

*Kānehili*  
*Community Association*

A 501(C)(3) NON-PROFIT ORGANIZATION

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C/O HAWAIIANA MANAGEMENT CO. LTD, PACIFIC PARK PLAZA #700, 711 KAPIOLANI BLVD.  
HONOLULU, HAWAII, 96813 Phone: (808) 593-9100

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

My name is Randy Akau, and a Hawaiian Homes Commission Act, Beneficiary lessee.

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.

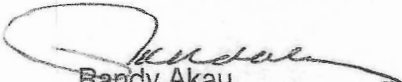
The BLNR should give the voters of Maui County and the 'Aha Wai o Maui Hikina a fair chance at negotiating for the disposition of Maui Hikina's streams, before launching a contested case hearing over a potential water license to a foreign company. Entering into a contested case will prevent the County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

Mahalo Nui Loa,



Randy Akau

President, Kānehili Homestead Association

East Kapolei, Oahu

November 7, 2024

**From:** [lapana76@yahoo.com](mailto:lapana76@yahoo.com)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony in OPPOSITION to agenda item D-4  
**Date:** Thursday, November 7, 2024 3:28:08 PM

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

My name is Sarah Apana 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,

Sarah

**From:** [Sara Bill](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony in opposition to agenda item D-4  
**Date:** Thursday, November 7, 2024 4:16:48 PM

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

Our names are Sara Bill & Kaliko Leialoha-Dutro 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.

As fire survivors from the Lahaina fire on August 8th and long time residents of West Maui, we have seen first hand the damage that water mismanagement can cause. This change will not happen overnight and each decision that is made by the Water Commission needs to be thoughtfully reviewed and you need to ask yourselves - Who is this for? Who is benefitting? The community or private interest. We will continue to make our voices heard until there is change and the community's interest and wellbeing is the priority.

Mahalo nui for your consideration of this testimony.

Be Well,

Sara Bill & Kaliko Leialoha-Dutro

**From:** [Iolani Brosio](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Opposition to Proposed Agenda Item D-4  
**Date:** Friday, November 8, 2024 7:07:44 AM

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Hello Board of Land and Natural Resources Members,

As a wahine 'Ōiwi with generational ties to Kīpahulu, Maui, I vehemently oppose the 11/8 Agenda Item D-4.

For too long, Maui Hikina's water has been greedily extracted to satisfy corporate interests at the detriment of the environment and East Maui communities.

The people have already spoken and have said enough is enough.

E ola i ka wai,

'Iolani Brosio

**From:** [‘Iolani](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Opposition to Proposed Agenda Item D-4  
**Date:** Friday, November 8, 2024 7:07:44 AM

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E ola i ka wai,

‘Iolani Brosio

Sent from my iPhone

**From:** [Iolani Brosio](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Opposition to Proposed Agenda Item D-4  
**Date:** Friday, November 8, 2024 7:07:44 AM

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For too long, Maui Hikina’s water has been greedily extracted to satisfy corporate interests at the detriment of the environment and East Maui communities.

The people have already spoken and have said enough is enough.

E ola i ka wai,

‘Iolani Brosio

Good Morning, I am Donna Clayton, President of Pukalani Community Association

I am speaking on item D4

The small town of Pukalani is located just above the lands of Mahi Pono – we are neighbors.

For years we have felt safe from fires with the well watered cane fields that were below us and the ditch.

When the cane fields shut down and the land returned to dry brush we were concerned and with good reason as mice and rats greatly increased, deer and pigs destroyed our yards and fire danger was ever present. After the Lahaina and Upcountry fires we moved from concerned to real fear of fire.

Mahi Pono has responded quickly to all of our community requests – installing pig and deer fencing, moving their fencing further downfield, keeping the ditch cleared out and brush along the ditch cut back, creating a larger firebreak and finally our last request after the fires was to mow and plant below Pukalani asap.

Mahi Pono is a good neighbor to Pukalani – they have cleared the land below us and planted some fields already. Pigs and deer are no longer in our yards and the high dry cane scrub below has been cleared.

When Mahi Pono was being considered as a new large landowner and asking for water, people doubted their ability to grow here. But as we learned they are planting and watering using carefully applied water to each plant utilizing computer tech and not wasting water but also successfully growing field after field of beautiful plants of many kinds.

I retired from Maui Land & Pineapple Company and have real awareness of how difficult farming is and how farmers, large or small, survive on being able to count on water. They can't control the weather, the markets, and many other things but knowing they have water they can rely on gives them the security to go forward with the constant repairs and upgrades needed to survive in farming – all farming is tough but this size is formidable. Year to year water concerns don't allow for confidence to move forward.

Mahi Pono has shown they are good stewards of water, good neighbors to surrounding communities, successful growers and they hire local folks in all the numerous types of work required for large operations – field workers, mechanics, scientists, office workers, marketing staff. Just like Maui Land & Pineapple Company they provide interesting work for local folks and a nice lifestyle for their employees. I feel Mahi Pono has been tested and proven worthy of our trust. They support our communities, cover our scrub lands with real crops and provide work for local folks so they can stay on Maui.

I ask for the state to please move forward with a long-term lease agreement so Mahi Pono has the security to move ahead on substantial upgrades to the water system to make it more efficient. They are unable to take on that big expense without the security of a long-term water lease.

Thank you for this opportunity to provide testimony.



**From:** [Sabrina Harmony](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] D-4 opposition  
**Date:** Thursday, November 7, 2024 5:09:49 PM

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Hi, I strongly oppose the D4 recommendation. Please do not divert more water From east Maui streams.

Warm wishes,  
Brina

**From:** [Lauren Harper](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Cc:** [Sara bill Leialoha-Dutro](#)  
**Subject:** [EXTERNAL] Testimony in opposition to agenda item D-4  
**Date:** Thursday, November 7, 2024 5:15:55 PM

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

Our names are Sara Bill & Kaliko Leialoha-Dutro 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.

Thank you for your consideration of this testimony.

Be Well,

Lauren Harper

November 7, 2024  
Lahaina, HI 96761

Dawn Chang, Chair  
Board of Land and Natural Resources  
DLNR Main Office, Kalanimoku Building  
1151 Punchbowl St., Honolulu, HI 96813

**To:** Chair and Board Members  
**Subject:** East Maui Water Resources

I am a scientist who studies water resources and a member of the Board of Water Supply for the County of Maui representing only myself and I **urge you act to transfer the East Maui watershed leases to the East Maui Regional Water Authority.**

Maui's water supply is provided by the Maui Department of Water Supply (MDWS) and a collection of commercial water companies resulting in the narrow, stove-piped, optimization of County and corporate self-interests in providing water for their respective customers. No organization has central responsibility, or accountability, for island-wide or regional water resources across Maui.

Due to this vacuum in leadership, we face avoidable problems ranging from over-pumping of ground-water, diminishing streamflow, lack of maintenance for ancient conveyances and the use of unjustifiable regulatory criteria for permitting.

Consequently, for example, CWRM has had to take exceptional regulatory action in Maui's west-side, through designation, to address the same kind of deteriorating water quality issues that occurred in Iao Valley 25 years ago. Yet, paradoxically, and with obvious conflict of interest, it is the County of Maui with responsibility for the Water Use and Development Plan but without authority to oversee compliance.

Now, the East Maui Regional Water Authority offers a major opportunity to improve this situation and enable the joint management, with MDWS, of shared resources for a part of the Island of Maui while building a new generation of capable water managers. **This is the first time in more than 150 years that such an opportunity presents itself.**

This exemplary and necessary step in the direction of integrated water resource management for the Island of Maui assuredly will put a public trust resource in public hands.

Sincerely,



Dr. John Helly

**From:** [Jan Herrick](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Opposition to item D4, BLNR Agenda for November 8, 2024  
**Date:** Thursday, November 7, 2024 4:04:00 PM

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

My name is Janice Herrick 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.

Janice Herrick  
633 Waiehu Beach Rd.  
Wailuku, HI 96793  
Makana no ke Kaiaulu, Inc.

**From:** [Jan Herrick](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Opposition to item D4, BLNR Agenda November 8, 2024  
**Date:** Thursday, November 7, 2024 4:09:53 PM

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

My name is Janice Herrick, and I am a Hawaiian Homes Commission Act Beneficiary lessee.

I strongly 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 can't 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 proceed 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.

Janice Herrick

**From:** [Kamakazi TV](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Item D-4  
**Date:** Thursday, November 7, 2024 7:56:10 PM

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

My name is Jonah Kitajima \_ 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, Jonah Kitajima

**From:** [Robin S. Knox](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony in Opposition to Agenda Item D-4  
**Date:** Thursday, November 7, 2024 10:08:51 PM

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I am opposed to Agenda Item D-4

The water allocation exceeds the amount of water sustainably available under the updated instream interim flow standards from Commission on Water Resources Management' There are no incentives to implement/enforce the in stream flow standards or address wasting water.

Most importantly of all the proposal does not priotitize the Public Trust Rights. This proposal bypassess negotiations with the 'Aha Wai o Maui Hikina (East Maui County Water Authority) and could grant a license to private corporations without ensuring public benefit.

Please put the public back in public trust matters, Do not bypass the water authority that Maui County voters established by charter amendment.

Robin S. Knox  
2796 Kauhale St  
Kihei, Hi 96753

**From:** [sean.lang](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Opposition to D4  
**Date:** Friday, November 8, 2024 4:08:17 AM

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Dear Chair Chang and BLNR Members,

My name is Sean Lang. I am writing to you today to oppose the D4 recommendation.

Private corporations should not be given water licenses that bypass the East Maui County Water Authority. Our Maui water is way too critical to be taken from the public and granted to corporations to privatize their profits.

Thank you for your consideration,

Sean Lang



**From:** [LMartinez87@gmail.com](mailto:LMartinez87@gmail.com)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Opposition testimony on the recommendation in agenda item D-4  
**Date:** Thursday, November 7, 2024 7:49:40 PM

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

My name is Lorena Martinez 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,  
Lorena  
Resident of West Maui

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"There are no foreign lands. It is the traveler only who is foreign." - Robert Louis Stevenson

**From:** [KC Productions](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Cc:** [Kyle Nakanelua](#); [Ke'eaumoku Kapu](#); [jkala.kauihou@gmail.com](mailto:jkala.kauihou@gmail.com)  
**Subject:** [EXTERNAL] Item D.4  
**Date:** Thursday, November 7, 2024 10:35:16 PM

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Members of BLNR Chair Chang, my name is Joyclynn Costa. I am a known descendant of the Ko`olau Moku, island of Maui. Decisions made on this item will directly impact my life, my daughters' life, and my mo'opuna lives. It will also injure the spiritual connection my 88 year old father James Kauihou Sagawinit will have to endure if this consideration of taking becomes a reality. We just participated in the Maui Water Plan which is wanting to take surface water to satisfy the insatiable appetite for growth. The charts showed an upward projection for development on Maui while the rainfall chartered a continued pattern of decline. After the Water Commission had done their work it was found the water needed to go back into the streams. After 131 years of dewatering it is still an epidemic of unmeasurable proportions. The village of Nahiku not only suffered from the lack of water but also the blatant disregard for safety and health. While the streams were filled with what we call black water and mosquito larvae, the east end of Maui had an outbreak of Dengue fever that started in Lower Nahiku. Request was made to open the gates and flush out the streams but it fell on deaf ears from both your department and the DOH. Since the decision to restore stream flow there has been witnessed the Makapipi river bone dry only to have the water restored on days of inspection. If the process of restoration has not been completed and our rainfall historically and currently is decreasing it would be irresponsible and cause irreparable harm to both body and mental well-being. I would also point out in the State Water Code 174C (D) this taking will diminish and on days extinguish the source that is a right for kanaka maoli of Nahiku and all of the east waterways. I oppose any more taking. I believe there is a well 7 that is being banked and needs to be calculated for its provisions of current and future corps before any further discussion of taking from the east source. I pray you do not choose to violate and harm my well-being, life, and spirit which is the blood source for the land. Kill the land, you kill the people. That water (blood) will be on your hands. So sayeth this to be true.  
Prayer of Peace

Joyclynn Costa  
Aha Moku  
Lineal Descendant Kauihou ma

**From:** [Nan Porterfield](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony in opposition to agenda item D-4  
**Date:** Thursday, November 7, 2024 4:11:48 PM

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

My name is Nancy Porterfield and I strongly OPPOSE the recommendation in agenda item D-4. I moved to Hawaii from NM where water is critical. They also struggled to share water with many entities, states and native Americans. They, too, parceled out more water than the river now holds. For many years negotiations were held.

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,

Nancy Porterfield