

From: [Jhalani Aweau](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Item D4, BLNR Agenda for November 8, 2024
Date: Thursday, November 7, 2024 8:01:10 AM

Aloha Chair Chang and Members of the Board of Land and Natural Resources,

My name is Jhalani Aweau, a lineal descendant and resident of Ke'anae and Wailuanui, and I strongly OPPOSE the fast-tracking of public trust water resources to a private company, as proposed in item D4. If Alexander & Baldwin faces a \$62 million repayment because they can't secure public water, that is not BLNR's or the public's responsibility.

The voters of Maui County and 'Aha Wai o Maui Hikina deserve a fair chance to negotiate over East Maui's waters before any contested case hearing begins. Rushing this decision without an appraisal or water reservations for DHHL would breach BLNR's public trust duties to put the community first.

I urge the Board to defer this item and prioritize public trust uses of water over private interests.

Mahalo for your time.

Jhalani Aweau
aweaujhalani@gmail.com

From: [Life Of the Animal Horder](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in opposition to agenda item D-4
Date: Thursday, November 7, 2024 6:15:39 AM

Aloha Chair Chang and Members of the Board of Land and Natural Resources,

My name is River Barros and I strongly OPPOSE the recommendation in agenda item D-4.

The proposed long-term disposition in this agenda item is premature and threatens to only create more conflict and uncertainty over Maui's water resources. The proposal would authorize more water to be diverted than would be available after the Water Commission's amended interim instream flow standards are implemented; ignores the still-unfulfilled need to implement these flow standards, which are critical to stopping the ongoing harm being inflicted on East Maui's streams, watersheds, and estuaries; turns a blind eye to the significant and ongoing waste of public trust water, including from leaky unlined reservoirs; and fails to give the 'Aha Wai o Maui Hikina a fair chance at negotiating for the disposition of Maui Hikina's streams, before launching a contested case hearing over a potential water license to a real estate investment trust and Canadian pension fund with no duty to uphold the public trust or the public's interests in their control over Maui's water resources.

Please do not allow this recommendation to move forward, which would allow private corporate entities to continue to flaunt the public trust and state water code - including the Water Commission's still-outstanding orders - while wasting potentially millions of gallons of water per day with no consequence.

We all need water to live, letting it be used in foolish ways will lead to the death of not only the 'aina but the people as well.

Mahalo nui for your consideration of this testimony.

Sincerely,

River Barros

From: suellen@maui.net
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in Opposition to Agenda Item D-4
Date: Thursday, November 7, 2024 3:50:07 AM

Aloha Chair Chang and Members of the BLNR

My name is Suellen Barton and I strongly OPPOSE the recommendation in agenda item D-4.

The proposed long-term disposition in this agenda item is premature and will create more conflict & uncertainty over Maui's water resources. The proposal would allow more of the public water resource to be diverted than would be available after the Water Commission's amended interim stream flow standards are implemented; ignores the still-unfulfilled need to implement these flow standards, which are critical to stopping the ongoing harm being inflicted on East Maui's streams, watersheds, and estuaries; ignores the ongoing waste of public trust water, including from leaky, unlined reservoirs; and fails to give the 'Aha o Maui Hikina a fair chance at negotiating for the disposition of Maui Hikina streams, before launching a contested case hearing over a potential water license to a real estate investment trust and Canadian pension fund with no duty to uphold the public trust or the public's interests in their control over Maui's resources.

Please do not allow this recommendation to move forward, which would allow private corporate entities to continue to flaunt the public trust and state water code - including the Water Commission's still outstanding orders - while wasting potentially millions of gallons of water per day with no consequence.

Thank you for your attention to this most important matter.

Suellen Barton

From: [Bobbie Best](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] I OPPOSE the recommendation in agenda item D-4. Please put the public ahead of corporate interests
Date: Thursday, November 7, 2024 8:47:20 AM

Aloha Chair Chang and Members of the Board of Land and Natural Resources,

The proposed long-term disposition in this agenda item is premature and threatens to only create more conflict and uncertainty over Maui's water resources. The proposal would authorize more water to be diverted than would be available after the Water Commission's amended interim instream flow standards are implemented; ignores the still-unfulfilled need to implement these flow standards, which are critical to stopping the ongoing harm being inflicted on East Maui's streams, watersheds, and estuaries; turns a blind eye to the significant and ongoing waste of public trust water, including from leaky unlined reservoirs; and fails to give the 'Aha Wai o Maui Hikina a fair chance at negotiating for the disposition of Maui Hikina's streams, before launching a contested case hearing over a potential water license to a real estate investment trust and Canadian pension fund with no duty to uphold the public trust or the public's interests in their control over Maui's water resources.

Please do not allow this recommendation to move forward, which would allow private corporate entities to continue to flaunt the public trust and state water code - including the Water Commission's still-outstanding orders - while wasting potentially millions of gallons of water per day with no consequence.

Mahalo nui for your consideration of this testimony.

Bill and Bobbie Best
280 Hauoli
Wailuku HI 96793
(808) 242-9119

From: [Paul Carter](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to item D4
Date: Thursday, November 7, 2024 7:58:34 AM

Aloha Chair Chang and Members of the Board of Land and Natural Resources,

My name is Paul Carter and I strongly OPPOSE the recommendation in agenda item D-4.

The proposed long-term disposition in this agenda item is premature and threatens to only create more conflict and uncertainty over Maui's water resources. The proposal would authorize more water to be diverted than would be available after the Water Commission's amended interim instream flow standards are implemented; ignores the still-unfulfilled need to implement these flow standards, which are critical to stopping the ongoing harm being inflicted on East Maui's streams, watersheds, and estuaries; turns a blind eye to the significant and ongoing waste of public trust water, including from leaky unlined reservoirs; and fails to give the 'Aha Wai o Maui Hikina a fair chance at negotiating for the disposition of Maui Hikina's streams, before launching a contested case hearing over a potential water license to a real estate investment trust and Canadian pension fund with no duty to uphold the public trust or the public's interests in their control over Maui's water resources.

Please do not allow this recommendation to move forward, which would allow private corporate entities to continue to flaunt the public trust and state water code - including the Water Commission's still-outstanding orders - while wasting potentially millions of gallons of water per day with no consequence.

Mahalo nui for your consideration of this testimony.

Sincerely

Paul Carter

East Maui

Sent from my iPhone

From: [Diana Dahl](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Oppose D-4
Date: Thursday, November 7, 2024 8:59:16 AM

Aloha Chair Chang and Members of the BLNR,

My name is Diana Loomis Dahl and I strongly OPPOSE the recommendation in agenda item D-4.

My family property of 54 yrs borders Ho'olawa stream in East Maui where the river bed was dry for more than a century except during large rain events. My kids were raised in Ho'olawa Valley and spent time in lots of the rivers and streams for many years growing up. They know these valleys and streams by heart. Even my grandchildren and now great grandchildren were born there. A most beautiful place. Especially when the streams are alive with flowing water... compared to the dry river beds that was the status quo until the sugar plantation closed.

Through the years, I have witnessed the devastating impact on the native Flora and Fauna, the estuaries and fisheries, the local farmers and residents first hand of A&B taking all of the water. Taking every drop at many of the diversions - and even still do to this day.

If EMI and A&B had demonstrated a reciprocity with nature, a respect for the very source of their affluence, good watershed stewardship in their practices, perhaps they could be trusted. But it was the opposite of that and continues to be.

When will those diversions be modified to return, at least the minimum required flow to the streams? When? You can sell the water in a day for 30 years but you can't return the water to the streams below the diversions, that have born the brunt of abuse for the benefit of private corporations. This is not how you treat the source of life and the source of your companies' affluence.

The charter amendment that established the EMWA was voted into law with massive public support from the residents of Maui to make sure and protect the watershed first and foremost. To prevent the taking of too much water

like had happened for over 100 years.. The people of Maui spoke! They want a water authority that is involved in the management process at every level of the East Maui Watershed. Not disregarded by the BLNR and CWRM.

This lease must not be allowed! This lease must not be allowed to happen before EMWA can fully participate in the process, as they are the voice of the people defending the water shed that serves them.

Be aware that the paper pushers and administrators in the offices on Oahu, just doing their jobs, have no clue as to the significance of these flowing rivers and their importance to the community of Maui and the world. For example, some years back EMI had reported to CWRM that the stream where Twin Falls is located was “insignificant“ when an actuality it is the second largest tourist attraction on Maui. Had Sierra Club not caught that bold faced lie in the report, the decision-makers in the offices on Oahu would not have known.

Just imagine if a cruise ship company applied to build a large break wall across the whole of Waikiki to dock their large boats. Blocking the waves and creating stagnant water. And in their report to the decision-makers, pushing the papers located elsewhere, they said that Waikiki was a small insignificant beach. That’s what I’m talking about. Big decisions like this about our watershed need to involve by Maui’s own water authority playing a major role.

The proposed long-term disposition in this agenda item is premature and threatens to only create more conflict and uncertainty over Maui’s water resources. The proposal would authorize more water to be diverted than would be available after the Water Commission’s amended interim instream flow standards are implemented; ignores the still-unfulfilled need to implement these flow standards, which are critical to stopping the ongoing harm being inflicted on East Maui’s streams, watersheds, and estuaries; turns a blind eye to the significant and ongoing waste of public trust water, including from leaky unlined reservoirs; and fails to give the ‘Aha Wai o Maui Hikina a fair chance at negotiating for the disposition of Maui Hikina’s streams, before launching a contested case hearing over a potential water license to a real estate investment trust and Canadian pension fund with no

duty to uphold the public trust or the public's interests in their control over Maui's water resources.

Please do not allow this recommendation to move forward, which would allow private corporate entities to continue to flaunt the public trust and state water code – including the Water Commission's still-outstanding orders – while wasting potentially millions of gallons of water per day with no consequence.

We must malama the East Maui watershed's public trust resource of water to benefit present and future generations. That is in our State constitution. The BLNR, CWRM and EMWA are responsible to uphold those precepts. Not hand over the control of the water and watershed to private and foreign development corporations

Mahalo nui for your consideration of this testimony.

Sincerely,

Diana Loomis Dahl

From: [Raul Nohea Goodness](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in Opposition to Agenda Item D-4
Date: Thursday, November 7, 2024 9:01:57 AM

Aloha Chair Chang and Members of the BLNR,

My name is **Raul Nohea Goodness** and I strongly OPPOSE the recommendation in agenda item D-4.

The proposed long-term disposition in this agenda item is premature and threatens to only create more conflict and uncertainty over Maui's water resources. The proposal would authorize more water to be diverted than would be available after the Water Commission's amended interim instream flow standards are implemented; ignores the still-unfulfilled need to implement these flow standards, which are critical to stopping the ongoing harm being inflicted on East Maui's streams, watersheds, and estuaries; turns a blind eye to the significant and ongoing waste of public trust water, including from leaky unlined reservoirs; and fails to give the 'Aha Wai o Maui Hikina a fair chance at negotiating for the disposition of Maui Hikina's streams, before launching a contested case hearing over a potential water license to a real estate investment trust and Canadian pension fund with no duty to uphold the public trust or the public's interests in their control over Maui's water resources.

Please do not allow this recommendation to move forward, which would allow private corporate entities to continue to flaunt the public trust and state water code – including the Water Commission's still-outstanding orders – while wasting potentially millions of gallons of water per day with no consequence.

Mahalo nui for your consideration of this testimony.

Sincerely,

Raul Nohea Goodness

Wailuku

TO: BLNR Chair Dawn Chang and Board Members
DATE: November 7, 2024
FROM: Sadie Green, Environmental Planner, Maui Tomorrow

Re: Testimony in Opposition to Agenda Item D-4

Aloha Chair Chang and Members of the BLNR,

My name is Sadie Green. As a resident of Hamakualoa, Maui, and an Environmental Planner, I strongly oppose the recommendation in Agenda Item D-4.

For over 150 years, control of our water has rested with off-island private entities—first with East Maui Irrigation Company, a subsidiary of Honolulu-based A&B (a real estate investment trust), and now with Public Sector Pension Investment (PSP), a foreign pension fund.

Lurge the BLNR to prioritize public trust in water resources by facilitating the transfer of the East Maui watershed lease(s) to the East Maui Community Water Authority ('Aha Wai o Maui Hikina). This local entity, established by charter amendment in 2022 with overwhelming public support, would ensure that control over East Maui's water remains with a public entity dedicated to the community's long-term interests.

As the new water agency for Maui, the East Maui Water Authority needs time to operate fully and work collaboratively with the Maui Department of Water Supply to:

1. Enforce stream flow requirements as outlined by CWRM.
2. Improve the diversion system to prevent waste.
3. Manage sustainable agricultural irrigation for Mahi Pono.
4. Ensure a stable water supply to our residents and farmers.
5. Oversee upgrades to the State's Ko'olau Watershed.

Key Concerns with Agenda Item D-4 include:

- **Water Allocation Exceeds Availability:** The proposal requests more water than the current interim instream flow standards permit.
- **No Incentives to Implement Flow Standards or Prevent Waste:** The proposal lacks measures to enforce flow standards or address significant water waste.
- **Public Trust Rights Overlooked:** The proposal skips negotiations with 'Aha Wai o Maui Hikina, putting corporate profits over public benefit.

Please honor the will of Maui's voters, residents, and farmers by giving the Water Authority the opportunity to manage East Maui's water source, ensuring sustainable, locally controlled resources for generations to come.

Mahalo nui for considering this testimony.

Sincerely,
Sadie Green

From: [Debra Greene](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Oppose Item D-4
Date: Thursday, November 7, 2024 5:41:40 AM

Aloha Chair Chang and members of the BLNR,

My name is Debra Greene and I strongly OPPOSE the recommendation in agenda item D-4.

This proposal would:

- Allocate more water than would be available after implementing the updated interim in-stream flow standards ordered by the Water Commission
- Fail to ensure these minimum stream flow requirements are implemented before authorizing streams to be diverted
- Fail to require steps to prevent ongoing and needless waste of diverted water
- Fail to require that the DLNR first negotiate with the ‘Aha Wai o Maui Hikina (East Maui Community Water Authority) to manage the East Maui water system before considering the issuance of a license to private corporate entities; among other concerns.

Please oppose this misuse of Maui’s water.

Mahalo,

Debra

Debra Greene, PhD
debra@debragreene.com

From: [Ian Chan Hodges](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Request to testify via video on item D4
Date: Thursday, November 7, 2024 8:42:38 AM

Aloha,

I am requesting the opportunity to testify tomorrow via video on item D4 of the agenda of the November 8 meeting of the Board of Land and Natural Resources.

D4

Recommendation to hold a contested case hearing over the proposed disposition of a water license by public auction or by direct negotiation to the County of Maui covering the diversion of public surface water not to exceed an amount of 85.23 million gallons per day from Koolau Forest Reserve, Island of Maui, Hawai`i

Mahalo,
Ian Chan Hodges
Maui, Hawai`i

(808) 573-1000

From: [Spencer Hyde](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSE Agenda Item D-4
Date: Thursday, November 7, 2024 8:09:11 AM

Aloha BLNR,

My name is Spencer Hyde, I live in Haiku, and I OPPOSE the recommendation in agenda item D-4.

The proposed long-term disposition in this agenda item is premature and threatens to only create more conflict and uncertainty over Maui's water resources. The proposal would authorize more water to be diverted than would be available after the Water Commission's amended interim instream flow standards are implemented; ignores the still-unfulfilled need to implement these flow standards, which are critical to stopping the ongoing harm being inflicted on East Maui's streams, watersheds, and estuaries; turns a blind eye to the significant and ongoing waste of public trust water, including from leaky unlined reservoirs; and fails to give the 'Aha Wai o Maui Hikina a fair chance at negotiating for the disposition of Maui Hikina's streams, before launching a contested case hearing over a potential water license to a real estate investment trust and Canadian pension fund with no duty to uphold the public trust or the public's interests in their control over Maui's water resources.

Please do not allow this recommendation to move forward, which would allow private corporate entities to continue to flaunt the public trust and state water code - including the Water Commission's still-outstanding orders - while wasting potentially millions of gallons of water per day with no consequence.

Mahalo nui for your consideration of this testimony.

Sincerely,

Spencer Hyde

From: [Earl Inouye](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to item D4, BLNR Agenda for November 8, 2024
Date: Thursday, November 7, 2024 6:09:23 AM

Chair Chang and Members of the Board of Land and Natural Resources,

My name is Earl Inouye and I OPPOSE this attempt to fast track the giveaway of public trust water resources to a private company, as you propose doing in item D4. If Alexander & Baldwin isn't able to fulfill their promise to a foreign company to secure public water, and has to pay back \$62 million by 2026, that is not your problem or the problem of the public.

The BLNR should give the voters of Maui County and the 'Aha Wai o Maui Hikina a fair chance at negotiating for the disposition of Maui Hikina's streams, before launching a contested case hearing over a potential water license to a foreign company. Entering into a contested case will prevent the County from having good faith negotiations with you.

There are so many ways that this is premature and harmful. BLNR should not move forward with a contested case before you have an appraisal. BLNR should not move forward with a contested case before you have reserved water for DHHL.

Ultimately, if you act on this proposal, you would be breaching your duties under the public trust doctrine to give priority to public interests and uses of the waters of this island.

This item needs to be deferred and you need to put the public and public trust uses of water before campaign donors who are foreign corporations.

Earl Inouye

From: [Rochelle Inouye](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to item D4, BLNR Agenda for November 8, 2024
Date: Thursday, November 7, 2024 6:14:30 AM

Chair Chang and Members of the Board of Land and Natural Resources,

My name is Rochelle Inouye and I OPPOSE this attempt to fast track the giveaway of public trust water resources to a private company, as you propose doing in item D4. If Alexander & Baldwin isn't able to fulfill their promise to a foreign company to secure public water, and has to pay back \$62 million by 2026, that is not your problem or the problem of the public.

The BLNR should give the voters of Maui County and the 'Aha Wai o Maui Hikina a fair chance at negotiating for the disposition of Maui Hikina's streams, before launching a contested case hearing over a potential water license to a foreign company. Entering into a contested case will prevent the County from having good faith negotiations with you.

There are so many ways that this is premature and harmful. BLNR should not move forward with a contested case before you have an appraisal. BLNR should not move forward with a contested case before you have reserved water for DHHL.

Ultimately, if you act on this proposal, you would be breaching your duties under the public trust doctrine to give priority to public interests and uses of the waters of this island. This item needs to be deferred and you need to put the public and public trust uses of water before campaign donors who are foreign corporations.

Rochelle Inouye

"Getting out of debt can feel overwhelming. At 101 Financial, we teach you what you don't know about managing money, so that you can make informed financial decisions and live a full, rich life!"

From: [Michelei Kahae](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] I strongly oppose agenda item D-4
Date: Thursday, November 7, 2024 9:12:52 AM

Aloha Chair Chang and Members of the Board of Land and Natural Resources,

My name is Michelei Tancayo and I strongly OPPOSE the recommendation in agenda item D-4.

The proposed long-term disposition in this agenda item is premature and threatens to only create more conflict and uncertainty over Maui's water resources. The proposal would authorize more water to be diverted than would be available after the Water Commission's amended interim instream flow standards are implemented; ignores the still-unfulfilled need to implement these flow standards, which are critical to stopping the ongoing harm being inflicted on East Maui's streams, watersheds, and estuaries; turns a blind eye to the significant and ongoing waste of public trust water, including from leaky unlined reservoirs; and fails to give the 'Aha Wai o Maui Hikina a fair chance at negotiating for the disposition of Maui Hikina's streams, before launching a contested case hearing over a potential water license to a real estate investment trust and Canadian pension fund with no duty to uphold the public trust or the public's interests in their control over Maui's water resources.

Please do not allow this recommendation to move forward, which would allow private corporate entities to continue to flaunt the public trust and state water code - including the Water Commission's still-outstanding orders - while wasting potentially millions of gallons of water per day with no consequence.

Mahalo nui for your consideration of this testimony.

Sincerely,
Michelei Tancayo
Sent from my iPhone

Jerome Kekiwi, Jr. - President
Norman Martin, Vice-President
Kupa'a Luat - Hueu - Treasurer
Jessie Kekiwi-Aweau - Secretary
Radford Ka'auamo - Sgt. at Arms



Kanani Fredrick
Earl Inouye
Jennifer Kekiwi-Brown
Guy Mahilani Namahoe

Aloha Chair and Members of the Board of Land and Natural Resources,

My name is Jessie Kekiwi-Aweau, representing Na Moku Aupuni o Ko'olau Hui, and I am submitting this testimony in strong opposition to the proposal to issue a 30-year water license to Mahi Pono, a private, foreign-controlled company.

Nine weeks ago, Dawn Chang and the Green Administration attempted to quietly place a 30-year water license on the BLNR agenda, granting extensive control over East Maui waters to Mahi Pono. This rushed attempt disregarded legal protocols by proceeding without necessary appraisals, prior to establishing new stream flow standards, and before securing reservations for the Department of Hawaiian Home Lands.

Na Moku, alongside many East Maui residents, has endured a long and challenging fight to restore stream flow in these waters. For years, we have worked to ensure that families could return to cultivating kalo (taro) in their ancestral lands. These waters are essential to the lives, culture, and practices of our people, and their control must remain in the hands of the community—not in the hands of a private, for-profit entity that will further deplete resources from the 'āina.

It is not the fault of our community that Alexander & Baldwin (A&B) could not fulfill their promise to secure a 30-year water lease for Mahi Pono. This was a commitment they made independently, and they should not have made such a promise in the first place. The burden of this failed arrangement should not be placed upon our 'ohana or our waters, which have been stewarded for generations by the people of East Maui.

The community spoke clearly on this matter, and after Maui Mayor Bissen and countless others voiced their concerns, Dawn Chang announced a deferral of the proposal, acknowledging the new `Aha Wai o Maui Hikina water authority established to protect our waters. This community-based authority was overwhelmingly approved by Maui voters in 2022 to reclaim East Maui's water delivery systems after more than a century of private control.

However, despite the promise to defer, Chang has reintroduced this proposal with only minor changes, effectively returning to the original agenda of giving Mahi Pono access to East Maui waters for the next 30 years. This reversal contradicts her stated respect for the community's needs and undermines the community's right to a fair and transparent process.

Moreover, initiating a contested case would prevent Maui County from negotiating for the control of these waters and would force us into a prolonged legal dispute, making it more difficult to achieve a true resolution that serves the public interest.

Na Moku will continue to stand for the preservation and rightful control of East Maui's water resources. Our `ohana have worked these lands for generations, nurturing them for the benefit of all. This proposal stands in direct opposition to the values and needs of our community.

We urge the BLNR to honor the will of the community by rejecting this attempt to privatize our precious water resources and by ensuring that East Maui's water remains under local stewardship, where it belongs.

Mahalo for considering our testimony.

Jessie Kekiwi-Aweau
Secretary
Na Moku Aupuni o Ko'olau Hui

From: [Christiane Keyhani](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Oppose Item D-4 - Protect East Maui Streams from Further Corporate Exploitation
Date: Thursday, November 7, 2024 8:19:06 AM

Aloha Chair Chang and Members of the Board of Land and Natural Resources,

My name is Christiane Keyhani and I strongly OPPOSE the recommendation in agenda item D-4.

The proposed long-term disposition in this agenda item is premature and threatens to only create more conflict and uncertainty over Maui's water resources. The proposal would authorize more water to be diverted than would be available after the Water Commission's amended interim instream flow standards are implemented; ignores the still-unfulfilled need to implement these flow standards, which are critical to stopping the ongoing harm being inflicted on East Maui's streams, watersheds, and estuaries; turns a blind eye to the significant and ongoing waste of public trust water, including from leaky unlined reservoirs; and fails to give the 'Aha Wai o Maui Hikina a fair chance at negotiating for the disposition of Maui Hikina's streams, before launching a contested case hearing over a potential water license to a real estate investment trust and Canadian pension fund with no duty to uphold the public trust or the public's interests in their control over Maui's water resources.

Please do not allow this recommendation to move forward, which would allow private corporate entities to continue to flaunt the public trust and state water code - including the Water Commission's still-outstanding orders - while wasting potentially millions of gallons of water per day with no consequence.

Mahalo nui for your consideration of this testimony.

Sincerely,

Christiane Keyhani

From: [HBC](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Hāna Business Council Written Testimony Opposition to item D4, BLNR Agenda for November 8, 2024
Date: Thursday, November 7, 2024 7:38:48 AM

Chair Chang and Members of the Board of Land and Natural Resources,

On behalf of the Hāna Business Council, we OPPOSE this attempt to fast track the giveaway of public trust water resources to a private company, as you propose doing in item D4. If Alexander & Baldwin isn't able to fulfill their promise to a foreign company to secure public water, and has to pay back \$62 million by 2026, that is not your problem or the problem of the public.

The BLNR should give the voters of Maui County and the 'Aha Wai o Maui Hikina a fair chance at negotiating for the disposition of Maui Hikina's streams, before launching a contested case hearing over a potential water license to a foreign company. Entering into a contested case will prevent the County from having good faith negotiations with you.

There are so many ways that this is premature and harmful. BLNR should not move forward with a contested case before you have an appraisal. BLNR should not move forward with a contested case before you have reserved water for DHHL.

Ultimately, if you act on this proposal, you would be breaching your duties under the public trust doctrine to give priority to public interests and uses of the waters of this island.

This item needs to be deferred and you need to put the public and public trust uses of water before campaign donors who are foreign corporations.

Heidi Lea, Executive Director of the Hāna Business Council

Heidi Lea
Hāna Business Council
Executive Director
hbc@hanabusinesscouncil.com
iPhone (406) 600-4300
www.HanaMaui.com

From: [Linda Lyerly](#)
To: [DLNR.BLNR.Testimony](#)
Cc: [Linda LYERLY](#)
Subject: [EXTERNAL] Nov. 9th meeting No on D-4. Mahalo
Date: Thursday, November 7, 2024 6:16:57 AM

Aloha Chair Chang and Members of the Board of Land and Natural Resources,

My name is **Linda Lyerly** and I strongly OPPOSE the recommendation in agenda item D-4.

The proposed long-term disposition in this agenda item is premature and threatens to only create more conflict and uncertainty over Maui's water resources. The proposal would authorize more water to be diverted than would be available after the Water Commission's amended interim instream flow standards are implemented; ignores the still-unfulfilled need to implement these flow standards, which are critical to stopping the ongoing harm being inflicted on East Maui's streams, watersheds, and estuaries; turns a blind eye to the significant and ongoing waste of public trust water, including from leaky unlined reservoirs; and fails to give the 'Aha Wai o Maui Hikina a fair chance at negotiating for the disposition of Maui Hikina's streams, before launching a contested case hearing over a potential water license to a real estate investment trust and Canadian pension fund with no duty to uphold the public trust or the public's interests in their control over Maui's water resources.

Please do not allow this recommendation to move forward, which would allow private corporate entities to continue to flaunt the public trust and state water code - including the Water Commission's still-outstanding orders - while wasting potentially millions of gallons of water per day with no consequence.

Mahalo nui for your consideration of this testimony.

Sincerely,
Linda Lyerly

100 Ala Hoku Pl., Lahaina 96761

From: [Karima Morgan](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item D-4
Date: Thursday, November 7, 2024 8:41:55 AM

Aloha Chair Chang and Members of the Board of Land and Natural Resources,

My name is Katharyn Morgan, resident of Kihei, and I strongly OPPOSE the recommendation in agenda item D-4.

The proposed long-term disposition in this agenda item is premature and threatens to only create more conflict and uncertainty over Maui's water resources. The proposal would authorize more water to be diverted than would be available after the Water Commission's amended interim instream flow standards are implemented; ignores the still-unfulfilled need to implement these flow standards, which are critical to stopping the ongoing harm being inflicted on East Maui's streams, watersheds, and estuaries; turns a blind eye to the significant and ongoing waste of public trust water, including from leaky unlined reservoirs; and fails to give the 'Aha Wai o Maui Hikina a fair chance at negotiating for the disposition of Maui Hikina's streams, before launching a contested case hearing over a potential water license to a real estate investment trust and Canadian pension fund with no duty to uphold the public trust or the public's interests in their control over Maui's water resources.

Please do not allow this recommendation to move forward, which would allow private corporate entities to continue to flaunt the public trust and state water code - including the Water Commission's still-outstanding orders - while wasting potentially millions of gallons of water per day with no consequence.

Mahalo nui for your consideration of this testimony.

Sincerely,
Katharyn Morgan

From: [Kyle Nakanelua](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Subject line: Opposition to item D4, BLNR Agenda for November 8, 2024
Date: Thursday, November 7, 2024 7:12:30 AM

Chair Chang and Members of the Board of Land and Natural Resources,

My name is Kyle Nakanelua and I voted for the charter that established the East Maui Water Authority and I OPPOSE this attempt to fast track the giveaway of public trust water resources to a private company, as you propose doing in item D4. If Alexander & Baldwin isn't able to fulfill their promise to a foreign company to secure public water, and has to pay back \$62 million by 2026, that is not your problem or the problem of the public.

The BLNR should give the voters of Maui County and the 'Aha Wai o Maui Hikina a fair chance at negotiating for the disposition of Maui Hikina's streams, before launching a contested case hearing over a potential water license to a foreign company. Entering into a contested case will prevent the County from having good faith negotiations with you. Using a Contested Case in this fashion is Procedurally Sloppy.

There are so many ways that this is premature and harmful. BLNR should not move forward with a contested case before you have an appraisal. BLNR should not move forward with a contested case before you have reserved water for DHHL.

Ultimately, if you act on this proposal, you would be breaching your duties under the public trust doctrine to give priority to public interests and uses of the waters of this island. This item needs to be deferred and you need to put the public and public trust uses of water before campaign donors who are foreign corporations.

Mahalo,
Kyle K. Nakanelua
Haiku/Wailua Maui

From: [Megan Powers](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item D4 - oppose.
Date: Thursday, November 7, 2024 12:36:28 AM

Aloha Chair Chang and Members of the BLNR,

My name is Megan Loomis Powers and I strongly OPPOSE the recommendation in agenda item D-4.

My family property of 54 yrs borders Ho'olawa stream in East Maui where the river bed was dry for more than a century except during large rain events. I was raised in Ho'olawa Valley and spent time in lots of the rivers and streams above the diversions for many years growing up. I know these valleys and streams by heart. I raised my family there. In fact, when I was laboring with the birth of my first child, right as he emerged, the river began to rush. It felt like such a blessing!

But, through the years, I have witnessed the abuse of the watershed, the devastating impact on the native Flora and Fauna, the estuaries and fisheries, the local farmers and residents first hand by A&B through EMI taking all of the water. Every drop at many of the diversions- and still do to this day.

If EMI and A&B had demonstrated a reciprocity with nature, a respect for the very source of their affluence, good watershed stewardship in their practices, perhaps they could be trusted. But it was the opposite of that and continues to be.

And BLNR and CWRM need to step up and get those diversions modified ASAP to return, at least the minimum, of the flow to the streams as the established by the IFS standards. But I bet the streams would thrive, instead of just survive with more than the minimum. The watershed was injured from all those years of abuse and neglect and needs help to recover. We need teams of people removing invasive species, clearing waterways, assisting with the return of native species, clearing the banks without the use of toxic pesticides.

It's not that this subsistence farmer is against the large farmers in the Central Valley, not at all . It's that you can't take all the water and expect to have a watershed continue to give water. In my lifetime, I have witnessed many springs dry up due to the lack of water flowing in the riverbeds.

This lease application is an obvious "play" by A&B and Mahi Pono to take swift action to acquire the leases for their private corporations' before the EMWA gets its feet on the ground. The whole purpose of the EMWA is to protect the East Maui Watershed from THIS very thing happening ...Again!

The charter amendment that established the EMWA was voted into law with massive public support from the residents of Maui to make sure and protect the watershed first and foremost. To prevent the taking of too much water like had happened for over 100 years..

I am sure that it would please A&B and its operators to strip away the very content of what the water authority was created for - the water. I understand their urgency, they want to get this lease before the EMWA gets to work.

But The people of Maui spoke! They want a water authority that is involved in the management process at every level of the East Maui Watershed. Not disregarded by the BLNR and CWRM.

This lease must not be allowed! This lease must not be allowed to happen! Especially considering that the fact that the diversions have not yet been modified to return even the basic minimum flows to the streams.

Be aware that the paper pushers and administrators in the offices on Oahu, just doing their jobs, have no clue as to the significance of these flowing rivers and their importance to the community of Maui and the world. For example, some years back EMI had reported to CWRM that the stream where Twin Falls is located was "insignificant" when an actuality it is the second largest tourist attraction on Maui. Had Sierra Club not caught that bold faced lie in the report, the decision-makers in the offices on Oahu would not have known.

Just imagine if a cruise ship company applied to build a large break wall

across the whole of Waikiki to dock their large boats. Blocking the waves and creating stagnant water. And in their report to the decision-makers, pushing the papers located elsewhere, they said that Waikiki was a small insignificant beach. That's what I'm talking about. Big decisions like this about our watershed need to involve by Maui's own water authority playing a major role.

The proposed long-term disposition in this agenda item is premature and threatens to only create more conflict and uncertainty over Maui's water resources. The proposal would authorize more water to be diverted than would be available after the Water Commission's amended interim instream flow standards are implemented; ignores the still-unfulfilled need to implement these flow standards, which are critical to stopping the ongoing harm being inflicted on East Maui's streams, watersheds, and estuaries; turns a blind eye to the significant and ongoing waste of public trust water, including from leaky unlined reservoirs; and fails to give the 'Aha Wai o Maui Hikina a fair chance at negotiating for the disposition of Maui Hikina's streams, before launching a contested case hearing over a potential water license to a real estate investment trust and Canadian pension fund with no duty to uphold the public trust or the public's interests in their control over Maui's water resources.

Please do not allow this recommendation to move forward, which would allow private corporate entities to continue to flaunt the public trust and state water code – including the Water Commission's still-outstanding orders – while wasting potentially millions of gallons of water per day with no consequence.

We must malama the East Maui watershed's public trust resource of water to benefit present and future generations. That is in our State constitution. The BLNR, CWRM and EMWA are responsible to uphold those precepts. Not hand over the control of the water and watershed to private and foreign development corporations

Mahalo nui for your consideration of this testimony.

Sincerely,

Megan Loomis Powers

From: [tarahawaii_kiai](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in opposition to agenda item D-4 & Request for Zoom Link [Testifying on D4, D7, D8]
Date: Thursday, November 7, 2024 1:24:23 AM

I would like the Zoom link to testify for items D4, D7, D8.

D4 Testimony:

Aloha Chair Chang and Members of the Board of Land and Natural Resources,

My name is Tara Rojas and I strongly OPPOSE the recommendation in agenda item D-4.

STOP "TRYING" TO DO BETTER...DO BETTER!

The proposed long-term disposition in this agenda item is premature and threatens to only create more conflict and uncertainty over Maui's water resources. The proposal would authorize more water to be diverted than would be available after the Water Commission's amended interim instream flow standards are implemented; ignores the still-unfulfilled need to implement these flow standards, which are critical to stopping the ongoing harm being inflicted on East Maui's streams, watersheds, and estuaries; turns a blind eye to the significant and ongoing waste of public trust water, including from leaky unlined reservoirs; and fails to give the 'Aha Wai o Maui Hikina a fair chance at negotiating for the disposition of Maui Hikina's streams, before launching a contested case hearing over a potential water license to a real estate investment trust and Canadian pension fund with no duty to uphold the public trust or the public's interests in their control over Maui's water resources.

Please do not allow this recommendation to move forward, which would allow private corporate entities to continue to flaunt the public trust and state water code - including the Water Commission's still-outstanding orders - while wasting potentially millions of gallons of water per day with no consequence.

Mahalo nui for your consideration of this testimony.

Sincerely,
Tara Rojas

From: [Brandon Satoshige](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item D-4
Date: Thursday, November 7, 2024 7:48:55 AM

I'm writing to you in opposition of item D-4 and the taking of 85 million gallons each day from east maui streams. That's just a ridiculous amount of wai that is needed else we're, not for tourism etc!!!!

[Sent from Yahoo Mail for iPhone](#)

Council Chair
Alice L. Lee

Vice-Chair
Yuki Lei K. Sugimura

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Tom Cook
Gabe Johnson
Tamara Paltin
Keani N.W. Rawlins-Fernandez
Shane M. Sinenci
Nohelani U'u-Hodgins



Director of Council Services
David M. Raatz, Jr., Esq.

Deputy Director of Council Services
Richelle K. Kawasaki, Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

November 6, 2024

Ms. Dawn N.S. Chang, Chair,
and Members of the Board of Land and Natural Resources
State of Hawai'i
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawai'i 96809

Via email: blnr.testimony@hawaii.gov

Dear Chair Chang and Board Members:

**SUBJECT: TESTIMONY IN OPPOSITION TO ITEM D-4
(CONTESTED CASE RE KO'OLAU FOREST RESERVE
WATER LICENSE); NOVEMBER 8, 2024, MEETING
(PAF 24-263)**

Thank you for accepting this testimony in **opposition** to Item D-4 on the recommendation to hold a contested case hearing over the proposed disposition of a water license covering the diversion of public surface water from Ko'olau Forest Reserve on Maui.

The Maui County Charter was amended in 2022 to establish the East Maui Community Water Authority. The Charter amendment passed with 64 percent of the vote. One of its primary goals is to acquire long-term water lease agreements in the East Maui Water License Areas and ensure that the people of Maui County have authority over the delivery of water.

Further, the State Supreme Court has emphasized important principles that apply to the Board's decision here:

- “. . . underlying every private diversion and application there is, as there always has been, a superior public interest in this natural bounty.” *Robinson v. Ariyoshi* (1982).

Ms. Dawn Chang, Chair,
and Members of the Board of Land and Natural Resources
November 6, 2024
Page 2

- “Although ‘the state water resources trust acknowledges that private use for economic development may produce important public benefits and that such benefits must figure into any balancing of competing interests in water, it stops short of embracing private commercial use as a protected trust purpose.’” *In re Water Use Permit Applications* (2000).
- “No private party has a vested right to continue an existing water use to the detriment of the public because water is a public resource protected by the public trust.” *In re Surface Water Use Permit Applications, Nā Wai ‘Ehā* (2024).

Granting the water license to commercial interests would contravene these principles.

In addition, one potential issue is Mahi Pono, LLC—whose sole member is the Public Sector Pension Investment Board—acting as a foreign agent. And PSP Investments, as a “Crown corporation,” is owned by the government of Canada. The Foreign Agents Registration Act may thus require Mahi Pono to register as a foreign principal before conducting any further business. Until that question is resolved, further action may be unwarranted.

I request that the Board negotiate with the East Maui Water Authority to grant the water license to the County of Maui. That action would advance the State’s obligations under the Public Trust Doctrine, the Hawaiian Homes Commission Act, and other laws.

Thank you for your consideration. Should you have any questions, please contact me or Legislative Analyst Jarret Pascual at 808-270-7141.

Sincerely,



SHANE M. SINENCI
Councilmember
East Maui Residency Area

paf:jpp:24-263a

cc: Mayor Richard T. Bissen, Jr.
Director of Water Supply John Stufflebean
East Maui Regional Water Authority Director Gina Young
East Maui Regional Community Board Chair Jonathan Likeke Scheuer

From: [Tori Speere](#)
To: [DLNR, BLNR, Testimony](#)
Subject: [EXTERNAL] Testimony in opposition to agenda item D-4
Date: Thursday, November 7, 2024 8:35:47 AM

Aloha Chair Chang and Members of the Board of Land and Natural Resources,

My name is Tori and I strongly OPPOSE the recommendation in agenda item D-4.

The proposed long-term disposition in this agenda item is premature and threatens to only create more conflict and uncertainty over Maui's water resources.

As an East Maui resident who has seen the changes with the diversions and management over my lifetime, I would hate to see what would happen again in my ahupua'a. The dried out waterbeds created weather shifts (drought like patterns for years in a normally very wet area), mosquito infestations and so much more. The life of our valley has since returned with the natural flow of water, in one simple act. Please protect it.

The proposal would authorize more water to be diverted than would be available after the Water Commission's amended interim instream flow standards are implemented; ignores the still-unfulfilled need to implement these flow standards, which are critical to stopping the ongoing harm being inflicted on East Maui's streams, watersheds, and estuaries; turns a blind eye to the significant and ongoing waste of public trust water, including from leaky unlined reservoirs; and fails to give the 'Aha Wai o Maui Hikina a fair chance at negotiating for the disposition of Maui Hikina's streams, before launching a contested case hearing over a potential water license to a real estate investment trust and Canadian pension fund with no duty to uphold the public trust or the public's interests in their control over Maui's water resources.

Please do not allow this recommendation to move forward, which would allow private corporate entities to continue to flaunt the public trust and state water code - including the Water Commission's still-outstanding orders - while wasting potentially millions of gallons of water per day with no consequence.

Mahalo nui for your consideration of this testimony.

Sincerely,

Tori Speere

From: [Melissa Tomlinson](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D-4
Date: Thursday, November 7, 2024 7:48:43 AM

Aloha kakahiaka,

I'm taking the time to write in testimony this morning because I strongly OPPOSE the recommendation in agenda item D-4.

The proposed long-term disposition in this agenda item is premature and threatens to only create more conflict and uncertainty over Maui's water resources. The proposal would authorize more water to be diverted than would be available after the Water Commission's amended interim instream flow standards are implemented; ignores the still-unfulfilled need to implement these flow standards, which are critical to stopping the ongoing harm being inflicted on East Maui's streams, watersheds, and estuaries; turns a blind eye to the significant and ongoing waste of public trust water, including from leaky unlined reservoirs; and fails to give the 'Aha Wai o Maui Hikina a fair chance at negotiating for the disposition of Maui Hikina's streams, before launching a contested case hearing over a potential water license to a real estate investment trust and Canadian pension fund with no duty to uphold the public trust or the public's interests in their control over Maui's water resources.

Please do not allow this recommendation to move forward, which would allow private corporate entities to continue to flaunt the public trust and state water code - including the Water Commission's still-outstanding orders - while wasting potentially millions of gallons of water per day with no consequence.

Maui's protection, health and safety regarding Wai is in your hands. Please oppose D-4.

Sincerely,

Melissa Tomlinson

Lafayette, CA

From: [Leiohu Turley](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] 4 - D Agenda Item
Date: Thursday, November 7, 2024 4:22:15 AM

Aloha Chair Chang and Members of the Board of Land and Natural Resources,

My name is Lei'ohu Turley and I am a student at Dartmouth College from the island of Maui. I strongly OPPOSE the recommendation in agenda item D-4.

The proposed long-term disposition in this agenda item is premature and threatens to only create more conflict and uncertainty over Maui's water resources. The proposal would authorize more water to be diverted than would be available after the Water Commission's amended interim instream flow standards are implemented; ignores the still-unfulfilled need to implement these flow standards, which are critical to stopping the ongoing harm being inflicted on East Maui's streams, watersheds, and estuaries; turns a blind eye to the significant and ongoing waste of public trust water, including from leaky unlined reservoirs; and fails to give the 'Aha Wai o Maui Hikina a fair chance at negotiating for the disposition of Maui Hikina's streams, before launching a contested case hearing over a potential water license to a real estate investment trust and Canadian pension fund with no duty to uphold the public trust or the public's interests in their control over Maui's water resources.

Please do not allow this recommendation to move forward, which would allow private corporate entities to continue to flaunt the public trust and state water code - including the Water Commission's still-outstanding orders - while wasting potentially millions of gallons of water per day with no consequence.

Mahalo nui for your consideration of this testimony.

Sincerely,

Lei'ohu Turley

CORRESPONDENCE
&
WRITTEN TESTIMONY

RECEIVED

From: Glenn Choy <choyhawaii@gmail.com>
To: <board.EMRCB@mauicounty.gov>
Date: 9/20/2024 11:34 AM
Subject: EMRCWA meeting next Wednesday

'24 SEP 24 P12 :00

Please act in the interests of the people of Maui rather than corporate interests. The voices from the community will point the way. After the fire, for you to act contrary to the will of the people would be a crime against humanity.

OFFICE OF THE MAYOR

Sent from my iPhone

Board EMRCB - Please Support Community Control of East Maui's Water

RECEIVED

24 SEP 24 11:00

From: Bobbie Best <bestb002@hawaii.rr.com>
To: <board.EMRCB@mauicounty.gov>
Date: 9/20/2024 1:18 PM
Subject: Please Support Community Control of East Maui's Water

OFFICE OF THE MAYOR

Aloha,

Please hold a public meeting on Maui before making any decisions on the pending water lease. The Green Administration and its agencies should hear directly from Maui's residents *on Maui* before making decisions that impact our water future.

Upgrade System: The East Maui ditch system is outdated and leaky. With changing climate and rainfall patterns, improvements are needed to protect downstream communities and reduce water waste. The water authority is motivated and has access to potential public and private funding to upgrade the system, unlike Mahi Pono/EMI, who won't even acknowledge the system leaks and needs upgrades. A better system will secure water for the county, traditional East Maui communities, Mahi Pono farms and Upcountry farmers, and ranchers.

Uphold the Public Trust: The public trust doctrine supports a public agency like the water authority to take over the lease, not companies controlled by a foreign pension fund.

Local Accountability: The local water authority is more likely to keep water rates fair compared to Mahi Pono/EMI, which is made up of out-of-state corporations registered in Delaware. The Canadian Public Sector Pension Investments Pension Fund holds a 99% interest in Mahi Pono and a 50% interest in EMI.

Public Service vs. Profit: The water authority, as part of the County of Maui government, focuses on serving the public, unlike Mahi Pono/EMI, which is driven by profit for shareholders and beneficiaries.

Fair Representation for Hawaiian Homes: The Department of Hawaiian Home Lands has a dedicated seat on the water authority, unlike other state land use agencies. Beneficiaries trust the water authority to make fair decisions for homesteaders and support the transition of East Maui water to local control.

Learn from Kula Well Schemes: Maui residents made it clear to the county water department that they did not want a mainland corporation creating private Kula wells and selling the water to the county at exorbitant rates. The state needs to hear the same message for East Maui—Maui needs the state to be a committed partner in transitioning East Maui's water system to public management to prevent further privatization of our resources.

Mahalo,

Bobbie Best

Wailuku

[808-242-9119](tel:808-242-9119)

RECEIVED

Board EMRCB - RE:September 25 | 9am-12pm Meeting

'24 SEP 24 P12 :00

From: Cheryl B <burgharc@gmail.com>
To: <board.EMRCB@mauicounty.gov>
Date: 9/20/2024 5:39 PM
Subject: RE:September 25 | 9am-12pm Meeting

OFFICE OF THE MAYOR

Aloha,

We are writing this to share our concern for the future of Maui`s water and our strong support that the water authority remains in the hands of the community and not the hands of corporations. Through the years too many concessions, mediations and mitigations have brought us to this point in our struggle to ensure clean water for the people of East Maui.

We submit this testimony to you in support of community management of the water.
C. Burghardt
D. Green

RECEIVED

Board EMRCB - East Maui's water

24 SEP 24 12:00

From: Pete Wilson <perhansahi@gmail.com>**To:** <board.EMRCB@mauicounty.gov>**Date:** 9/21/2024 7:29 AM

OFFICE OF THE MAYOR

Subject: East Maui's water

- **Maui Public Hearing:** Urge the state to hold a public meeting on Maui before making any decisions on the pending water lease. The Green Administration and its agencies should hear directly from Maui's residents *on Maui* before making decisions that impact our water future.
- **Upgrade System:** The East Maui ditch system is outdated and leaky. With changing climate and rainfall patterns, improvements are needed to protect downstream communities and reduce water waste. The water authority is motivated and has access to potential public and private funding to upgrade the system, unlike Mahi Pono/EMI, who won't even acknowledge the system leaks and needs upgrades. A better system will secure water for the county, traditional East Maui communities, Mahi Pono farms and Upcountry farmers, and ranchers.
- **Uphold the Public Trust:** The public trust doctrine supports a public agency like the water authority to take over the lease, not companies controlled by a foreign pension fund.
- **Local Accountability:** The local water authority is more likely to keep water rates fair compared to Mahi Pono/EMI, which is made up of out-of-state corporations registered in Delaware. The Canadian Public Sector Pension Investments Pension Fund holds a 99% interest in Mahi Pono and a 50% interest in EMI.
- **Public Service vs. Profit:** The water authority, as part of the County of Maui government, focuses on serving the public, unlike Mahi Pono/EMI, which is driven by profit for shareholders and beneficiaries.
- **Fair Representation for Hawaiian Homes:** The Department of Hawaiian Home Lands has a dedicated seat on the water authority, unlike other state land use agencies. Beneficiaries trust the water authority to make fair decisions for homesteaders and support the transition of East Maui water to local control.
- **Learn from Kula Well Schemes:** Maui residents made it clear to the county water department that they did not want a mainland corporation creating private

Kula wells and selling the water to the county at exorbitant rates. The state needs to hear the same message for East Maui—Maui needs the state to be a committed partner in transitioning East Maui's water system to public management to prevent further privatization of our resources.

--

Pete Wilson
13-927 Kahukai Street
Pahoa HI 96778
[808-557-8108](tel:808-557-8108)

Board EMRCB - WATER: 9/25 Public Hearing Testimony

RECEIVED

From: Kahala Chrupalyk <jc76@hawaii.edu>
To: <board.EMRCB@mauicounty.gov>
Date: 9/21/2024 11:15 AM
Subject: WATER: 9/25 Public Hearing Testimony

24 SEP 24 11:00

OFFICE OF THE MAYOR

Aloha mai kakou,

Mahalo for opening an opportunity for the public to share testimony on the topic of water - a natural resource that was developed by God for the purpose of nourishing organic life. At no time was water ever naturally created for the concept of profit.

Profit is irrelevant to life. Water is relevant. Only when competing for unnatural, corporate powers does one need money to live, because if we burnt every dollar, people would still eat, sleep, bathe, and procreate - as long as they have water and the organic Earth is still growing food.

In Maui, water is in the public trust domain. Therefore water does not belong in the hands of profit-seeking interests. Remember the role that Peter Martin played in the Wildfires of 2023? Does Maui County promote corporate profit over its own tax-paying voters?

Until Maui's streams are restored, the East Maui ditch system is upgraded, and select publics* have their water rights restored in operable condition, we should not be having this conversation. **select publics include: Native Hawaiian populations, residential water security, streams, kuleana land owners, kalo farmers, and advising to add small farmers (who are residents) to that list of priority individuals, for that impacts food security as well.*

Developers like Peter Martin and Mahi Pono have steep pockets to afford their own catchment systems, if they have the money to fight families, children, and babies for the right to steal water - such as Alexander & Baldwin have done for over a century. The people - Kanaka Maoli, Hawaiian-Americans, generational families, and newcomers alike - have expressed a staunch unification over the beliefs stated above, and the people will vote, invest, and act according to the best interest of their families. You are a member of somebody's family. You may be blind to many oppressions that residents face daily, but you must defend your own ethics, should you decide to put the fate of public waters in the hands of corporate powers, and another disaster occurs, killing members of everybody's families again. That's not a threat, but a clear reality; given the impact of the wildfires and other relative fatal disasters.

Lastly, I'd like to point out that much of Mahi Pono's land sits on top or near the natural springs beneath Kahului. Those springs are clogged and damaged by the Kahului Industrial complex area above it, around it, and the blocked 'auwai near Holbron St. It would be wise to divert those springs into a catchment system for Mahi Pono, to help keep our water clean and flowing. They can afford that.

E ola, E waiwai na poe o Hawaii.

J Kahala Chrupalyk
ABIT Program Major, UHMC

Phi Theta Kappa

Create your own [email signature](#)



Board EMRCB - Testimony for hearing Sept. 25 about East Maui's water

From: Harriet Witt <harriet@passengerplanet.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/21/2024 11:42 AM
Subject: Testimony for hearing Sept. 25 about East Maui's water

Dear board,

Please make sure that our voter-created water authority is preserved. This means holding a public meeting so that Governor Green's administration can hear from the people. Decisions about our water should be made by local people, not by foreign corporate profits.

Mahalo,

Harriet Witt, 43 Pu'u Koa Place, Haiku HI 96708

RECEIVED
SEP 24 12:00
OFFICE OF THE MAYOR

RECEIVED

Board EMRCB

24 SEP 24 12:00

From: Jennifer Valentine <faboo1028@yahoo.com>**To:** "board.EMRCB@mauicounty.gov" <board.EMRCB@mauicounty.gov>**Date:** 9/21/2024 12:48 PM

OFFICE OF THE MAYOR

Maui Public Hearing: I urge the state to hold a public meeting on Maui before making any decisions on the pending water lease. The Green Administration and its agencies should hear directly from Maui's residents *on Maui* before making decisions that impact our water future.

Upgrade System: The East Maui ditch system is outdated and leaky. With changing climate and rainfall patterns, improvements are needed to protect downstream communities and reduce water waste. The water authority is motivated and has access to potential public and private funding to upgrade the system, unlike Mahi Pono/EMI, who won't even acknowledge the system leaks and needs upgrades. A better system will secure water for the county, traditional East Maui communities, Mahi Pono farms and Upcountry farmers, and ranchers.

Uphold the Public Trust: The public trust doctrine supports a public agency like the water authority to take over the lease, not companies controlled by a foreign pension fund.

Local Accountability: The local water authority is more likely to keep water rates fair compared to Mahi Pono/EMI, which is made up of out-of-state corporations registered in Delaware. The Canadian Public Sector Pension Investments Pension Fund holds a 99% interest in Mahi Pono and a 50% interest in EMI.

Public Service vs. Profit: The water authority, as part of the County of Maui government, focuses on serving the public, unlike Mahi Pono/EMI, which is driven by profit for shareholders and beneficiaries.

Fair Representation for Hawaiian Homes: The Department of Hawaiian Home Lands has a dedicated seat on the water authority, unlike other state land use agencies. Beneficiaries trust the water authority to make fair decisions for homesteaders and support the transition of East Maui water to local control.

Learn from Kula Well Schemes: Maui residents made it clear to the county water department that they did not want a mainland corporation creating private Kula wells and selling the water to the county at exorbitant rates.

The state needs to hear the same message for East Maui—Maui needs the state to be a committed partner in transitioning East Maui's water system to public management to prevent further privatization of our resources.

Ty - JV

Board EMRCB - Support Community Control of East Maui's Water

RECEIVED

From: Andrew Isoda <druw.hagi10@gmail.com>
To: <board.EMRCB@mauicounty.gov>
Date: 9/21/2024 2:20 PM
Subject: Support Community Control of East Maui's Water

24 SEP 24 P12:01

OFFICE OF THE MAYOR

Maui Public Hearing: Urge the state to hold a public meeting on Maui before making any decisions on the pending water lease. The Green Administration and its agencies should hear directly from Maui's residents *on Maui* before making decisions that impact our water future.

Upgrade System: The East Maui ditch system is outdated and leaky. With changing climate and rainfall patterns, improvements are needed to protect downstream communities and reduce water waste. The water authority is motivated and has access to potential public and private funding to upgrade the system, unlike Mahi Pono/EMI, who won't even acknowledge the system leaks and needs upgrades. A better system will secure water for the county, traditional East Maui communities, Mahi Pono farms and Upcountry farmers, and ranchers.

Uphold the Public Trust: The public trust doctrine supports a public agency like the water authority to take over the lease, not companies controlled by a foreign pension fund.

Local Accountability: The local water authority is more likely to keep water rates fair compared to Mahi Pono/EMI, which is made up of out-of-state corporations registered in Delaware. The Canadian Public Sector Pension Investments Pension Fund holds a 99% interest in Mahi Pono and a 50% interest in EMI.

Public Service vs. Profit: The water authority, as part of the County of Maui government, focuses on serving the public, unlike Mahi Pono/EMI, which is driven by profit for shareholders and beneficiaries.

Fair Representation for Hawaiian Homes: The Department of Hawaiian Home Lands has a dedicated seat on the water authority, unlike other state land use agencies. Beneficiaries trust the water authority to make fair decisions for homesteaders and support the transition of East Maui water to local control.

Learn from Kula Well Schemes: Maui residents made it clear to the county water department that they did not want a mainland corporation creating private Kula wells and selling the water to the county at exorbitant rates. The state needs to hear the same message for East Maui—Maui needs the state to be a committed partner in transitioning East Maui’s water system to public management to prevent further privatization of our resources.

Andrew Isoda
Lahaina, HI

Board EMRCB - Maui County Water Resources Management

RECEIVED

From: Momi VEE <momiv808@gmail.com>
To: <board.EMRCB@mauicounty.gov>
Date: 9/21/2024 2:52 PM
Subject: Maui County Water Resources Management

'24 SEP 24 P12 :01

OFFICE OF THE MAYOR

Aloha to the Maui County Board For Public Water Management. My name is Ms. Molani Ventura from Wailuku, Maui. Our water is contaminated with chemicals called Chromium-6. Lahaina and Makawao tap water has this very same Chemical in their showers, sinks and hoses outside. Exposure to Chromium-6 can cause lung cancer, liver damage and reproductive problems and developmental harm. No federal drinking water standards exist for Chromium-6, so why is it in our water.?? Hawai'i has the highest quality of water.? Why is this happening, is it because the foreign corporations like "Mahi Pono" has been taking the good water and chemically poisoning Our water we bathe with ? Our children drink from the hose even when we told not to.? Why is the public not told How dangerous their tap water is.?

Whatever you can do to prevent mahi pono and emi from taking anymore of Our Water Please Do It.. The health of Hawai'i Nei trumps over any kinds of foreign money.!!! Take back control of Our Public Waters, do whatever you have to please.

RECEIVED

Board EMRCB - Testimony for hearing Sept. 25 about East Maui's water

24 SEP 24 P12 :01

From: "C. Cruikshank" <chrisruikshank@yahoo.com>

To: "board.emrcb@mauicounty.gov" <board.emrcb@mauicounty.gov>

Date: 9/21/2024 4:16 PM

Subject: Testimony for hearing Sept. 25 about East Maui's water

OFFICE OF THE MAYOR

Dear board,

Voters of Maui county created the water authority. It is vitally important to the future of Maui that this authority be respected and **preserved**. As long as this precious resource flows. It is important that our Governor and his administration hear from the people.

When decisions about water use and ownership are made by foreign corporate entities, rather than the people who depend on this resource, questions arise. Leadership is under scrutiny. Maui's water belongs to the people of Maui, not to the interests of those who would privately profit. I urge you to do the pono thing.

With utmost respect,

Chris Cruikshank
2934 E Lelehuna Place, Ha'iku
[808 446 4189](tel:8084464189)

Harriet Witt, 43 Pu'u Koa Place, Haiku HI 96708

RECEIVED

From: justin kanakaole <kanakaolej@gmail.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/22/2024 12:47 AM
Subject: Written Testimony Concerning Maui's Water. Public Control vs Private Ownership

'24 SEP 24 P12 :01

OFFICE OF THE MAYOR

Aloha, I am Justin Kanakaole from Hana, Maui. I was raised by both my grandparents in Hana in the early 1950s. My great grandmothers' maiden name is Waikiki and we have strong lineal ties to Hana. My grandfather used to take my brother, my cousin and myself to Makapipi gate located just above the lower Nahiku road and hold signs contesting EMI (East Maui Irrigation) for mineral rights, including water rights, to the precious resources of our aina. I hold this battle for water very precious because I was raised on the importance of the water and its relationship to aina, community, and ohana itself. I was around 5 years old when I would do these protest with my ohana and so I strongly believe, though it would be a great task, that Maui's water should and should always be dictated by Maui's community and not mock holders such as EMI or Mahi Pono. I believe our community leaders will do a phenomenal job in the direction of our precious water and furthermore I am confident that those same community leaders will equip the younger generation in the stewardship of Maui's water exceptionally. Again, I emphasize that Maui's water should be held responsible by Maui's community and not any other form of control. Aloha.
Justin Kanakaole of Hana, Maui.

Board EMRCB - Oppose EMI Lease Application

RECEIVED

From: Stacey Alapai <staceyalapai@gmail.com>

24 SEP 24 12:01

To: <Board.EMRCB@mauicounty.gov>, <dlr@hawaii.gov>

Date: 9/22/2024 11:23 AM

Subject: Oppose EMI Lease Application

OFFICE OF THE MAYOR

Aloha,

My name is Stacey Alapai and I live in Makawao, Maui. I support the East Maui Water Authority managing East Maui waters and community based management of our water resources.

I strongly oppose EMI's application for a long term 30-year lease.

Water is a human right and should not be owned, controlled, or sold for profit.

Ola i ka wai.

Mahalo for listening to the will of the people over corporations attempting to profit off of our natural resources.

Me ke aloha 'aina,
Stacey

RECEIVED

Board EMRCB - Maui County Waterways Authority

24 SEP 24 12:01

From: Royce Vee <royveec369@gmail.com>
To: <board.EMRCB@mauicounty.gov>
Date: 9/23/2024 10:37 AM
Subject: Maui County Waterways Authority

OFFICE OF THE MAYOR

Ms. Royce Vee
Makawao, Hi 96768

Aloha Maui County Water Authority, Our Ohana's deepest concern is that foreigners will continue to use and abuse the river water from Mau'I streams and leave them with a trickle instead of a normal flow that has been flowing for thousands of years.

The big five stole our rights when they took way more water from the surface rivers and streams than drilling for water, or creating desalination systems throughout their GMO crops. Foods we have no use for is grown here, from sugar, pineapples, macadamia nuts to citrus trees.?

We need our water returned to our Rightful Place the streams!!! Where stream life Flourished and homeowners along the streams could use this water as well. Please allow us to Take Back Our Water, Back to Mau'I County Waterways Management!!!

Thank you for your service and support. Mahalomai Royce Vee

RECEIVED

Board EMRCB - Testimony for EMRCB meeting on 9/25

'24 SEP 24 P12:08

From: scott werden <scottwerden@gmail.com>
To: <Board.EMRCB@co.maui.hi.us>
Date: 9/23/2024 12:53 PM
Subject: Testimony for EMRCB meeting on 9/25

OFFICE OF THE MAYOR

Aloha,

The following is testimony for the East Maui Region Community Board meeting on 9/25/2024, Agenda item 4(a)

My name is Scott Weden and I am here this morning as a representative of the Maui Group of the Sierra Club.

I am here to voice our support for the EMRCB (East Maui Regional Community Board) to assume control of water, through a lease with the BLNR, that is harvested from the East Maui watershed.

I have three key points I would like to raise in support of EMRCB:

(1) The 1973 McBryde decision made it very clear that water in Hawai'i cannot be privately owned. This principle was later enshrined in our Constitution with the Trust Doctrine. Now EMI is going to claim it does not own the water, it only transports it, but they have owned that exclusive right for close to 150 years which has given them control that is tantamount to ownership. The Trust Doctrine also conveys responsibility for good stewardship that the current RP holder has not demonstrated and the BLNR has declined to impose.

(2) This has reached an intolerable level with EMI now half owned by the Public Sector Pension Investment Board, a Canadian corporation, through its subsidiary, Mahi Pono. PSP is in the business of investing and they view their holdings in Maui as an asset that has a return on their investment. Part of those assets is EMI and the control over water it has held for decades. The PSP has a fiduciary responsibility to make as much money as possible for their pension fund, and that is fundamentally in conflict with the responsibilities set forth in the Trust Doctrine. If their agricultural operations don't pan out, or they decide to develop some of their Ag land, they could devise numerous ways to monetize water under a 30-year lease.

(3) Lastly, there is the issue of climate change. We have no idea how exactly climate change is going to affect the East Maui watershed and hence, the quantities that can be diverted, and locking water rights into a 30-year period is not a wise decision at this point.

Putting Maui's water, the people's water, in the hands of PSP would be a grave disservice to the intent of the Trust Doctrine. Maui water needs to be in the hands of those who are more concerned with responsible stewardship than how to monetize it.

Mahalo,

Scott Werden

Haiku

scott.werden@gmail.com

Board EMRCB - 9/25 East Maui water meeting

RECEIVED

From: Moanaw <moanaw@gmail.com>
To: Board Emrcb <board.emrcb@mauicounty.gov>
Date: 9/23/2024 1:08 PM
Subject: 9/25 East Maui water meeting

'24 SEP 24 12:08
OFFICE OF THE MAYOR

Aloha,

My name is Moana Wietecha. I am born and raised in Haiku, Maui. I support East Maui Water Authority to manage East Maui waters and I oppose EMI and Mahi Pono's application for a 30 year lease. The diversion of East Maui's waters has been going on long enough and it's time for a change. Time to let the waters flow where they are supposed to. From mountain to sea. Let the waters be absorbed into East Maui aquifers where it belongs.

Mahalo for you time
Please make the right choice for our people and 'āina

-Moana

Board EMRCB - STOP FOREIGN TAKEOVER OF EAST MAU'I WATERS

RECEIVED

'24 SEP 24 P12 :08

From: Natalie DeBiasi <natalievdebiasi@gmail.com>

To: <Board.EMRCB@mauicounty.gov>

Date: 9/23/2024 1:25 PM

Subject: STOP FOREIGN TAKEOVER OF EAST MAU'I WATERS

OFFICE OF THE MAYOR

Aloha,

My name is Natalie DeBiasi. I support East Mau'i Water Authority managing East Mau'i waters and oppose EMI's application for a long term 30-year lease.

Leave Hawai'i for Hawaiians!

Mahalo,

Natalie DeBiasi

RECEIVED

From: Rhad Kualaa <rhadkualaa@yahoo.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/23/2024 3:44 PM
Subject: DLNR Agenda Item: D-12 (1)

'24 SEP 24 P12 :08

My name is Rhad Kualaa.

I support the east Maui water authority managing East Maui Waters and oppose EMI'S application for long term 99 year lease
Sent from my iPhone

OFFICE OF THE MAYOR

RECEIVED

Board EMRCB - Testimony in Support of Community-Driven Water Management for East Maui

24 SEP 24 12:09

From: Ellison Montgomery <ellisonpmontgomery@gmail.com>

To: <board.EMRCB@mauicounty.gov>

Date: 9/23/2024 5:33 PM

OFFICE OF THE MAYOR

Subject: Testimony in Support of Community-Driven Water Management for East Maui

Aloha Chair Chang and members of the East Maui Regional Community Water Authority,

I am writing to express my strong support for the East Maui Regional Community Water Authority and its mission to ensure that the future of East Maui's freshwater resources serves the people and 'āina of Maui, not corporate interests.

The management of East Maui's water is at a critical juncture. Decisions being made today will affect the future of our water supply for generations to come. That's why it's essential that these decisions are made with full input from Maui's residents, who rely on these resources for farming, traditional practices, and daily life.

Maui Public Hearing:

I urge the state to hold a public hearing on Maui before making any decisions on the pending water lease. It is crucial that the Green Administration and the Department of Land and Natural Resources hear directly from the people of Maui. Our voices must be heard on our home soil, and the state should fully consider the community's input before making decisions that will have lasting impacts on our water future.

System Upgrades and Climate Resilience:

The East Maui ditch system, which is outdated and prone to leaks, requires significant improvements to protect downstream communities and reduce water waste. With changing climate patterns, we must ensure the system is resilient enough to handle the challenges of the future. The new system must make the necessary upgrades. This will secure water for all.

Upholding the Public Trust Doctrine:

The public trust doctrine clearly states that our water resources should be managed for the benefit of the public. A community-driven water authority, rather than out-of-state corporations like Mahi Pono or EMI, is the right entity to oversee East Maui's waters. The community water authority is accountable to the people of Maui and has the public's best interests at heart, rather than the profit-driven motives of a foreign pension fund.

Local Accountability and Fair Water Rates:

Mahi Pono/EMI, controlled by out-of-state corporations, cannot be trusted to manage our water resources fairly. The water authority, being a local agency, is far more likely to keep water rates affordable and make decisions that reflect the needs of the community, not the bottom line of foreign shareholders.

Public Service vs. Profit:

Mahi Pono and EMI have shown that their primary interest is profit. In contrast, the water authority's focus is on public service, ensuring that East Maui's water is managed responsibly and equitably for the benefit of the entire island. This difference in focus is crucial in deciding who should manage East Maui's water.

Fair Representation for Hawaiian Homes:

The inclusion of a dedicated seat for the Department of Hawaiian Home Lands on the water authority ensures that the interests of Hawaiian homesteaders are represented. This fair representation is essential in making decisions that affect our communities and natural resources.

Prevent Privatization of Our Resources:

Maui residents have already spoken out against private control of our water resources, as seen in the rejection of the Kula well schemes. We send a clear message once again: Maui's water must remain in the hands of the public. The state must be a committed partner in transitioning East Maui's water system to public control, preventing further privatization and protecting our future.

In conclusion, I urge the East Maui Regional Community Water Authority and the Green Administration to stand with the community and ensure that East Maui's water remains a resource for the people. Our water, our future!

Mahalo for your time and consideration,
Ellison Montgomery

Board EMRCB - Written testimony submission for 09/25/2024 meeting

RECEIVED

From: Devlin Kuyek | GRAIN <devlin@grain.org>
To: <Board.EMRCB@co.maui.hi.us>
Date: 9/23/2024 6:35 PM
Subject: Written testimony submission for 09/25/2024 meeting
Attachments: table_PSP.pdf

'24 SEP 24 P12 :09

OFFICE OF THE MAYOR

Dear members of the County East Maui Water Authority,

I am writing to provide information that I believe will be helpful for your September 25, 2024 meeting, agenda item 4.a New Business: a. Briefing and discussion with Dawn N.S. Chang, BLNR Chairperson, Director DLNR regarding the AWOMH request for water licenses for EMI be issued to East Maui Water Authority. This information concerns the company PSP Investments, which is the beneficial owner of Mahi Pono.

My organisation, GRAIN, is an international non-profit organisation based in Spain that is dedicated to strengthening local people's control over their food systems and food producing resources (land, water, biodiversity). In 2011, we were awarded the Right Livelihood Award, also known as the Alternative Nobel Prize, by the Swedish Parliament for our "worldwide work to protect the livelihoods and rights of farming communities and to expose the massive purchases of farmland in developing countries by foreign financial interests".

In our work monitoring this global rush for farmland, we have seen a growing number of cases in which financial companies buy control over key sources of water for agricultural production. These are often the same actors that began buying up large areas of farmland in the aftermath of the food and financial crisis of 2008. They include pension funds, sovereign wealth funds, asset managers, insurance companies, university endowments and development banks. Some invest through specialised private equity funds; others are buying up access to water directly.

Water has always been a major part of the equation when it comes to farmland investment. But we are seeing more cases, recently, where access to water is what drives the interest of financial players, much more so than access to land. In most of these cases, they acquire or rent parcels of land that provide abundant and often unrestricted access to water for irrigation. The companies then grow water-intensive crops that fetch high prices in export markets.

Another feature of these deals is that they tend to be in places where water is already scarce or depleted, and where the kind of water intensive agriculture the companies pursue has little chance of lasting beyond a couple decades. The investors are not building farms for the long-term, but something more akin to an oil well that extracts as much as possible until the resource is depleted. The financial players, who typically plan to exit within 10 to 15 years, don't seem to care as long as they can make profits in the meantime. Nor do they seem put off by conflicts these deals generate with those who rely on the same sources of water.

The Canadian pension fund manager PSP Investments is one of the leading companies pursuing this strategy.

In May 2022, PSP spent USD90 million to acquire a 500 ha blueberry farm in Olmos, Peru, that is part of one of the largest private-public irrigation schemes in the world. The scheme, which brings water by tunnel to this dry area of the Pacific coast from a river in the Andes mountains, was initially supposed to provide irrigation to the peasant community of Santo Domingo de Olmos. This did not happen. Instead, the government, through a decree, allocated all of the community's 111,656 ha of land to the project without consultation, and then contracted it out to the Brazilian engineering firm Odebrecht, through a highly corrupt process. The irrigation works focused almost exclusively on a 38,000 ha block of land divided into lots of 500 ha or 1,000 ha, which Odebrecht then sold to a handful of Peruvian and foreign companies, with Odebrecht pocketing millions of dollars in the process.

The Olmos project cost the Peruvian government over USD180 million in public expenditures but did not do what it initially claimed it would: bring water to the local people. They were displaced from the irrigated areas, and the towns where they and the farm workers live still lack access to safe drinking water. Nearly all of the water now piped in from the Andes goes to irrigate the newly established corporate farms, which grow avocados, blueberries and other water-thirsty crops that reap high prices overseas. The publicly-funded project has had few benefits for the public, but has created a fountain of profits for PSP and the other corporations that now get unrestricted and free access to water.

In southwestern Spain, PSP has a hand in a water conflict playing out in another key centre of export agriculture. A two-decade long boom in the production of berries around the city of Huelva has badly depleted the aquifers that feed the wetlands of Doñana – a UNESCO world heritage site and a critical stopover point for birds migrating between Africa and Europe. Climate change and droughts have exacerbated the situation over the past few years, but the Spanish authorities and the powerful berry exporters have long known about the impending water crisis and nevertheless pushed for more growth. Huelva now produces 98% of Spain's strawberries, with 80% of production exported outside of the country. Much like in Peru, berry farming is enormously profitable in Huelva because of an abundance of sunshine, access to poorly paid migrant labourers and, most importantly, free water from wells tapped into the aquifers.

While the water crisis in Huelva has become a political scandal at the national and international levels, it has not dampened the flow of money into the area's berry farms. To the contrary, over the past few years, an increasing number of financial players have bought into the region's top berry producers. This includes PSP Investments via Hortifrut, which became the largest blueberry farmer in Huelva through the acquisition of 400 ha of farms in 2021.

Hortifrut and Surexport are among the main companies now expanding berry production in Morocco. Export fruit production in Morocco has surged in recent years on the back of this foreign investment, more than doubling in value since 2016. The majority of that expansion has been in berries and other water-thirsty crops, which is straining the country's already depleted and drought-affected water resources. The grandiose expansion plans of the berry companies contrast sharply with the country's bleak water outlook.

A decade and a half of government policies to encourage irrigation and foreign investment, including significant public subsidies and expenditures on public-private partnerships for irrigation

infrastructure, have fuelled the current water crisis in Morocco. As the industrial farms rapidly depleted the dams and aquifers, the government responded by cutting off access to others and privileging the farms producing for export, many of which are connected to and, in some cases, owned by the royal family and other elites. Industrial agriculture now accounts for 85% of total national water consumption.

The consequences are catastrophic for the country's small farmers and herders. Robbed of their access to water, small farmers have no choice but to try and sell their livestock and lands or seek work under miserable conditions on the industrial farms in their areas, or even in Spain.

The water crisis became so dire in 2022 that the government was forced into a u-turn on its subsidy policy. But many in Morocco have little faith that this measure will make a difference. "Firstly, because there will always be investors who can afford to set up shop on our lands without the help of subsidies," says Salima Belemkaddem of Maroc Environnement 2050 collective. "But above all, it is because the large farms that practice this intensive water-thirsty style of agriculture already exist, and those farms alone are enough to dry everything up."

It may seem counterintuitive for companies to make agricultural investments in places where access to water is disappearing. But this is not the case for PSP and other financial companies that generally make investments with a 10 to 15 year timeframe in mind.

In California's San Joaquin Valley, for instance, money from PSP and other financial companies has fuelled a massive boom in water-thirsty almond production in parts of the state where the aquifers are at desperately low levels. A Bloomberg investigation found that, as the water crisis in the area has become more critical and local communities and small farmers are unable to access water, financial companies have swooped in, buying up lands and digging deeper and deeper wells, with ever greater capacity to pump water from depleted aquifers. Between 2019-2022, one of every six of the deepest wells in California's San Joaquin Valley was drilled on land owned or managed by outside investors, with the biggest players being PSP, the US teacher's pension fund TIAA and the Canadian insurance company Manulife, through its Hancock Natural Resource Group division.

Bloomberg found that these companies are well aware that water in the area is drying up. But the short-term profits they can generate producing almonds and other high-value crops trumps any losses that they might incur when the water runs out.

For a list of some of PSP Investments land deals for water, please see the table attached or online here:

https://grain.org/system/attachments/sources/000/007/172/original/table_2.pdf

More information on the involvement of PSP and other financial actors in water grabbing is available here:

<https://grain.org/en/article/7039-squeezing-communities-dry-water-grabbing-by-the-global-food-industry>

I hope you find this information useful for your important decision-making regarding Maui's water.

Kind regards,

Devlin Kuyek

RECEIVED

'24 SEP 24 P12 :09

OFFICE OF THE MAYOR

Devlin Kuyek | GRAIN | Montreal

Mobile: [+1-514-571-7702](tel:+15145717702)

www.grain.org | www.farmlandgrab.org

RECEIVED

Board EMRCB - East Maui waters

From: Ann Dorsey <aedorsey@hotmail.com>
To: "Board.EMRCB@mauicounty.gov" <Board.EMRCB@mauicounty.gov>
Date: 9/23/2024 6:59 PM
Subject: East Maui waters

'24 SEP 24 P12 :09

OFFICE OF THE MAYOR

East Maui Water Authority,

I urge you to allow the East Maui Water Authority to manage the East Maui waters and deny EMI's application for a long-term 30-year lease.

Thank you,

Ann Dorsey

RECEIVED

Board EMRCB - Stop Foreign Takeover for East Maui Waters!

From: Rhea Sellitto <kapua99@gmail.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/23/2024 6:59 PM
Subject: Stop Foreign Takeover for East Maui Waters!

'24 SEP 24 P12:09

OFFICE OF THE MAYOR

My name is Rhea Kapualaha'ole. I support the East Maui Water Authority managing East Maui waters and oppose EMI's application for a long-term 30-year lease. Do not allow this lease.

Board EMRCB - Fri, Sept. 27, 2024, 9:00 am DLNR Board Rm, Kalanimoku Bldg.

From: Respiratory and Environmental Disabilities Assoc of HI <redahi@hawaii.rr.com>
To: <dlnr@hawaii.gov>, <Board.EMRCB@mauicounty.gov>
Date: 9/23/2024 7:31 PM
Subject: Fri, Sept. 27, 2024, 9:00 am DLNR Board Rm, Kalanimoku Bldg.

I support the East Maui Water Authority managing East Maui waters and oppose EMI's application for a long-term 30-year lease.

B. A. McClintock, Honolulu HI

RECEIVED
24 SEP 24 11:2:09
OFFICE OF THE MAYOR

RECEIVED

From: "Dennis O'Shea" <oshea606@gmail.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/23/2024 8:34 PM
Subject: East Maui Water

'24 SEP 24 P12 :09

Maui water belongs to the aina, not to the highest bidder of our corrupt officials.
Save our water, Our lives depend on it.

OFFICE OF THE MAYOR

Board EMRCB - Stop Foreign Takeover for East Maui Waters!

RECEIVED

From: Susan Stayton <susan.stayton@gmail.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/23/2024 9:04 PM
Subject: Stop Foreign Takeover for East Maui Waters!

'24 SEP 24 P12 :09

OFFICE OF THE MAYOR

My name is Susan Stayton. I support the East Maui Water Authority managing East Maui waters and oppose EMI's application for a long-term 30-year lease.

Respectfully Submitted,
Susan

Susan Stayton
PO Box 1113
Lawai, HI 96765
[808-651-9070](tel:808-651-9070)

RECEIVED

From: carl martin <carlonmaui@yahoo.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/23/2024 10:16 PM
Subject: 30 year lease opposition

'24 SEP 24 12:09

9/23/24

OFFICE OF THE MAYOR

Aloha, my name is Carl Martin I wanted to express my opposition to the proposed 30 year lease of water rights to EMI and Maui Pono. Who knows what the annual rainfall will be in the next ten years let alone 30 years! What we have been seeing is a steady decline in rainfall and to make a long term 30 year commitment based on current conditions is in my opinion is very irresponsible. Usage needs to be allocated based on availability keeping streamflow in mind on an ongoing basis- not for 30 years in the future based on current conditions!

Water is a public resource and should have more oversight by the East Maui Water Authority.

Thank you for your time in regards to this-

Sincerely,

Carl Martin concerned resident of east Maui.

Board EMRCB - Prevent another disaster**RECEIVED**

From: Jo Qina'au <jo.qinaau@gmail.com>
To: <board.EMRCB@mauicounty.gov>
Date: 9/24/2024 4:31 AM
Subject: Prevent another disaster

'24 SEP 24 P12 :09

OFFICE OF THE MAYOR

Aloha, I am writing to urge those reading to hold a public meeting on Maui before making any decisions on the pending water lease. The Green Administration and its agencies should hear directly from Maui's residents on Maui before making decisions that impact our water future.

If we want to prevent more disasters like the fires in Lahaina and Kula, we need to put control of water back into the hands of those who will be responsible and pono with it.

The East Maui ditch system is outdated and leaky. With changing climate and rainfall patterns, improvements are needed to protect downstream communities and reduce water waste. The water authority is motivated and has access to potential public and private funding to upgrade the system, unlike Mahi Pono/EMI, who won't even acknowledge the system leaks and needs upgrades. A better system will secure water for the county, traditional East Maui communities, Mahi Pono farms and Upcountry farmers, and ranchers.

The public trust doctrine supports a public agency like the water authority to take over the lease, not companies controlled by a foreign pension fund.

The local water authority is more likely to keep water rates fair compared to Mahi Pono/EMI, which is made up of out-of-state corporations registered in Delaware. The Canadian Public Sector Pension Investments Pension Fund holds a 99% interest in Mahi Pono and a 50% interest in EMI.

The water authority, as part of the County of Maui government, focuses on serving the public, unlike Mahi Pono/EMI, which is driven by profit for shareholders.

The Department of Hawaiian Home Lands has a dedicated seat on the water authority, unlike other state land use agencies. Beneficiaries trust the water authority to make fair decisions for homesteaders and support the transition of East Maui water to local control.

Maui residents made it clear to the county water department that they did not want a mainland corporation creating private Kula wells and selling the water to the county at exorbitant rates. The state needs to hear the same message for East Maui—Maui needs the state to be a committed partner in transitioning East Maui's water system to public management to prevent further privatization of our resources.

Sent via mobile. Please excuse typos and brevity.

RECEIVED

From: Alex Purr <alexpurr@gmail.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/24/2024 5:44 AM
Subject: Testimony RE: East Maui Water Authority

'24 SEP 24 P12:09

My name is Alexandra Perez Urbina. I am not a resident of Hawai'i, but a conscientious tourist who has spent thousands of dollars visiting Hawai'i and was on Hawai'i island during the Lahaina fires last year.

OFFICE OF THE MAYOR

I refuse to visit Maui until the local community is able to control their water resources. Water IS life!

How can you let foreigners who do not know and understand the history of the land have control of the water supply? Do you desire a repeat of the fires?

Hawai'i for Hawai'ians.

I support the East Maui Water Authority managing East Maui waters and oppose EMI's application for a long-term 30-year lease.

Peacefully,
Alexandra Perez Urbina

Board EMRCB - Testimony by Melinda Goforth for both the DLNR & East Maui Water Authority Hearings this week

From: Melinda <mjgoforth4@gmail.com>
To: <dlnr@hawaii.gov>, <Board.EMRCB@mauicounty.gov>
Date: 9/24/2024 5:49 AM
Subject: Testimony by Melinda Goforth for both the DLNR & East Maui Water Authority Hearings this week
Cc: <info@hapahi.org>, <action@hapahi.org>

RECEIVED
24 SEP 24 PM 12:20
OFFICE OF THE MAYOR

Aloha,

My name is Melinda Goforth and I, along with countless others both in Maui and on the mainland, support the East Maui Water Authority's interest to manage East Maui waters.

I and countless others oppose EMI's application for a long-term 30-year lease. We all know that water rights in Maui are extremely precious, especially to Native Hawaiian communities that rely on this natural resource for their community's prosperity. Privatization of this critical natural resource in this manner, particularly in light of the fires on Maui in 2023, cannot stand.

In March of 2022, the Hawaii State Supreme Court ruled that EMI's temporary permits were illegal. EMI and Mahi Pono are now forced to follow the stricter regulations and have applied for a 30-year water license from the Ko`olau Forest Reserve. I, in concert with many highly concerned stakeholders, urge you to disallow this request and instead, grant East Maui Water Authority these water rights.

As an economic developer and tenured investment promotion professional, I support the East Maui Water Authority and the fundamental right of native Hawaiian communities to manage a meaningful percentage of water rights on Maui. Maui lands and natural resources belong in equal if not greater measure to native Hawaiian communities. Let's ensure these communities play a central role in Maui.

Mahalo,

Melinda Goforth
M: [202.230.2821](tel:202.230.2821)



Sent from my iPhone

Board EMRCB - East Maui Waters Testimony

RECEIVED

From: TANYA TEIG <galexotic@comcast.net>

'24 SEP 24 P12:20

To: "Board.EMRCB@mauicounty.gov" <Board.EMRCB@mauicounty.gov>**Date:** 9/24/2024 6:25 AM**Subject:** East Maui Waters Testimony

OFFICE OF THE MAYOR

To All Individuals Concerned:

My name is Tanya Kanekoa Teig, a Native Hawaiian and land owner in East Maui County. I support the East Maui Water Authority managing East Maui waters and oppose EMI's application for a long term 30 year lease.

The years of abuse by EMI and it's affiliates and internal corruption in local government has continued to abuse native rights for years without any concern for the effect on local, native practices. Even when it was clear that native rights were protected, the DLNR still stayed 'in bed' with foreigners against the best interest of native rights.

It is time to stop the chronic abuse of Hawaiian lands and resources by foreigners who only care about their investors and bottom lines on their financial statements. Stop the suffering of Native Hawaiians at the hands of entities that have no right to deny them access to resources. Stop allowing the DLNR to break the law and force them to do the right thing. They should be more concerned with Hawaiian rights then foreigner money.

Truly and sincerely,

Tanya Kanekoa Teig

Board EMRCB - Stop foreign ownership of Maui's limited natural resources

From: Naomi Wick <naomiwick@gmail.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/24/2024 6:57 AM
Subject: Stop foreign ownership of Maui's limited natural resources

Aloha, My name is Naomi Wick. I was born and raised here on Maui. I support the East Maui Water Authority managing East Maui waters and oppose EMI's application for a long-term 30-year lease.

Mahalo,

Naomi Wick
[\(808\)264-5781](tel:(808)264-5781)

RECEIVED
24 SEP 24 PM 12:20
OFFICE OF THE MAYOR

RECEIVED

From: Stephen Luksic <Tree@hawaii.rr.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/24/2024 7:01 AM
Subject: Oppose EMI application for 30 year lease

'24 SEP 24 P12:21

Aloha,

I am Stephen Luksic, and I represent my wife Fusayo Luksic and my son Keolahou Luksic. We support East Maui Water Authority managing the East Maui Waters and we oppose EMI's application for a long term 30 year lease.

OFFICE OF THE MAYOR

Thank you,
Stephen Luksic • 808-280-3215

From: Stephen Luksic <Tree@hawaii.rr.com>
To: <Board.EMRCB@mauicounty.gov>
CC: <dlnr@hawaii.gov>
Date: 9/24/2024 7:08 AM
Subject: Oppose EMI's application for 30 year lease

Aloha,

This is Stephen Luksic, 30 year resident of Kula, me, my wife Fusayo Luksic, and my son, Keolahou Luksic support the East Maui Water Authority managing the East Maui waters and we oppose EMI's application for a long term 30 year lease.

Thank you,
Stephen Luksic
Fusayo Luksic
Keolahoukeaola'i Luksic

OFFICE OF THE MAYOR

24 SEP 24 PM 2:21

RECEIVED

From: KIMO SOUZA <kiheisouzas@aol.com>
To: <board.emrcb@mauicounty.gov>
Date: 9/24/2024 7:20 AM
Subject: Oppose EMI 30 year app

Aloha,

I am writing to express my opposition of the new 30 year water application from EMI. Historically, these companies have done nothing for the people of those lands and have actually done harm.

Please allow East Maui to be in charge of its own waters. This is common sense. Water should be used with care and the people of east maui understand that. Simply put it...do the right thing.

Mahalo,
Chanel Souza
Sent from my iPhone

RECEIVED

24 SEP 24 PM 2:21

OFFICE OF THE MAYOR

Board EMRCB - Opposition to EMI's application for a long-term 30-year lease

From: Julia Marrack <jmarrack2@yahoo.com>
To: Julia Marrack <jmarrack2@yahoo.com>
Date: 9/24/2024 8:31 AM
Subject: Opposition to EMI's application for a long-term 30-year lease
Bc: Board EMRCB

Aloha. I support the East Maui Water Authority managing East Maui waters and oppose EMI's application for a long-term 30-year lease. Mahalo for your time. Julia Marrack

RECEIVED

24 SEP 24 P12:21

OFFICE OF THE MAYOR

RECEIVED

From: Sydney Smith <malikoestate@icloud.com>
To: <board.EMRCB@co.maui.hi.us>, Gina Young <Flammerfamily@aol.com>, Moke
Date: 9/24/2024 8:35 AM
Subject: Sept. 25, 2024 Aha Wai o Maui - Agenda Item 4

24 SEP 24 12:21

Aloha East Maui Water Board, Chair Scheuer and Ms. Chang,

OFFICE OF THE MAYOR

My name is Sydney Smith and my husband and I farm coffee and tropical flowers below Makawao.

We share a boundary with Mahi Pono that's nearly a mile long. We've been trying to contact Mahi Pono for over 6 years.

People dump garbage on their unfenced and unmaintained property and it rolls down and lands in the Maliko Stream above Kamaole Weir on my property. Then myself, my husband and my employees yard it out and dispose of it properly. Sometimes it's dozens of tires, barrels of unknown oil or chemicals, dead animal carcasses and suitcases we assume were stolen from the Kahului Airport. This is a tremendous amount of work. Then my husband and I pay out of our pocket to properly dispose of everything that we haul out of there.

When that land belonged to Maui Pine, Colin Cameron, who was my neighbor at the time, was helpful, lent an hand and was sympathetic. When A&B took over, Pete Baldwin was also easy to talk to and a friend and they would send a truck to help haul away the trash that we picked up. They were good neighbors.

After Mahi Pono took over I've been unable to get any satisfactory response from a single person associated with them. The responses I've had have been instructions to call someone else within the company who either does not respond or gives me yet another person's name who gives me a similar run-around.

Another neighbor has a lease on this same lot further down from us. It was granted by A&B and they assumed it would transfer over to new management. No response from Mahi Pono after years of trying.

This seems very unCanadian and does not bode well for future issues. After my experience I'd be very reluctant to trust them to be a good neighbor.

As a voter and someone who worked hard to help create the charter amendment for the East Maui Water Authority I am opposed to The Department of Land and Natural Resources attempt to circumvent the will of the people just days before the Director takes the helm of this new department.

The Hawaiian people have worked for over a century to have a voice in how the water in East Maui is allocated. They followed the law and have worked patiently and with integrity. We should expect no less from our government employees and elected officials.

The governor needs to come here and listen to the people. Is he just assuming Mahi Pono will be a good neighbor? That's what I assumed too and it hasn't been the case at all.

Protecting the watershed should be of paramount importance. They call water a public trust. But there's really very little public trust anymore, if there's any at all. Ms. Chang, your actions will determine if the public has any reason to trust the government or the governor at all.

Sydney Smith
Maliko Estate Coffee
365 Kaluanui Rd.
Makawao, HI 96768
808-268-3646 call/text
808-572-0072 farm

RECEIVED

From: lengkeek <dlengkeek26@gmail.com>
To: <Board.EMRCB@mauicounty.gov>
CC: "Shane M. Sinenci" <shane.sinenci@mauicounty.us>
Date: 9/24/2024 8:38 AM
Subject: East Maui Water

*24 SEP 24 P12 :21

OFFICE OF THE MAYOR

East Maui Water Authority,

My name is David Lengkeek and I live in Waihe'e valley and have farmed taro for many years. I support East Maui Water Authority managing the East Maui water and oppose East Maui Irrigation's application for a 30 year water lease. We have been through similar situations here in Waihe'e valley over the years and have seen the Waihe'e river almost completely dry due to diversions up stream. Through experience we understand there will always be a struggle for access to water but the traditional taro farmers need to be respected by supporting their rights for clean regular flowing water.

mahalo,

David Lengkeek

RECEIVED

Board EMRCB - Our water

From: Harriet Witt <harriet@passengerplanet.com>
To: <board.EMRCB@mauicounty.gov>
Date: 9/24/2024 9:48 AM
Subject: Our water

'24 SEP 24 P12 :21

OFFICE OF THE MAYOR

Dear Board,
Decisions about our water should NOT be made by foreign corporations for obvious reasons. Thank you for being reasonable.
Aloha,
Harriet Witt, 43 Puu Koa Place, Haiku, HI 06708

RECEIVED

Board EMRCB - Streams

From: Lucrezia Oddie <lucreziacreation@gmail.com>
To: <board.EMRCB@mauicounty.gov>
Date: 9/24/2024 10:21 AM
Subject: Streams

24 SEP 24 P12 :21
OFFICE OF THE MAYOR

Hello. Please support the water authority plan which is designed to put control of water fresh water in the hands of the people. This vital resource should not be privately owned or managed. This is very important for promoting individually and family owned farms which sustain the people of Maui. Also important to note that through this plan natural stream flow and its native wildlife can be preserved and flourish.

Thank you for your attention to this matter.

Lucrezia Oddie
700 East Kuiaha Rd
Haiku, HI
96708

RECEIVED

From: James Hookano <jkhookano@yahoo.com>
To: <Board.EMRCB@mauicounty.gov>, <dlnr@hawaii.gov>
CC: <info@hapahi.org>
Date: 9/24/2024 10:27 AM
Subject: EMWA vs EMI

'24 SEP 24 P12:21

Chairwoman Dawn Chang
Dept of Land and Natural Resources
Issue: Water Rights in East Maui
Sept. 9, 2024

OFFICE OF THE MAYOR

Chair Chang,

I am appalled, but not surprised that DLNR under Chair Dawn Chang has sided with Big Money, Foreign Annuities and Special Interest over own people on the matter of basic "Rights to Water".

Now is the time for the people to raise and foster in an "ALOHA Paradigm Shift". We must fight to change the trajectory of the Hawaiian Spirit and demand our birth rights on our lands. We must fight urbanization and the marginalization of our people. My name is James K. Hookano. I support the East Maui Water Authority's management of East Maui's waters and oppose EMI's application for a long-term lease or any term Lease for that matter.

Sincerely,
James K. Hookano
Concerned Hawaiian

Board EMRCB - East Maui Water Authority meeting

RECEIVED

From: Mariko Whitenack <marikowhitenack@gmail.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/24/2024 10:39 AM
Subject: East Maui Water Authority meeting

'24 SEP 24 P12:21

OFFICE OF THE MAYOR

Aloha mai kākou!

My name is Mariko Whitenack. I support the East Maui Water Authority managing East Maui waters and oppose EMI's application for a long-term 30-year lease.

Mahalo nui for this opportunity to provide testimony.

From: Glenn Choy <choyhawaii@gmail.com>
To: <board.EMRCB@mauicounty.gov>
Date: 9/24/2024 10:41 AM
Subject: East Maui Water

NO short term lease please.

The lease should rightfully go to the East Maui Regional Community Water Authority. End this hideous corporate kowtowing.

Sent from my iPhone

RECEIVED

24 SEP 24 PM 2:21

OFFICE OF THE MAYOR

John and Christel Blumer-Buell

Owners of and Taxpayers for Maui Tax Map Key (2)1-5-06-7 Mu'olea.
Entitled Users and Managers with Vested Interests in the Historic State of
Hawai'i Registered Mu'olea Spring and Distribution System.
P.O. Box 787, Hana, Hawai'i 96713 Telephone 808-248-8972
johnblumer-buell@gmail.com cblumerbuell@gmail.com

RECEIVED

24 SEP 24 PM 2:21

OFFICE OF THE MAYOR

September 24, 2024

Aha Wai O Maui Hikina East Maui Regional Community Board (Water Authority), Jonathan Scheuer, Chair
Sent Via Email: board.EMRCB@mauicounty.gov
Subject: Public Testimony for September 25 Meeting

Aloha Chair Scheuer and East Maui Regional Community Board Members,

We support the East Maui Water Authority managing East Maui waters and oppose EMI's application for a long-term 30-year lease.

We support legal actions to support this opinion.

Malama Pono.....

John and Christel Blumer-Buell, Mu'olea, Hana

RECEIVED

Board EMRCB - Oppose EMI's Application

From: jv 808 <okuda.jayven@gmail.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/24/2024 12:02 PM
Subject: Oppose EMI's Application

'24 SEP 24 P12 :21

OFFICE OF THE MAYOR

Aloha, my name is Jayven.

I support the East Maui Water Authority managing East Maui waters and oppose EMI's application for a 30-year lease. We've already stopped their temporary permits from diverting the Ko'olau Moku waters. Finding their work illegal, who's to say that their diversion of water will stop. This foreign company will continue to use up all of our waters. And again, like in the past, our lawai'a, Mahi'ai, and people, will lose their waters, that they need to survive. Water belongs to the people, water belongs to where it flows, not where it is diverted.

Mahalo,
Jayven

Board EMRCB - 9/25/2024

From: Leianaikaroselaniomaui Sing-Keliikoa <lsk9hkk@gmail.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/24/2024 12:04 PM
Subject: 9/25/2024

RECEIVED
24 SEP 24 PM 12:21
OFFICE OF THE MAYOR

My name is Leiana Sing Keliikoa.

I Strongly oppose EMI's long term 30 year lease! Mahalo

LSK


RECEIVED

Board EMRCB - Foreign ownership?

From: Minda Goodman <mindag@hawaii.edu> '24 SEP 24 P12:22
To: <Board.EMRCB@mauicounty.gov>, <dlnr@hawaii.gov>
Date: 9/24/2024 12:07 PM OFFICE OF THE MAYOR
Subject: Foreign ownership?

Aloha e hoa noho (neighbor),

Is there someone who can explain this to me? The following is unjust on many levels.

The East Maui Community Water Authority has been taking steps to manage the East Maui water license areas as **approved by the voters of Maui.** 

Following legal process, the East Maui Community Water Authority made **two formal requests** to the Department of Land & Natural Resources but DLNR has instead scheduled approval of East Maui Irrigation's (EMI's) application for this same purpose.

We reached out to our neighbor (DLNR) and instead of opening up to conversation and possibilities, win-win situations they did WHAT?

Since 2018, EMI has been owned 50% by PSP Investments, a foreign investment pension fund with a reputation for acquiring water rights globally.

Foreign ownership. This doesn't sound Akamai or Pono. Do the people at DLNR that are making these decision live in Hawaii? Kinda Shame. It doesn't make sense except through the lens of greed.

RECEIVED

Board EMRCB - Public testimony 10/24/2024

From: MAK K <mkahalehau91@gmail.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/24/2024 12:13 PM
Subject: Public testimony 10/24/2024

'24 SEP 24 12:20

OFFICE OF THE MAYOR

My name is Michael Kahalehau. Today is 10/24/2024. My wife, two children and I oppose EMI long term 30 year lease!

RECEIVED

Board EMRCB - Foreign takeovers of East Maui waters

'24 SEP 24 12:26

From: Amy L <alwilliams0630@gmail.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/24/2024 12:24 PM
Subject: Foreign takeovers of East Maui waters

OFFICE OF THE MAYOR

I strongly oppose any decision that cedes power to corporations instead of protecting the rights of native Hawaiians. They have already suffered through corporate takeovers of their land to build luxury homes and condos for the wealthy, while so many native Hawaiians still lack housing after the devastating fires that destroyed Lahaina town, including important historic buildings that were vital to Mauian's emotional well-being. These structures can never be recovered by new construction. They are gone forever.

Let us not forget that the fires on Maui were caused by corporate-owned utilities who ignored proper maintenance for years, if not decades. Over 100 people needlessly died, many more were injured and/or lost everything in the fire. Everything. Survivors were also totally devastated at the loss of loved ones.

It is far past time to stop corporations from pre-empting the rights of the ancestral lands that rightfully belong to native Hawaiians. It's a disgrace to ignore their rights so more money can be paid to shareholders, corrupt governments and tax breaks for the wealthy who will use their luxury homes primarily for airb&b income.

I urge you to Do the Right Thing to return the land and water that belongs to the natives.

Amy Longanecker
San Diego CA
Sent from my iPhone

Board EMRCB - Kula Community Association Testimony for EMWA on 9-25-2024 and BLNR on 9-27-2024

From: "Bobbie Patnode" <bobbiepatnode@fastmail.fm>
To: <Board.EMRCB@co.maui.hi.us>, <dlnr@hawaii.gov>
Date: 9/24/2024 1:05 PM
Subject: Kula Community Association Testimony for EMWA on 9-25-2024 and BLNR on 9-27-2024
Cc: <BLNR.testimony@hawaii.gov>, <josh.green@hawaii.gov>, <michelle.yamashit...

TO: East Maui Water Authority and Chair Dawn Chang, DLNR

FROM: Bobbie Patnode, President, Kula Community Association

RE: Testimony for the East Maui Water Authority meeting on 9/25/2024 and the Board of Land and Natural Resources meeting on 9/27/2024 from Kula Community Association

The Upcountry Maui community has long suffered from an unreliable water supply that impacts our Hawaiian Homelands, residents, and farmers. Every summer, we face significant water restrictions due to inadequate resources. Our water is and has been controlled by off-island private entities for over 150 years - East Maui Irrigation Company a subsidiary of A&B (a Real Estate Investment Trust), and now Public Sector Pension Investment (PSP), a foreign pension fund.

We strongly urge you to facilitate the transfer of the East Maui watershed lease to the East Maui Water Authority. This would place control of our vital water resources with a local, public entity guided by the Public Trust doctrine rather than by private profit motives. As a County of Maui Department, the East Maui Water Authority will partner with the Maui Department of Water Supply to:

1. Ensure adequate water is diverted from the transmission system
2. Treat water at Kamole Weir
3. Deliver a dependable supply to the Upcountry District

Chair Chang, the DLNR, the BLNR, and you have the power to facilitate this transfer and work with the county. A public auction prior to working with Maui's water authority is premature.

Please respect the voters of Maui County and all our residents and farmers who rely upon East Maui water. Our community's future depends on sustainable, locally controlled water resources.

We look forward to your timely response on this pressing issue.

Thank you.

CC Governor Josh Green

Chair, Jonathan Scheuer and members, East Maui Regional Community Board

Acting Director Gina Young, East Maui Regional Community Board

Director John Stufflebean, P.E., Maui DWS

Maui County Mayor Richard Bissen

Councilmember Shane Sinenci

Councilmember Yuki Lei Sugimura

Chair Donna Sterling, Maui Board of Water Supply

RECEIVED
24 SEP 24 P 1 :14
OFFICE OF THE MAYOR

Board EMRCB - Support and Oppose**RECEIVED**

From: Susan Douglas <sd3@hawaii.rr.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/24/2024 1:12 PM
Subject: Support and Oppose

24 SEP 24 P 3:07

OFFICE OF THE MAYOR

Aloha! My name is Susan Douglas. I support the East Maui Water Authority managing East Maui waters and oppose EMI's application for a long-term 30-year lease.

Warmest Mahalo and Aloha!

Susan Douglas

84A Iliwai Loop

(that's spelled I L I W A I)

Kihei, Maui, HI 96753

H: [808 879 1112](tel:8088791112), landline, you can call 24/7, if you get my machine you can leave a long message, best chance of reaching me live, no texts.

C: [808 205 1893](tel:8082051893), good for texts or VM but the ringer is usually off, I check a few times/day.

sd3@hawaii.rr.com



Board EMRCB - Testimony by Jhianna Aweau. Before AHA Wai O Maui Hikina. East Maui Regional Community Board (Water Authority). Sept. 25, 2024

From: Jhianna Aweau <aweau.jhianna@gmail.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/24/2024 1:54 PM
Subject: Testimony by Jhianna Aweau. Before AHA Wai O Maui Hikina. East Maui Regional Community Board (Water Authority). Sept. 25, 2024

Aloha Chairperson Scheuer, Vice-Chairperson Nakanelua, Members of the Water Authority, and Chair Dawn Chang,

My name is Jhianna Aweau, and I am submitting testimony in strong support of the East Maui Community Water Authority managing the East Maui water license areas. I also oppose East Maui Irrigation's (EMI) application for a 30-year water lease. For over 30 years, Na Moku Aupuni o Ko'olau Hui has fought to restore water to Ko'olau Moku, an area that has long depended on its waters for traditional taro farming, fishing, and gathering.

Taro farming, or kalo cultivation, is not only a cornerstone of our community's economy but a practice deeply embedded in Hawaiian culture, sustaining both our people and traditions for generations. The diversion of water threatens not only our ability to provide for our families but also severs the vital connection between our people and the 'āina (land). The cultural practices tied to water, including kalo farming and gathering, reflect the deeply held values of mālama 'āina, or stewardship of the land, which has allowed these lands and resources to thrive in harmony with the people of East Maui for centuries.

Despite constitutional and legal protections, the diversion of water by Alexander & Baldwin (A&B) and its subsidiary EMI, with assistance from DLNR, has continued without sufficient regulation or regard for our community's needs. EMI's 50% ownership by PSP Investments, a foreign investment fund with a track record of global water acquisitions, raises concerns about the future management of our natural resources. Allowing a 30-year water lease under these circumstances would undermine local control and the protection of East Maui's water rights.

The community's traditional and sustainable use of water should take precedence over corporate interests, especially given the historical and legal context. I respectfully urge the Board to deny EMI's application and support the East Maui Community Water Authority's request. Local management is key to ensuring that the water resources of East Maui are preserved for the community and future generations.

Mahalo for your time and consideration.

Jhianna Aweau

aweau.jhianna@gmail.com.

Lineal Descendant

RECEIVED

'24 SEP 24 P 3 :07

OFFICE OF THE MAYOR

Board EMRCB - Opposition to EMI's Application for long-term 30-year lease

From: Terry Kristiansen <greentoes@alohaservices.net>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/24/2024 2:36 PM
Subject: Opposition to EMI's Application for long-term 30-year lease

Our names are Michael & Terry Kristiansen. We have lived in Nahiku for 34 years and are opposed to EMI's request for a 30-year lease of the water rights of East Maui. The water belongs to the people of Maui and the practices of our host culture. Please deny this request. DLNR should be protecting this natural resource, not turning it over to a private corporation.

Michael & Terry Kristiansen
P.O. Box 841
Hana, HI 96713
[808-248-7600](tel:808-248-7600)
Mobile: [808-298-2014](tel:808-298-2014)
greentoes@alohaservices.net

RECEIVED
24 SEP 24 P 3:07
OFFICE OF THE MAYOR

Testimony in Opposition of EMI's 30-year Lease for 9/25 East Maui Water Authority Meeting

Aloha,

My name is Lennie Espinoza and I am writing in support of the East Maui Water Authority managing East Maui waters and in opposition of EMI's 30-year lease.

There is no denying that the survival of these islands and its communities depends on the ability of Hawaiians to manage resources, from water to food. To attempt to further divert management into foreign hands is a direct attack on the wellbeing of local communities, on all levels.

The issues residents are experiencing regarding proper water management should be a clear indicator that change is needed. These are Hawaiian waters, and it is vital that they are managed by Hawaiian organizations. EMI does not have ties to these waters, nor the lands it nourishes. If Maui is to heal, resource management must begin to be turned over to Hawaiian hands.

RECEIVED

'24 SEP 24 P 3:08

OFFICE OF THE MAYOR

Board EMRCB - PUBLIC MEETING OF THE EAST MAUI REGIONAL COMMUNITY BOARD ('AHA WAI O MAUI HIKINA REGIONAL COMMUNITY BOARD)

From: Gracey Gomes <gracey.gomes@hotmail.com>
To: "Board.EMRCB@co.maui.hi.us <Board.EMRCB@co.maui.hi.us>"
<Board.EMRCB@co....>
Date: 9/24/2024 2:48 PM
Subject: PUBLIC MEETING OF THE EAST MAUI REGIONAL COMMUNITY BOARD ('AHA WAI O MAUI HIKINA REGIONAL COMMUNITY BOARD)

Aloha mai e: (Jonathan "Likelike" Scheuer)

I come to submit a written testimony about sustaining our people and making all aware of better water management on Maui and hoping that our officials recognize the "local knowledge about water". When officials look for other alternatives to water resources, make sure the community is first at the table as projects are considered and not the last at the table.

So as Dawn Chang sidesteps our East Maui Water Authority, because you felt you have a greater need to change the rules for the betterment of these foreign entities, or private interest to use our public trust resource, as you and they seem fit. Our East Maui Water Board is the first to be in place.

And, Dawn Chang, why are you asking for a voter-approved body to justify plans for protecting this public trust resource when for decades, A&B and now Mahi Pono LLC, A Canadian Pension Fund Investment Entity, a foreign limited liability company, out of Delaware, continue to divert water from our East Maui streams for private use.

Dawn Chang, where's your kuleana and trust in "Aloha 'Āina or Mālama 'Āina, knowing that please do not allow an outside entity to steward the "wai" (water) as it provides ola (life) to our people and the 'āina (land).

RECEIVED
24 SEP 24 P 3:08
OFFICE OF THE MAYOR

Board EMRCB - Kula Community Association Testimony for EMWA on 9-25-2024 and BLNR on 9-27-2024

From: "Bobbie Patnode" <bobbiepatnode@fastmail.fm>
To: <Board.EMRCB@co.maui.hi.us>, <dlnr@hawaii.gov>
Date: 9/24/2024 1:05 PM
Subject: Kula Community Association Testimony for EMWA on 9-25-2024 and BLNR on 9-27-2024
Cc: <BLNR.testimony@hawaii.gov>, <josh.green@hawaii.gov>, <michelle.yamashit...>

TO: East Maui Water Authority and Chair Dawn Chang, DLNR

FROM: Bobbie Patnode, President, Kula Community Association

RE: Testimony for the East Maui Water Authority meeting on 9/25/2024 and the Board of Land and Natural Resources meeting on 9/27/2024 from Kula Community Association

The Upcountry Maui community has long suffered from an unreliable water supply that impacts our Hawaiian Homelands, residents, and farmers. Every summer, we face significant water restrictions due to inadequate resources. Our water is and has been controlled by off-island private entities for over 150 years - East Maui Irrigation Company a subsidiary of A&B (a Real Estate Investment Trust), and now Public Sector Pension Investment (PSP), a foreign pension fund.

We strongly urge you to facilitate the transfer of the East Maui watershed lease to the East Maui Water Authority. This would place control of our vital water resources with a local, public entity guided by the Public Trust doctrine rather than by private profit motives. As a County of Maui Department, the East Maui Water Authority will partner with the Maui Department of Water Supply to:

1. Ensure adequate water is diverted from the transmission system
2. Treat water at Kamole Weir
3. Deliver a dependable supply to the Upcountry District

Chair Chang, the DLNR, the BLNR, and you have the power to facilitate this transfer and work with the county. A public auction prior to working with Maui's water authority is premature.

Please respect the voters of Maui County and all our residents and farmers who rely upon East Maui water. Our community's future depends on sustainable, locally controlled water resources.

We look forward to your timely response on this pressing issue.

Thank you.

CC Governor Josh Green

Chair, Jonathan Scheuer and members, East Maui Regional Community Board

Acting Director Gina Young, East Maui Regional Community Board

Director John Stufflebean, P.E., Maui DWS

Maui County Mayor Richard Bissen

Councilmember Shane Sinenci

Councilmember Yuki Lei Sugimura

Chair Donna Sterling, Maui Board of Water Supply

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24 SEP 24 P1:14
OFFICE OF THE MAYOR

Board EMRCB - Support East Maui Water Authority managing East Maui waters

From: <marc@hanamaui.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/24/2024 3:54 PM
Subject: Support East Maui Water Authority managing East Maui waters

Aloha – My name is Marc Sanders. I reside in Hana, and I am Vice-President of the Hana Business Council. I support the East Maui Water Authority managing East Maui waters and I oppose EMI's application for a long-term 30-year lease.

Mahalo,
Marc Sanders
Vice-President
Hana Business Council

OFFICE OF THE MAYOR

24 SEP 25 A 7:30

RECEIVED

Board EMRCB - EMI long term lease

From: Kalae Chong <kalaechong9@gmail.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/24/2024 4:54 PM
Subject: EMI long term lease

Aloha, my name is Kalae Calderon and I oppose EMI's long term 30 year lease!

9/25/24

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24 SEP 25 A 7:30

OFFICE OF THE MAYOR

Board EMRCB - Testimony for East Maui Water Authority Meeting

From: grace pretre <gracelovemaui@gmail.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/24/2024 4:55 PM
Subject: Testimony for East Maui Water Authority Meeting

Aloha,

I am in support of the Water Authority's request to manage the East Maui water license areas as voted for by the people of Maui and **opposing** EMI's application for a 30-year lease!!!

Mahalo,

Manon Pretre
Resident of Hāna

OFFICE OF THE MAYOR

24 SEP 25 A 7:30

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Board EMRCB - STOP FOREIGN TAKEOVER OF EAST MAUI WATERS

From: Jade W <jvkw98@gmail.com>
To: <board.EMRCB@mauicounty.gov>
Date: 9/24/2024 6:34 PM
Subject: STOP FOREIGN TAKEOVER OF EAST MAUI WATERS

For over 30 years, Na Moku Aupuni o Ko olau Hui led the legal effort to restore waters to Ko olau Moku that had been diverted 100% by the corporation Alexander & Baldwin and its subsidiary, East Maui Irrigation.

A&B and EMI had no mercy, and diverted every drop while our community, known for its traditional taro farming, fishing and gathering practices wholly dependent upon water, went without. When voters amended the State's Constitution in 1978 to make it clear that traditional practices such as taro farming, fishing and gathering which depended on fresh water were protected, and a 1987 Water Code law strengthened those protections by adding strict environmental regulations, A&B and EMI, with help from the state DLNR, avoided complying with those laws by being issued "temporary" year-to-year permits to divert the water.

These "temporary" permits, which do not have the same strict environmental regulations and restrictions, have lasted up through the present time. For the last 38 years, since expiration of its last long-term lease in 1986, A&B and EMI, with permission from DLNR, have operated its diversions with temporary annually renewable short-term permits.

In 2018, the foreign Canadian PSP Investments, through its newly formed subsidiary Mahi Pono, became a 50% owner of EMI, along with Alexander & Baldwin. Four years later in March of 2022, the Hawaii State Supreme Court ruled that these temporary permits were illegal. EMI and Mahi Pono are now forced to follow the stricter regulations and have applied for a 30-year water license from the Ko olau Forest Reserve.

My name is Jade White. I support the East Maui Water Authority managing East Maui waters and oppose EMI's application for a long term 30 year lease!

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24 SEP 25 4 7 :30
OFFICE OF THE MAYOR

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Board EMRCB - Support East Maui Water Authority

24 SEP 25 A 7 :30

From: Hauoli Kahaleuahi <hkahaleuahi@gmail.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/24/2024 6:42 PM
Subject: Support East Maui Water Authority

OFFICE OF THE MAYOR

Aloha nui,

My name is Hau'oli Kahaleuahi and I am a descendant and resident of Hāna in East Maui. I support the East Maui Water Authority managing East Maui waters. I oppose East Maui Irrigation's application for a longterm 30-year lease.

Mahalo.

Hau'oli
[\(808\) 318-0947](tel:(808)318-0947)
hkahaleuahi@gmail.com

Board EMRCB - East Maui water testimony

From: kapulei flores <kapuleif@gmail.com>
To: <Board.EMRCB@mauicounty.gov>, "dlnr@hawaii.gov" <dlnr@hawaii.gov>
Date: 9/24/2024 6:45 PM
Subject: East Maui water testimony

Aloha,

My name is Kapulei and i am writing in support of the East Maui Water Authority managing East Maui waters. I am in opposition of EMI's application for a 30 year lease. With everything that maui has gone through in the past few years, the last thing we need is for our water to be managed by foreign management. The waters of Maui have been mismanaged and wrongly diverted for years, please help us protect our wai from things getting worse for all of Maui.

Mahalo

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Board EMRCB - East Maui Water Authority Testimony

From: Kealii Frias <alii.frias808@gmail.com>
To: <board.emrcb@mauicounty.gov>
Date: 9/24/2024 7:35 PM
Subject: East Maui Water Authority Testimony

My name is Kealii Frias. I support the East Maui Water Authority managing East Maui Waters and I oppose EMI's application for a long-term 30 year lease.

Growing up in Ke'anae I've seen the deteriorating causes of their lack of management. They've caused many issues and haven't addressed any concern for the community. But since the community's efforts we've seen more life brought back to the rivers of East Maui without the help of EMI. I am one many of Ke'anaes lawful lineal descendants and would stress this concern to oppose EMI's 30 year lease.

Keali'i Frias
[\(808\) 264-9147](tel:(808)264-9147)
alii.frias808@gmail.com

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24 SEP 25 A 7:30
OFFICE OF THE MAYOR

Board EMRCB - East Maui Water Authority Testimony

From: Kealii Frias <alii.frias808@gmail.com>
To: <board.emrcb@mauicounty.gov>
Date: 9/24/2024 7:35 PM
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Keali'i Frias
[\(808\) 264-9147](tel:(808)264-9147)
alii.frias808@gmail.com

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OFFICE OF THE MAYOR

Board EMRCB - East Maui Water Testimony

From: Kelly Honokaupu <kellyhonokaupu@gmail.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/24/2024 8:32 PM
Subject: East Maui Water Testimony

Aloha,

My name is Kelly Honokaupu and I am a resident of Kailua. I support the East Maui Water Authority managing East Maui waters and oppose EMI's application for a long-term 30-year lease. We have seen a large decrease in the water flow in our streams and ponds over the years. It's time to stop the diversion of our waters.

Mahalo,

Kelly Honokaupu

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24 SEP 25 A 7:30
OFFICE OF THE MAYOR

From: Lei Kaauamo <kaauamol@yahoo.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/24/2024 8:32 PM
Subject: Testimony-East Maui Water AuthorityMeeting

Aloha,

My name is Herman Leialoha Kaauamo, Jr. descendant of Solomon and Cecilia Kaauamo from Wailuanui. I support the East Maui Water Authority managing East Maui waters. I strongly oppose EMI's application for a long-term 30.

V/R,
Herman L. Kaauamo, Jr.
Sent from my iPhone

OFFICE OF THE MAYOR

24 SEP 25 A 7:30

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Board EMRCB - East Maui Water Testimony

From: Kailua Creative <kailuacreative808@gmail.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/24/2024 8:39 PM
Subject: East Maui Water Testimony

My name is Eden Honokaupu. I support the East Maui Water Authority managing East Maui waters and oppose EMI's application for a long-term 30-year lease.

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24 SEP 25 A 7:30

OFFICE OF THE MAYOR

From: Kalani <kalani.kaauamo@gmail.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/24/2024 8:44 PM
Subject: Testimony - East Maui Water Authority Meeting

Aloha,

My name is Kalani N. Kaauamo descendant of Solomon and Cecilia Kaauamo from Wailuanui, Keanae. I support the East Maui Water Authority managing East Maui waters. I strongly oppose EMI's application for a long-term 30yr lease.

Mahalo,

Kalani Kaauamo

Sent from my iPhone

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24 SEP 25 A 7:30

OFFICE OF THE MAYOR

Board EMRCB - Aha Wai O Maui Hikina East Maui Regional Community Water Authority Meeting - Testimony

From: Kelsey Mapa <kelseykapisi@gmail.com>
To: <board.EMRCB@mauicounty.gov>
Date: 9/24/2024 9:04 PM
Subject: Aha Wai O Maui Hikina East Maui Regional Community Water Authority Meeting - Testimony

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24 SEP 25 A7:31
OFFICE OF THE MAYOR

Aloha,

My name is Kelsey Mapa and I am a lifelong resident of Upcountry Maui.

Thank you for taking the time to read my thoughts and consider our community's input when making very important decisions regarding how we manage one of our most critical resources, water.

I wish I could communicate these points in a more personal way, but I simply do not have the time or the energy with all of the different efforts we are continually having to pour ourselves into simply to defend our island from more exploitation. It's ridiculous and exhausting. Anyways, here are some key points from the Sierra Club that align with my values on this issue. I will emphasize that I hope your decisions align with the values held by the people of Maui, especially Kanaka Maoli, and that they are centered in the decision making process. They have cared for this water and this land for centuries and did an excellent job, they should lead us moving forward. Also, water should never be privatized and sold for profit. Period.

Public Hearing: Urge the state to hold a public meeting on Maui before making any decisions on the pending water lease. The Green Administration and its agencies should hear directly from Maui's residents *on Maui* before making decisions that impact our water future.

Upgrade System: The East Maui ditch system is outdated and leaky. With changing climate and rainfall patterns, improvements are needed to protect downstream communities and reduce water waste. The water authority is motivated and has access to potential public and private funding to upgrade the system, unlike Mahi Pono/EMI, won't even acknowledge the system leaks and needs upgrades. A better system will secure water for the county, traditional East Maui communities, farmers, and ranchers.

Uphold the Public Trust: The public trust doctrine supports a public agency like the water authority to take over the lease, not companies controlled by a foreign pension fund.

Local Accountability: The local water authority is more likely to keep water rates fair compared to Mahi Pono/EMI, which is made up of out-of-state corporations registered in Delaware. The Canadian Public Sector Pension Investments Pension Fund holds a 99% interest in Mahi Pono and a 50% interest in EMI.

Public Service vs. Profit: The water authority, as part of the County of Maui government, focuses on serving the public, unlike Mahi Pono/EMI, which is driven by profit for shareholders and beneficiaries.

Fair Representation for Hawaiian Homes: The Department of Hawaiian Home Lands has a dedicated seat on the water authority, unlike other state land use agencies. Beneficiaries trust the water authority to make fair decisions for homesteaders and support the transition of East Maui water to local control.

Learn from Kula Well Schemes: Maui residents made it clear to the county water department that they did not want a mainland corporation creating private Kula wells and selling the water to the county at exorbitant rates. The state needs to hear the same message for East Maui—Maui needs the state to be a committed partner in transitioning East Maui's water system to public management to prevent further privatization of our resources.

**Mahalo again for reading! Thank you for the important work you do.
Please protect our water and our future!**

**With Gratitude,
Kelsey Mapa**

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24 SEP 25 4 7:31
OFFICE OF THE MAYOR

Board EMRCB - Testimony

From: Kahiau Luat-Hueu <luathueu.k@gmail.com>
To: <board.EMRCB@mauicounty.gov>
Date: 9/24/2024 9:09 PM
Subject: Testimony

Aloha my name is Kahiau Luat-Hueu, a resident of Keanae Maui. And I support the East Maui Water Authority in managing East Maui waters. I OPPOSE East Maui Irrigations application for a long term 30 year lease. It's time we stop putting profits over our own people! Mahalo

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24 SEP 25 17:31
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Board EMRCB - Opposition of EMI 30 Year Lease!

From: Colton Honokaupu <colton3honokaupu@gmail.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/24/2024 9:10 PM
Subject: Opposition of EMI 30 Year Lease!

My name is Colton Honokaupu, 17 year old **Kānaka Maoli** from Kailua Maui. I support the East Maui Water Authority managing East Maui waters and oppose EMI's application for a long-term 30-year lease. I believe this would be beneficial for the environment as EMI and A&B have been recklessly wasting around 40 million gallons of water a day for decades from east Maui streams. Although they been trying to lower this number, why should such irresponsible parties or should I say "corporations" be in charge of the most vital resource on the island?

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24 SEP 25 A 7:31

OFFICE OF THE MAYOR

Board EMRCB - Testimony: Management of East Maui water

From: Rita Massey <ritahands@yahoo.com>
To: "Board.EMRCB@mauicounty.gov" <Board.EMRCB@mauicounty.gov>
Date: 9/24/2024 9:11 PM
Subject: Testimony: Management of East Maui water

Aloha,

My name is Rita Massey of Kihei. I support the East Maui Water Authority managing East Maui Waters as is the wishes of the Maui voters, and I oppose EMI's application for a long term 30 year lease. Control of Maui's waters must stay in Maui's hands, not foreign investors.

Mahalo.
Rita Massey
613 Luana Place,
Kihei 96753

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24 SEP 25 A7:31
OFFICE OF THE MAYOR

Board EMRCB - East Maui water authority support


From: Noah Honokaupu <noahhono@hawaii.edu>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/24/2024 9:18 PM
Subject: East Maui water authority support

My name is Noah Honokaupu. I support the East Maui Water Authority managing East Maui waters and oppose EMI's application for a long-term 30-year lease.

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From: Emauiside86  <emauiside86@icloud.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/24/2024 10:04 PM
Subject: Water Authority

Alvin Honokaupu I support the East Maui Water Authority managing East Maui waters and oppose EMI's application for a long-term 30-year lease. Sent from my iPad

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OFFICE OF THE MAYOR

**Board EMRCB - TESTIMONY BY JHALANI AWEAU BEFORE AHA WAI O MAUI
HIKINA EAST MAUI REGIONAL COMMUNITY BOARD (WATER AUTHORITY)
SEPTEMBER 25, 2024**

From: Jhalani Aweau <aweaujhalani@gmail.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/24/2024 10:20 PM
Subject: TESTIMONY BY JHALANI AWEAU BEFORE AHA WAI O MAUI HIKINA EAST MAUI REGIONAL COMMUNITY BOARD (WATER AUTHORITY) SEPTEMBER 25, 2024

Aloha Chairperson Scheuer, Vice-Chairperson Nakanelua, Members of the Water Authority, and Chair Dawn Chang,

My name is Jhalani Aweau, and I am a lineal descendant and current resident of Ke‘anae and Wailuanui in East Maui, where my family has practiced traditional taro farming and subsistence living for generations. I am writing in strong support of the East Maui Community Water Authority’s request to manage the water license areas in East Maui, and I firmly oppose East Maui Irrigation’s (EMI) application for a 30-year lease.

For too long, my community has been deprived of the water that sustains our traditional practices and livelihoods. The diversions by Alexander & Baldwin (A&B) and EMI have severely impacted our ability to farm taro, fish, and gather. Despite clear legal protections—established in the 1978 constitutional amendment and strengthened by the 1987 Water Code—these diversions have continued under temporary permits that sidestep critical environmental regulations.

Now, with PSP Investments, a foreign entity, owning half of EMI, the risk of losing control over our resources is greater than ever. Approving EMI’s 30-year lease would be a disservice to the generations of families, like mine, who have relied on this water to live, farm, and carry on our cultural traditions. The East Maui Community Water Authority is in the best position to manage this resource responsibly and ensure that the water is used in a way that benefits our local community—not distant corporate interests.

I urge you to stand with the people of East Maui and support the Water Authority’s request. It is vital that our water resources remain in local hands and are managed in a way that honors both the land and the generations of families who depend on it.

Mahalo nui for your time and consideration.

Jhalani Aweau
Lineal Descendant and Current Resident of Ke‘anae and Wailuanui

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24 SEP 25 A7:31
OFFICE OF THE MAYOR

Board EMRCB - Tomorrow's testimony in opposition for EMIs application

From: "Ms. Anonymous" <stupidtablet1088@gmail.com>
To: <Board.emrcb@mauicounty.gov>
Date: 9/24/2024 10:25 PM
Subject: Tomorrow's testimony in opposition for EMIs application

Aloha, My name is Christine Davis and I'm a resident of East Maui (Kawaipapa, Hana). I can't believe year after year the people got to go through so many hoops when they just want the water back where it belongs, flowing mauka to makai, uninterrupted. Listen to the voters and give management of East Maui water license areas to the East Maui Community Water Authority like they been asking. I strongly oppose EMIs application for a 30 year lease when their track record has plainly demonstrated their neglect and disregard for the health of East Maui stream life and the people's wishes that water belongs to nature, not corporations. Thank you for your time. Aloha, Christine Davis [808 281 4746](tel:8082814746)

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24 SEP 25 A 7:31

OFFICE OF THE MAYOR

From: Taytum H <taymaui670@gmail.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/24/2024 10:39 PM
Subject: Testimony opposing East Maui Irrigation lease

Aloha, my name is Taytum Herrick and I oppose EMI's application for a long term lease. Ko'olau moku is known for its kalo farming, fishing, and gathering which is directly dependent on water flow from mauka to makai. A&B and EMI have been illegally diverting water for over 30 years under the state's constitution of 1978 which protects cultural practices first and foremost. This diversion of water has detrimentally affected the community in East Maui. I am from Lahaina and I am a witness to the long term effects of allowing private entities to divert water flow. Please don't let water scarcity become an issue on yet another part of Maui. Ola i ka wai, mahalo.

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'24 SEP 25 A 7 :31

OFFICE OF THE MAYOR

Board EMRCB - Written Testimony for September 25th meeting

RECEIVED

From: Sadie Green <sadie.aer.green@gmail.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/24/2024 10:54 PM
Subject: Written Testimony for September 25th meeting

'24 SEP 25 A 7:31

OFFICE OF THE MAYOR

The success of the Mahi Pono investment is dependent on securing water rights at exceptionally low rates, at a direct detriment to our island and economic and cultural cost to the Hawaiian people, and on the continued colonial-plantation era diversion of water away from East Maui. We are standing together today to support community-driven management— not corporate control—of East Maui's precious freshwater resources.

My name is Sadie, I'm a Haiku resident, and I support the East Maui Water Authority managing East Maui waters and oppose EMI's application for a long-term 30-year lease.

85 million gallons of water per day - or, however much is truly available. That will add an unbelievable value to the landholdings of Mahi Pono and their parent company, the Canadian pension investors. Obtaining this 30-year water lease, as I understand it, is also a necessary clause in their pending sale contract with East Maui Irrigation that needs to be fulfilled by next year to trigger the completion of the sale of EMI.

Who knows what they will do with this 41,000 acres of land in the future? As I understand, they already have it divided up into various LLCs, and we can only imagine how they plan to *really* make money to satisfy the interests of those to whom they are accountable - not local residents - but foreign investors. Residential developments on land meant for agriculture? Likely. Either way, it's unethical to continue to allow water to be controlled by private, foreign interests.

Leases should not be awarded before a Contested Case is held. Instream flows in East Maui streams with 2018 and 2022 decisions by the Hawaii State Water Commission must be implemented fully by EMI. The State Water Code requiring 'beneficial use' should be enforced for the existing East Maui ditch system and Mahi Pono reservoirs, which purportedly leak millions of gallons of water per week.

The public trust doctrine of Hawaii says that water is a natural resource and that the state has a legal duty to protect it for the benefit of the public, including current and future generations. For over 100 years, the waters of East Maui have been diverted for the profits of large corporations. Enough is enough. Maui voters created a public water board. Let the East Maui Water Authority do its job.

Board EMRCB - East Maui Water Authority Meeting Written Testimony

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From: kaliko kaauamo <kalikokaauamo@gmail.com>
To: <board.EMRCB@mauicounty.gov>
Date: 9/24/2024 11:26 PM
Subject: East Maui Water Authority Meeting Written Testimony

'24 SEP 25 A 7:31

OFFICE OF THE MAYOR

Aloha mai kākou o au o Kaliko Kaauamo an 'ōiwi educator, taro farmer, and speaking today for the 7 generations before me and the 7 yet to come. I'd like to voice my concerns about a 30 year lease request by East Maui Irrigation + Mahi Pono, that asks for 31.5 million additional gallons per day or 85.23 millions of gallons of water a day to be diverted into their Central Maui "farm lands" rather than being kept in streams to support traditional lo'i kalo farming and ultimately benefit the public trust.

The East Maui Community Water authority provides more security and integrity to uphold the public trust doctrine, it is not controlled by a foreign financial fund The Canadian Public Section Pension Investment Fund holds a 99% interested in Mahi Pono. The Canadian Public Section Pension Investment Fund holds a 50% interest in Mahi Pono. The water authority is public and as such serves the interest of the public unlike EMI/Mahi Pono who are for profit businesses and as such serve their financial wellbeing as well as those of their investors.

In 2022 we, the community, voted by ballot to establish this community water authority so we'd have better options to manage Maui Hikina's wai. As a taro farmer I see the effects of water diversions still being continued today as we wait for the Board to enforce compliance. There are days still in 2024 that we have only trickles coming down to our taro farm, a farm capable of providing sustenance, providing food that gets people filled and thriving. An additional 31.5 million gallons a day being diverted will make an already strenuous task even more difficult, and will force us to struggle to access our rights to wai as kanaka of this place and as people of the trust, but no worry e noke mau kākou.

The Water Authority was voted on w/community input and includes community members and lineal descendants of the area knowledgeable in both the academia and traditional 'ike required to be good stewards of 'āina while using water. Honor the votes of all of us in Maui County, and award a long term lease to the East Maui Water Authority. Honor our rights as the indigenous people to this place, and give us continued access to grow our heritage foods, medicines, care for our streams and all the life within them.

I urge the board not to issue a long term lease to A&B, EMI, MP. Water is excessively wasted each day under their current year to year leases..they have not taken steps to reduce their water waste, yet they request even more. They have not used their water access to restore stream life and stream flow, they have not demonstrated that they can uphold the public trust. Please enforce compliance and restoration to currently diverted streams and give us farmers, the public trust, a chance to restore all streams. Give the East Maui water authority 30 years, 60 years, 100 years, in perpetuity to 'auamo this kuleana and support traditional taro farming, fishing, gathering, healing, practices all dependent on streams flowing Mauka to makai. Practices we as a kanaka people of this place have already perfected.

Thank you for hearing this words. Na wai ka mo'olelo, na kākou, ke kanaka, ka 'āina, ka Hawai'i.

Board EMRCB - Testimony-East Maui Water Authority Meeting

RECEIVED

From: Benjamin Kaauamo <benjamin.l.kaauamo@gmail.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/24/2024 11:28 PM
Subject: Testimony-East Maui Water Authority Meeting

'24 SEP 25 A 7:31

OFFICE OF THE MAYOR

Aloha,

My name is Benjamin Leimaile Kaauamo descendant of Solomon and Cecilia Kaauamo from Wailuanui. I support the East Maui Water Authority managing East Maui waters. I strongly oppose EMI's application for a long-term 30. Mahalo in advance in supporting this issue.

RECEIVED

From: Kean Winkler <keanwinkler@gmail.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/25/2024 3:00 AM
Subject: STOP FOREIGN TAKEOVER OF EAST MAUI WATERS

'24 SEP 25 A7:32

Aloha kākou,

OFFICE OF THE MAYOR

My name is Kean Winkler. I support the East Maui Water Authority managing East Maui Waters and I strongly oppose East Maui Irrigation's application for a long-term 30-year lease.

The lengthy history of devastation; the water privatization and colonialism on our beautiful island of Maui has wreaked havoc on Native Hawaiians for far too long and this is our chance to Mālama 'Āina and restore water rights back to the people.

First and foremost, water is a vital resource. Water plays a significant role in the preservation of native customs, traditions, and spiritual practices. Native Hawaiians have a constitutionally-protected right to access these waters so that we can continue our legacies of cultivation, conservation, and environmental sustainability.

Secondly, water diversion has a proven record of causing environmental consequences. Water diversions have caused certain places to become drier, resulting in loss of habitat for native species and also posing a public safety hazard by making the environment more susceptible to fires. The ecological degradation that water diversion has caused exacerbates our conservation efforts here on the island, costing us more money and resources to protect. It undermines all of our hardworking people while we fight to preserve our beautiful home.

Myself and many others genuinely believe it's absolutely necessary that we prioritize the needs of our local communities and protect our precious waterways for future generations. We urge you to take a stand against water privatization and the exploitation of our island for foreign benefit, and collaborate with initiatives that return the control of water resources back to the Hawaiian community.

Together, our communities will ensure that water remains a shared resource and is used efficiently, equitably, whilst honoring Native Hawaiian traditions.

Mahalo for your consideration,

Kean Winkler

Sent from my iPhone

Board EMRCB - Testimony for 'Aha Wai O Maui Hikina East Maui Regional Community Water Authority Meeting

RECEIVED

24 SEP 25 AM 7:32

From: Ginger Kwan <gingerkw@hawaii.edu>

To: <board.EMRCB@mauicounty.gov>

Date: 9/25/2024 4:46 AM

OFFICE OF THE MAYOR

Subject: Testimony for 'Aha Wai O Maui Hikina East Maui Regional Community Water Authority Meeting

As a Native Hawaiian, I strongly support the Maui Hikina long-term lease being issued to the community-based East Maui Regional Community Water Authority rather than to the corporate entities of A&B, East Maui Irrigation (EMI), and Mahi Pono who do not have the interest of Maui and the larger community of the Hawaiian Islands at heart. This is also the desire expressed by the majority of Maui County voters. The lease should not be approved as is for a number of reasons including:

- **Maui Public Hearing:** The state should hold a public meeting on Maui before making any decisions on the pending water lease. The Green Administration and its agencies should hear directly from Maui's residents on Maui before making decisions that impact our water future.
- **Needed System Upgrades:** The East Maui ditch system is outdated and leaky. With changing climate and rainfall patterns, improvements are needed to protect downstream communities and reduce water waste. The water authority is motivated and has access to potential public and private funding to upgrade the system, unlike Mahi Pono/EMI, won't even acknowledge the system leaks and needs upgrades. A better system will secure water for the county, traditional East Maui communities, farmers, and ranchers.
- **Upholding the Public Trust:** The public trust doctrine supports a public agency like the water authority to take over the lease, not companies controlled by a foreign pension fund.
- **Local Accountability:** The local water authority is more likely to keep water rates fair compared to Mahi Pono/EMI, which is made up of out-of-state corporations registered in Delaware. The Canadian Public Sector Pension Investments Pension Fund holds a 99% interest in Mahi Pono and a 50% interest in EMI.
- **Public Service vs. Profit:** The water authority, as part of the County of Maui government, focuses on serving the public, unlike Mahi Pono/EMI, which is driven by profit for shareholders and beneficiaries.
- **Fair Representation for Hawaiian Homes:** The Department of Hawaiian Home Lands has a dedicated seat on the water authority, unlike other state land use agencies. Beneficiaries trust the water authority to make fair decisions for homesteaders and support the transition of East Maui water to local control.
- **Learn from Kula Well Schemes:** Maui residents made it clear to the county water department that they did not want a mainland corporation creating private Kula wells and selling the water to the county at exorbitant rates. The state needs to hear the same message for East Maui—Maui needs the state to be a committed partner in transitioning East Maui's water system to public management to prevent further privatization of our resources.

Thank you for your time and consideration.

Regards,
Ginger Lua

RECEIVED

24 SEP 25 A7:32

OFFICE OF THE MAYOR

Board EMRCB - East Maui Water mtg. 9-12

RECEIVED

From: Pauahi Hookano <pauahi.hookano@gmail.com>
To: <board.emrcb@mauicounty.gov>
Date: 9/25/2024 4:56 AM
Subject: East Maui Water mtg. 9-12

'24 SEP 25 A7:32

OFFICE OF THE MAYOR

Aloha,

My name is Lisa Ann Pauahi Hookano. I am the wife of Steven Hookano who is a taro farmer from Wailuanui. We both reside there now. I am writing in STRONG OPPOSITION of EMI's application for a long-term 30-year lease to the water. It is unethical and untenable that this application continues to be filed regardless of the Supreme Court's decision to return water. It is also highly unethical that the State allowed temporary revocable permits which allowed A&B/EMI/Mahi Pono to divert water without the proper environmental protections for 38 years. Because the aforementioned leases were found to be illegal by the State Supreme Court, we are back at square one having to oppose the continual assault on our resources by A&B/EMI/Mahi Pono with yet another attempt at a 30-year lease.

It saddens and it sickens me that this battle is relentless. In the same way, the people who reside in East Maui will be relentless in our defense of the water.

Again, I strongly OPPOSE A&B/EMI/ and MAHI PONO's application for a 30-year lease.
mahalo,
Lisa Ann Pauahi Hookano, Ph.D.

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"Never forget that justice is what love looks like in public."
– **Cornel West**

RECEIVED

'24 SEP 25 A7:32

From: Healoha Carmichael <keaunoholani@me.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/25/2024 7:09 AM
Subject: East Maui water

OFFICE OF THE MAYOR

Aloha my name is healoha Carmichael I come from the koolau ahupuaa I support the East Maui Water Authority to manage our waters. I ask that you deny EMI application for a 30 year lease as we all know they have not been good stewards of the water mahalo Sent from my iPhone

RECEIVED

From: michele judy <michele.judy@gmail.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/25/2024 7:10 AM
Subject: Oppose diversion of water

'24 SEP 25 A 7:32

Hello,

I'd like to submit a testimony strongly opposing allowing diversion of water to A&B and Maui Pono. It will severely impact the islands natural eco systems from the upland streams to the far off reef life. All imbalances end costing healthy livelihood of ecosystems it's longevity and the degradation of natural life is irreversible. Please consider more sustainable solutions and deny access to East Maui's watershed supply.

OFFICE OF THE MAYOR

Thank you,
Michele Philips
Sent from my iPhone

Board EMRCB

RECEIVED

From: James Long <daegnut@gmail.com>
To: <Board.EMRCB@mauicounty.gov>
Date: 9/25/2024 7:15 AM

'24 SEP 25 A 7 :32

OFFICE OF THE MAYOR

My name is James Long. I support the East Maui Water Authority managing East Maui waters and strongly oppose EMI's application for a long-term 30-year lease and any further foreign investment in our local waters.

Mahalo,
James Long
Naalehu, Hawaii Island