



**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. 2, RELATING TO WATER.

BEFORE THE:

HOUSE COMMITTEE ON WATER & LAND

DATE: Tuesday, March 17, 2026

TIME: 9:00 a.m.

LOCATION: State Capitol, Room 411

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Alyssa-Marie Y. Kau, Deputy Attorney General

Chair Hashem and Members of the Committee:

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

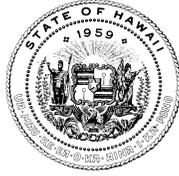
from the wide range of experience and expertise in a cost-effective and conflict-free manner. Attorneys retained by the CWRM would not possess the breadth of knowledge and experience available within the Department of the Attorney General. Additionally, because state agencies are regulated by a variety 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.

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

We respectfully request that this Committee hold the bill. Thank you for the opportunity to testify.

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

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



KALI WATSON
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 Hawai'i

P. O. BOX 1879
HONOLULU, HAWAII 96805

TESTIMONY OF KALI WATSON, CHAIR
HAWAIIAN HOMES COMMISSION
BEFORE THE HOUSE COMMITTEE ON
WATER AND LAND
ON MARCH 17, 2026 AT 9:00AM IN CR 411

SB2002, SD2, RELATING TO WATER

March 17, 2026

Aloha Chair Hashem, Vice Chair Morikawa, and members of the Committee:

The Department of Hawaiian Home Lands (DHHL) **supports with amendments** this bill which makes several 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.

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 House Committee on
WATER & LAND

Tuesday, March 17, 2026
9:00 A.M.
State Capitol, Conference Room 411

In consideration of
SENATE BILL 2002, SENATE DRAFT 2
RELATING TO WATER

Senate Bill 2002, Senate Draft 2 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) so that it would 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 Department supports the provisions in SB2002, SD2 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.

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, SD2 proposes several structural changes to the Commission’s leadership and placement within State government. As the Legislature evaluates these proposals, the Department respectfully offers several administrative and operational considerations for further discussion.

Governance Structure and Administrative Capacity

Many of the concerns raised regarding the pace of Commission actions are real and deserve serious consideration. However, it is important to distinguish between governance structure and administrative capacity. CWRM currently has 33 budgeted positions and almost no footprint outside of Honolulu. The Commission operates with a very small administrative infrastructure and relies on shared Departmental services for information technology, human resources, and fiscal management. The agency does not currently have dedicated staff for procurement, contracts, or budget and expenditure tracking. In addition, the Commission carries a statewide constitutional and statutory mandate with an annual operating budget of approximately five million dollars. Structural reorganization alone would not address these capacity constraints.

One goal of the bill is to increase the Commission’s institutional independence by administratively attaching it to the Department. However, administrative attachment is a significant form of connection in state government. It encompasses the systems that allow an

agency to function on a day-to-day basis. These administrative systems control hiring, expenditure of funds, and implementation of programs. Separating the Commission's leadership from its administration risks creating a disconnect between CWRM's programs and the administrative functions that support them.

Leadership

The bill proposes to replace the current Deputy Director with an Executive Director who would serve at the pleasure of the Commission and whose performance would be evaluated publicly by the Commission itself on an annual basis, consistent with Sunshine Law requirements, with the potential for more frequent evaluations upon request of at least four members of the Commission. While accountability is important, this structure may create new challenges. A volunteer commission may have limited time to engage with the full range of administrative constraints that shape executive branch operations, including civil service hiring rules, procurement timelines, and budget limitations. These dynamics may create uncertainty around expectations, authority, and performance evaluation for a position that already carries substantial responsibility.

Further, the proposed structure relies on a volunteer Chair to provide executive leadership to the Commission. While volunteer service is deeply valued, the responsibilities associated with administering a statewide regulatory program for Hawai'i's most vital resource require a Chair who is consistently available to address regulatory, administrative, and operational issues as they arise. If the Legislature wishes to move away from the current structure in which the Chairperson of the Board of Land and Natural Resources also serves as Chair of the Commission, the Department respectfully suggests that the Legislature consider mechanisms that ensure sufficient leadership capacity and availability, such as compensation and physical space at or near the Commission's Honolulu office.

Operational Stability

The timing of these proposed structural changes is also a significant consideration. The Commission and Department are currently managing unprecedented challenges, including prolonged drought conditions, increased water use conflicts, a large volume of unprocessed water use permit applications, and several requests for the designation of new water management areas. Ensuring continuity, institutional knowledge, and administrative focus will be important as these issues continue to be addressed.

To strengthen continuity, capacity, and institutional memory within the Commission, the Department would support consideration of approaches that build administrative capacity while maintaining strong coordination with the Department. One such option would be the establishment of a permanent Administrator or Assistant Administrator position to supplement the Deputy Director, providing additional management support, operational continuity, and institutional memory.

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.



OFFICE OF HAWAIIAN AFFAIRS

TESTIMONY IN SUPPORT OF SB2002 SD2
RELATING TO WATER

House Committee on Water and Land

Hawai'i Capitol

March 17, 2026

9:00 AM

Room 411

Aloha e Chair Hashem, Vice Chair Morikawa, and Members of the House Committee on Water and Land:

The Office of Hawaiian Affairs (OHA) **SUPPORTS SB2002 SD2**, 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. XII, § 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 SD2. Initial water code proposals sought an independent department to manage water. The 1994 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 SD2 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 an OHA designee 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.

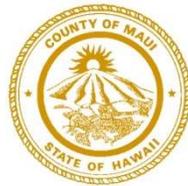
Additionally, as a procedural matter, OHA notes that the language for the OHA representative (page 22 lines 2-3) should be amended to read as follows: "one person appointed by the [~~executive officer~~] chairperson of the office of Hawaiian affairs."

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.

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
www.mauicounty.gov

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

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

DATE: March 13, 2026

SUBJECT: **COMMENTS ON SB2002 SD2 RELATING TO WATER**

Thank you for the opportunity to provide **COMMENTS** on this measure which would allow 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 of declarations of water shortages. Establishes fines. Makes conforming amendments. Effective 3/22/2075. (SD2)

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.

3. West Maui is at a critical juncture. The CWRM Deputy and Staff have done excellent work on the surface and ground water management area permits process. It is a very complicated issue and any set backs will delay the completion of critical infrastructure projects moving forward. The Department still believes that a more comprehensive collaboration on the changes would further enhance the Bill.

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

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

March 17, 2026

The Honorable Mark J. Hashem, Chair
and Members
Committee on Water & Land
Hawai'i State Capitol, Room 411
415 South Beretania Street
Honolulu, Hawai'i 96813

Dear Chair Hashem and Members:

Subject: Senate Bill 2002 Senate Draft 2: Relating to Water

The Honolulu Board of Water Supply (BWS) strongly supports Senate Bill (SB) 2002, Senate Draft (SD) 2, relating to water with some recommended changes. BWS has reviewed the provisions outlined in SB 2002, SD2, which makes several amendments to the Commission on Water Resource Management (Commission), and the state water code pursuant to Hawai'i Revised Statutes (HRS) Chapter 174C. The BWS would like to highlight its position 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.

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 Honorable Mark J. Hashem, Chair
And Members
March 17, 2026
Page 2

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 2.

Very truly yours,



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

SB-2002-SD-2

Submitted on: 3/13/2026 7:31:15 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Hawai'i Reef and Ocean Coalition	Support	Written Testimony Only

Comments:

SUPPORT!



Rep. Mark Hashem, Chair
Rep. Dee Morikawa, Vice Chair
Committee on Water & Land

Tuesday, March 17, 2026
9:00AM Conference Room 411

SB2002 SD2 - Relating to Water (CWRM) - Strong Support

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

On behalf of the Chamber of Sustainable Commerce (CSC), we write in strong support of SB2002 SD2. Water is among Hawai'i's most essential public trust resources. Effective, independent governance of our water systems is critical to protecting communities, sustaining agriculture, supporting housing, and ensuring long-term environmental resilience.

The Chamber of Sustainable Commerce represents more than 580 small businesses, sole proprietors and entrepreneurs across Hawai'i committed to a triple bottom line: people, planet and prosperity.

SB2002 implements long-standing recommendations to strengthen the Commission on Water Resource Management and ensure it can operate with the independence and professional capacity necessary to fulfill its constitutional responsibilities. Many of these reforms included in this bill were recommended decades ago during the Legislature's comprehensive review of the Water Code and align with the structure envisioned in the Model Water Code.

Strengthening the independence, transparency, and capacity of the Commission is essential to rebuilding public trust and ensuring that Hawai'i's water resources are stewarded wisely for present and future generations.

For these reasons, the Chamber of Sustainable Commerce respectfully urges passage of SB2002 SD1.

Respectfully submitted in strong support. Mahalo for consideration of our testimony.

Hawaii Legislative Council Members

Joell Edwards
Wainiha Country Market
Hanalei

Russell Ruderman
Island Naturals
Hilo/Kona

Dr. Andrew Johnson
Niko Niko Family Dentistry
Honolulu

Robert H. Pahia
Hawaii Taro Farm
Wailuku

Maile Meyer
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Chamber of
Sustainable Commerce
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P.O. Box 22394
Honolulu, HI 96823

SB-2002-SD-2

Submitted on: 3/15/2026 12:52:31 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

STRONG SUPPPORT of SB 2002 SD 2

We, Kūpuna for the Mo‘opuna, a hui of Hawaiian Homes Commission Act kūpuna beneficiary farmers from Pana‘ewa, Hawai‘i, **testify in STRONG SUPPORT of SB 2002 SD 2.**

SB 2002 SD 2 would address longstanding structural issues that have allowed special interests to unduly influence the Water Commission and its staff as they work to implement the Water Code, and uphold the public trust in wai. From Red Hill, to Lahaina, to West Hawai‘i Island, 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 allow it to retain its own attorney, as well as establish clear performance standards that can protect its staff from retaliation for simply doing their job.

As Hawai‘i’s future water and food security, environmental and cultural integrity, economy, social fabric and overall well being may all hinge on consistent and objective water management, the long-recommended amendments proposed by this measure may be more important now more than ever before

SUPPORT and PASS SB 2002 SD 2. Mahalo.

SB-2002-SD-2

Submitted on: 3/15/2026 2:54:21 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
John & Rita Shockley	FREE ACCESS COALITION	Support	Written Testimony Only

Comments:

Aloha!

The Free Access Coalition supports SB2002.

[SB2002 SD2002](#) would address longstanding structural issues that have allowed special interests to unduly influence the Water Commission and its staff as they work to implement the Water Code, and uphold the public trust in wai. From Red Hill, to Lahaina, to West Hawai'i Island, 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 allow it 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](#).

Mahalo for your time.

SB-2002-SD-2

Submitted on: 3/15/2026 10:33:24 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

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HOUSE COMMITTEE ON WATER AND LAND
Representative Mark J. Hashem, Chair
Representative Dee Morikawa, Vice Chair

TESTIMONY IN STRONG SUPPORT OF SENATE BILL 2002 SD2

Tuesday, March 17, 2026, 9:00 a.m.
Conference Room 411 & Videoconference
State Capitol
415 South Beretania Street

Aloha Chair Hashem, Vice Chair Morikawa, and Committee Members:

Earthjustice **strongly supports Senate Bill 2002 SD2**, “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 external interference and distraction.

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.
- Clarifies that the DLNR chair will not be the chair of the commission and allows the commission to elect its own chair. 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 water resources conservation and 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

SB-2002-SD-2

Submitted on: 3/16/2026 7:04:59 AM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mike Moran	Kihei Community Assoc.	Support	Written Testimony Only

Comments:

Aloha Chair and committee members

Please support this measure to help control special interest entities from influencing the Water Commission.

Mahalo

Mike Moran for KCA www.gokihei.org



**Ko'olauloa
HAWAIIAN CIVIC CLUB**

**P.O. Box 532
Hau'ula, Hawaii 96717**

March 12, 2026

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

We (the Ko'olauloa Hawaiian Civic Club) **support SB2002 SD2**, which will provide the Commission on Water Resource Management (CWRM) much needed protection from political influence and facilitate more independent decision making to truly uphold its motto as “Ke kahuwai pono” (trustees who oversee the rightful sharing of water).

We urge the Committee to **pass this bill** for the following reasons:

- **Protect CWRM from Political Influence**

This bill will provide CWRM and its staff with much needed protection from political influence by allowing commissioners to elect their own chairperson, hire independent legal counsel, and hire an independent executive director who would be subject to annual performance review by the commissioners. This freedom will allow CWRM to focus attention on its critical work to enforce the State Water Code, HRS Chapter 174C, and uphold the constitutional public trust in water.

- **Protect Water as a Public Trust Resource and Hold Violators Accountable**

Although CWRM is authorized to hold law breakers accountable with penalties and fines, this bill updates penalties to provide CWRM more “teeth” for enforcing its decisions. With climate change exacerbating longstanding water conflicts, and incentives for diverters to violate protections set by the State Water Code, these updated penalties are necessary to ensure the best management of wai (fresh water) as a public trust resource.

- **Support Native Hawaiians' Vested Interest in Wai Resources**

Native Hawaiian communities have long suffered injustices at the hands of large sugar plantations and other business ventures diverting our most precious live-giving resource, wai, with little accountability prior to the enactment of the State Water Code. Including the Office of Hawaiian Affairs as part of this CWRM reform to assist with selection of members to the CWRM nominating committee acknowledges Native Hawaiians' vested interest in wai resources and is a step in the right direction to address longstanding injustices.

Accordingly, **WE urge the Committee to PASS SB2002 SD2.**

Mahalo for the opportunity to testify.
Ola I ka Wai!

Raynae Maunalani Fonoimoana, President

Ko'olauloa Hawaiian Civic Club
Hau'ula, Oahu



Environmental Caucus of The Democratic Party of Hawai'i

TESTIMONY OF THE ENVIRONMENTAL CAUCUS OF THE DEMOCRATIC PARTY OF HAWAI'I IN STRONG SUPPORT OF SB2002 SD2 Relating to Water

HOUSE COMMITTEE ON WATER & LAND (WAL)

Rep. Mark J. Hashem, Chair

Rep. Dee Morikawa, Vice Chair

DATE: Tuesday, March 17, 2026

TIME: 9:00 AM

PLACE: Conference Room 411 & Videoconference

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

The Environmental Caucus of the Democratic Party of Hawai'i strongly supports SB2002 SD2, which modernizes and strengthens the governance, independence, and effectiveness of the Commission on Water Resource Management (CWRM). Water is a constitutionally protected public trust resource, and the reforms in this measure are essential to ensuring that the Commission can fulfill its duties with integrity, independence, and transparency.

The bill's findings correctly recognize that longstanding structural conflicts have impeded the Commission's ability to act decisively. The Legislature notes that these concerns are not theoretical: in the aftermath of the 2023 Maui wildfires, unilateral actions taken under external political pressure—including the suspension of instream flow protections and the removal of the Commission's deputy director—undermined public confidence and highlighted the vulnerabilities in the Commission's governance structure. These events demonstrate the urgent need for a Commission that is structurally independent, properly supported, and able to act without interference.

Key Improvements in SB2002 SD2

1. Independent Legal Counsel — The bill authorizes CWRM to retain its own legal counsel, resolving the conflict that arises when the Attorney General declines representation or takes positions adverse to the Commission.
2. Executive Director of CWRM — SB2002 SD2 replaces the "First Deputy" model with an Executive Director appointed by and answerable to the Commission, not

DLNR. This aligns with the Water Code Review Commission and the Model Water Code.

3. Administrative Separation from DLNR — The Commission is attached to DLNR for administrative purposes only, eliminating the structural conflict in which the DLNR Chair simultaneously served as CWRM Chair.
4. Reformed Commission Membership — The bill maintains seven members, clarifies that the DLNR Chair and DOH Director serve as ex officio voting members, and ensures that any member may be elected chairperson, strengthening independence.
5. Expanded Nominating Committee — A fifth member appointed by the CEO of the Office of Hawaiian Affairs ensures Native Hawaiian representation in selecting commissioners.
6. Emergency Order Authority and Challenges — The bill clarifies that emergency orders must be obeyed immediately but may be challenged, and that such challenges receive precedence.
7. Updated Penalties and Enforcement Tools — SB2002 SD2 increases fines up to \$60,000 per violation, with each day constituting a separate offense, and authorizes recovery of administrative costs and attorneys' fees.
8. Improved Water Shortage Declaration Procedures — The bill strengthens public notice requirements and clarifies criteria for declaring water shortages, including climate-related impacts.

Why SB2002 SD2 Is Essential

Hawai'i's water governance has faced repeated challenges—from the Waiahole Ditch case to the 2023 Maui wildfire controversies—where political pressure, structural conflicts, and lack of independent authority undermined the Commission's ability to protect public trust resources. SB2002 SD2 directly addresses these systemic weaknesses by:

1. ensuring independent decision-making
2. strengthening accountability
3. improving transparency
4. enabling rapid response to water emergencies
5. aligning governance with constitutional mandates

These reforms are overdue and urgently needed as Hawai'i faces increasing climate-driven water scarcity, contamination events, and competing demands on limited freshwater resources.

Mahalo nui loa,

Environmental Caucus Democratic Party of Hawai'i

March 16, 2026

To: Chair Hashem, Vice Chair Morikawa, the House Committee on Water and Land
Subject: SB2002, Relating to Water

Aloha,

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

SB2002 strengthens water governance through several essential reforms:

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

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

Mahalo,

Carlin McFadden
The Food+ Policy Team
#fixourfoodsystem

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

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



SIERRA CLUB OF HAWAI'I

HOUSE COMMITTEE ON WATER & LAND

March 17, 2026

9:00 AM

Conference Room 411

In **SUPPORT** of **SB2002 SD2**: RELATING TO WATER

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

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i **SUPPORTS SB2002 SD2**, which ensures more objective and consistent water management in furtherance of our food and water security, ecological and cultural integrity, resilience to sea level rise and climate change, and the public trust.

Objective water use planning and management of groundwater and mauka-to-makai stream flow is absolutely critical to our long-term interests in aquifer recharge, food security, cultural practices, nearshore ecosystems, and climate resilience. Unfortunately, not everyone shares this understanding, particularly those focused on more immediate needs such as those relating to short-term economic development, and who may be willing and able to apply political pressure to impede the water commission's work. As a result, the water commission has been unable to make sufficient progress in implementing our water code and upholding the range of public interests dependent upon consistent, fair, and objective water management.

This bill accordingly seeks to implement recommendations made in a 1994 water commission audit, to make the Water Commission more like the Honolulu Board of Water Supply in terms of agency independence, and thereby ensure that it is able to implement the water code in an objective and fair manner.

First, this measure would allow the Water Commission to select its own legal counsel, if the need arises. The Sierra Club notes that the concerns raised by the attorney general's office in previous hearings on this bill ignore *decades* of problematic, water-related attorney general advocacy and attorney general-advised decisionmaking by the Water Commission and its sister agencies. This history evidences a longstanding pattern of inconsistent, 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
 - *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, this bill is critical to ensure that the Water Commission has the option to access independent legal counsel, free from conflict or perceived conflict between the water code and well-connected special interests who may have influence over the Attorney General through its executive branch "client."

Second, this bill also addresses additional political vulnerabilities that have impeded the work of the Commission and its staff. The Commission's Chair wields considerable power over the actions of the Water Commission and its staff. Both the Chair and the aforementioned Attorney General answer 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. Along with provisions allowing the Commission to retain its own independent legal counsel, these additional provisions are also critical to ensuring that the Water Commission and its staff can do their

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/>.



important work to protect, restore, and manage our most precious resource, objectively and without undue influence by powerful special interests.

Third, 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 deterring those who might otherwise overpump our aquifers or drain our streams dry with impunity. With regards to this latter authority, the current \$5,000 daily fine the Commission is authorized to levy is wholly insufficient to hold the Department of Defense or multinational corporations accountable, if and when their water code violations impact priority public needs. Without these increased fines, millions of gallons of water per day could be illegally monopolized by deep pocket entities for a fraction of a cent per gallon in penalties, harming our precious water resources, and the houses, schools, farms, small businesses, and others that rely on them.

Finally, the Sierra Club appreciates this bill's 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 Committee to **PASS** SB2002 SD2. Mahalo nui for the opportunity to testify.



Testimony Before The
House Committee on Water & Land (WAL)
IN SUPPORT OF SB2002 SD2
March 17, 2026, 9:00 a.m., Room 411 & 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 SD2 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 SD2 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 SD2.

Aloha ‘Āina Momona no nā kau ā kau.

SB-2002-SD-2

Submitted on: 3/12/2026 6:22:49 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

I strongly SUPPORT this bill.

SB-2002-SD-2

Submitted on: 3/13/2026 8:19:34 AM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

I STRONGLY SUPPORT this bill.

SB-2002-SD-2

Submitted on: 3/13/2026 9:06:15 AM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

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

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

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

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

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

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

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

Sincerely,
Leo Nahe, Nu‘uanu

SB-2002-SD-2

Submitted on: 3/13/2026 11:42:12 AM

Testimony for WAL on 3/17/2026 9:00:00 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.

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-2

Submitted on: 3/14/2026 5:07:24 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
sunnie Kupahu	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of SB2002 SD2, which will provide the Commission on Water Resource Management (CWRM) much needed protection from political influence and facilitate more independent decision making to truly uphold its motto as “Ke kahuwai pono” (trustees who oversee the rightful sharing of water).

I urge the Committee to pass this bill for the following reasons:

Protect CWRM from Political Influence

This bill will provide CWRM and its staff with much needed protection from political influence by allowing commissioners to elect their own chairperson, hire independent legal counsel, and hire an independent executive director who would be subject to annual performance review by the commissioners. This freedom will allow CWRM to focus attention on its critical work to enforce the State Water Code, HRS Chapter 174C, and uphold the constitutional public trust in water.

Protect Water as a Public Trust Resource and Hold Violators Accountable

Although CWRM is authorized to hold law breakers accountable with penalties and fines, this bill updates penalties to provide CWRM more “teeth” for enforcing its decisions. With climate change exacerbating longstanding water conflicts, and incentives for diverters to violate protections set by the State Water Code, these updated penalties are necessary to ensure the best management of wai (fresh water) as a public trust resource.

Support Native Hawaiians' Vested Interest in Wai Resources

Native Hawaiian communities have long suffered injustices at the hands of large sugar plantations and other business ventures diverting our most precious live-giving resource, wai, with little accountability prior to the enactment of the State Water Code. Including the Office of Hawaiian Affairs as part of this CWRM reform to assist with selection of members to the CWRM nominating committee acknowledges Native Hawaiians' vested interest in wai resources and is a step in the right direction to address longstanding injustices.

Accordingly, I urge the Committee to PASS SB2002 SD2.

Mahalo for the opportunity to testify.

Ola I ka Wai!

[Sunnie Kupahu]

[waimanalo Hawaii

SB-2002-SD-2

Submitted on: 3/14/2026 5:07:56 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

I am writing in support of SB2002 SD2, which will provide the Commission on Water Resource Management (CWRM) much needed protection from political influence and facilitate more independent decision making to truly uphold its motto as “Ke kahuwai pono” (trustees who oversee the rightful sharing of water).

I urge the Committee to pass this bill for the following reasons:

Protect CWRM from Political Influence

This bill will provide CWRM and its staff with much needed protection from political influence by allowing commissioners to elect their own chairperson, hire independent legal counsel, and hire an independent executive director who would be subject to annual performance review by the commissioners. This freedom will allow CWRM to focus attention on its critical work to enforce the State Water Code, HRS Chapter 174C, and uphold the constitutional public trust in water.

Protect Water as a Public Trust Resource and Hold Violators Accountable

Although CWRM is authorized to hold law breakers accountable with penalties and fines, this bill updates penalties to provide CWRM more “teeth” for enforcing its decisions. With climate change exacerbating longstanding water conflicts, and incentives for diverters to violate protections set by the State Water Code, these updated penalties are necessary to ensure the best management of wai (fresh water) as a public trust resource.

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Accordingly, I urge the Committee to PASS SB2002 SD2.

Mahalo for the opportunity to testify.

SB-2002-SD-2

Submitted on: 3/14/2026 5:12:43 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
manuel kupahu	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of SB2002 SD2, which will provide the Commission on Water Resource Management (CWRM) much needed protection from political influence and facilitate more independent decision making to truly uphold its motto as “Ke kahuwai pono” (trustees who oversee the rightful sharing of water).

I urge the Committee to pass this bill for the following reasons:

Protect CWRM from Political Influence

This bill will provide CWRM and its staff with much needed protection from political influence by allowing commissioners to elect their own chairperson, hire independent legal counsel, and hire an independent executive director who would be subject to annual performance review by the commissioners. This freedom will allow CWRM to focus attention on its critical work to enforce the State Water Code, HRS Chapter 174C, and uphold the constitutional public trust in water.

Protect Water as a Public Trust Resource and Hold Violators Accountable

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Native Hawaiian communities have long suffered injustices at the hands of large sugar plantations and other business ventures diverting our most precious live-giving resource, wai, with little accountability prior to the enactment of the State Water Code. Including the Office of Hawaiian Affairs as part of this CWRM reform to assist with selection of members to the CWRM nominating committee acknowledges Native Hawaiians' vested interest in wai resources and is a step in the right direction to address longstanding injustices.

Accordingly, I urge the Committee to PASS SB2002 SD2.

Mahalo for the opportunity to testify.

Ola I ka Wai!

Manuel Kupahu

Waimanalo Hawaii

SB-2002-SD-2

Submitted on: 3/14/2026 5:15:40 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
heaven kupahu	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of SB2002 SD2, which will provide the Commission on Water Resource Management (CWRM) much needed protection from political influence and facilitate more independent decision making to truly uphold its motto as “Ke kahuwai pono” (trustees who oversee the rightful sharing of water).

I urge the Committee to pass this bill for the following reasons:

Protect CWRM from Political Influence

This bill will provide CWRM and its staff with much needed protection from political influence by allowing commissioners to elect their own chairperson, hire independent legal counsel, and hire an independent executive director who would be subject to annual performance review by the commissioners. This freedom will allow CWRM to focus attention on its critical work to enforce the State Water Code, HRS Chapter 174C, and uphold the constitutional public trust in water.

Protect Water as a Public Trust Resource and Hold Violators Accountable

Although CWRM is authorized to hold law breakers accountable with penalties and fines, this bill updates penalties to provide CWRM more “teeth” for enforcing its decisions. With climate change exacerbating longstanding water conflicts, and incentives for diverters to violate protections set by the State Water Code, these updated penalties are necessary to ensure the best management of wai (fresh water) as a public trust resource.

Support Native Hawaiians' Vested Interest in Wai Resources

Native Hawaiian communities have long suffered injustices at the hands of large sugar plantations and other business ventures diverting our most precious live-giving resource, wai, with little accountability prior to the enactment of the State Water Code. Including the Office of Hawaiian Affairs as part of this CWRM reform to assist with selection of members to the CWRM nominating committee acknowledges Native Hawaiians' vested interest in wai resources and is a step in the right direction to address longstanding injustices.

Accordingly, I urge the Committee to PASS SB2002 SD2.

Mahalo for the opportunity to testify.

Ola I ka Wai!

Heaven Kupahu

waimanalo Hawaii

SB-2002-SD-2

Submitted on: 3/14/2026 5:16:41 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kelli Soileau	Individual	Support	Written Testimony Only

Comments:

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

I am writing in **support of SB2002 SD2**, which will provide the Commission on Water Resource Management (CWRM) much needed protection from political influence and facilitate more independent decision making to truly uphold its motto as “Ke kahuwai pono” (trustees who oversee the rightful sharing of water).

I urge the Committee to **pass this bill** for the following reasons:

Protect CWRM from Political Influence

This bill will provide CWRM and its staff with much needed protection from political influence by allowing commissioners to elect their own chairperson, hire independent legal counsel, and hire an independent executive director who would be subject to annual performance review by the commissioners. This freedom will allow CWRM to focus attention on its critical work to enforce the State Water Code, HRS Chapter 174C, and uphold the constitutional public trust in water.

Protect Water as a Public Trust Resource and Hold Violators Accountable

Although CWRM is authorized to hold law breakers accountable with penalties and fines, this bill updates penalties to provide CWRM more “teeth” for enforcing its decisions. With climate change exacerbating longstanding water conflicts, and incentives for diverters to violate protections set by the State Water Code, these updated penalties are necessary to ensure the best management of wai (fresh water) as a public trust resource.

Support Native Hawaiians’ Vested Interest in Wai Resources

Native Hawaiian communities have long suffered injustices at the hands of large sugar plantations and other business ventures diverting our most precious live-giving resource, wai, with little accountability prior to the enactment of the State Water Code. Including the Office of Hawaiian Affairs as part of this CWRM reform to assist with selection of members to the CWRM nominating committee acknowledges Native Hawaiians’ vested interest in wai resources and is a step in the right direction to address longstanding injustices.

Accordingly, **I urge the Committee to PASS SB2002 SD2.**

Mahalo for the opportunity to testify.

Ola I ka Wai!

Kelli Soileau

Kāneʻohe, Oʻahu

SB-2002-SD-2

Submitted on: 3/14/2026 5:34:18 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Leilani Keli'ikipi	Individual	Support	Remotely Via Zoom

Comments:

3/14/2026

Testimony in Support of SB2002 SD2

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

My name is Leilani Keli'ikipi, and I respectfully submit testimony in support of SB2002 SD2, which seeks to strengthen the independence and authority of the Commission on Water Resource Management (CWRM) to better protect Hawai'i's most precious resource—wai (fresh water).

I am a Native Hawaiian mother living on kuleana lands in Lahaina, Maui, raising my children while continuing the responsibility passed down through generations to care for our 'āina. For families like mine, wai is not simply a utility or commodity—it is life itself. Our ancestors understood that without wai, there is no life, no food, and no future for our people.

The Hawaiian language itself reminds us of this truth. The word waiwai, meaning wealth, comes from wai. True wealth is water.

I support efforts that strengthen the ability of CWRM to protect Hawai'i's water resources, especially when those protections ensure that decisions are made with independence, accountability, and the public trust in mind. The State Constitution recognizes water as a public trust resource, and Native Hawaiian traditional and customary practices—such as kalo cultivation and subsistence practices—depend on the responsible stewardship of wai.

However, I also want to emphasize an important principle: wai management must not become a tool of power or control. The purpose of protecting wai should always be to sustain life, nourish the 'āina, and uphold the rights of the people—particularly Native Hawaiian families who continue to live on and steward kuleana lands.

For those of us living on kuleana lands, access to wai is not optional. It is necessary for maintaining our homes, growing food, supporting our keiki, and continuing the cultural practices that connect us to our ancestors.

If the intent of this bill is to strengthen CWRM's ability to protect wai and hold violators accountable for illegal diversions, then I support that effort. Independence from political pressure

is essential so that decisions prioritize pono stewardship and the protection of traditional and customary rights.

At the same time, I urge the Legislature and CWRM to remember that kuleana water rights must remain a priority. Protecting wai means ensuring that Native Hawaiian families who live on and care for ancestral lands are not displaced, overlooked, or denied access to the life-giving resources that sustain our communities.

Climate change, development pressures, and historic water diversions have already placed tremendous strain on our water systems. Strengthening oversight and enforcement is necessary, but it must always be done with a commitment to justice, balance, and the protection of Native Hawaiian rights.

I stand in support of policies that protect wai when they are pono—when they safeguard the land, the people, and future generations.

As we say in Hawai‘i:

E ola i ka wai.

Water is life.

Mahalo for the opportunity to share my mana‘o and for your commitment to protecting Hawai‘i’s precious water resources in the pono way!

Aloha,

Leilani Keli‘ikipi

Lāhaina, Maui

SB-2002-SD-2

Submitted on: 3/14/2026 6:08:58 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

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

I am writing in support of SB2002 SD2, which will provide the Commission on Water Resource Management (CWRM) much needed protection from political influence and facilitate more independent decision making to truly uphold its motto as “Ke kahuwai pono” (trustees who oversee the rightful sharing of water).

I urge the Committee to pass this bill for the following reasons:

Protect CWRM from Political Influence

This bill will provide CWRM and its staff with much needed protection from political influence by allowing commissioners to elect their own chairperson, hire independent legal counsel, and hire an independent executive director who would be subject to annual performance review by the commissioners. This freedom will allow CWRM to focus attention on its critical work to enforce the State Water Code, HRS Chapter 174C, and uphold the constitutional public trust in water.

Protect Water as a Public Trust Resource and Hold Violators Accountable

Although CWRM is authorized to hold law breakers accountable with penalties and fines, this bill updates penalties to provide CWRM more “teeth” for enforcing its decisions. With climate change exacerbating longstanding water conflicts, and incentives for diverters to violate protections set by the State Water Code, these updated penalties are necessary to ensure the best management of wai (fresh water) as a public trust resource.

Support Native Hawaiians’ Vested Interest in Wai Resources

Native Hawaiian communities have long suffered injustices at the hands of large sugar plantations and other business ventures diverting our most precious live-giving resource, wai, with little accountability prior to the enactment of the State Water Code. Including the Office of Hawaiian Affairs as part of this CWRM reform to assist with selection of members to the CWRM nominating committee acknowledges Native Hawaiians' vested interest in wai resources and is a step in the right direction to address longstanding injustices.

Accordingly, I urge the Committee to PASS SB2002 SD2.

Mahalo for the opportunity to testify.

Ola I ka Wai!

Martha Evans

Honolulu, O'ahu

SB-2002-SD-2

Submitted on: 3/14/2026 6:29:39 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

I am writing in support of SB2002 SD2, which will provide the Commission on Water Resource Management (CWRM) much needed protection from political influence and facilitate more independent decision making to truly uphold its motto as “Ke kahuwai pono” (trustees who oversee the rightful sharing of water).

I urge the Committee to pass this bill for the following reasons:

Protect CWRM from Political Influence

This bill will provide CWRM and its staff with much needed protection from political influence by allowing commissioners to elect their own chairperson, hire independent legal counsel, and hire an independent executive director who would be subject to annual performance review by the commissioners. This freedom will allow CWRM to focus attention on its critical work to enforce the State Water Code, HRS Chapter 174C, and uphold the constitutional public trust in water.

Protect Water as a Public Trust Resource and Hold Violators Accountable

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Support Native Hawaiians’ Vested Interest in Wai Resources

Native Hawaiian communities have long suffered injustices at the hands of large sugar plantations and other business ventures diverting our most precious live-giving resource, wai, with little accountability prior to the enactment of the State Water Code. Including the Office of Hawaiian Affairs as part of this CWRM reform to assist with selection of members to the CWRM nominating committee acknowledges Native Hawaiians' vested interest in wai resources and is a step in the right direction to address longstanding injustices.

Accordingly, I urge the Committee to PASS SB2002 SD2.

Mahalo for the opportunity to testify.

Ola I ka Wai!

Sherry Hester

Honolulu, Oahu Island

TESTIMONY IN STRONG SUPPORT OF SB2001 SD2

Relating to Water / Strengthening Protections for Wai

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

My name is Penny Kaae, farmer of Pu‘ukapu, Waimea, and I write in strong support of SB2001 SD2.

Wai is life. This bill is critical because it strengthens the independence and authority of the Commission on Water Resource Management, the agency responsible for protecting Hawai‘i’s freshwater resources. CWRM must be strong enough to uphold the public trust, protect Native Hawaiian rights, and hold bad actors accountable for illegal diversions and harm to our shared water resources.

This is especially urgent now. As war drives global fuel instability and threatens Hawai‘i’s already fragile food and energy systems, we cannot afford to repeat the mistake of the pandemic by doubling down on tourism instead of resilience. Hawai‘i must invest in agriculture, healthy ecosystems, and local self-sufficiency — and none of that is possible without water.

Our wai is our most precious resource. CWRM can and will make one of the greatest impacts on Hawai‘i’s future, because without water, there is no food security, no cultural continuity, and no life.

I respectfully urge you to pass SB2001 SD2.

Penny Kaae
Farmer, Pu‘ukapu, Waimea

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

I am writing in strong support of SB2002 SD2, which will provide the Commission on Water Resource Management (CWRM) with important protections from political influence and strengthen its ability to make independent decisions in alignment with its guiding principle, “Ke kahuwai pono” — trustees who oversee the rightful sharing of water.

I respectfully urge the Committee to pass this bill for the following reasons:

This measure provides important structural protections that allow CWRM to operate with greater independence. By allowing commissioners to elect their own chairperson, hire independent legal counsel, and appoint an executive director subject to annual performance review, the commission will be better positioned to focus on its core responsibilities. These changes will help ensure effective enforcement of the State Water Code (HRS Chapter 174C) and uphold the constitutional public trust in water resources.

While CWRM currently has authority to enforce violations through penalties and fines, this bill strengthens those enforcement tools by updating penalties and providing greater accountability. As climate change intensifies water scarcity and long-standing water conflicts, stronger enforcement mechanisms are essential to protect wai (fresh water) and ensure responsible management of this vital public trust resource.

Native Hawaiian communities have historically experienced significant injustices due to large-scale water diversions by plantations and other commercial interests, often with little accountability prior to the establishment of the State Water Code. Including the Office of Hawaiian Affairs in the selection process for the CWRM nominating committee acknowledges the deep and enduring connection Native Hawaiians have to wai, and represents an important step toward addressing historic inequities and ensuring more inclusive stewardship of our water resources.

For these reasons, I respectfully urge the Committee to PASS SB2002 SD2.

Mahalo for the opportunity to testify.


Rhonda Kamai-Kekela

Hawaiian Paradise Park, Kea'au, HI

SB-2002-SD-2

Submitted on: 3/14/2026 7:25:19 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
János Samu	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of SB2002 SD2, which will provide the Commission on Water Resource Management (CWRM) much needed protection from political influence and facilitate more independent decision making to truly uphold its motto as “Ke kahuwai pono” (trustees who oversee the rightful sharing of water).

I urge the Committee to pass this bill for the following reasons:

Protect CWRM from Political Influence

This bill will provide CWRM and its staff with much needed protection from political influence by allowing commissioners to elect their own chairperson, hire independent legal counsel, and hire an independent executive director who would be subject to annual performance review by the commissioners. This freedom will allow CWRM to focus attention on its critical work to enforce the State Water Code, HRS Chapter 174C, and uphold the constitutional public trust in water.

Protect Water as a Public Trust Resource and Hold Violators Accountable

Although CWRM is authorized to hold law breakers accountable with penalties and fines, this bill updates penalties to provide CWRM more “teeth” for enforcing its decisions. With climate change exacerbating longstanding water conflicts, and incentives for diverters to violate protections set by the State Water Code, these updated penalties are necessary to ensure the best management of wai (fresh water) as a public trust resource.

Support Native Hawaiians' Vested Interest in Wai Resources

Native Hawaiian communities have long suffered injustices at the hands of large sugar plantations and other business ventures diverting our most precious live-giving resource, wai, with little accountability prior to the enactment of the State Water Code. Including the Office of Hawaiian Affairs as part of this CWRM reform to assist with selection of members to the CWRM nominating committee acknowledges Native Hawaiians' vested interest in wai resources and is a step in the right direction to address longstanding injustices.

Accordingly, I urge the Committee to PASS SB2002 SD2.

Mahalo for the opportunity to testify.

Ola I ka Wai!
János Samu
Kalaheo, Kauai

SB-2002-SD-2

Submitted on: 3/14/2026 8:40:21 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Cory Harden	Individual	Support	Written Testimony Only

Comments:

Aloha legislators,

Please support this bill. Water is life, and a public trust resource--not an afterthought, nor a commodity. This bill will reduce political influence for CWRM, increase its power to enforce decisions, and give native Hawaiians more of a voice, after decades of injustice.

mahalo,
Cory Harden, Hilo

SB-2002-SD-2

Submitted on: 3/14/2026 8:49:33 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Crystal Branco	Individual	Support	Written Testimony Only

Comments:

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

I respectfully submit testimony in support of SB2002 SD2, which strengthens the independence and effectiveness of the Commission on Water Resource Management (CWRM).

This measure protects CWRM from political influence by allowing commissioners to elect their own chairperson, hire independent legal counsel, and appoint an executive director accountable directly to the commission. These changes help ensure that CWRM can fulfill its kuleana under the State Water Code (HRS Chapter 174C) and uphold its guiding principle, “Ke kahuwai pono” trustees who oversee the rightful sharing of water.

The bill also strengthens enforcement by updating penalties for violations of water protections. As climate change intensifies water conflicts across Hawai‘i, stronger accountability is necessary to protect wai as a public trust resource for present and future generations.

Finally, the inclusion of the Office of Hawaiian Affairs in the nominating process recognizes the deep and longstanding relationship between Native Hawaiians and wai, and acknowledges the historical injustices caused by large scale diversions of water.

For these reasons, I respectfully urge the Committee to PASS SB2002 SD2.

Mahalo for the opportunity to testify,

Crystal Branco

SB-2002-SD-2

Submitted on: 3/14/2026 9:29:02 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Uilani Naipo	Individual	Support	Written Testimony Only

Comments:

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

My name is U'ilani Naipo and I STRONGLY SUPPORT SB2002 SD2, to enable the Water Commission and its staff to implement the Water Code in an objective and consistent manner.

This bill would provide the Water Commission with a level of independence similar to that enjoyed by the Honolulu Board of Water Supply (HBWS), which has allowed HBWS to take critical actions to protect our drinking water resources even in the face of opposition by politically powerful entities, such as the U.S. military and its contractors. As our future water and food security, environmental and cultural integrity, economy, and social fabric may all hinge on consistent and objective water management, the long-recommended amendments proposed by this measure may be more important now more than ever before.

This measure addresses political vulnerabilities with the Water Commission's governance structure that have been of significant concern for over 30 years now. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, another Governor appointee, the Attorney General, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the actions and decisions of the Water Commission and its staff. Accordingly, those with influence over our Governors, including powerful corporate and military-related interests, can substantially interfere and have interfered with the work of the Commission, through their political appointees.

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

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

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

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

Sincerely,

U'ilani Naipo

SB-2002-SD-2

Submitted on: 3/14/2026 9:51:21 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ikaika Dwight	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of SB2002 SD2, which will provide the Commission on Water Resource Management (CWRM) much needed protection from political influence and facilitate more independent decision making to truly uphold its motto as “Ke kahuwai pono” (trustees who oversee the rightful sharing of water).

I urge the Committee to pass this bill for the following reasons:

Protect CWRM from Political Influence

This bill will provide CWRM and its staff with much needed protection from political influence by allowing commissioners to elect their own chairperson, hire independent legal counsel, and hire an independent executive director who would be subject to annual performance review by the commissioners. This freedom will allow CWRM to focus attention on its critical work to enforce the State Water Code, HRS Chapter 174C, and uphold the constitutional public trust in water.

Protect Water as a Public Trust Resource and Hold Violators Accountable

Although CWRM is authorized to hold law breakers accountable with penalties and fines, this bill updates penalties to provide CWRM more “teeth” for enforcing its decisions. With climate change exacerbating longstanding water conflicts, and incentives for diverters to violate protections set by the State Water Code, these updated penalties are necessary to ensure the best management of wai (fresh water) as a public trust resource.

Support Native Hawaiians' Vested Interest in Wai Resources

Native Hawaiian communities have long suffered injustices at the hands of large sugar plantations and other business ventures diverting our most precious live-giving resource, wai, with little accountability prior to the enactment of the State Water Code. Including the Office of Hawaiian Affairs as part of this CWRM reform to assist with selection of members to the CWRM nominating committee acknowledges Native Hawaiians' vested interest in wai resources and is a step in the right direction to address longstanding injustices.

Accordingly, I urge the Committee to PASS SB2002 SD2.

Mahalo for the opportunity to testify.

Ola I ka Wai!

Ikaika Dwight

Honolulu, HI

SB-2002-SD-2

Submitted on: 3/15/2026 5:40:00 AM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

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

My name is Dr. Osa Maiyanne Adaján and I **STRONGLY SUPPORT** SB2002 SD2, to enable the Water Commission and its staff to implement the Water Code in an objective and consistent manner.

This bill would provide the Water Commission with a level of independence similar to that enjoyed by the Honolulu Board of Water Supply (HBWS), which has allowed HBWS to take critical actions to protect our drinking water resources even in the face of opposition by politically powerful entities, such as the U.S. military and its contractors. **As our future water and food security, environmental and cultural integrity, economy, and social fabric may all hinge on consistent and objective water management, *the long-recommended amendments proposed by this measure may be more important now more than ever before.***

This measure addressets political vulnerabilities with the Water Commission’s governance structure that have been of significant concern for over 30 years now. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, another Governor appointee, the Attorney General, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the actions and decisions of the Water Commission and its staff. Accordingly, those with influence over our Governors, including powerful corporate and military-related interests, can substantially interfere and have interfered with the work of the Commission, through their political appointees.

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

In addition, I support this measure’s authorization of meaningful fines for water code violations, based on a careful assessment of the circumstances of each case; such authority is critical to

protecting the public interest from deep pocket water code violators who could easily shrug off the Commission's current maximum daily fine.

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

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

Sincerely,

Dr. Osa Maiyanne Adaján,

1L Law Student, William S. Richardson School of Law

SB-2002-SD-2

Submitted on: 3/15/2026 6:26:22 AM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Allen Chinn	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of SB2002 SD2, which will provide the Commission on Water Resource Management (CWRM) much needed protection from political influence and facilitate more independent decision making to truly uphold its motto as “Ke kahuwai pono” (trustees who oversee the rightful sharing of water).

I urge the Committee to pass this bill for the following reasons:

Protect CWRM from Political Influence

This bill will provide CWRM and its staff with much needed protection from political influence by allowing commissioners to elect their own chairperson, hire independent legal counsel, and hire an independent executive director who would be subject to annual performance review by the commissioners. This freedom will allow CWRM to focus attention on its critical work to enforce the State Water Code, HRS Chapter 174C, and uphold the constitutional public trust in water.

Protect Water as a Public Trust Resource and Hold Violators Accountable

Although CWRM is authorized to hold law breakers accountable with penalties and fines, this bill updates penalties to provide CWRM more “teeth” for enforcing its decisions. With climate change exacerbating longstanding water conflicts, and incentives for diverters to violate protections set by the State Water Code, these updated penalties are necessary to ensure the best management of wai (fresh water) as a public trust resource.

Support Native Hawaiians' Vested Interest in Wai Resources

Native Hawaiian communities have long suffered injustices at the hands of large sugar plantations and other business ventures diverting our most precious live-giving resource, wai, with little accountability prior to the enactment of the State Water Code. Including the Office of Hawaiian Affairs as part of this CWRM reform to assist with selection of members to the CWRM nominating committee acknowledges Native Hawaiians' vested interest in wai resources and is a step in the right direction to address longstanding injustices.

Accordingly, I urge the Committee to PASS SB2002 SD2.

Mahalo for the opportunity to testify.

Ola I ka Wai!

Allen Chinn

Hilo, HI

SB-2002-SD-2

Submitted on: 3/15/2026 7:45:01 AM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

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

My name is Kealii Pang, Ph.D. I am a Native Hawaiian resident of Kaimukī, O‘ahu, a retired federal biologist with 35 years of environmental protection work in these islands, and President of a nonprofit dedicated to Native Hawaiian cultural education. I write in STRONG SUPPORT of SB2002 SD2.

Effective water resource management requires decisions grounded in data and the public trust — not political pressure. The Red Hill catastrophe and the ongoing disputes in West Maui are clear reminders of what happens when politics interfere with science. Our communities and our waters pay the price.

SB2002 SD2 delivers long-overdue reforms to insulate the Commission on Water Resource Management from undue political influence. The current structure — where the Commission's chair and legal counsel are direct Governor appointees — creates a fundamental conflict of interest. It leaves the Commission vulnerable to interference and its staff fearful of doing their jobs.

This bill corrects that by requiring the Commission to choose its own chair, retain its own legal counsel, and select its own executive director. These are not minor procedural changes. They are the structural protections necessary for the Commission to fulfill its constitutional and statutory obligations without fear of political retribution.

I also support the bill's authorization of meaningful fines for Water Code violations. The current maximum daily fine is inadequate. Deep-pocket violators can absorb it without changing their behavior.

Finally, including an OHA CEO appointee on the nominating committee is vital. The Commission has a long history of disregarding Native Hawaiian water rights. This provision ensures that future commissioners understand and respect those rights from the start.

The promise of the 1978 Constitutional Convention — to protect our water for the people — has been undermined by political maneuvering for too long. SB2002 SD2 takes a necessary step toward fulfilling that promise.

I respectfully urge the Committee to PASS SB2002 SD2. Mahalo nui for the opportunity to testify.

Respectfully submitted,

Kealii Pang, Ph.D.

Kaimukī, O‘ahu

SB-2002-SD-2

Submitted on: 3/15/2026 7:49:22 AM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

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

My name is Malia Lum-Kawaihoa Marquez and I STRONGLY SUPPORT SB2002 SD2, to enable the Water Commission and its staff to implement the Water Code in an objective and consistent manner.

This bill would provide the Water Commission with a level of independence similar to that enjoyed by the Honolulu Board of Water Supply (HBWS), which has allowed HBWS to take critical actions to protect our drinking water resources even in the face of opposition by politically powerful entities, such as the U.S. military and its contractors. As our future water and food security, environmental and cultural integrity, economy, and social fabric may all hinge on consistent and objective water management, the long-recommended amendments proposed by this measure may be more important now more than ever before.

This measure addresses political vulnerabilities with the Water Commission's governance structure that have been of significant concern for over 30 years now. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, another Governor appointee, the Attorney General, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the actions and decisions of the Water Commission and its staff. Accordingly, those with influence over our Governors, including powerful corporate and military-related interests, can substantially interfere and have interfered with the work of the Commission, through their political appointees.

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

In addition, I support this measure's authorization of meaningful fines for water code violations, based on a careful assessment of the circumstances of each case; such authority is critical to

protecting the public interest from deep pocket water code violators who could easily shrug off the Commission's current maximum daily fine.

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

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

Me ka ha'aha'a,

Malia Lum-Kawaihoa Marquez

SB-2002-SD-2

Submitted on: 3/15/2026 9:40:11 AM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

Stong support!

SB-2002-SD-2

Submitted on: 3/15/2026 9:48:19 AM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

Strongly support

SB-2002-SD-2

Submitted on: 3/15/2026 9:51:39 AM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shelby Billionaire	Kingdom of The Hawaiian Islands & Ohana Unity Party	Support	Remotely Via Zoom

Comments:

Testimony in ****STRONG SUPPORT**** of SB2002 SD2 Relating to Water

Aloha Chair(s) and Members of the Committees,

My name is Master Shelby "Pikachu" Billionaire, HRM, Chairman of the Ohana Unity Party, representing the Kingdom of The Hawaiian Islands. As a dedicated kahu for our sacred wai (water), 'āina, cultural lifeways, Native Hawaiian rights, and the journey toward true self-sovereignty for our lāhui, I submit this testimony in ****STRONG SUPPORT**** of SB2002 SD2.

This vital bill updates the governance, leadership, and enforcement of the Commission on Water Resource Management (CWRM) under Chapter 174C, HRS (State Water Code). Key reforms include allowing CWRM to retain independent legal counsel (exempt from the Attorney General's monopoly), repealing the deputy chairperson position and establishing an accountable executive director, administratively attaching CWRM to DLNR for support only (enhancing separation), expanding the nominating committee with an OHA-appointed member, requiring at least one commissioner with expertise in traditional Hawaiian water resource management and riparian usage (per §174C-101), increasing violation penalties up to \$60,000 per day, clarifying emergency shortage declarations amid the climate crisis, and enabling challenges to emergency orders with required compliance pending review.

These changes empower CWRM to manage Hawai‘i's water resources more independently, effectively, and culturally responsibly—protecting wai as the lifeblood of our islands for present and future generations, upholding Article XI, Section 7 of the Hawai‘i State Constitution (public trust doctrine), and perpetuating traditional practices.

Here are numbered, compelling reasons why the Committees should support and advance SB2002 SD2:

1. ****Enhances Independence from Political Interference**** By allowing independent counsel, establishing a commission-appointed executive director (with annual performance evaluations), and separating CWRM administratively from DLNR, the bill reduces external pressures and conflicts of interest—ensuring decisions prioritize public trust over political or development biases.

2. ****Incorporates Traditional Hawaiian Expertise and OHA Input**** Requiring at least one commissioner with substantial experience in traditional Hawaiian water management techniques and riparian usage—nominated via an expanded committee including OHA—honors kānaka maoli knowledge of streams, lo'i kalo, and ahupua'a systems. This strengthens protections for cultural practices and aligns with Article XII, Section 7 (traditional and customary rights).
3. ****Strengthens Enforcement and Accountability**** Raising fines to \$60,000 per violation (with each day separate) and authorizing recovery of costs/attorneys' fees deters unlawful diversions, overuse, or non-compliance. Factors like economic benefit gained, harm caused, and good faith efforts guide fair penalties—bolstering CWRM's ability to uphold the Water Code amid growing demands.
4. ****Addresses Climate Crisis and Water Shortages Proactively**** Clarifying criteria for shortages (including climate impacts) and notification processes (newspaper, website, direct mailing) enables timely emergency orders to protect public health, safety, aquatic life, and reasonable uses—critical as droughts and shifting rainfall patterns threaten streams, aquifers, and traditional systems.
5. ****Advances Self-Sovereignty and 'Āina Momona**** Empowering CWRM with independent tools and cultural representation reduces reliance on external influences, prioritizes Native Hawaiian stewardship, and ensures wai supports affordable housing, subsistence, cultural lifeways, and resilience.

This fosters greater self-determination by treating water as a sacred public trust resource for our people—not a commodity subject to unchecked exploitation. SB2002 SD2 takes effect upon approval (noted future placeholder of March 22, 2075 in text—likely a drafting error; confirm current). It reflects strong community support, including from OHA, Board of Water Supply, and advocates calling to "free the Water Commission" from undue influence and impose meaningful enforcement. I urge the Committees to pass SB2002 SD2 unanimously and forward it swiftly. Let's strengthen CWRM to protect our wai, honor our kūpuna's wisdom, and secure abundance for future generations on the path to sovereignty.

Mahalo nui loa for your kuleana in safeguarding Hawai'i's precious water resources.

Sincerely, Master Shelby "Pikachu" Billionaire,

HRM Kingdom of The Hawaiian Islands, H.I.

Ohana Unity Party, Chairman

Presidentbillionaire@gmail.com

SB-2002-SD-2

Submitted on: 3/15/2026 9:55:11 AM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Megaan M. Clark	Individual	Support	Written Testimony Only

Comments:

Hello to everyone present.

It's really quite simple. Water is life. "Ua Mau ke Ea o ka 'Āina i ka Pono", "The life of the land is perpetuated in righteousness". We should all have these words emblazoned upon our hearts. These are not just words, they are a purpose and a mission, and we as Hawaiians and native Hawaiians have a duty to ensure that we follow through on this mission. I am in support of SB2002 SD2 because it will strengthen protection for Wai. This is not just a bill, it is a part of the legacy we leave to our children and our children's children, and all the generations that come after.

Committee members I urge you to pass SB2002 SD2.

Thank you,

Megaan M. Clark

SB-2002-SD-2

Submitted on: 3/15/2026 10:03:58 AM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Harvey Arkin	Individual	Support	Written Testimony Only

Comments:

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

My name is Harvey Arkin, and I **STRONGLY SUPPORT** SB2002 SD2, to enable the Water Commission and its staff to implement the Water Code in an objective and consistent manner.

This bill would provide the Water Commission with a level of independence similar to that enjoyed by the Honolulu Board of Water Supply (HBWS), which has allowed HBWS to take critical actions to protect our drinking water resources even in the face of opposition by politically powerful entities, such as the US military and its contractors. **As our future water and food security, environmental and cultural integrity, economy, and social fabric may all hinge on consistent and objective water management, the long-recommended amendments proposed by this measure may be more important now more than ever before.**

This measure addresses political vulnerabilities with the Water Commission's governance structure that have been of significant concern for over 30 years now. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, another Governor appointee, the Attorney General, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the actions and decisions of the Water Commission and its staff. Accordingly, those with influence over our Governors, including powerful corporate and military-related interests, can substantially interfere and have interfered with the work of the Commission, through their political appointees.

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

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

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

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

SB-2002-SD-2

Submitted on: 3/15/2026 10:25:15 AM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

We need good representation on the water board. Not golf course owners or paid lobbyists

Samuel Mitchell Makiki NB-10

SB-2002-SD-2

Submitted on: 3/15/2026 10:31:25 AM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Regina Gregory	Individual	Support	Written Testimony Only

Comments:

support

SB-2002-SD-2

Submitted on: 3/15/2026 10:42:46 AM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

My name is John Kawamoti, and I STRONGLY SUPPORT SB2002 SD2, to enable the Water Commission and its staff to implement the Water Code in an objective and consistent manner.

This bill would provide the Water Commission with a level of independence similar to that enjoyed by the Honolulu Board of Water Supply (HBWS), which has allowed HBWS to take critical actions to protect our drinking water resources even in the face of opposition by politically powerful entities, such as the U.S. military and its contractors. As our future water and food security, environmental and cultural integrity, economy, and social fabric may all hinge on consistent and objective water management, the long-recommended amendments proposed by this measure may be more important now more than ever before.

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

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

For the foregoing reasons, I respectfully urge the Committee to PASS this measure.

SB-2002-SD-2

Submitted on: 3/15/2026 11:26:03 AM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tiare Kaolelopono	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of SB2002 SD2, which will provide the Commission on Water Resource Management (CWRM) much needed protection from political influence and facilitate more independent decision making to truly uphold its motto as “Ke kahuwai pono” (trustees who oversee the rightful sharing of water).

I urge the Committee to pass this bill for the following reasons:

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This bill will provide CWRM and its staff with much needed protection from political influence by allowing commissioners to elect their own chairperson, hire independent legal counsel, and hire an independent executive director who would be subject to annual performance review by the commissioners. This freedom will allow CWRM to focus attention on its critical work to enforce the State Water Code, HRS Chapter 174C, and uphold the constitutional public trust in water.

Protect Water as a Public Trust Resource and Hold Violators Accountable

Although CWRM is authorized to hold law breakers accountable with penalties and fines, this bill updates penalties to provide CWRM more “teeth” for enforcing its decisions. With climate change exacerbating longstanding water conflicts, and incentives for diverters to violate protections set by the State Water Code, these updated penalties are necessary to ensure the best management of wai (fresh water) as a public trust resource.

Support Native Hawaiians' Vested Interest in Wai Resources

Native Hawaiian communities have long suffered injustices at the hands of large sugar plantations and other business ventures diverting our most precious live-giving resource, wai, with little accountability prior to the enactment of the State Water Code. Including the Office of Hawaiian Affairs as part of this CWRM reform to assist with selection of members to the CWRM nominating committee acknowledges Native Hawaiians' vested interest in wai resources and is a step in the right direction to address longstanding injustices.

Accordingly, I urge the Committee to PASS SB2002 SD2.

Mahalo for the opportunity to testify.

Ola I ka Wai!

Tiare Kaolelopono

Kāne'ōhe O'ahu

SB-2002-SD-2

Submitted on: 3/15/2026 11:28:35 AM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

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

My name is Madison Owens and I STRONGLY SUPPORT SB2002 SD2, to enable the Water Commission and its staff to implement the Water Code in an objective and consistent manner.

This bill would provide the Water Commission with a level of independence similar to that enjoyed by the Honolulu Board of Water Supply (HBWS), which has allowed HBWS to take critical actions to protect our drinking water resources even in the face of opposition by politically powerful entities, such as the U.S. military and its contractors. As our future water and food security, environmental and cultural integrity, economy, and social fabric may all hinge on consistent and objective water management, the long-recommended amendments proposed by this measure may be more important now more than ever before.

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

ensure an objective, apolitical basis for staff employment decisions, would also allow Commission staff to fulfill their constitutional and statutory obligations without fear of political retribution.

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

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

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

Sincerely,

Madison Owens

SB-2002-SD-2

Submitted on: 3/15/2026 11:30:25 AM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
irene kloepfer	Individual	Support	Written Testimony Only

Comments:

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

My name is Irene and I **STRONGLY SUPPORT** SB2002 SD2, to enable the Water Commission and its staff to implement the Water Code in an objective and consistent manner.

This bill would provide the Water Commission with a level of independence similar to that enjoyed by the Honolulu Board of Water Supply (HBWS), which has allowed HBWS to take critical actions to protect our drinking water resources even in the face of opposition by politically powerful entities, such as the US military and its contractors. **As our future water and food security, environmental and cultural integrity, economy, and social fabric may all hinge on consistent and objective water management, the long-recommended amendments proposed by this measure may be more important now more than ever before.**

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

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

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

Sincerely,
Irene Kloepfer

SB-2002-SD-2

Submitted on: 3/15/2026 11:50:25 AM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Inam Rahman	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of SB2001 SD2 (With Suggested Amendments)

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

My name is Dr. Inam U. Rahman, a physician and community advocate from West Oahu. I respectfully submit testimony in support of SB2001 SD2 with recommended amendments.

Water — wai — is among Hawaii’s most sacred and life-sustaining resources. In Hawaiian tradition, wai represents not only physical survival but also cultural continuity, community well-being, and the health of our islands. Protecting wai is therefore both an environmental responsibility and a constitutional obligation under Hawaii’s public trust doctrine.

The [Commission on Water Resource Management](#) (CWRM) serves as the primary guardian of this public trust. Strengthening its independence and enforcement authority is essential as Hawaii faces growing pressure on freshwater resources from climate change, population growth, and competing land-use demands.

SB2001 SD2 takes important steps in this direction. Allowing CWRM to employ its own legal counsel and establishing an independent executive director will help ensure that decisions are guided by science, law, and the public interest rather than political influence. Enhanced enforcement powers and updated penalties will also provide the commission with stronger tools to address illegal diversions and other violations that threaten streams and aquifers.

This bill is also significant for recognizing the longstanding relationship between Native Hawaiian communities and wai. The inclusion of the [**Office of Hawaiian Affairs](#) in the process

of nominating CWRM commissioners acknowledges the constitutional protection of traditional and customary practices such as kalo cultivation and the restoration of lo‘i systems that depend on healthy stream flows.

At the same time, several amendments could further strengthen the bill while promoting transparency and fairness.

Recommended Amendments

- Require annual reporting to the Legislature summarizing enforcement actions, water allocations, and progress toward protecting instream flow standards.
- Ensure balanced stakeholder representation in the nominating process so that cultural practitioners, farmers, environmental experts, and community voices are all reflected.
- Provide clear enforcement guidelines to ensure penalties remain fair and proportionate, particularly for small farmers and local food producers.
- Include a periodic legislative review of the new governance structure to evaluate whether these reforms are achieving their intended goals.

As climate change intensifies drought conditions and increases competition for freshwater resources, Hawaii must ensure that its water governance system is strong, transparent, and capable of protecting this vital public trust resource for future generations.

With thoughtful implementation and oversight, SB2001 SD2 represents an important step toward safeguarding Hawaii’s wai while honoring the cultural traditions and rights of Native Hawaiian communities.

Mahalo for the opportunity to provide testimony.

Respectfully,

Dr. Inam U. Rahman, MD

Physician | Community Advocate

Honolulu, Hawaii

SB-2002-SD-2

Submitted on: 3/15/2026 11:52:05 AM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

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

My name is Christy Shaver and I STRONGLY SUPPORT SB2002 SD2, to enable the Water Commission and its staff to implement the Water Code in an objective and consistent manner.

This bill would provide the Water Commission with a level of independence similar to that enjoyed by the Honolulu Board of Water Supply (HBWS), which has allowed HBWS to take critical actions to protect our drinking water resources even in the face of opposition by politically powerful entities, such as the US military and its contractors. As our future water and food security, environmental and cultural integrity, economy, and social fabric may all hinge on consistent and objective water management, the long-recommended amendments proposed by this measure may be more important now more than ever before.

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

Sincerely,
Christy Shaver

SB-2002-SD-2

Submitted on: 3/15/2026 1:05:29 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Von Kaanaana	Individual	Support	Written Testimony Only

Comments:

I strongly urge the committee to support SB2002 SD2.

The crisis at Red Hill and the Navy retreating from public dialogue. The State of Hawai'i has an outright obligation to confront the Navy and larger US military seeking to hold them accountable for their negligence!

natural resources and infrastructure need a cultural input from the people who have inhabited these lands from the beginning. Our waterways are mapped through ancestral knowledge and observation. Our people are culturally cognizant and educated in science from western institutions.

It is within the committees best interest to support this bill because even the people in the military know the military has destroyed this 'Āina!

Clean Water unites people with purpose. We know we can't import water faster than an infrastructure collapse. We have seen the studies and are informed intelligent population of island constituents. Do not forgot about the people you are elected to represent! They are drinking poisoned water still because it is NOT CLEAN!

if it weren't for the military and their negligence the self filtering, clean, abundant drinking water could exist pristinely forever. We must hold them accountable immediately!

SB-2002-SD-2

Submitted on: 3/15/2026 1:29:04 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lily Nakasone	Individual	Support	Written Testimony Only

Comments:

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

My name is Lily Nakasone and I **STRONGLY SUPPORT SB2002 SD2**, to enable the Water Commission and its staff to implement the Water Code in an objective and consistent manner.

This bill would provide the Water Commission with a level of independence similar to that enjoyed by the Honolulu Board of Water Supply (HBWS), which has allowed HBWS to take critical actions to protect our drinking water resources even in the face of opposition by politically powerful entities, such as the U.S. military and its contractors. **As our future water and food security, environmental and cultural integrity, economy, and social fabric may all hinge on consistent and objective water management, the long-recommended amendments proposed by this measure may be more important now more than ever before.**

This measure addresses political vulnerabilities with the Water Commission's governance structure that have been of significant concern for over 30 years now. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, another Governor appointee, the Attorney General, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the actions and decisions of the Water Commission and its staff. Accordingly, those with influence over our Governors, including powerful corporate and military-related interests, can substantially interfere and have interfered with the work of the Commission, through their political appointees.

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

ensure an objective, apolitical basis for staff employment decisions, would also allow Commission staff to fulfill their constitutional and statutory obligations without fear of political retribution.

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

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

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

Sincerely,

Lily Nakasone

SB-2002-SD-2

Submitted on: 3/15/2026 1:54:32 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

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

My name is Carolyn Eaton. I am a resident of Honolulu and I support this measure. I have observed that Ernie Lau, Manager and Chief Engineer of the Board of Water Supply, has submitted testimony in support earlier in the session, and I would urge your attention to any concerns he raises.

Mahalo for the opportunity to urge support of greater independence for the Commission on Water Resources as detailed in this bill.



Restore the Commons

Tuesday, March 17, 2026, 9:00 am

House Committee on Water and Land

SENATE BILL 2002 – RELATING TO WATER

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

Me ke Aloha, Chair Hashem, Vice Chair Lamosao, and Members of the Committee on Water and Land

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

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

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

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

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

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

Mahalo for the opportunity to address this issue,

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

retired Hydrologist, Commission on Water Resource Management (25 years) and Planner at DHHL (10 years); former OEQC Executive Secretary, House legislative staffer, and intern at DoH and DPED.
former Chair of O'ahu Democratic Party Region 5 ('Aiea-Pearl City);

SB-2002-SD-2

Submitted on: 3/15/2026 2:20:52 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

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

My name is Earl J. Kim and I **STRONGLY SUPPORT** SB2002 SD2, to enable the Water Commission and its staff to implement the Water Code in an objective and consistent manner.

This bill would provide the Water Commission with a level of independence similar to that enjoyed by the Honolulu Board of Water Supply (HBWS), which has allowed HBWS to take critical actions to protect our drinking water resources even in the face of opposition by politically powerful entities, such as the US military and its contractors. **As our future water and food security, environmental and cultural integrity, economy, and social fabric may all hinge on consistent and objective water management, the long-recommended amendments proposed by this measure may be more important now more than ever before.**

This measure addresses political vulnerabilities with the Water Commission's governance structure that have been of significant concern for over 30 years now. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, another Governor appointee, the Attorney General, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the actions and decisions of the Water Commission and its staff. Accordingly, those with influence over our Governors, including powerful corporate and military-related interests, can substantially interfere and have interfered with the work of the Commission, through their political appointees.

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

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

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

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

Sincerely,
Earl J. Kim

SB-2002-SD-2

Submitted on: 3/15/2026 3:34:39 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nathan Leo Braulick	Individual	Support	Written Testimony Only

Comments:

Nathan Leo Braulick

96826

SB-2002-SD-2

Submitted on: 3/15/2026 4:57:21 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

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

My name is Keri Zacher and I STRONGLY SUPPORT SB2002 SD2, to enable the Water Commission and its staff to implement the Water Code in an objective and consistent manner.

This bill would provide the Water Commission with a level of independence similar to that enjoyed by the Honolulu Board of Water Supply (HBWS), which has allowed HBWS to take critical actions to protect our drinking water resources even in the face of opposition by politically powerful entities, such as the U.S. military and its contractors. As our future water and food security, environmental and cultural integrity, economy, and social fabric may all hinge on consistent and objective water management, the long-recommended amendments proposed by this measure may be more important now more than ever before.

This measure addresses political vulnerabilities with the Water Commission's governance structure that have been of significant concern for over 30 years now. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, another Governor appointee, the Attorney General, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the actions and decisions of the Water Commission and its staff. Accordingly, those with influence over our Governors, including powerful corporate and military-related interests, can substantially interfere and have interfered with the work of the Commission, through their political appointees.

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

ensure an objective, apolitical basis for staff employment decisions, would also allow Commission staff to fulfill their constitutional and statutory obligations without fear of political retribution.

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

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

Accordingly, I respectfully urge the Committee to PASS this measure. Mahalo nui for the opportunity to testify.
Sincerely, Keri Zacher

SB-2002-SD-2

Submitted on: 3/15/2026 5:51:31 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

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

I STRONGLY SUPPORT SB2002 SD2, to enable the Water Commission and its staff to implement the Water Code in an objective and consistent manner.

This bill would provide the Water Commission with a level of independence similar to that enjoyed by the Honolulu Board of Water Supply (HBWS), which has allowed HBWS to take critical actions to protect our drinking water resources even in the face of opposition by politically powerful entities, such as the U.S. military and its contractors. As our future water and food security, environmental and cultural integrity, economy, and social fabric may all hinge on consistent and objective water management, the long-recommended amendments proposed by this measure may be more important now more than ever before.

This measure addresses political vulnerabilities with the Water Commission's governance structure that have been of significant concern for over 30 years now. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, another Governor appointee, the Attorney General, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the actions and decisions of the Water Commission and its staff. Accordingly, those with influence over our Governors, including powerful corporate and military-related interests, can substantially interfere and have interfered with the work of the Commission, through their political appointees.

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

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

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

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

Sincerely,

Shay Chan Hodges, Maui, Hawaii

SB-2002-SD-2

Submitted on: 3/15/2026 6:42:10 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ahia Dye	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of SB2002 SD2, which will provide the Commission on Water Resource Management (CWRM) much needed protection from political influence and facilitate more independent decision making to truly uphold its motto as “Ke kahuwai pono” (trustees who oversee the rightful sharing of water).

I urge the Committee to pass this bill for the following reasons:

Protect CWRM from Political Influence

This bill will provide CWRM and its staff with much needed protection from political influence by allowing commissioners to elect their own chairperson, hire independent legal counsel, and hire an independent executive director who would be subject to annual performance review by the commissioners. This freedom will allow CWRM to focus attention on its critical work to enforce the State Water Code, HRS Chapter 174C, and uphold the constitutional public trust in water.

Protect Water as a Public Trust Resource and Hold Violators Accountable

Although CWRM is authorized to hold law breakers accountable with penalties and fines, this bill updates penalties to provide CWRM more “teeth” for enforcing its decisions. With climate change exacerbating longstanding water conflicts, and incentives for diverters to violate protections set by the State Water Code, these updated penalties are necessary to ensure the best management of wai (fresh water) as a public trust resource.

Support Native Hawaiians' Vested Interest in Wai Resources

Native Hawaiian communities have long suffered injustices at the hands of large sugar plantations and other business ventures diverting our most precious live-giving resource, wai, with little accountability prior to the enactment of the State Water Code. Including the Office of Hawaiian Affairs as part of this CWRM reform to assist with selection of members to the CWRM nominating committee acknowledges Native Hawaiians' vested interest in wai resources and is a step in the right direction to address longstanding injustices.

Accordingly, I urge the Committee to PASS SB2002 SD2.

Mahalo for the opportunity to testify.

Ola I ka Wai!

SB-2002-SD-2

Submitted on: 3/15/2026 6:51:59 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Katherine Fryer	Individual	Support	Written Testimony Only

Comments:

I strongly support SB2002 SD2, to enable the Water Commission and its staff to implement the Water Code in an objective and consistent manner.

This bill would provide the Water Commission with a level of independence similar to that enjoyed by the Honolulu Board of Water Supply (HBWS), which is empowered to take critical actions to protect our drinking water resources even in the face of opposition by politically powerful entities, such as the US military and its contractors.

This measure addresses political vulnerabilities with the Water Commission's governance structure that have been of significant concern for over 30 years now. Currently a Governor appointee, the Board of Land and Natural Resources Chairperson, chairs the Water Commission and dictates its agenda. Another Governor appointee, the Attorney General, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the actions and decisions of the Water Commission and its staff. Accordingly, those with influence over our Governors, including powerful corporate and military-related interests, can substantially interfere and have interfered with the work of the Commission, through their political appointees.

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

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

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

water rights in making recommendations to the Governor.

I respectfully urge the Committee to PASS this measure.

SB-2002-SD-2

Submitted on: 3/15/2026 8:34:29 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tracey Contreras	Individual	Support	Written Testimony Only

Comments:

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

My name is Tracey Contreras and I STRONGLY SUPPORT SB2002 SD2, to enable the Water Commission and its staff to implement the Water Code in an objective and consistent manner.

This bill would provide the Water

Commission with a level of independence similar to that enjoyed by the Honolulu Board of Water Supply

(HBWS), which has allowed HBWS to take critical actions to protect our drinking water resources even in the

face of opposition by politically powerful entities, such as the US military and its contractors. As our future water and food security, environmental and cultural integrity, economy, and social fabric may all hinge on consistent and objective water management, the long-recommended amendments proposed by this measure may be more important now more than ever before.

This measure addresses political vulnerabilities with the Water

Commission's governance structure that have been of significant concern for over 30 years now.

Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, another Governor appointee, the Attorney General, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the actions and decisions of the Water Commission and its staff. Accordingly, those with influence over our Governors, including powerful corporate and military-related interests, can substantially interfere and have interfered with the work of the Commission, through their political appointees.

By requiring the Commission to choose

its own Chair, retain its own legal counsel, and select its own executive director, this measure will provide important layers of independence necessary for the objective management of our water resources, as otherwise required by the Water Code, constitution, and public trust.

These provisions, as well as a staff performance review process to ensure an objective, apolitical basis for staff employment decisions, would also allow Commission staff to fulfill their constitutional and statutory obligations without fear of political retribution.

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

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

Accordingly, I respectfully urge the Committee to PASS this measure.

Mahalo nui for the opportunity to testify.

Respectfully,

Tracey Contreras

SB-2002-SD-2

Submitted on: 3/15/2026 9:24:35 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

I STRONGLY SUPPORT SB2002 SD2 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.

SB-2002-SD-2

Submitted on: 3/15/2026 10:03:08 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dustin K Palos	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of SB2002 SD2, which will provide the Commission on Water Resource Management (CWRM) with much-needed protection from political influence and facilitate more independent decision-making to truly uphold its motto, “Ke kahuwai pono” (trustees who oversee the rightful sharing of water).

I urge the Committee to pass this bill for the following reasons:

Protect CWRM from Political Influence

This bill will provide CWRM and its staff with much-needed protection from political influence by allowing commissioners to elect their own chairperson, hire independent legal counsel, and hire an independent executive director who would be subject to annual performance review by the commissioners. This freedom will allow CWRM to focus on its critical work of enforcing the State Water Code, HRS Chapter 174C, and upholding the constitutional public trust in water.

Protect Water as a Public Trust Resource and Hold Violators Accountable

Although CWRM is authorized to hold lawbreakers accountable through penalties and fines, this bill updates the penalties to give CWRM more “teeth” to enforce its decisions. With climate change exacerbating longstanding water conflicts, and incentives for diverters to violate protections set by the State Water Code, these updated penalties are necessary to ensure the best management of wai (fresh water) as a public trust resource.

Support Native Hawaiians’ Vested Interest in Wai Resources

Native Hawaiian communities have long suffered injustices at the hands of large sugar plantations and other business ventures diverting our most precious life-giving resource, wai, with little accountability prior to the enactment of the State Water Code. Including the Office of Hawaiian Affairs in this CWRM reform to assist with selecting members of the CWRM nominating committee acknowledges Native Hawaiians’ vested interest in wai resources and is a step in the right direction toward addressing longstanding injustices.

Accordingly, I urge the Committee to PASS SB2002 SD2.

Mahalo for the opportunity to testify.

Ola I ka Wai!

Dustin Palos

Waiehu, Mokupuni Maui

SB-2002-SD-2

Submitted on: 3/15/2026 10:57:21 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Makalani Sunn	Individual	Support	Written Testimony Only

Comments:

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

Mahalo for the opportunity to testify in strong support of SB2002 SD2.

Water in Hawai‘i is not just a resource—it is life. It sustains our communities, our ecosystems, and our cultural traditions. Because of this, it is essential that the Commission on Water Resource Management (CWRM) is able to make decisions independently and in the best interest of the people and places that depend on wai. Strengthening the commission’s ability to operate free from political influence will help ensure that it can truly uphold its guiding principle, Ke kahuwai pono—to oversee the rightful sharing of water.

This bill provides important protections by allowing commissioners to elect their own chairperson, hire independent legal counsel, and appoint an executive director who is accountable to the commission. These changes will support more transparent and balanced decision making and allow CWRM to focus on its critical responsibility to uphold the State Water Code and protect water as a public trust resource.

Updating penalties for violations is also an important step. As water pressures increase due to climate change and competing demands, strong enforcement is necessary to ensure that water laws are respected and that our freshwater resources are protected for present and future generations.

Finally, recognizing the role of the Office of Hawaiian Affairs in the nomination process acknowledges the deep and enduring relationship that Native Hawaiians have with wai and supports more inclusive stewardship moving forward.

For these reasons, I respectfully urge the Committee to PASS SB2002 SD2.

Mahalo for your time, your service, and your commitment to protecting Hawai‘i’s water.

Ola i ka Wai.

Makalani Sunn
Wai‘anae, O‘ahu

SB-2002-SD-2

Submitted on: 3/16/2026 1:56:24 AM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

My name is Richard Kite and I **STRONGLY SUPPORT** SB2002 SD2, to enable the Water Commission and its staff to implement the Water Code in an objective and consistent manner.

This bill would provide the Water Commission with a level of independence similar to that enjoyed by the Honolulu Board of Water Supply (HBWS), which has allowed HBWS to take critical actions to protect our drinking water resources even in the face of opposition by politically powerful entities, such as the US military and its contractors. **As our future water and food security, environmental and cultural integrity, economy, and social fabric may all hinge on consistent and objective water management, the long-recommended amendments proposed by this measure may be more important now more than ever before.**

This measure addresses political vulnerabilities with the Water Commission’s governance structure that have been of significant concern for over 30 years now. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, another Governor appointee, the Attorney General, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the actions and decisions of the Water Commission and its staff. Accordingly, those with influence over our Governors, including powerful corporate and military-related interests, can substantially interfere and have interfered with the work of the Commission, through their political appointees.

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

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

Finally, I also support the inclusion of an appointee of the Office of Hawaiian Affairs’ CEO in

the Water Commission Nominating Committee, especially given the Commission's historical disregard of Native Hawaiian water rights in its decisionmaking. Such an appointee will ensure that the nominating committee considers prospective commissioners' understanding of Hawaiian water rights in making recommendations to the Governor.

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

Sincerely,
Richard Kite

SB-2002-SD-2

Submitted on: 3/16/2026 4:28:39 AM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Brenten Kanoa Yamane	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of SB2002 SD2, which will provide the Commission on Water Resource Management (CWRM) much needed protection from political influence and facilitate more independent decision making to truly uphold its motto as “Ke kahuwai pono” (trustees who oversee the rightful sharing of water).

I urge the Committee to pass this bill for the following reasons:

Protect CWRM from Political Influence

This bill will provide CWRM and its staff with much needed protection from political influence by allowing commissioners to elect their own chairperson, hire independent legal counsel, and hire an independent executive director who would be subject to annual performance review by the commissioners. This freedom will allow CWRM to focus attention on its critical work to enforce the State Water Code, HRS Chapter 174C, and uphold the constitutional public trust in water.

Protect Water as a Public Trust Resource and Hold Violators Accountable

Although CWRM is authorized to hold law breakers accountable with penalties and fines, this bill updates penalties to provide CWRM more “teeth” for enforcing its decisions. With climate change exacerbating longstanding water conflicts, and incentives for diverters to violate protections set by the State Water Code, these updated penalties are necessary to ensure the best management of wai (fresh water) as a public trust resource.

Support Native Hawaiians’ Vested Interest in Wai Resources

Native Hawaiian communities have long suffered injustices at the hands of large sugar plantations and other business ventures diverting our most precious live-giving resource, wai, with little accountability prior to the enactment of the State Water Code. Including the Office of Hawaiian Affairs as part of this CWRM reform to assist with selection of members to the CWRM nominating committee acknowledges Native Hawaiians’ vested interest in wai resources and is a step in the right direction to address longstanding injustices.

Accordingly, I urge the Committee to PASS SB2002 SD2.

Mahalo for the opportunity to testify.

Ola I ka Wai!

Brenten Kanoa Yamane
brentenyamane@gmail.com
Kapolei, O'ahu

SB-2002-SD-2

Submitted on: 3/16/2026 4:42:26 AM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Keili McEvilly	Individual	Support	Written Testimony Only

Comments:

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

My name is Ke‘ili from Kaneohe and I STRONGLY SUPPORT SB2002 SD2, to enable the Water Commission and its staff to implement the Water Code in an objective and consistent manner.

This bill would provide the Water Commission with a level of independence similar to that enjoyed by the Honolulu Board of Water Supply (HBWS), which has allowed HBWS to take critical actions to protect our drinking water resources even in the face of opposition by politically powerful entities, such as the U.S. military and its contractors. As our future water and food security, environmental and cultural integrity, economy, and social fabric may all hinge on consistent and objective water management, the long-recommended amendments proposed by this measure may be more important now more than ever before.

This measure addresses political vulnerabilities with the Water Commission’s governance structure that have been of significant concern for over 30 years now. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, another Governor appointee, the Attorney General, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the actions and decisions of the Water Commission and its staff. Accordingly, those with influence over our Governors, including powerful corporate and military-related interests, can substantially interfere and have interfered with the work of the Commission, through their political appointees.

By requiring the Commission to choose its own Chair, retain its own legal counsel, and select its own executive director, this measure will provide important layers of independence necessary for the objective management of our water resources, as otherwise required by the Water Code,

constitution, and public trust. These provisions, as well as a staff performance review process to ensure an objective, apolitical basis for staff employment decisions, would also allow Commission staff to fulfill their constitutional and statutory obligations without fear of political retribution.

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

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

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

Sincerely,

Ke'ili

Testimony in Strong Support of SB2002 SD2

Relating to Water

House Committee on Water & Land (WAL)

Mar 17, 2026 9:00 AM

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

My name is Frederick Smith. I live in the Kealakekua ahupua'a in the Kona moku on Hawai'i Island and am a graduate student at the University of Hawai'i at Hilo studying marine policy and science. I respectfully submit testimony **in strong support of SB2002 SD2**.

The State Water Code established the Commission on Water Resource Management to uphold Hawai'i's constitutional obligation to protect and regulate water resources as a public trust for the benefit of present and future generations. Because wai is held in public trust under the Hawai'i Constitution, the State has an affirmative duty to protect and manage these resources for the benefit of the people of Hawai'i and not for narrow private interests. For the commission to effectively carry out that responsibility, its governance structure must support independent and objective decision-making insulated from political pressure and conflicts of interest that could undermine the commission's public trust responsibilities.

SB2002 SD2 addresses long-standing structural concerns by allowing the commission to retain independent legal counsel, elect its own chairperson from among its members, and appoint an executive director who is directly accountable to the commission. These reforms reflect recommendations that have been discussed for decades and are intended to reduce potential conflicts within the current administrative structure.

Strengthening the institutional independence of the Water Commission is particularly important as Hawai'i faces increasing pressure on freshwater resources. Recent events across the state—including Red Hill, the Lahaina wildfire crisis, and growing water management challenges in West Hawai'i—have highlighted how essential effective and credible water governance is to public trust, community resilience, and long-term resource protection.

I also support this measure's authorization of stronger penalties for violations of the Water Code. Meaningful enforcement authority is necessary to ensure that water users comply with the law and that the commission has the tools needed to protect Hawai'i's water resources.

Finally, the addition of an Office of Hawaiian Affairs appointee to the commission's nominating committee is an important step for ensuring that prospective commissioners understand Native Hawaiian water rights and traditional water management practices recognized in Hawai'i law.

For these reasons, I respectfully urge the Committee to **PASS SB2002 SD2**.

Mahalo for the opportunity to testify.

Respectfully,

Frederick Smith

Captain Cook
Hawai'i Island

I support SB2902_SD2 because it would protect the Water Commission and its staff from undue influence by entrenched interests.

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 staff from arbitrary retaliation for simply doing their job.

I respectfully urge the committee to pass this bill.

Keith Neal
Waimea

SB-2002-SD-2

Submitted on: 3/16/2026 8:43:11 AM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Paul Bernstein	Individual	Support	Written Testimony Only

Comments:

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

I'm writing in **STRONG SUPPORT** of SB2002 SD2, to enable the Water Commission and its staff to implement the Water Code in an objective and consistent manner.

This bill would provide the Water Commission with a level of independence similar to that enjoyed by the Honolulu Board of Water Supply (HBWS), which has allowed HBWS to take critical actions to protect our drinking water resources even in the face of opposition by politically powerful entities, such as the U.S. military and its contractors. As our future water and food security, environmental and cultural integrity, economy, and social fabric may all hinge on consistent and objective water management, the long-recommended amendments proposed by this measure may be more important now more than ever before.

This measure addresses political vulnerabilities with the Water Commission's governance structure that have been of significant concern for over 30 years now. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, another Governor appointee, the Attorney General, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the actions and decisions of the Water Commission and its staff. Accordingly, those with influence over our Governors, including powerful corporate and military-related interests, can substantially interfere and have interfered with the work of the Commission, through their political appointees.

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

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

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

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

Kind regards,

Paul Bernstein

Honolulu

SB-2002-SD-2

Submitted on: 3/16/2026 8:46:38 AM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
P Hauoli'ipo Wright	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of SB2002 SD2, which will provide the Commission on Water Resource Management (CWRM) much needed protection from political influence and facilitate more independent decision making to truly uphold its motto as “Ke kahuwai pono” (trustees who oversee the rightful sharing of water).

I urge the Committee to pass this bill for the following reasons:

Protect CWRM from Political Influence

This bill will provide CWRM and its staff with much needed protection from political influence by allowing commissioners to elect their own chairperson, hire independent legal counsel, and hire an independent executive director who would be subject to annual performance review by the commissioners. This freedom will allow CWRM to focus attention on its critical work to enforce the State Water Code, HRS Chapter 174C, and uphold the constitutional public trust in water.

Protect Water as a Public Trust Resource and Hold Violators Accountable

Although CWRM is authorized to hold law breakers accountable with penalties and fines, this bill updates penalties to provide CWRM more “teeth” for enforcing its decisions. With climate change exacerbating longstanding water conflicts, and incentives for diverters to violate protections set by the State Water Code, these updated penalties are necessary to ensure the best management of wai (fresh water) as a public trust resource.

Support Native Hawaiians’ Vested Interest in Wai Resources

Native Hawaiian communities have long suffered injustices at the hands of large sugar plantations and other business ventures diverting our most precious live-giving resource, wai, with little accountability prior to the enactment of the State Water Code. Including the Office of Hawaiian Affairs as part of this CWRM reform to assist with selection of members to the CWRM nominating committee acknowledges Native Hawaiians’ vested interest in wai resources and is a step in the right direction to address longstanding injustices.

Accordingly, I urge the Committee to PASS SB2002 SD2.

Mahalo for the opportunity to testify.

Ola I ka Wai!

- P. Hau'oli ipo Wright / Moku o Hawaii

SB-2002-SD-2

Submitted on: 3/16/2026 8:49:31 AM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

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

My name is **Nanea Lo**, and I respectfully submit testimony **in support of SB2002 SD2**, which addresses longstanding structural issues that have allowed special interests to unduly influence the work of the Commission on Water Resource Management as it implements the Water Code and upholds the public trust in **wai**.

Water is one of Hawai‘i’s most precious resources, and the protection and management of our water must always be guided by the **public trust doctrine** and the needs of our communities. However, recent events across the state—from **Red Hill**, to **Lahaina**, to **West Hawai‘i Island**—have raised serious concerns about whether the Water Commission and its staff are able to carry out their responsibilities independently and effectively. At times, the Commission’s work has appeared to be delayed, constrained, or undermined by outside political influence.

SB2002 SD2 takes important steps to strengthen the independence and integrity of the Commission. Among other provisions, this measure would allow the Commission to **select its own chair** and **retain its own legal counsel**, helping ensure that its decisions and actions are guided by the law and the public interest rather than political pressure. The bill also establishes **clear performance standards to protect staff from arbitrary retaliation**, enabling them to do their jobs without fear when upholding the Water Code.

Strengthening the independence and accountability of the Water Commission is critical to ensuring that Hawai‘i’s water resources are managed responsibly and equitably for present and future generations.

For these reasons, I respectfully urge the committee to **PASS SB2002 SD2**.

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-2

Submitted on: 3/16/2026 9:13:01 AM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

Aloha, I am writing in support of SB2002 because I believe it will codify independence and objectivity for the Water Commission. Mahalo for your consideration.

SB-2002-SD-2

Submitted on: 3/16/2026 9:42:34 AM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

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

My name is Marshall Hung, and I **STRONGLY SUPPORT** SB2002 SD2, to enable the Water Commission and its staff to implement the Water Code in an objective and consistent manner.

This bill would provide the Water Commission with a level of independence similar to that enjoyed by the Honolulu Board of Water Supply (HBWS), which has allowed HBWS to take critical actions to protect our drinking water resources even in the face of opposition by politically powerful entities, such as the US military and its contractors. **As our future water and food security, environmental and cultural integrity, economy, and social fabric may all hinge on consistent and objective water management, the long-recommended amendments proposed by this measure may be more important now more than ever before.**

This measure addresses political vulnerabilities with the Water Commission’s governance structure that have been of significant concern for over 30 years now. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, another Governor appointee, the Attorney General, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the actions and decisions of the Water Commission and its staff. Accordingly, those with influence over our Governors, including powerful corporate and military-related interests, can substantially interfere and have interfered with the work of the Commission, through their political appointees.

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

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

Finally, I also support the inclusion of an appointee of the Office of Hawaiian Affairs' CEO in the Water Commission Nominating Committee, especially given the Commission's historical disregard of Native Hawaiian water rights in its 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.

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

Sincerely,
Marshall Hung

SB-2002-SD-2

Submitted on: 3/16/2026 10:17:11 AM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Leimomi Khan	Individual	Support	Written Testimony Only

Comments:

I respectfully submit testimony in strong support of **S.B. 2002, S.D. 2**, particularly the provision adding **one member to the nominating committee for the Commission on Water Resource Management appointed by the Chief Executive Officer of the Office of Hawaiian Affairs**.

From a Native Hawaiian perspective, water is not merely a resource — it is **wai**, the very essence of life. The word **waiwai**, meaning wealth, reflects our ancestors' understanding that true abundance flows from fresh water. Without flowing streams, thriving lo'i kalo, and replenished aquifers, there is no life, culture, or future for our people.

The **Hawai'i State Constitution recognizes water as a public trust resource** to be protected for the benefit of present and future generations. For this reason, it is essential that the **Commission on Water Resource Management operate with independence, transparency, and strong accountability**.

This bill strengthens the institutional framework for water governance by:

- Strengthening the independence and authority of the Commission
- Establishing an Executive Director accountable to the Commission
- Ensuring the Commission has access to necessary legal expertise
- Incorporating **traditional Hawaiian water management knowledge** into leadership
- Updating water shortage and enforcement provisions in light of climate challenges

Including a representative appointed by the **Office of Hawaiian Affairs** in the nominating process recognizes the importance of Native Hawaiian knowledge and perspective in decisions affecting Hawai'i's water resources.

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

For these reasons, I respectfully urge the Committee to **pass S.B. 2002, S.D. 2**, and particularly to ensure the inclusion of the provision adding a member to the nominating committee appointed by the Chief Executive Officer of the Office of Hawaiian Affairs.

Mahalo for the opportunity to testify.

SB-2002-SD-2

Submitted on: 3/16/2026 12:07:47 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Robin Van Eps	Individual	Support	Written Testimony Only

Comments:

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

My name is Robin and I **STRONGLY SUPPORT** SB2002 SD2, to enable the Water Commission and its staff to implement the Water Code in an objective and consistent manner.

This bill would provide the Water Commission with a level of independence similar to that enjoyed by the Honolulu Board of Water Supply (HBWS), which has allowed HBWS to take critical actions to protect our drinking water resources even in the face of opposition by politically powerful entities, such as the US military and its contractors. **As our future water and food security, environmental and cultural integrity, economy, and social fabric may all hinge on consistent and objective water management, the long-recommended amendments proposed by this measure may be more important now more than ever before.**

This measure addresses political vulnerabilities with the Water Commission's governance structure that have been of significant concern for over 30 years now. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, another Governor appointee, the Attorney General, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the actions and decisions of the Water Commission and its staff. Accordingly, those with influence over our Governors, including powerful corporate and military-related interests, can substantially interfere and have interfered with the work of the Commission, through their political appointees.

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

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

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

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

Sincerely,
Robin Van Eps

SB-2002-SD-2

Submitted on: 3/16/2026 12:17:00 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

Aloha Chair, Vice Chair, and Committee Members,

My name is J. Kēhau Lucas, and I am writing in STRONG SUPPORT of SB2002 SD2.

Recent crises—from the Red Hill contamination to disputes over Lahaina and West Hawai‘i Island water management—have demonstrated how vulnerable the Water Commission is to political interference, administrative obstruction, and structural conflicts of interest. Federal oversight bodies have found repeated and severe failures in state-federal coordination relating to water protection, including mismanagement of fuel and water systems at Joint Base Pearl Harbor–Hickam documented by the DoD OIG. [[dodig.mil](https://www.dodig.mil)], [[hawaiiipubl...cradio.org](https://hawaiiipublicradio.org)]

Ensuring that the Water Commission can carry out its constitutional duties under the public trust doctrine requires authentic independence. SB2002 SD2 strengthens this independence by allowing the Commission to choose its own chair, retain independent legal counsel, and adopt clear standards protecting staff from arbitrary retaliation—conditions that are essential to prevent political influence from restricting necessary water-protection actions.

This measure reflects best practices for safeguarding environmental regulatory bodies, ensuring they can respond swiftly and transparently during emergencies, and ensuring decisions regarding wai reflect science, community needs, and public trust—not political pressure.

I strongly urge you to PASS SB2002 SD2.

SB-2002-SD-2

Submitted on: 3/16/2026 12:35:50 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

I strongly support this bill. Thank you.

SB-2002-SD-2

Submitted on: 3/16/2026 12:55:08 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

Please support:)

SB-2002-SD-2

Submitted on: 3/16/2026 2:35:03 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Julia Estigoy-Kahoonei	Individual	Support	Written Testimony Only

Comments:

I am writing in support of SB2002 SD2, which will provide the Commission on Water Resource Management (CWRM) much needed protection from political influence and facilitate more independent decision making to truly uphold its motto as “Ke kahuwai pono” (trustees who oversee the rightful sharing of water).

I urge the Committee to pass this bill for the following reasons:

Protect CWRM from Political Influence

This bill will provide CWRM and its staff with much needed protection from political influence by allowing commissioners to elect their own chairperson, hire independent legal counsel, and hire an independent executive director who would be subject to annual performance review by the commissioners. This freedom will allow CWRM to focus attention on its critical work to enforce the State Water Code, HRS Chapter 174C, and uphold the constitutional public trust in water.

Protect Water as a Public Trust Resource and Hold Violators Accountable

Although CWRM is authorized to hold law breakers accountable with penalties and fines, this bill updates penalties to provide CWRM more “teeth” for enforcing its decisions. With climate change exacerbating longstanding water conflicts, and incentives for diverters to violate protections set by the State Water Code, these updated penalties are necessary to ensure the best management of wai (fresh water) as a public trust resource.

Support Native Hawaiians’ Vested Interest in Wai Resources

Native Hawaiian communities have long suffered injustices at the hands of large sugar plantations and other business ventures diverting our most precious live-giving resource, wai, with little accountability prior to the enactment of the State Water Code. Including the Office of Hawaiian Affairs as part of this CWRM reform to assist with selection of members to the CWRM nominating committee acknowledges Native Hawaiians' vested interest in wai resources and is a step in the right direction to address longstanding injustices.

Accordingly, I urge the Committee to PASS SB2002 SD2.

Mahalo for the opportunity to testify.

Ola I ka Wai!

Julia Estigoy-Kaho'onei

Pāhoa, Moku o Keawe

SB-2002-SD-2

Submitted on: 3/16/2026 2:44:58 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Anne Lorenzo	Individual	Support	Written Testimony Only

Comments:

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

My name is Anne M. Lorenzo and I **STRONGLY SUPPORT** SB2002 SD2, to enable the Water Commission and its staff to implement the Water Code in an objective and consistent manner.

This bill would provide the Water Commission with a level of independence similar to that enjoyed by the Honolulu Board of Water Supply (HBWS), which has allowed HBWS to take critical actions to protect our drinking water resources even in the face of opposition by politically powerful entities, such as the US military and its contractors. **As our future water and food security, environmental and cultural integrity, economy, and social fabric may all hinge on consistent and objective water management, the long-recommended amendments proposed by this measure may be more important now more than ever before.**

This measure addresses political vulnerabilities with the Water Commission's governance structure that have been of significant concern for over 30 years now. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, another Governor appointee, the Attorney General, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the actions and decisions of the Water Commission and its staff. Accordingly, those with influence over our Governors, including powerful corporate and military-related interests, can substantially interfere and have interfered with the work of the Commission, through their political appointees.

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

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

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

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

Sincerely,
Anne M. Lorenzo

SB-2002-SD-2

Submitted on: 3/16/2026 3:21:34 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Paolo Vidali	Individual	Support	Written Testimony Only

Comments:

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

My name is Paolo Vidali and I **STRONGLY SUPPORT** SB2002 SD2, to enable the Water Commission and its staff to implement the Water Code in an objective and consistent manner.

This bill would provide the Water Commission with a level of independence similar to that enjoyed by the Honolulu Board of Water Supply (HBWS), which has allowed HBWS to take critical actions to protect our drinking water resources even in the face of opposition by politically powerful entities, such as the US military and its contractors. **As our future water and food security, environmental and cultural integrity, economy, and social fabric may all hinge on consistent and objective water management, the long-recommended amendments proposed by this measure may be more important now more than ever before.**

This measure addresses political vulnerabilities with the Water Commission's governance structure that have been of significant concern for over 30 years now. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, another Governor appointee, the Attorney General, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the actions and decisions of the Water Commission and its staff. Accordingly, those with influence over our Governors, including powerful corporate and military-related interests, can substantially interfere and have interfered with the work of the Commission, through their political appointees.

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

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

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

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

Sincerely,

Paolo Vidali

SB-2002-SD-2

Submitted on: 3/16/2026 3:46:56 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tammy-Lynn Kanoelani Joao	Individual	Support	Written Testimony Only

Comments:

The House Water and Land Committee will hear

SB2002 SD2 on Tuesday, March 17, at 9:00 a.m.

SB2002 SD2 would empower the Commission on Water Resource

Management to better protect, remediate, and preserve our

precious wai (fresh water) resources through greater independence.

Submit Testimony on SB2002 SD2 by

Monday, March 16, at 9:00 a.m.

Testimony received after the deadline will be accepted, but will be considered late.

If you wish to testify via videoconference, you must also submit written testimony.

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Summary of SB2001 SD2 (Strengthen Protections for Wai):

Allows the Commission on Water Resource Management (CWRM) to employ its own counsel, similar to other specialized agencies (e.g., the Public Utilities Commission).

Creates the position of executive director and ensures the executive director chairperson of CWRM are separate and independent from the Department of Land and Natural Resources (DLNR).

Adds an appointee of the Office of Hawaiian Affairs (OHA) to the committee responsible for nominating CWRM members.

Enhances the commission's enforcement and regulatory powers to protect wai, including through higher penalties.

Why This Bill is Critical for Native Hawaiians:

CWRM is the primary agency responsible for protecting the State's wai (fresh water).

Independence from political pressure is key to ensuring CWRM decisions promote public trust rights in water, including the right to exercise traditional and customary practices like kalo cultivation protected by the Hawai'i State constitution.

This bill would strengthen and enhance CWRM's independence and also update its enforcement powers, strengthening CWRM's ability to hold bad actors accountable for illegal water diversion and other violations of public water rights.

These reforms are timely as climate change exacerbates demand on scarce water resources, threatening to further entrench historical disenfranchisement of Native Hawaiians and other instream water users.

OHA recently convened a webinar panel that discussed the importance of CWRM, and other boards and commissions, to uplifting Native Hawaiian Rights. Watch the webinar panel recording [here](#).

Sample Testimony in Support of HB2101 HD1

Use this sample to submit your own testimony:

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

I am writing in support of SB2002 SD2, which will provide the Commission on Water Resource Management (CWRM) much needed protection from political influence and facilitate more independent decision making to truly uphold its motto as "Ke kahuwai pono" (trustees who oversee the rightful sharing of water).

I urge the Committee to pass this bill for the following reasons:

Protect CWRM from Political Influence

This bill will provide CWRM and its staff with much needed protection from political influence by allowing commissioners to elect their own chairperson, hire independent legal counsel, and hire an independent executive director who would be subject to annual performance review by the commissioners. This freedom will allow CWRM to focus attention on its critical work to enforce the State Water Code, HRS Chapter 174C, and uphold the constitutional public trust in water.

Protect Water as a Public Trust Resource and Hold Violators Accountable

Although CWRM is authorized to hold law breakers accountable with penalties and fines, this bill updates penalties to provide CWRM more “teeth” for enforcing its decisions. With climate change exacerbating longstanding water conflicts, and incentives for diverters to violate protections set by the State Water Code, these updated penalties are necessary to ensure the best management of wai (fresh water) as a public trust resource.

Support Native Hawaiians’ Vested Interest in Wai Resources

Native Hawaiian communities have long suffered injustices at the hands of large sugar plantations and other business ventures diverting our most precious live-giving resource, wai, with little accountability prior to the enactment of the State Water Code. Including the Office of

Hawaiian Affairs as part of this CWRM reform to assist with selection of members to the CWRM nominating committee acknowledges Native Hawaiians' vested interest in wai resources and is a step in the right direction to address longstanding injustices.

Accordingly, I urge the Committee to PASS SB2002 SD2.

Mahalo for the opportunity to testify.

Ola I ka Wai!

Tammy-Lynn Kanoelani Joao (96760)

SB-2002-SD-2

Submitted on: 3/16/2026 4:12:36 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kealani Makaiwi	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Committee Members,

My name is Kealani Makaiwi. I am a Native Hawaiian mother of four keiki and an educator, and I respectfully submit this testimony in **strong support of SB2002**, which strengthens protections for our water resources.

Water—wai—is life in Hawai‘i. In our language and worldview, the word wai appears in wealth (*waiwai*) and in the name of our islands’ most sacred places because our ancestors understood that the health of our water determines the health of our people and our ‘āina. Strengthening protections for our water resources is not only a policy decision; it is a commitment to the future of our islands and the generations who will inherit them.

Across **Hawai‘i**, our freshwater systems face increasing pressures from development, climate change, and competing demands. Stronger protections are necessary to ensure that aquifers, streams, and watersheds are carefully managed and preserved. Once water resources are damaged or depleted, restoration is extremely difficult, and in some cases impossible.

As a mother and educator, I think about the example we set for our children. Our keiki deserve to grow up in a Hawai‘i where clean water flows in our streams, where communities have reliable drinking water, and where natural ecosystems continue to thrive. Protecting water today is one of the most important ways we can demonstrate stewardship and responsibility to future generations.

From a Native Hawaiian perspective, wai is a sacred trust. Our kūpuna managed water carefully, understanding that it must be shared in balance between people and the environment. Policies that strengthen water protections help restore that balance and reaffirm the principle that water should be managed for the benefit of the public and the health of the land.

As a Christian, I also believe we are called to care for creation and act as responsible stewards of the resources entrusted to us. Safeguarding our water resources reflects that responsibility and ensures that the blessings we enjoy today remain available for generations to come.

For these reasons, I respectfully urge you to **support and pass SB2002** to strengthen the protection of Hawai‘i’s water resources.

Mahalo for the opportunity to testify and for your commitment to protecting the lifeblood of our islands.

Respectfully,
Kealani Makaiwi
Mother & Educator

SB-2002-SD-2

Submitted on: 3/16/2026 4:22:06 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

Politics have long polluted the decisions about how our freshwater resources are allocated and our streams are managed. This has never been more evident than in the wake of the Lahaina wildfires, when the BLNR Chair Dawn Chang unilaterally suspended instream flow standards and removed the Commission’s then-deputy director without cause or input from other commissioners. Since then, the Commission has failed to take any decisive action on permit applications filed more than two years ago, and there has been no progress in developing a water shortage plan even as Maui Komohana experiences a historic period of drought. And now, instead of allocating water to housing projects like Pulelehua, the state is allowing the Kapalua golf course to use drinking water on its grass. The injustice could not be more stark. The current administrative structure has left the Commission vulnerable to political influence and eroded public confidence in the Commission’s ability to steward a precious public trust resource – wai.

SB2002 implements long-standing recommendations to improve the State Water Code by shielding the Water Commission’s staff and volunteer board from political interference. These amendments would provide the Commission with the independence to focus solely on its constitutional mandate to conserve and protect Hawai‘i’s public trust water resources for the benefit of present and future generations.

The wealthy and well-connected have long benefited from the pay-to-play politics behind the scenes at the Water Commission. That is why they are working overtime to stop this bill. We got really close to passing this bill a few years ago, and with all of us working together now, we can get to the Governor’s desk.

How we make our case to lawmakers

SB2002 implements long-standing, common sense recommendations to make the Commission on Water Resources Management (CWRM or Water Commission) more efficient and effective. The Water Commission has been unable to fulfill its mission to ensure the fair sharing of water throughout the Hawaiian Islands. As a result, critical housing projects have not advanced. This reality has been made plainly clear in recent water-related disasters.

In Lahaina, since the wildfires nearly 3 years ago, the Water Commission staff has made zero progress in the processing of 150 applications for water use permits in the area, or drafting of a

water shortage plan despite a prolonged historic drought. Instead of prioritizing precious water resources for housing projects, the Water Commission has prioritized the water needs of golf courses.

Similarly, in the Red Hill water disaster, the Water Commission was unable to take the immediate action necessary to adapt to such a sudden and severe shift in the availability of drinking water on O‘ahu. While Commission members attempted to work around these bureaucratic hurdles, they were unable to make timely, effective decisions during that crisis.

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.

Summary of SB2002 amendments

If adopted, this bill would:

- Strengthen the Commission’s enforcement and regulatory powers. Increased maximum fines will provide meaningful deterrence for the worst violators. Expanded regulatory authority will allow the Commission to take timely action in the event of an emergency or shortage.
- Allow the Commission to retain independent counsel. Currently, the Commission lacks the ability to employ its own legal staff and is forced to rely solely on counsel from the State’s attorney general. At times throughout its history, this has left the Commission without effective legal counsel or, as in the landmark *Waiāhole* case, without representation altogether.
- Empower the Commission to appoint, evaluate, and oversee their lead staff person. This will reduce bureaucracy related to the Commission being administratively attached to the Department of Land and Natural Resources and improve its focus on fulfilling its unique statutory and constitutional obligations to protect Hawai‘i’s public trust water resources.
- Authorizes the five volunteer Commission members to elect their own chairperson. This ensures DLNR’s full participation in Commission decisions while minimizing the risk of conflict or competition between the distinct missions of the two agencies.
- Improve the Commission’s nomination process by adding an appointee of the Office of Hawaiian Affairs to the nominating committee. Adding this important voice will help to ensure that only qualified nominees who possess the statutory requirements are appointed to serve on the Commission.

SB2002’s amendments would allow the Water Commission to function more like the Honolulu Board of Water Supply with the necessary focus, independence, and authority to implement its constitutional mandate to conserve and protect Hawai‘i’s public trust water resources for the benefit of present and future generations.

Sincerely,

Bo Breda

SB-2002-SD-2

Submitted on: 3/16/2026 4:22:55 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

Politics have long polluted the decisions about how our freshwater resources are allocated and our streams are managed. This has never been more evident than in the wake of the Lahaina wildfires, when the BLNR Chair Dawn Chang unilaterally suspended instream flow standards and removed the Commission’s then-deputy director without cause or input from other commissioners. Since then, the Commission has failed to take any decisive action on permit applications filed more than two years ago, and there has been no progress in developing a water shortage plan even as Maui Komohana experiences a historic period of drought. And now, instead of allocating water to housing projects like Pulelehua, the state is allowing the Kapalua golf course to use drinking water on its grass. The injustice could not be more stark. The current administrative structure has left the Commission vulnerable to political influence and eroded public confidence in the Commission’s ability to steward a precious public trust resource – wai.

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- Empower the Commission to appoint, evaluate, and oversee their lead staff person. This will reduce bureaucracy related to the Commission being administratively attached to the Department of Land and Natural Resources and improve its focus on fulfilling its unique statutory and constitutional obligations to protect Hawai‘i’s public trust water resources.
- Authorizes the five volunteer Commission members to elect their own chairperson. This ensures DLNR’s full participation in Commission decisions while minimizing the risk of conflict or competition between the distinct missions of the two agencies.
- Improve the Commission’s nomination process by adding an appointee of the Office of Hawaiian Affairs to the nominating committee. Adding this important voice will help to ensure that only qualified nominees who possess the statutory requirements are appointed to serve on the Commission.

SB2002’s amendments would allow the Water Commission to function more like the Honolulu Board of Water Supply with the necessary focus, independence, and authority to implement its constitutional mandate to conserve and protect Hawai‘i’s public trust water resources for the benefit of present and future generations.

Sincerely,

Peter Wilson

SB-2002-SD-2

Submitted on: 3/16/2026 5:33:49 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

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

My name is Kaila Manuel, and I STRONGLY SUPPORT SB2002 SD2, to enable the Water Commission and its staff to implement the Water Code in an objective and consistent manner.

This bill would provide the Water Commission with a level of independence similar to that enjoyed by the Honolulu Board of Water Supply (HBWS), which has allowed HBWS to take critical actions to protect our drinking water resources even in the face of opposition by politically powerful entities, such as the U.S. military and its contractors. As our future water and food security, environmental and cultural integrity, economy, and social fabric may all hinge on consistent and objective water management, the long-recommended amendments proposed by this measure may be more important now than ever before.

This measure addresses political vulnerabilities with the Water Commission's governance structure that have been of significant concern for over 30 years now. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, another Governor appointee, the Attorney General, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the actions and decisions of the Water Commission and its staff. Accordingly, those with influence over our Governors, including powerful corporate and military interests, can substantially interfere with, and have interfered with, the work of the Commission through their political appointees.

By requiring the Commission to choose its own Chair, retain its own legal counsel, and select its own executive director, this measure will provide important layers of independence necessary for the objective management of our water resources, as otherwise required by the Water Code, the Constitution, and the public trust. These provisions, along with a staff performance review

process to ensure an objective, apolitical basis for employment decisions, would also enable Commission staff to fulfill their constitutional and statutory obligations without fear of political retribution.

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

Finally, I also support the inclusion of an appointee of the Office of Hawaiian Affairs' CEO in the Water Commission Nominating Committee, especially given the Commission's historical disregard of Native Hawaiian water rights in its 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.

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

Sincerely,

Kaila Manuel

SB-2002-SD-2

Submitted on: 3/16/2026 6:05:47 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

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

Comments:

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

My name is Sydney Chung and I STRONGLY SUPPORT SB2002 SD2, to enable the Water Commission and its staff to implement the Water Code in an objective and consistent manner.

This bill would provide the Water Commission with a level of independence similar to that enjoyed by the Honolulu Board of Water Supply (HBWS), which has allowed HBWS to take critical actions to protect our drinking water resources even in the face of opposition by politically powerful entities, such as the U.S. military and its contractors. As our future water and food security, environmental and cultural integrity, economy, and social fabric may all hinge on consistent and objective water management, the long-recommended amendments proposed by this measure may be more important now more than ever before.

This measure addresses political vulnerabilities with the Water Commission's governance structure that have been of significant concern for over 30 years now. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, another Governor appointee, the Attorney General, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the actions and decisions of the Water Commission and its staff. Accordingly, those with influence over our Governors, including powerful corporate and military-related interests, can substantially interfere and have interfered with the work of the Commission, through their political appointees.

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

ensure an objective, apolitical basis for staff employment decisions, would also allow Commission staff to fulfill their constitutional and statutory obligations without fear of political retribution.

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

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

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

Sincerely,

Sydney Chung

SB-2002-SD-2

Submitted on: 3/16/2026 7:10:16 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kale Hansen	Individual	Support	Written Testimony Only

Comments:

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

My name is Kale Hansen and I **STRONGLY SUPPORT SB2002 SD2**, to enable the Water Commission and its staff to implement the Water Code in an objective and consistent manner.

This bill would provide the Water Commission with a level of independence similar to that enjoyed by the Honolulu Board of Water Supply (HBWS), which has allowed HBWS to take critical actions to protect our drinking water resources even in the face of opposition by politically powerful entities, such as the U.S. military and its contractors. **As our future water and food security, environmental and cultural integrity, economy, and social fabric may all hinge on consistent and objective water management, the long-recommended amendments proposed by this measure may be more important now more than ever before.**

This measure addresses political vulnerabilities with the Water Commission’s governance structure that have been of significant concern for over 30 years now. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, another Governor appointee, the Attorney General, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the actions and decisions of the Water Commission and its staff. Accordingly, those with influence over our Governors, including powerful corporate and military-related interests, can substantially interfere and have interfered with the work of the Commission, through their political appointees.

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

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

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

Sincerely,
Kale Hansen

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

My name is Jamie Devera and I STRONGLY SUPPORT SB2002 SD2, to enable the Water Commission and its staff to implement the Water Code in an objective and consistent manner.

This bill proposes important improvements to how Hawai'i's Commission on Water Resource Management (CWRM) is run and how well it works. Additionally, it's an important step in making sure that our state's most valuable natural resource – water, is protected, used responsibly, and saved for future generations.

Water in Hawai'i is more than just something to buy and sell—it is a shared resource that supports people, the environment, cultural traditions, and the economy. Because of this, it's imperative that the group responsible for overseeing water use operates with independence, transparency, and the authority necessary to enforce regulations effectively. As such, It's important to emphasize that shared natural resources must be managed by public institutions in a way that benefits society, rather than private interests. SB2002 directly reflects this principle by strengthening the structure, independence, and authority of the commission responsible for overseeing water use.

Additionally, SB2002 supports our ethical responsibility by improving how water is managed over time and by strengthening enforcement of water laws. This helps make sure that Hawai'i's water is not overused or depleted. Having stronger rules and clearer authority to manage water shows that we need to take action now to protect these resources for future generations.

Overall, SB2002 represents an important and timely update to Hawai'i's water management system. By strengthening the Commission on Water Resource Management, the bill ensures that the commission can effectively uphold its responsibilities to the public and address both current and future challenges related to water resources.

Therefore, I strongly urge the legislature to pass Senate Bill 2002.

Thank you for the opportunity to testify in support of SB2002, SD2.

Sincerely,

Jamie Devera

SB-2002-SD-2

Submitted on: 3/17/2026 8:32:06 AM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shannon Rudolph	Individual	Support	Written Testimony Only

Comments:

SUPPORT