commission vulnerable to political influence and eroded public trust, most notably after the Lahaina wildfires, when the BLNR chair unilaterally suspended instream flow standards and removed the deputy director without cause. Since then, permit applications have stalled for years and no water shortage plan has advanced despite historic drought in Maui Komohana.

SB2002 restores the Commission's independence so it can fulfill its constitutional mandate to protect Hawai'i's wai for current and future generations, including for Native Hawaiian

traditional and customary rights, which the Hawai'i Supreme Court has made clear may not be regulated out of existence, and which require agencies to do more than act as neutral umpires by affirmatively conducting a Ka Pa'akai analysis to identify, protect, and mitigate impacts to those rights. Under the current structure, the commission is hamstrung from effectively carrying out its duties, making these reforms essential for decisive, independent action.

Passing SB2002, SD1 is essential to establish an executive director appointed by the Commission, separate the land board chair from Commission leadership, strengthen enforcement and regulatory powers, permit the Commission to retain independent counsel, and improve the nomination process by adding an appointee from the Office of Hawaiian Affairs, ensuring qualified and accountable governance.

Please vote in SUPPORT of SB2002, SD1 and in favor of our public trust and the po'e of Hawai'i.

Mahalo for the opportunity to provide this testimony.

E ola i ka wai!

Kaleookalani Naone

SB-2002-SD-1

Submitted on: 3/2/2026 10:45:35 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

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

Comments:

Support for SB2002, SD1 Relating to Water

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

My name is Kalani Garcia, I am testifying in STRONG SUPPORT OF SB2002, SD1 because it protects the Water Commission from political interference and restores its independence to safeguard Hawai‘i’s public trust resource, our precious wai.

The current structure has left the Commission vulnerable to political influence and eroded public trust, most notably after the Lahaina wildfires, when the BLNR chair unilaterally suspended instream flow standards and removed the deputy director without cause. Since then, permit applications have stalled for years and no water shortage plan has advanced despite historic drought in Maui Komohana.

SB2002 restores the Commission’s independence so it can fulfill its constitutional mandate to protect Hawai‘i’s wai for current and future generations, including for Native Hawaiian traditional and customary rights, which the Hawai‘i Supreme Court has made clear may not be regulated out of existence, and which require agencies to do more than act as neutral umpires by affirmatively conducting a Ka Pa‘akai analysis to identify, protect, and mitigate impacts to those rights. Under the current structure, the commission is hamstrung from effectively carrying out its duties, making these reforms essential for decisive, independent action.

Passing SB2002, SD1 is essential to establish an executive director appointed by the Commission, separate the land board chair from Commission leadership, strengthen enforcement and regulatory powers, permit the Commission to retain independent counsel, and improve the

nomination process by adding an appointee from the Office of Hawaiian Affairs, ensuring qualified and accountable governance.

Please vote in SUPPORT of SB2002, SD1 and in favor of our public trust and the po‘e of Hawai‘i.

Mahalo for the opportunity to provide this testimony.

E ola i ka wai

Kalani Garcia

SB-2002-SD-1

Submitted on: 3/2/2026 10:53:49 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Briggs	Individual	Support	Written Testimony Only

Comments:

To: Joint Senate Committees on Ways and Means & Judiciary

Date/Time: Wednesday, March 4, 2026, 10:35 am Location: Conference Room 211 / 415 S. Beretania St.

Re: Support for SB2002, SD1 (Relating to Water)

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

My name is Michael Briggs, and **I strongly support SB2002, SD1**. This bill is vital to protecting Hawai'i's public trust resource by restoring the Water Commission's independence.

Recent events, particularly following the Lahaina wildfires, have exposed the Commission's vulnerability to political interference. Unilateral decisions to suspend flow standards and remove leadership without cause have eroded public trust and stalled critical water management during historic droughts.

SB2002, SD1 ensures the Commission can fulfill its constitutional mandates by:

- Establishing an Executive Director appointed by the Commission.
- Separating the BLNR Chair from Commission leadership.
- Granting the Commission the power to retain independent legal counsel.
- Strengthening enforcement and the nomination process, including an OHA appointee.

These reforms are essential for the Commission to affirmatively protect Native Hawaiian traditional and customary rights rather than acting as a "neutral umpire."

Please vote **SUPPORT** to ensure accountable, independent governance of our water for future generations.

Mahalo nui,

Michael Briggs

TESTIMONY IN SUPPORT OF S.B. 2002, S.D. 1

Relating to Water

COMMITTEE ON WAYS AND MEANS

Senator Donovan M. Dela Cruz, Chair Senator Sharon Y. Moriwaki, Vice Chair

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair Senator Mike Gabbard, Vice Chair

Hearing Date: Mar 4, 2026, 10:35 a.m.

Aloha Chairs, Vice Chairs, and Members of the Committees:

I respectfully submit testimony in strong support of S.B. 2002, S.D. 1 SB2002 SD, Related to Water, especially that provision concerning the appointment of **one member to the nominating committee for the commission on water resource management by the chief executive officer of the Office of Hawaiian Affairs**

.From a Hawaiian perspective, water is not merely a resource — it is *wai*, the very essence of life. The word *waiwai*(wealth) reflects that true abundance comes from the presence of fresh water. Our ancestors understood that without flowing streams, thriving lo‘i kalo, and replenished aquifers, there is no life, no culture, and no future for our po‘e.

The Hawai‘i State Constitution affirms this ancestral understanding by declaring water a public trust resource to be protected, controlled, and regulated for the benefit of the people. That constitutional mandate echoes traditional Hawaiian values of *kuleana* (responsibility), *pono* (righteous balance), and intergenerational stewardship.

For these reasons, it is critically important that the Commission on Water Resource Management be structured to function independently, transparently, and effectively.

1. Strengthening Independence and Avoiding Conflicts

This measure clarifies that the Commission shall have exclusive jurisdiction over water matters and be attached to the Department of Land and Natural Resources for administrative purposes only. It removes inherent conflicts by ensuring that the Chairperson of the Board of Land and Natural Resources may not serve as Chair of the Commission and allows Commission members to elect their own chair.

Water is too important to be subject to political pressure or structural conflicts. Independent governance restores public confidence and honors the constitutional public trust doctrine.

2. Establishing an Executive Director Accountable to the Commission

The bill repeals the “first deputy” structure and establishes an Executive Director appointed by and answerable directly to the Commission. This is a significant and appropriate reform.

The Executive Director will be evaluated annually based on documented goals and performance measures tied to statutory and constitutional duties. This enhances accountability while ensuring professional management focused solely on water resource protection.

3. Allowing Independent Legal Counsel

The bill permits the Commission to retain independent legal counsel. Given the complexity and high stakes of water litigation in Hawai‘i, the Commission must be able to obtain legal representation that is free from conflicts of interest.

Water decisions often affect powerful economic interests. The Commission must be empowered to defend the public trust without institutional constraints that could compromise its duty to the people.

4. Inclusion of Hawaiian Expertise and OHA Participation

The bill strengthens the nominating process by adding a representative appointed by the Chief Executive Officer of the Office of Hawaiian Affairs to the nominating committee.

It also maintains the requirement that at least one commissioner possess substantial experience or expertise in traditional Hawaiian water resource management and riparian usage.

This is essential. Traditional Hawaiian water management was sophisticated, sustainable, and community-based. Including ‘ike Hawai‘i in leadership ensures decisions are grounded in both science and cultural practice.

5. Addressing Water Shortage and Climate Crisis Realities

The measure updates water shortage provisions and requires the Commission to consider impacts and effects of the climate crisis when determining shortages.

Climate change is not theoretical for Hawai‘i. We are already seeing drought, saltwater intrusion, and catastrophic wildfire risk. Proactive authority to declare shortages, issue emergency orders, and require compliance protects both public safety and ecological health.

6. Establishing Meaningful Penalties

The bill modernizes penalties for violations of the State Water Code, increasing fines and clarifying that each day of violation constitutes a separate offense.

Water violations are not minor technical infractions — they can permanently damage aquifers, streams, and ecosystems. Meaningful enforcement tools are necessary to deter misuse and ensure fairness to responsible water users.

In Hawaiian thought, water connects mountain to sea — *mai uka a i kai*. When water governance fails, the consequences ripple across ecosystems, communities, agriculture, housing, and culture.

S.B. 2002, S.D. 1 strengthens the institutional framework necessary to uphold the constitutional public trust and the ancestral understanding that wai is life. It enhances independence, accountability, cultural inclusion, enforcement authority, and climate readiness.

For these reasons, I respectfully urge this Committee to pass S.B. 2002, S.D. 1.

In closing, while every aspect of the bill is important, I would ask that if there is a way, please assure the passage of that provision that states, “Add one member to the nominating committee for the commission on water resource management to be appointed by the chief executive officer of the Office of Hawaiian Affairs;”. This is the one provision that has the support of everyone as they recognize the value that that person would bring to the committee.

Mahalo for the opportunity to testify.

Respectfully submitted,

Leimomi Khan

SB-2002-SD-1

Submitted on: 3/2/2026 11:10:13 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Amanda Millin	Individual	Support	Written Testimony Only

Comments:

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

My name is Amanda Millin. I am a kupa of Mānoa, a haumāna loko i‘a, and a graduate of Scripps Institution of Oceanography, and I am in STRONG SUPPORT of SB2002 SD1.

Mōhala i ka wai ka maka o ka pua. (Unfolded by the water are the faces of the flowers.) Flowers thrive where there is water, as thriving people are found where living conditions are good. (Pukui, Mary Kawena, ‘Ōlelo No‘eau: Hawaiian Proverbs & Poetical Sayings, #2178 (1983)).

Since time immemorial, wai was understood as a public trust resource, to be carefully managed, conserved, and protected for the community both today, and for generations into the future. This understanding along with traditional Hawaiian land and water stewardship practices helped to support a population of a million residents or more, sustainably and without impairing the ecological systems that are the foundation of life in these islands.

Unfortunately, the public trust in wai was eventually upended by the small but powerful handful of industrial interests that took control over Hawai‘i’s government for much of the last century. This oligarchy used their ill-gained power to exploit and hoard our water resources for generations, for their own private gain and at the expense of our watersheds, streams, estuaries, farmers, cultural practitioners, and the general public. As a result, our islands and people are facing incredible vulnerabilities tied to diminished aquifer recharge, compromised watersheds, poisoned agricultural lands, food insecurity and dependencies on imported and processed foods, impaired fisheries, and generational traumas that continue to haunt us to this day.

Alongside so many others, I dream of and work towards building a better future for Hawai‘i. A future where people are connected to and support our land and each other, where culture thrives, and where we are secure in our ability to feed, house, and care for ourselves, while ensuring the same for our future generations. All of these efforts require us to restore balance in our water management decisions, to uphold the public trust in wai, and to ensure that our water is administered for the benefit of all—not just a few connected special interests.

That is why this bill is so important, and why I am urging you to pass SB2002 SD1. For too long, the public trust in wai has continued to be impaired by those willing and able to use their

connections with the Office of the Governor, across multiple administrations, to maintain their private control over our most precious resource. By allowing for independent leadership and legal counsel, and ensuring staff are evaluated based on transparent and objective performance standards, this bill will take away some of the tools that powerful private entities have used to unfairly stifle the work of the Water Commission, and to undermine the public trust, and the public's trust, in the government's management of our wai.

Enhanced penalties in this bill will also help even the playing field for deep-pocket water code violators, and the inclusion of an OHA representative on the Water Commission Nominating Committee will help to ensure that commission candidates are vetted for their knowledge of long-neglected Hawaiian water rights.

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

Me ka ha'aha'a,

Amanda

SB-2002-SD-1

Submitted on: 3/3/2026 1:10:37 AM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Malia Marquez	Individual	Support	Written Testimony Only

Comments:

Aloha Kākou,

I am in **STRONG** support of SB 2002. Passing SB2002 would allow the Water Commission to better fulfill its mission for everyone's collective benefit. Because life in our islands is nothing without abundant freshwater.

Mahalo for your time on this crucial matter,

Ola I ka wai!

Malia Marquez

SB-2002-SD-1

Submitted on: 3/3/2026 2:44:02 AM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Dr. Osa Maiyanne Adaján	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

My name is Dr. Osa Maiyanne Adaján and I STRONGLY SUPPORT SB2002 SD1, to enable the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

With increasingly severe droughts and ever more revelations about new drinking water contamination threats, our need for careful, objective, and fair decisionmaking over Hawai'i's increasingly scarce water resources has never been more evident.

Unfortunately, from responding to the ongoing aquifer contamination underlying the Navy's Red Hill Facility, to issuing West Maui water use permits being pursued by both luxury "gentlemen farm" developers and bona fide kalo farmers, major upcoming water decisions by the Water Commission will be fraught with the risk of undue influence by powerful and politically connected special interests.

Now more than ever, we must act to mitigate this risk, starting with unilateral control that the Governor's office can exert over the Commission and its work.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. Currently, a Governor appointee - the Department of Land and Natural Resources director - 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, such as corporate water hoarders and military water polluters, 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 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 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,

Dr. Osa Maiyanne Adaján,

1L Student, William S. Richardson School of Law

SB-2002-SD-1

Submitted on: 3/3/2026 4:22:54 AM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Plowman	Individual	Support	Written Testimony Only

Comments:

Strongly support!

SB-2002-SD-1

Submitted on: 3/3/2026 4:59:31 AM

Testimony for JDC on 3/4/2026 10:35:00 AM

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

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

My name is William Reese Liggett and I **STRONGLY SUPPORT SB2002 SD1**, to allow the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

With increasingly severe droughts and ever more revelations about new drinking water contamination threats, our need for careful, objective, and fair decisionmaking over Hawai'i's increasingly scarce water resources has never been more evident.

Unfortunately, from responding to the ongoing aquifer contamination underlying the Navy's Red Hill Facility, to issuing water use permits being pursued by both luxury "gentlemen farm" developers and bona fide kalo farmers, major upcoming water decisions by the Water Commission will be fraught with the risk of undue influence by powerful and politically connected special interests.

Now more than ever, we must act to mitigate this risk, starting with the unilateral control that the Governor's office can exert over the Commission and its work.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. 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, such as corporate water hoarders and military water polluters, can substantially interfere and have interfered with the work of the Commission, through the Governor's 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 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 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-SD-1

Submitted on: 3/3/2026 6:41:24 AM

Testimony for JDC on 3/4/2026 10:35:00 AM

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

Comments:

My name is Chris Marie Anton and I **STRONGLY SUPPORT SB2002 SD1**, to enable the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

With increasingly severe droughts and ever more revelations about new drinking water contamination threats, our need for careful, objective, and fair decisionmaking over Hawai'i's increasingly scarce water resources has never been more evident.

Unfortunately, from responding to the ongoing aquifer contamination underlying the Navy's Red Hill Facility, to issuing West Maui water use permits being pursued by both luxury "gentlemen farm" developers and bona fide kalo farmers, major upcoming water decisions by the Water Commission will be fraught with the risk of undue influence by powerful and politically connected special interests.

Now more than ever, we must act to mitigate this risk, starting with unilateral control that the Governor's office can exert over the Commission and its work.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. Currently, a Governor appointee - the Department of Land and Natural Resources director - 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, such as corporate water hoarders and military water polluters, 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 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 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 Marie Anton

SB-2002-SD-1

Submitted on: 3/3/2026 7:39:03 AM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Kim Jorgensen	Individual	Support	Written Testimony Only

Comments:

I STRONGLY SUPPORT THIS BILL.

SB-2002-SD-1

Submitted on: 3/3/2026 7:40:02 AM

Testimony for JDC on 3/4/2026 10:35:00 AM

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

Comments:

Hello Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

My name is Nanea Lo and I **STRONGLY SUPPORT SB2002 SD1**, to enable the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

With increasingly severe droughts and ever more revelations about new drinking water contamination threats, our need for careful, objective, and fair decisionmaking over Hawai'i's increasingly scarce water resources has never been more evident.

Unfortunately, from responding to the ongoing aquifer contamination underlying the Navy's Red Hill Facility, to issuing West Maui water use permits being pursued by both luxury "gentlemen farm" developers and bona fide kalo farmers, major upcoming water decisions by the Water Commission will be fraught with the risk of undue influence by powerful and politically connected special interests.

Now more than ever, we must act to mitigate this risk, starting with unilateral control that the Governor's office can exert over the Commission and its work.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. Currently, a Governor appointee - the Department of Land and Natural Resources director - 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, such as corporate water hoarders and military water polluters, 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 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 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.

Me ke aloha 'āina,

Nanea Lo, 96826

Sierra Club of Hawai'i Member

Hawai'i Workers Center Board Member

Clean Elections Hawai'i Member

Honolulu Tenants Union Member

350 Hawai'i Member

Carbon Cashback Hawai'i Member

Hawai'i Tax Fairness Coalition Member

SB-2002-SD-1

Submitted on: 3/3/2026 7:41:01 AM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Denise Boisvert	Individual	Support	Written Testimony Only

Comments:

I STRONGLY SUPPORT THIS BILL.

Senate Committees on Ways and Means and the Judiciary
Wednesday, March 4, 2026 at 10:35 am
State Capitol, Conference Room 211
415 South Beretania Street
Honolulu, HI 96813

Re: Support for SB2002, SD1 Relating to Water

Aloha e Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, and Committee Members,

I am an attorney with Ka Huli Ao Center for Excellence in Native Hawaiian Law at the William S. Richardson School of Law. For the last 3 years, I have been providing legal and other support to families in Maui Komohana around the water use permit application process, which is administered by the Water Commission. However, I submit **testimony in strong support of SB2002, SD1** in my personal capacity.

There are ample accounts in the media and correspondence revealed through the Uniform Information Practices Act that evidence the Governor exercising direct control over the Water Commission's leadership and staff on behalf of corporate diverters and others who profit from taking water for private uses, especially in a post-Lahaina Fire environment. SB2002, SD1 would correct the structural flaw that allows politics to steer what was intended to be an independent authority tasked with managing our precious water resources as an island-nation.

The proposed amendments in SB2002, SD1 are taken from recommendations made in a 1994 Report by the Review Commission on the State Water Code as authorized by this Legislature. Over the course of 5 years, the comprehensive Review Commission conducted 52 regular meetings with representatives from federal, state, and county agencies responsible for protecting, regulating, and managing Hawai'i's water resources, and 12 public informational meetings and 10 public hearings throughout Hawai'i.

Please honor the foresight of your predecessors who understood that water as a public trust must be managed prudently without interference from politics and vote to support SB2002, SD1.

Humbly,

Kaulu Lu'uwai

SB-2002-SD-1

Submitted on: 3/3/2026 7:54:52 AM

Testimony for JDC on 3/4/2026 10:35:00 AM

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

Comments:

I STRONGLY SUPPORT SB2002 SD1, to allow the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

With increasingly severe droughts and ever more revelations about new drinking water contamination threats, our need for careful, objective, and fair decisionmaking over Hawai'i's increasingly scarce water resources has never been more evident.

Unfortunately, from responding to the ongoing aquifer contamination underlying the Navy's Red Hill Facility, to issuing water use permits being pursued by both luxury "gentlemen farm" developers and bona fide kalo farmers, major upcoming water decisions by the Water Commission will be fraught with the risk of undue influence by powerful and politically connected special interests.

Now more than ever, we must act to mitigate this risk, starting with the unilateral control that the Governor's office can exert over the Commission and its work.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. 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, such as corporate water hoarders and military water polluters, can substantially interfere and have interfered with the work of the Commission, through the Governor's 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 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 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.

SB-2002-SD-1

Submitted on: 3/3/2026 8:12:31 AM

Testimony for JDC on 3/4/2026 10:35:00 AM

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

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

My name is Leo and I **STRONGLY SUPPORT SB2002 SD1**, to allow the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

With increasingly severe droughts and ever more revelations about new drinking water contamination threats, our need for careful, objective, and fair decisionmaking over Hawai'i's increasingly scarce water resources has never been more evident.

Unfortunately, from responding to the ongoing aquifer contamination underlying the Navy's Red Hill Facility, to issuing water use permits being pursued by both luxury "gentlemen farm" developers and bona fide kalo farmers, major upcoming water decisions by the Water Commission will be fraught with the risk of undue influence by powerful and politically connected special interests.

Now more than ever, we must act to mitigate this risk, starting with the unilateral control that the Governor's office can exert over the Commission and its work.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. 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, such as corporate water hoarders and military water polluters, can substantially interfere and have interfered with the work of the Commission, through the Governor's 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 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 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, Nu'uano

SB-2002-SD-1

Submitted on: 3/3/2026 8:16:21 AM

Testimony for JDC on 3/4/2026 10:35:00 AM

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

Comments:

This bill will protect the water commission from being influenced by special interests

SB-2002-SD-1

Submitted on: 3/3/2026 8:34:03 AM

Testimony for JDC on 3/4/2026 10:35:00 AM

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

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

My name is Madison Owens and I **STRONGLY SUPPORT SB2002 SD1**, to enable the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

With increasingly severe droughts and ever more revelations about new drinking water contamination threats, our need for careful, objective, and fair decision-making over Hawai'i's increasingly scarce water resources has never been more evident.

Unfortunately, from responding to the ongoing aquifer contamination underlying the Navy's Red Hill Facility, to issuing West Maui water use permits being pursued by both luxury "gentlemen farm" developers and bona fide kalo farmers, major upcoming water decisions by the Water Commission will be fraught with the risk of undue influence by powerful and politically connected special interests.

Now more than ever, we must act to mitigate this risk, starting with unilateral control that the Governor's office can exert over the Commission and its work.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. Currently, a Governor appointee - the Department of Land and Natural Resources director - 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, such as corporate water hoarders and military water polluters, 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 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 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,

Madison Owens

SB-2002-SD-1

Submitted on: 3/3/2026 8:34:24 AM

Testimony for JDC on 3/4/2026 10:35:00 AM

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

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

My name is Lory Ono, and I **STRONGLY SUPPORT SB2002 SD1**, to allow the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

With increasingly severe droughts and ever more revelations about new drinking water contamination threats, our need for careful, objective, and fair decisionmaking over Hawai'i's increasingly scarce water resources has never been more evident.

Unfortunately, from responding to the ongoing aquifer contamination underlying the Navy's Red Hill Facility, to issuing water use permits being pursued by both luxury "gentlemen farm" developers and bona fide kalo farmers, major upcoming water decisions by the Water Commission will be fraught with the risk of undue influence by powerful and politically connected special interests.

Now more than ever, we must act to mitigate this risk, starting with the unilateral control that the Governor's office can exert over the Commission and its work.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. 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, such as corporate water hoarders and military water polluters, can substantially interfere and have interfered with the work of the Commission, through the Governor's 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 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 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,
Lory Ono

SB-2002-SD-1

Submitted on: 3/3/2026 8:37:24 AM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Raquel Runnels	Individual	Support	Written Testimony Only

Comments:

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

My name is Raquel, and I'm a Kanaka 'ōiwi from the island of O'ahu. I am submit this testimony in **STRONG SUPPORT** of SB2002.

In many indigenous communities, we know the importance of wai (water). Ola Ika Wai (Water is life). For our people, it is not simply a resource to be allocated— it is a public trust, a sacred responsibility, and the foundation of our communities. The State Constitution affirms that water must be protected for the benefit of present and future generations. That responsibility requires independence, integrity, and freedom from political interference.

In recent years, public trust in Water Commission has been shaken. And the aftermath of Lahaina wildfires, unilateral decisions, affected live stream, flow standards, and internal leadership raise serious concerns about transparency and political influence. Meanwhile, permit application applications have lingered for years, and progress on comprehensive water shortage plan has stalled— even as part of the state face historic drought conditions.

When housing project struggled to secure water while large commercial interest continue to receive allocations, a deepens public concern about whether the system is functioning equitably and an alignment with the constitutional mandate.

SB2002 is a necessary step towards restoring confidence. By shielding Commission staff and board members from political interference, this bill strengthens the independence required to steward our wai responsibly. Decisions about water must be guided by law, science and the public trust doctrine— **NOT POLITICS**.

For the sake of our wai, 'āina (land), lāhui, and future generations, I respectfully urge you to pass SB2002.

E ola i ka wai,

Raquel S. Runnels

resident of Wahiawā, O'ahu

SB-2002-SD-1

Submitted on: 3/3/2026 8:45:20 AM

Testimony for JDC on 3/4/2026 10:35:00 AM

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

Comments:

I STRONGLY SUPPORT SB2002 SD1, to allow the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

With increasingly severe droughts and ever more revelations about new drinking water contamination threats, our need for careful, objective, and fair decisionmaking over Hawai'i's increasingly scarce water resources has never been more evident.

Unfortunately, from responding to the ongoing aquifer contamination underlying the Navy's Red Hill Facility, to issuing water use permits being pursued by both luxury "gentlemen farm" developers and bona fide kalo farmers, major upcoming water decisions by the Water Commission will be fraught with the risk of undue influence by powerful and politically connected special interests.

Now more than ever, we must act to mitigate this risk, starting with the unilateral control that the Governor's office can exert over the Commission and its work.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. 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, such as corporate water hoarders and military water polluters, can substantially interfere and have interfered with the work of the Commission, through the Governor's 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 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 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

SB-2002-SD-1

Submitted on: 3/3/2026 8:52:15 AM

Testimony for JDC on 3/4/2026 10:35:00 AM

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

Comments:

SB 2002: **Support** March 3, 2026

Susan Gorman-Chang

Aloha Chair Rhoads, Chair Dela Cruz, and members of the Judiciary and Ways & Means Committees,

I very strongly support the passage of SB2002 SD1 because I believe that Hawaii’s freshwater resources should be managed for the benefit of all residents, not just those with special connections to the wealthy and powerful, including the military.

The Water Commission is responsible for implementing Hawaii’s Water Code, which is special and unique due to its Native Hawaiian wisdom, because it includes ensuring that the state’s public trust obligations to protect our most precious resources and the cultural practices that rely on it are upheld. Unfortunately, the Water Commission has struggled to fulfill that mission. Most

painfully and most recently:

- 2021 during the Red Hill water disaster when the Water Commission *could not declare an emergency water shortage* when the U.S. Navy contaminated O’ahu’s primary aquifer with jet fuel and PFAS,
- 2023 after the Lahaina wildfires when the most effective Deputy Director for the Water Commission was unilaterally reassigned by the Director of the Department of Land and Natural Resources on false accusations that he had not released water to fight the fires,
- 2025 when the Chair of the Water Commission improperly allowed a golf course to use drinkable groundwater to irrigate turf grass during an historic drought while most residents are on severe water restrictions,
- 2026, applications for water use permits for homes, farms, and businesses in West Maui have not been processed. It’s been almost 3 years. Because of this delay, no permits can be issued for new water uses – like for new homes – on the westside of Maui.

Sadly, this pattern has ensured for decades. This mismanagement in a time of climate crisis means that Hawaii now faces a major water crisis.

Our laws, which have the best of intentions, need to be strengthened to ensure the safety of our water on our islands. We need *objective, expert management of our water* resources so that there is water enough for everyone here over the long-term. With these amendments, the Water Commission will be better able to meet the needs of our native ecosystems, and all of our people – from kalo farmers and home builders to hotels and water parks. To properly house our local families, we need the Commission to know the state of our water resources, to be able to *issue permits on a timely basis, and to impose meaningful fines if ever there is a violation.*

The amendments sought in SB2002 are common sense, reasonable tweaks to how the Water Commission operates that better insulate it from outside interference and better empower it to make decisions that center the longevity of our islands' most precious resource.

The time has come for everyone in Hawaii to recognize that there is no role for politics in our water policies. Access to clean water is a human right according to the United Nations and literally its impact means life or death. When we can work together towards shared goals – no special treatment, no shenanigans, no pay to play – then we can ensure that our precious, imperiled water resources are well-stewarded for local families now and generations to come.

Please pass SB2002 today. Mahalo!

SB-2002-SD-1

Submitted on: 3/3/2026 9:10:33 AM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Marshall Hung	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

My name is Marshall Hung and I **STRONGLY SUPPORT SB2002 SD1**, to enable the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

With increasingly severe droughts and ever more revelations about new drinking water contamination threats, our need for careful, objective, and fair decision making over Hawai‘i’s increasingly scarce water resources has never been more evident.

Unfortunately, from responding to the ongoing aquifer contamination underlying the Navy’s Red Hill Facility, to issuing West Maui water use permits being pursued by both luxury “gentlemen farm” developers and bona fide kalo farmers, major upcoming water decisions by the Water Commission will be fraught with the risk of undue influence by powerful and politically connected special interests.

Now more than ever, we must act to mitigate this risk, starting with unilateral control that the Governor’s office can exert over the Commission and its work.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. Currently, a Governor appointee - the Department of Land and Natural Resources director - 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, such as corporate water hoarders and military water polluters, 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 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 in the Water Commission Nominating Committee, especially given the Commission's historical disregard of Native Hawaiian water rights in its decision making. 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,

Marshall Hung

SB-2002-SD-1

Submitted on: 3/3/2026 9:15:42 AM

Testimony for JDC on 3/4/2026 10:35:00 AM

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

Comments:

I STRONGLY SUPPORT SB2002 SD1 that strengthens water governance through several essential reforms, and in particular, which would enable the Water Commission and its staff to implement the Water Code without fear of political retribution. Please pass this critical bill to ensure an independent Water Commission. Mahalo.

Senate Committee on Judiciary
Senate Committee on Ways and Means
Hearing on SB2002 SD1 on March 4, 2026 at 10:35 am
Conference Room 211 and videoconference

SUPPORT

My name is John Kawamoto, and I support this bill because it will help insulate the Water Commission and its staff from being unduly influenced by special interests.

Life is in the water. The core mission of the Water Commission is to manage, regulate, and protect Hawaii's water resources for the benefit of the people of Hawaii. Unfortunately, however, the Water Commission has been unduly influenced by special interests, such as luxury real estate developers, multinational investment firms, and the U.S. military, primarily because of a flaw in the organizational structure of the Water Commission.

For example, in the Waiahole water case, the Hawaii Supreme Court expressed "serious misgivings" about the conflicts and political pressures influencing the Water Commission which "did nothing to improve public confidence in government and the administration of justice in this state." These problems include the inherent conflict of interest that stems from the Chairperson of the Board of Land and Natural Resources also presiding as the Chairperson of the Water Commission. The Commission also lacks the ability to employ its own legal staff, and consequently was left without the assistance of legal counsel in the historic Waiahole case when the Department of the Attorney General terminated its representation of the Water Commission and opposed its recommendations.

By requiring the Water Commission to choose its own Chairperson, select its own executive director, and retain its own legal counsel, this measure will help provide the political insulation necessary for the objective management of our water resources for the people of Hawaii.

For the foregoing reasons, I urge the joint committee to pass the bill.

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

My name is Scott Alan Kaimi Garlough and I am a kupa of Kalihi and I am in STRONG SUPPORT of SB2002 SD1.

Since time immemorial, wai was understood as a public trust resource, to be carefully managed, conserved, and protected for the community both today, and for generations into the future. This understanding along with traditional Hawaiian land and water stewardship practices helped to support a population of a million residents or more, sustainably and without impairing the ecological systems that are the foundation of life in these islands.

Unfortunately, the public trust in wai was eventually upended by the small but powerful handful of industrial interests that took control over Hawai'i's government for much of the last century. This oligarchy used their ill-gained power to exploit and hoard our water resources for generations, for their own private gain and at the expense of our watersheds, streams, estuaries, farmers, cultural practitioners, and the general public. As a result, our islands and people are facing incredible vulnerabilities tied to diminished aquifer recharge, compromised watersheds, poisoned agricultural lands, food insecurity and dependencies on imported and processed foods, impaired fisheries, and generational traumas that continue to haunt us to this day.

I and so many others are working to build a better future for Hawai'i - where people are connected to and support our land and each other, where culture thrives, and where we are truly secure in our ability to feed, house, and care for ourselves, and ensure the same for our future generations. However, all of these efforts require us to restore balance in our water management decisions, to uphold the public trust in wai, and to ensure that our water is truly administered for the benefit of all, and not just a few connected special interests.

That is why this bill is so important, and why I am urging you to pass SB2002 SD1 today. For too long, the public trust in wai has continued to be impaired by those willing and able to use their connections with the Office of the Governor, across multiple administrations, to maintain their private control over our most precious resource. By allowing for independent leadership and legal counsel, and ensuring staff are evaluated based on transparent and objective performance standards, this bill will take away some of the tools that powerful private entities have used to unfairly stifle the work of the Water Commission, and to undermine the public trust, and the public's trust, in the government's management of our wai.

Enhanced penalties in this bill will also help even the playing field for deep-pocket water code violators, and the inclusion of an OHA representative on the Water Commission

Nominating Committee will help to ensure that commission candidates are vetted for their knowledge of long-neglected Hawaiian water rights.

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

Scott A. K. Garlough

SB-2002-SD-1

Submitted on: 3/3/2026 11:58:59 AM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Angela Chon	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

My name is Angela and I STRONGLY SUPPORT SB2002 SD1, to enable the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

With increasingly severe droughts and ever more revelations about new drinking water contamination threats, our need for careful, objective, and fair decisionmaking over Hawai'i's increasingly scarce water resources has never been more evident.

Unfortunately, from responding to the ongoing aquifer contamination underlying the Navy's Red Hill Facility, to issuing water use permits being pursued by both luxury "gentlemen farm" developers and bona fide kalo farmers, major upcoming water decisions by the Water Commission will be fraught with the risk of undue influence by powerful and politically connected special interests.

Now more than ever, we must act to mitigate this risk, starting with unilateral control that the Governor's office can exert over the Commission and its work.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. 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, such as corporate water hoarders and military water polluters, 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 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 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,

Angela Chon

SB-2002-SD-1

Submitted on: 3/3/2026 12:06:22 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Keke Manera	Individual	Support	Written Testimony Only

Comments:

Aloha kākou,

Politics have long interfered with decisions about Hawaii's freshwater resources, evident in the aftermath of the Lahaina wildfires where the BLNR Chair suspended instream flow standards without input. The Commission has since failed to act on permit applications and develop a water shortage plan amid historic drought. SB2002 aims to shield the Water Commission from political interference, allowing it to focus on conserving and protecting water resources. The bill's passage would help the Commission fulfill its mission for the collective benefit, but wealthy interests are working to stop it. Please support SB2002 for the sake of fresh water! Ola I ka wai 💧

Mahalo,
Keke M.

SB-2002-SD-1

Submitted on: 3/3/2026 12:26:40 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

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

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

My name is Keri Zacher and I **STRONGLY SUPPORT SB2002 SD1**, to allow the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

With increasingly severe droughts and ever more revelations about new drinking water contamination threats, our need for careful, objective, and fair decisionmaking over Hawai'i's increasingly scarce water resources has never been more evident.

Unfortunately, from responding to the ongoing aquifer contamination underlying the Navy's Red Hill Facility, to issuing water use permits being pursued by both luxury "gentlemen farm" developers and bona fide kalo farmers, major upcoming water decisions by the Water Commission will be fraught with the risk of undue influence by powerful and politically connected special interests.

Now more than ever, we must act to mitigate this risk, starting with the unilateral control that the Governor's office can exert over the Commission and its work.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. 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, such as corporate water hoarders and military water polluters, can substantially interfere and have interfered with the work of the Commission, through the Governor's 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 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 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

SB-2002-SD-1

Submitted on: 3/3/2026 12:46:40 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
DIANE CHOY FUJIMURA	Individual	Support	Written Testimony Only

Comments:

/Cmd+VAloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

Protect the integrity of the Water Commission, do not let the Governor or other influences undermine the work of the Water Commission.

My name is Diane Choy Fujimura and I **STRONGLY SUPPORT SB2002 SD1**, to allow the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

With increasingly severe droughts and ever more revelations about new drinking water contamination threats, our need for careful, objective, and fair decisionmaking over Hawai'i's increasingly scarce water resources has never been more evident.

Unfortunately, from responding to the ongoing aquifer contamination underlying the Navy's Red Hill Facility, to issuing water use permits being pursued by both luxury "gentlemen farm" developers and bona fide kalo farmers, major upcoming water decisions by the Water Commission will be fraught with the risk of undue influence by powerful and politically connected special interests.

Now more than ever, we must act to mitigate this risk, starting with the unilateral control that the Governor's office can exert over the Commission and its work.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. 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, such as corporate water hoarders and military water polluters, can substantially interfere and have interfered with the work of the Commission, through the Governor's 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 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 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,

Diane Choy Fujimura

SB-2002-SD-1

Submitted on: 3/3/2026 1:47:45 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Mina Elison	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

My name is Mina Elison and I **STRONGLY SUPPORT SB2002 SD1**, to allow the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

With increasingly severe droughts and ever more revelations about new drinking water contamination threats, our need for careful, objective, and fair decisionmaking over Hawai'i's increasingly scarce water resources has never been more evident.

Unfortunately, from responding to the ongoing aquifer contamination underlying the Navy's Red Hill Facility, to issuing water use permits being pursued by both luxury "gentlemen farm" developers and bona fide kalo farmers, major upcoming water decisions by the Water Commission will be fraught with the risk of undue influence by powerful and politically connected special interests.

Now more than ever, we must act to mitigate this risk, starting with the unilateral control that the Governor's office can exert over the Commission and its work.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. 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, such as corporate water hoarders and military water polluters, can substantially interfere and have interfered with the work of the Commission, through the Governor's 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 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 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,
Mina Ellison

SB-2002-SD-1

Submitted on: 3/3/2026 1:53:30 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
ANDREW ISODA	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

My name is Andrew Isoda and I **STRONGLY SUPPORT SB2002 SD1**, to allow the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

With increasingly severe droughts and ever more revelations about new drinking water contamination threats, our need for careful, objective, and fair decisionmaking over Hawai'i's increasingly scarce water resources has never been more evident.

Unfortunately, from responding to the ongoing aquifer contamination underlying the Navy's Red Hill Facility, to issuing water use permits being pursued by both luxury "gentlemen farm" developers and bona fide kalo farmers, major upcoming water decisions by the Water Commission will be fraught with the risk of undue influence by powerful and politically connected special interests.

Now more than ever, we must act to mitigate this risk, starting with the unilateral control that the Governor's office can exert over the Commission and its work.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. 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, such as corporate water hoarders and military water polluters, can substantially interfere and have interfered with the work of the Commission, through the Governor's 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 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 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,
Andrew Isoda
Lahaina, Mau'i

LATE

SB-2002-SD-1

Submitted on: 3/3/2026 3:35:44 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Earl Kim	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

My name is Earl Kim and I **STRONGLY SUPPORT SB2002 SD1**, to allow the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

With increasingly severe droughts and ever more revelations about new drinking water contamination threats, our need for careful, objective, and fair decisionmaking over Hawai'i's increasingly scarce water resources has never been more evident.

Unfortunately, from responding to the ongoing aquifer contamination underlying the Navy's Red Hill Facility, to issuing water use permits being pursued by both luxury "gentlemen farm" developers and bona fide kalo farmers, major upcoming water decisions by the Water Commission will be fraught with the risk of undue influence by powerful and politically connected special interests.

Now more than ever, we must act to mitigate this risk, starting with the unilateral control that the Governor's office can exert over the Commission and its work.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. 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, such as corporate water hoarders and military water polluters, can substantially interfere and have interfered with the work of the Commission, through the Governor's 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 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 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,
Earl J. Kim

LATE

SB-2002-SD-1

Submitted on: 3/3/2026 4:22:23 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Beth McDermott	Individual	Support	Written Testimony Only

Comments:

I STRONGLY SUPPORT SB2002 SD1, to allow the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

With increasingly severe droughts and ever more revelations about new drinking water contamination threats, our need for careful, objective, and fair decisionmaking over Hawai'i's increasingly scarce water resources has never been more evident.

Unfortunately, from responding to the ongoing aquifer contamination underlying the Navy's Red Hill Facility, to issuing water use permits being pursued by both luxury "gentlemen farm" developers and bona fide kalo farmers, major upcoming water decisions by the Water Commission will be fraught with the risk of undue influence by powerful and politically connected special interests.

Now more than ever, we must act to mitigate this risk, starting with the unilateral control that the Governor's office can exert over the Commission and its work.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. 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, such as corporate water hoarders and military water polluters, can substantially interfere and have interfered with the work of the Commission, through the Governor's 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 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 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.

Beth McDermott

LATE

SB-2002-SD-1

Submitted on: 3/3/2026 7:18:31 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Sharde Freitas	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

My name is Sharde Freitas and I **STRONGLY SUPPORT SB2002 SD1**, to allow the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

With increasingly severe droughts and ever more revelations about new drinking water contamination threats, our need for careful, objective, and fair decisionmaking over Hawai'i's increasingly scarce water resources has never been more evident.

Unfortunately, from responding to the ongoing aquifer contamination underlying the Navy's Red Hill Facility, to issuing water use permits being pursued by both luxury "gentlemen farm" developers and bona fide kalo farmers, major upcoming water decisions by the Water Commission will be fraught with the risk of undue influence by powerful and politically connected special interests.

Now more than ever, we must act to mitigate this risk, starting with the unilateral control that the Governor's office can exert over the Commission and its work.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. 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, such as corporate water hoarders and military water polluters, can substantially interfere and have interfered with the work of the Commission, through the Governor's 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 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 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,

Sharde Freitas

LATE

SB-2002-SD-1

Submitted on: 3/3/2026 10:07:14 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Elle Vincioni	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

My name is **Elle Vincioni** and I **STRONGLY SUPPORT SB2002 SD1**, to allow the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

I was one of the thousands of people back in 2021 that experienced the effects of the U.S. Navy's impact on Hawai'i's water when I woke up one morning to find black oil in my drinking water. Unfilterable. Undrinkable.

With increasingly severe droughts and ever more revelations about new drinking water contamination threats, our need for careful, objective, and fair decisionmaking over Hawai'i's increasingly scarce water resources has never been more evident.

Unfortunately, from responding to the ongoing aquifer contamination underlying the Navy's Red Hill Facility, to issuing water use permits being pursued by both luxury "gentlemen farm" developers and bona fide kalo farmers, major upcoming water decisions by the Water Commission will be fraught with the risk of undue influence by powerful and politically connected special interests.

Now more than ever, we must act to mitigate this risk, starting with the unilateral control that the Governor's office can exert over the Commission and its work.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. 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, such as corporate water hoarders and military water polluters, can substantially interfere and have interfered with the work of the Commission, through the Governor's 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 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 in the Water Commission Nominating Committee, especially given the Commission's historical disregard of Kānaka Maoli 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,
Elle Vincioni

LATE

SB-2002-SD-1

Submitted on: 3/3/2026 10:34:43 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Sydney Chung	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

My name is Sydney Chung and I **STRONGLY SUPPORT SB2002 SD1**, to enable the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

With increasingly severe droughts and ever more revelations about new drinking water contamination threats, our need for careful, objective, and fair decisionmaking over Hawai'i's increasingly scarce water resources has never been more evident.

Unfortunately, from responding to the ongoing aquifer contamination underlying the Navy's Red Hill Facility, to issuing West Maui water use permits being pursued by both luxury "gentlemen farm" developers and bona fide kalo farmers, major upcoming water decisions by the Water Commission will be fraught with the risk of undue influence by powerful and politically connected special interests.

Now more than ever, we must act to mitigate this risk, starting with unilateral control that the Governor's office can exert over the Commission and its work.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. Currently, a Governor appointee - the Department of Land and Natural Resources director - 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, such as corporate water hoarders and military water polluters, 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 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 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,

Sydney Chung

LATE

SB-2002-SD-1

Submitted on: 3/3/2026 10:35:46 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Breanne Fong	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

My name is Breanne Fong and I **STRONGLY SUPPORT SB2002 SD1**, to allow the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

With increasingly severe droughts and ever more revelations about new drinking water contamination threats, our need for careful, objective, and fair decisionmaking over Hawai'i's increasingly scarce water resources has never been more evident.

Unfortunately, from responding to the ongoing aquifer contamination underlying the Navy's Red Hill Facility, to issuing water use permits being pursued by both luxury "gentlemen farm" developers and bona fide kalo farmers, major upcoming water decisions by the Water Commission will be fraught with the risk of undue influence by powerful and politically connected special interests.

Now more than ever, we must act to mitigate this risk, starting with the unilateral control that the Governor's office can exert over the Commission and its work.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. 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, such as corporate water hoarders and military water polluters, can substantially interfere and have interfered with the work of the Commission, through the Governor's 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 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 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,
Breanne Fong

LATE

SB-2002-SD-1

Submitted on: 3/4/2026 12:54:28 AM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Stephanie Chang	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

My name is Stephanie Chang and I **STRONGLY SUPPORT SB2002 SD1**, to allow the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

Water is the source of life. It is a shared, public resource that no one can own, and must be for the benefit of all.

Thank you for the opportunitith to submit public testimony.

Me ke aloha,
Stephanie Chang, Kaimuki
House District 19, Senate District 10

LATE

SENATOR KARL RHOADS, CHAIR
SENATOR MIKE GABBARD, VICE-CHAIR
SENATOR DONOVAN M. DELA CRUZ, CHAIR
SENATOR SHARON Y. MORIWAKI, VICE-CHAIR

SENATE COMMITTEES ON JUDICIARY & WAYS AND MEANS

Testimony in Support of SB 2002, SD1: Relating to Water

Wednesday, March 4, 2026, 10:35 a.m.
Conference Room 211 & Videoconference
Hawai'i State Capitol
415 South Beretania Street

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

I am writing to share my strong support for SB 2002, SD1: Relating to Water. Please pass this bill to finally implement amendments that were identified by the 1994 Review Commission to improve Hawai'i's Water Code. Politicking in the wake of the 2023 Lahaina Wildfire has underscored how important these amendments are to ensure that our Water Commission can fulfill its constitutional and statutory mandates while minimizing political influences.

Although I am testifying in my personal capacity, I have some experience in this area. I am a Professor of Law at the University of Hawai'i at Mānoa's William S. Richardson School of Law and the Director of Ka Huli Ao Native Hawaiian Law Center. I teach and write in this highly specialized area, including the Law School's courses in Water Law and Native Hawaiian Rights. I have also directed the Environmental Law and Native Hawaiian Rights Clinics where we explore water use permitting, water rights determinations, traditional and customary practices, and more. I have supervised over fifty law students who invested thousands of hours supporting community members seeking to operationalize various aspects of Hawai'i's Water Code, from establishing or revising interim instream flow standards, to effectuating Water Management Designation and related Water Use Permitting. I am also a practicing attorney with over twenty-five years of litigation experience in Native Hawaiian and Environmental Law.

In my nearly three decades of practice before Hawai'i's Water Commission, I have never witnessed the level of political interference and politicking that took place in the wake of the 2023 Lahaina Wildfire and since. The investigation and reassignment of former Commission Deputy Kaleo Manuel and the delays and irregularities in water use permitting (including the issuance of a letter allowing drinking water to be used for golf course irrigation without a permit) are notable examples. These illustrations are more than disappointing – they undermine the integrity of the Water Commission and the law itself.

Please help to redress these and other issues by passing SB 2002, SD1 today. Mahalo for your time and aloha.

Me ka ha'aha'a,

D. Kapua Sproat
kapua.sproat@gmail.com

LATE

SB-2002-SD-1

Submitted on: 3/4/2026 3:58:30 AM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Kristen Young	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

I STRONGLY SUPPORT SB2002 SD1, to allow the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

With increasingly severe droughts and ever more revelations about new drinking water contamination threats, our need for careful, objective, and fair decisionmaking over Hawai'i's increasingly scarce water resources has never been more evident.

Unfortunately, from responding to the ongoing aquifer contamination underlying the Navy's Red Hill Facility, to issuing water use permits being pursued by both luxury "gentlemen farm" developers and bona fide kalo farmers, major upcoming water decisions by the Water Commission will be fraught with the risk of undue influence by powerful and politically connected special interests.

Now more than ever, we must act to mitigate this risk, starting with the unilateral control that the Governor's office can exert over the Commission and its work.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. 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, such as corporate water hoarders and military water polluters, can substantially interfere and have interfered with the work of the Commission, through the Governor's 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 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 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,

Kristen Young
Honolulu, HI 96813

LATE

SB-2002-SD-1

Submitted on: 3/4/2026 6:32:59 AM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Kaylene Sheldon	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

My name is Kauwila Sheldon and I **STRONGLY SUPPORT SB2002 SD1**, to allow the Water Commission and its staff to implement the Water Code with the intention of managing wai using 'ike kūpuna and allowing knowledgeable kanaka 'ōiwi input.

With the irresponsible military contaminating our sacred wai. We must look deeply and seriously ti the kaona and voices of our past. We must reflect into the wisdom and voices of our past. The increasingly severe droughts and the ever-growing revelations about new drinking water contamination threats have made it abundantly clear that we need careful, objective, and fair decision-making over Hawai'i's increasingly scarce water resources.

Wai is sacred to Kanaka 'Ōiwi Hawai'i. Wai is more part of our survival, mo'olelo, and mo'okū'auhau. E nānā i ke kumu. Ola i ka wai a ka 'ōpua, There is life in the water from the clouds. Our view of wai is more than the water cycle. We are wai. Wai is not separate from us where we own it like western thought, we are wai. Mōhala i ka wai ka maka o ka pua, which translates to "Unfolded by the water are the faces of flowers meaning people are like flowers where there is water, there is people living. E ola!

Unfortunately, the incident at Kapūkakī was and is negligent on the U.S Navy's part and there mindset is different. Why should Hawai'i conform to western mentality when it harms human life?

It is important that the Governor works mindfully and carefully with the water code, the Commission, and knowledgeable kūpuna, hopefully in the future the Governor has less power in appointing or recommending officials because his decisions and some of the decisions of his predecessors have not been fair nor trustworthy.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. 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, such as corporate water hoarders and military water polluters, can substantially interfere and have interfered with the work of the Commission, through the Governor's 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 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 in the Water Commission and a Kanaka Maoli Ōiwi Hawai'i community member as well. 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.

Me kealoha pumehana,
Kauwila Sheldon

LATE

SB-2002-SD-1

Submitted on: 3/4/2026 6:45:11 AM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Patricia Blair	Individual	Support	Written Testimony Only

Comments:

Strongly support

LATE

SB-2002-SD-1

Submitted on: 3/4/2026 8:09:27 AM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Mavis Oliveira-Medeiros	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

My name is **Mavis Oliveira-Medeiros & Earle K Medeiros, Sr. & Jr.** and we **STRONGLY SUPPORT SB2002 SD1**, to allow the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

With increasingly severe droughts and ever more revelations about new drinking water contamination threats, our need for careful, objective, and fair decisionmaking over Hawai'i's increasingly scarce water resources has never been more evident.

Unfortunately, from responding to the ongoing aquifer contamination underlying the Navy's Red Hill Facility, to issuing water use permits being pursued by both luxury "gentlemen farm" developers and bona fide kalo farmers, major upcoming water decisions by the Water Commission will be fraught with the risk of undue influence by powerful and politically connected special interests.

Now more than ever, we must act to mitigate this risk, starting with the unilateral control that the Governor's office can exert over the Commission and its work.

This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. 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, such as corporate water hoarders and military water polluters, can substantially interfere and have interfered with the work of the Commission, through the Governor's 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 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 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 and its history in making recommendations to the Governor for new commissioners.

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

Sincerely,
Mavis Oliveira-Medeiros

Earle Medeiros, Sr.

Earle Medeiros, Jr.

(808)866-7409

LATE

SB-2002-SD-1

Submitted on: 3/4/2026 9:15:03 AM

Testimony for JDC on 3/4/2026 10:35:00 AM

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

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki, and Committee Members,

My name is Kyle Oba and I STRONGLY SUPPORT SB2002 SD1, to allow the Water Commission and its staff to implement the Water Code without fear of political interference or retribution.

With increasingly severe droughts and ever more revelations about new drinking water contamination threats, our need for careful, objective, and fair decisionmaking over Hawai'i's increasingly scarce water resources has never been more evident.

Unfortunately, from responding to the ongoing aquifer contamination underlying the Navy's Red Hill Facility, to issuing water use permits being pursued by both luxury "gentlemen farm" developers and bona fide kalo farmers, major upcoming water decisions by the Water Commission will be fraught with the risk of undue influence by powerful and politically connected special interests.

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This bill would address political vulnerabilities that have allowed powerful special interests to unduly interfere with the work of the Commission and its staff, since its very inception. 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, such as corporate water hoarders and military water polluters, can substantially interfere and have interfered with the work of the Commission, through the Governor's 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 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 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,
Kyle Oba