

**From:** [Kaiwahinek Foster-Blomfield](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Wednesday, November 12, 2025 5:33:15 AM

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**My name is Kaiwahinekamaupuna Foster-Blomfield and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:**

- 1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.**
- 2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.**
- 3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.**

**Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.**

**Mahalo nui,**

Kaiwahinekamaupuna Foster-Blomfield

## **AGENDA ITEM D-10**

### **WRITTEN TESTIMONY IN OPPOSITION TO A CONTESTED CASE HEARING AND IN SUPPORT OF A SET-ASIDE TO THE COUNTY OF MAUI AND EAST MAUI WATER AUTHORITY**

**To:** Chairperson and Members of the Board of Land and Natural Resources

**From:** Antonette Eaton

**Date:** November 14, 2025

**Subject:** Opposition to Contested Case Hearing for 30-Year Water License and Support for Set-Aside to the County of Maui and East Maui Water Authority

**Aloha Chair and Members,**

I respectfully submit this testimony in **strong opposition** to the staff recommendation that the Board initiate a contested case hearing for a proposed 30-year water license for the East Maui stream diversions, rather than proceeding with a **set-aside to the County of Maui and the East Maui Water Authority (EMWA)**.

This recommendation directly contradicts both **Hawai‘i’s statutory requirements** for the disposition of public lands and water licenses and **the expressed will of the people of Maui Nui**, who voted to establish the East Maui Water Authority (EMWA) to assume management of these very water resources.

#### **I. The Contested Case Hearing Circumvents the Lawful Public Process**

Under **Hawai‘i Revised Statutes (HRS) § 171-14 and § 171-58**, long-term water licenses must be issued **through public auction**, ensuring transparency, competition, and fairness in the disposition of state resources.

By recommending a **contested case hearing** instead of following the statutory auction process, the staff proposal undermines the clear intent of the law and **substitutes administrative discretion for statutory compliance**.

While **HAR § 13-1-29** allows the Board to initiate a contested case hearing, it is not a lawful substitute for an auction or other disposition process specifically required by statute. Initiating such a hearing before even deciding the appropriate method of disposition **inverts the legal sequence** and **delays the rightful transfer** of management authority.

#### **II. The People of Maui Nui Have Already Spoken**

In 2022, the voters of Maui County overwhelmingly approved a **Charter Amendment** establishing the **East Maui Water Authority (EMWA)** to manage the East Maui water system in the public interest. The EMWA’s creation represents a **clear exercise of home rule and public trust responsibility** by the people most affected by these diversions.

To proceed with a contested case hearing that maintains the status quo of private, for-profit control, by a foreign corporate entity such as the **Canadian pension-backed Mahi Pono/EMI system**, directly **defies the expressed democratic will** of Maui residents.

The Board's duty, under **Article XI, Section 7** of the Hawai'i State Constitution, is to **protect and manage water resources for the benefit of Hawai'i's people**, not to entrench the control of a private, profit-driven corporation.

### **III. The Contested Case Hearing Benefits Private Interests, Not the Public Trust**

The rationale that a contested case hearing ensures "informed decision-making and sufficient due process for the relevant parties" mischaracterizes the intent of the law. The **"relevant parties"** are not limited to current corporate water users or litigants in prior cases; the **public and the people of East Maui** are the primary beneficiaries of the water trust.

Holding a contested case hearing in this context will:

- **Delay** the transfer of management to the County and EMWA;
- **Limit community participation** through restrictive standing rules;
- **Perpetuate water control** by private, corporate entities; and
- **Divert State resources** toward procedural litigation rather than community-based management.

In short, the proposed contested case hearing functions as a **stall tactic** that protects private profit over public interest.

### **IV. A Set-Aside Aligns with the Public Trust and the State Constitution**

A set-aside under HRS § 171-11 to the **County of Maui and EMWA** would:

- Ensure that **public trust resources remain under public control**;
- Recognize the County's and EMWA's **fiduciary duty** to manage water for the benefit of Native Hawaiian traditional and customary practices, environmental protection, and local agricultural sustainability; and
- Align with the **State's constitutional duty** to protect and control water resources for the benefit of its people.

The *Waiahole* decision affirmed that **"public water resources must be managed to promote the best economic and social interests of Hawai'i's people"**, not private shareholders (*In re Water Use Permit Applications*, 94 Hawai'i 97, 9 P.3d 409 (2000)).



Mahi Pono's export-oriented agricultural model does not meet this standard. Granting a 30-year license to such an entity would lock Hawai'i into decades of inequitable and environmentally harmful water use—contrary to both the law and the public trust doctrine.

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## **V. Conclusion and Request**

The Board should reject the staff recommendation for a contested case hearing. Instead, it should proceed with a **set-aside to the County of Maui and East Maui Water Authority**, consistent with:

- **HRS § 171-11 (Set-Asides to Government Agencies);**
- **Hawai'i State Constitution, Article XI, Section 7 (Public Trust Doctrine);** and
- The **expressed will of Maui's voters** through the establishment of the EMWA.

The time for delay and litigation has passed. The people of Maui Nui have spoken clearly: **return East Maui water to public management and local stewardship.**

**Mahalo for your consideration.**

Respectfully submitted,

Antonette Eaton

**From:** [Life Of the Animal Horder](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Wednesday, November 12, 2025 11:10:30 AM

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**Dear Chair Chang and Members of the Land Board,**

My name is River Barros, and I urge you to **not** accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams.

Mahi Pono has, and continues to, use water in ways that have perpetuated drought and ecological destruction on Maui. They frame what they have done as sustainable, but this is far from it. Their farm plans are completely out of touch with this climate reality, are nonsensical, wasteful, and dangerous. They are aiding in causing the record droughts we have faced here on Maui, and to allow them continued access to our streams, to take copious amounts of water and use it for unjust and wasteful purposes is unacceptable.

Mahi Pono itself is a plague to our island. Their way of farming has completely destroyed the biodiversity of the land, planting pure monocultures that waste water, kill the soil, and kill native species. These people are contributing to our infamous name as the extinction capital of the world and endangered species capital of the world. They are using their lands in ways that have caused irreparable harm to our local ecosystems, and it would be extremely wrong to let them have more and longer control over our precious and valuable resources. These people are not *pono*, as their name implies. It is terrifying, the amount of land and control they have and they should not be allowed to have a long term lease of our Water.

I beg of you to please **reject** the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition. Mahi Pono is destroying and harming our island and it is vital we do not let them harm it even more.

Mahalo,

River Barros

**From:** [Makana Cabanas](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Wednesday, November 12, 2025 12:11:03 PM

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Dear Chair Chang and Members of the Land Board,

My name is Makana Cabanas and I encourage you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

**1. This violates the wishes of Maui County voters.** In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.

**2. This ignores pressing matters central to your mission.** The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.

**3. This perpetuates drought denial.** As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please **reject** the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,

Makana Cabanas

**From:** [Kazia Chihara](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Tuesday, November 11, 2025 9:03:34 PM

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Dear Chair Chang and Members of the Land Board,

My name is Kazia Chihara, born and raised in Hāna, Maui. I humbly ask that you hear the many voices testifying and urge you **NOT** to accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

1. **This violates the wishes of Maui County voters.** In the 2022 elections, Maui's voters established the East Maui Community Water Authority, a community-based authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this **kuleana**, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a **foreign entity** to continue the corporate control of Maui's public trust resources.

2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.

3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long-term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are entirely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over those of the public, **Native Hawaiian communities**, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East

Maui Community Water Authority/‘Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,

Kazia Chihara

**From:** [Samara Cook](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Wednesday, November 12, 2025 9:04:37 AM

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**Dear Chair Chang and Members of the Land Board,**

**My name is Samara Cook and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:**

**1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.**

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**3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.**

**Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a**

**set-aside or similar disposition.**

**Mahalo nui,**

**Samara Cook**



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  
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November 12, 2025

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](mailto:blnr.testimony@hawaii.gov)*

**SUBJECT: TESTIMONY IN OPPOSITION TO ITEM D-10  
(CONTESTED CASE RE KO'OLAU FOREST RESERVE  
WATER LICENSE); NOVEMBER 14, 2025, MEETING**

Dear Chair Chang and Board Members:

Thank you for accepting this testimony in **opposition** to Item D-10 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 process being recommended by Chair Chang subverts the will of the people of Maui by forcing the County into an unnecessary quasi-judicial process that is not required and excludes the Maui residents from providing input. Furthermore, it will hinder current negotiations with Mahi Pono, and goes against the public trust doctrine by even considering the long-term lease during this unprecedented historic drought.

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.

Decisions about Maui water should be made on Maui and any BLNR meetings about East Maui water should be held on Maui with an opportunity for those most affected by decisions to be heard. A hearing on Maui will also allow BLNR members to see drought conditions for themselves. Good government requires informed decision-making. Holding this hearing on Oahu does not support that.

Maui County Mayor Bissen, the Department of Water Supply, the East Maui Water Authority and its community Board the 'Aha Wai O Maui Hikina, and Mahi Pono are in productive discussions to find a mutually beneficial agreement. Pushing the parties into a contested case hearing will hinder these negotiations by pitting the parties against each other.

Considering a long-term lease at this point in time contradicts the state's obligation to uphold the public trust. Page 4 of the staff report states that:

"On October 29, 2025, the Circuit Court of the First Circuit issued its Opinion on Appeal reversing the Board's Findings of Fact, Conclusions of Law and Decision & Order. *Sierra Club v. BLNR*, Civ. No. 1CCV-22-0000794. To overcome the deficiencies in the Decision & Order the Circuit Court identified, for future dispositions, the Opinion on Appeal instructs the Board to: Require practical mitigation measures to reduce system losses; Ensure that CWRM's interim instream flow standards are in place and fully implemented before allowing more water to be taken from east Maui streams; and Render necessary findings regarding traditional and customary practices.

Given the Supreme Court and Circuit Court decisions, and based on the impending need for the Board to take action regarding the revocable permit for 2026 and the potential litigation resulting from this action, the number of active lawsuits, and a refusal to engage in settlement negotiations by some parties, the Chairperson recognizes the need to immediately move forward with long term solutions, which will ultimately have to involve the Board." (page 4).

Any long-term solution requires that the deficiencies noted by the Court be resolved, including meaningfully addressing system losses, ensuring IIFS are being met, and conducting a Ka' Pa'akai analysis. None of this has been done. It is premature to consider a long-term license granting water allocations for 30-years, especially given the historic drought conditions. Doing so now is not in alignment with the public trust doctrine and will likely lead to further court decisions reiterating the same message.

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).
- "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).

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- “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).

Entering into a process to grant a water license to commercial interests contravenes these Principles and any actions taken by the Board will lead to the opposite of Chair Chang’s desire to end litigation.

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.

The Board should consider a State Executive Order under HRS 171-11 of the East Maui Water leasehold areas 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.

Sincerely,



SHANE M. SINENCI  
Councilmember  
East Maui Residency Area

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:** [Lisa darcy](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Wednesday, November 12, 2025 11:23:40 AM

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Subject: Testimony on Agenda Item D-10

Aloha Chair Chang and Members of the Land Board,

My name is Lisa Darcy from Kula, Maui, HI and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.

2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.

3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask

your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Please, I'd like to request the ability to participate in oral testimony on Friday and need the zoom link and instructions.

Mahalo nui,  
Lisa Darcy

**From:** [Hana Davis](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Wednesday, November 12, 2025 1:39:21 PM

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Dear Chair Chang and Members of the Land Board,

My name is Hana and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

**1. This violates the wishes of Maui County voters.** In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.

**2. This ignores pressing matters central to your mission.** The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.

**3. This perpetuates drought denial.** As you likely know, over the last five years, East Maui and the rest of Hawai‘i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please **reject** the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/‘Aha Wai o

Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,

Hana

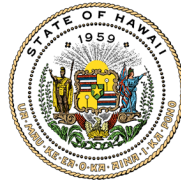
Hana Meihan Davis

M.Arch '26 | MIT School of Architecture + Planning

B.A. Architecture '20 | Yale University

**JOSH GREEN, M.D.**  
Governor

**SYLVIA LUKE**  
Lt. Governor



State of Hawai'i  
**DEPARTMENT OF AGRICULTURE & BIOSECURITY**  
KA 'OIHANA MAHI'AI A KIA'I MEAOLA  
1428 South King Street  
Honolulu, Hawai'i 96814-2512  
Phone: (808) 973-9560 FAX: (808) 973-9613

**SHARON HURD**  
Chairperson  
Board of Agriculture & Biosecurity

**DEAN M. MATSUKAWA**  
Deputy to the Chairperson

**TESTIMONY OF SHARON HURD**  
**CHAIRPERSON, BOARD OF AGRICULTURE AND BIOSECURITY**

**BEFORE THE BOARD OF LAND AND NATURAL RESOURCES**

**FRIDAY, NOVEMBER 14, 2025**  
**9:00 AM**  
**DLNR Boardroom, Kalanimoku Building**

**AGENDA ITEM D10. Decision Making Regarding:**

Recommendation to hold a contested case hearing over the proposed disposition of a water license by public auction covering the diversion of public surface water ("proposed License" of "License"), or set aside via Governor's Executive Order to the County of Maui for the diversion of public surface water ("proposed set aside" or "set aside") from Koolau Forest Reserve, Island of Maui, Hawai'i: Tax Map Keys: (2) 1-1-001:044 and 050, 1-1-002:002 (por.), 1-2-004:005 & 007, 2-9-014:001, 005, 011, 012 & 017.

Chairperson Chang, First Deputy Kanaka'ole, Deputy Kahahane and Members of the Board:

Thank you for the opportunity to provide testimony in support of agenda item D10 that recommends a contested case hearing on the matter of the diversion of public surface water.

The Department of Agriculture and Biosecurity's (Department) goal is to double food production to move the state to greater food security and nourish Hawai'i's future. The task of growing food relies on the agriculture community – the farmers and ranchers and producers who work every day to produce food. A reliable source of affordable water is essential for their work of growing food for the state.

The Census of Agriculture released every five years by the USDA National Agricultural Statistics Service, reported that from 2017 to 2022 that a majority of farms, approximately 60% of Hawai'i's farms, are under 10 acres and report less than \$10,000 in annual value of sales, representing lifestyle, subsistence farmers that while vital to the achieving food security for their families and communities, have expressed little to no interest in producing food for commercial sales. The "sweet spot" of farms that will double food production are larger scale operations like Mahi Pono that represent 1.1%





of farms that are more than 2,000 acres in size and are part of the 8.8% of agriculture operations reporting value of sales more than \$100,000. These farms have the capacity to double food production, move Hawaii to food security and nourish our citizens and Hawaii's future.

With the global pressures facing food production today – drought, fires, supply chain disruptions, election tensions, trade distractions, domestic deficits, climate change impact and evidence of deglobalization and slowbalization in international agricultural economic activities, reliance on imports to feed Hawaii is not strategic. Ukraine has less wheat to supply to Europe and India has decided to stop exporting their rice. When there are 35 wars going on and the projection by the University of Colorado Boulder that the number of farms worldwide will fall 56% (616 million to 272 million) by 2100, the need to grow more food locally and replace imports is crucial. Farmers and ranchers having access to sufficient and affordable water is essential to making that a reality. In addition, larger scale agricultural operations have the potential to export crops, diversify the economy, provide employment and bring revenue into the state especially on the neighbor islands which benefit the local residents.

Thank you, again, for the opportunity to provide testimony in support to recommend a contested hearing case on the matter of the diversion of public surface water.

**From:** [Hana Diller](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] testimony on agenda item d-10  
**Date:** Wednesday, November 12, 2025 12:59:40 PM  
**Attachments:** [Outlook-cq2e2pvo.png](#)

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Dear Chair Chang and Members of the Land Board,

My name is Hana Diller and I urge you NOT to accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

**1. This violates the wishes of Maui County voters.** In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure for the Authority, not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.

**2. This ignores pressing matters central to your mission.** The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.

**3. This perpetuates drought denial.** As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please **reject** the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

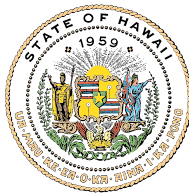
Mahalo nui,

Hana



Hana Diller, Day Program Manager  
La'akea Village  
639 Baldwin Ave. Pa'ia, HI 96779  
Phone: Office: (808) 579-8398 / Mobile: (808) 281-6102  
Email: [hana@laakeavillage.org](mailto:hana@laakeavillage.org)  
Website: [Laakeavillage.org](http://Laakeavillage.org)

JOSH GREEN, M.D.  
GOVERNOR




KEITH T. HAYASHI  
SUPERINTENDENT

**STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
KA 'OIHANA HO'ONA'AUAO  
P.O. BOX 2360  
HONOLULU, HAWAII 96804**

OFFICE OF THE SUPERINTENDENT

November 12, 2025

TO: The Honorable Dawn Chang  
Chairperson, Board of Land & Natural Resources

FROM: Keith T. Hayashi  
Superintendent 

SUBJECT: BLNR Meeting of November 14, 2025 (Agenda Item D-10 – Decision Making Regarding: Recommendation to hold a contested case hearing over the proposed disposition of a water license by public auction covering the diversion of public surface water, or a set aside via Governor's Executive Order to the County of Maui for the diversion of public surface water from Koolau Forest Reserve)

Aloha Chair Chang and Members of the Board:

The Hawai'i State Department of Education (Department) appreciates the opportunity to provide testimony on this important agenda item.

Access to reliable, affordable water is critical not only to Hawai'i's farmers but also to our collective ability to feed our keiki with fresh, locally grown food. As the state's largest institutional food provider, the Department serves over 100,000 meals each school day across 258 public schools.

Our Hawai'i Farm to School Plan has set a clear statewide goal — that by 2030, at least 30 percent of all food served in public schools will be locally sourced. Hawai'i's students deserve healthy meals made with fresh, local ingredients that support our farmers, strengthen our food system, and build community resilience.

To reach these farm-to-school goals, our local farmers must be supported in their efforts to cultivate agricultural lands. While that support can take many forms, none is more fundamental than ensuring access to a stable and adequate source of irrigation water.

The Department's regional kitchen model — beginning with the new Wahiawa Central Kitchen on Agribusiness Development Corporation lands — relies on strong partnerships with local

AN EQUAL OPPORTUNITY EMPLOYER

The Honorable Dawn Chang  
November 12, 2025  
Page 2

farmers, water managers, and agencies to ensure a dependable supply chain for locally produced food.

The contested case hearing process will bring transparency and informed decision-making to the longstanding discussion on water and agriculture in Hawai'i. A well-structured hearing will help all stakeholders better understand the facts, clarify competing needs, and work toward equitable and sustainable solutions.

Ultimately, resolving long-standing questions about water access will directly advance the Department's mission to improve student health and educational outcomes through better nutrition, while simultaneously supporting local agriculture and reducing our dependence on imported food.

For these reasons, the Department supports the Board of Land and Natural Resources staff recommendation to proceed with a contested case hearing.

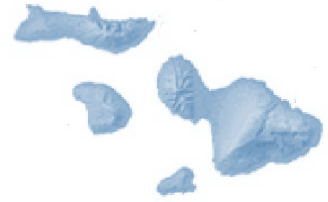
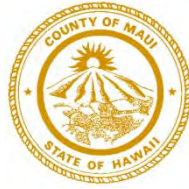
Mahalo for the opportunity to testify and for your continued leadership in advancing water and food security for Hawai'i.

KTH:cm

**RICHARD T. BISSEN, JR.**  
Mayor

**JOSIAH K. NISHITA**  
Managing Director

**GINA M. YOUNG**  
Director



**EAST MAUI WATER AUTHORITY**  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793

November 12, 2025

Dawn N.S, Chang, Chair  
And Members of the  
State of Hawai'i Board of Land and Natural Resources  
Kalanimoku Building  
1151 Punchbowl Street  
Honolulu, Hawai'i 96813

**RE: BLNR AGENDA ITEM D-10 FOR NOVEMBER 14, 2025:** "Decision Making Regarding: Recommendation to hold a contested case hearing over the proposed disposition of a water license by public auction covering the diversion of public surface water ("proposed License" or "License"), or set aside via Governor's Executive Order to the County of Maui for the diversion of public surface water ("proposed set aside" or "set aside") from Koolau Forest Reserve, Island of Maui, Hawai'i; Tax Map Keys: (2) 1-1-001:044 and 050, 1-1-002:002 (por.), 1-2-004:005 & 007, 2-9014:001, 005, 011, 012 & 017."

Aloha e Chair Chang and Members of the BLNR.

Thank you for the opportunity to submit testimony. As Director of East Maui Water Authority (EMWA), I respectfully request that this Board deny the recommendation to hold a contested case hearing (CCH). In its mid-year update letter to the Chair, the EMWA stated its intent to request an executive order next year once it has built the capacity to do so and completed negotiations with Mahi Pono (See attached letter to Chair Chang and her response). As you will note in the staff submittal, there is no formal request being made for an executive order at this time. To hold a CCH now is legally problematic and would produce an incomplete record. There are other information gaps that need to be filled prior to the creation of a record for informed decision-making, most recently those noted by the October 25, 2025, Circuit Court of the First Circuit Opinion on Appeal reversing the Board's Findings of Fact, Conclusions of Law and Decision & Order (*Sierra Club v. BLNR*, Civ. No. 1CCV-22-0000794). Moreover, even if we had requested an executive order at this time, a CCH is not required for a disposition through an executive order and thus is inappropriate, overly burdensome and an unclear process likely leading

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to additional, not less litigation. Consideration of a long-term lease at this time is inappropriate given changing weather patterns, historic drought conditions and significant information gaps.

I will first provide essential background information, then address four key reasons why denial is warranted.

## **Essential Background**

In November 2022, over 64 percent of Maui voters approved the Maui County Charter amendment establishing the EMWA. Under Chapter 19 of the Charter, EMWA is expressly mandated to obtain long-term water rights for the collection and distribution of water from the East Maui license area for the public benefit.

Last year, a similar request for a CCH was denied. Since then, significant progress has been made, however as stated in our mid-year report to Chair Chang, the EMWA is still building capacity and when it is ready it will request an executive order. Regular productive meetings are still taking place between the County of Maui Mayor's Office, EMWA, the Department of Water Supply (DWS), and Mahi Pono. The EMWA is also just finishing its first year of operation and as of June 1, 2025, has 4 staff positions, including the director. Three more staff positions are allocated for funding this fiscal year. Our Water Resources Program Manager position is in the process of being created. We are also working with the community to gain foundational input for our strategic plan. In addition, the East Maui Stakeholders Committee are meeting monthly to advance collaboration.

A contested case hearing is appropriate only when water licenses are disposed of by public auction under HRS §171-58. A *set aside* of public land for a public utility via Executive Order does not require public auction and therefore does not trigger a CCH. Under HRS §171-95, BLNR has broad authority to manage lands for governmental and public utility purposes without auction, and HRS §171-11 allows the Governor, with BLNR's approval, to set aside lands to political subdivisions for public purposes consistent with the public trust. Accordingly, actions taken under §§171-95 and 171-11, such as a set aside to the County of Maui, do not require either a public auction or a CCH. For these and other reasons, the current recommendation is legally and procedurally inappropriate and should be denied.

### **I. If the Recommendation Seeks BLNR's Approval to Begin the Process of Issuing a 30-Year Water License to a Private Entity, this Will Violate the Public Trust Doctrine**

If this recommendation is intended to authorize BLNR to move forward with a 30-year water license granting control of East Maui water to a private entity, it would violate the Public Trust Doctrine.

The Maui County Charter amendment creating EMWA reflects the public's clear will to bring water management under community control. Water is a public trust resource, and any disposition

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must advance, not diminish, public interest. As reaffirmed by the Hawai‘i Supreme Court in *Na Wai ‘Eha II* (154 Haw. 309, 359, 550 P.3d 1167, 1217 (2024)), “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.”

A Governor’s Executive Order setting aside lands to the County of Maui is fully aligned with the Public Trust Doctrine. It promotes sustainable water use, addresses ongoing drought and source-area shortages, and provides local oversight of water systems that have historically lacked accountability. Maui County is best positioned, through its agencies and resources, to manage, monitor, and ensure equitable water delivery for current and future generations.

## **II. A CCH Would Undermine EMWA’s Ability to Fulfill Its Charter Mandate**

The recommendation to initiate a CCH would effectively block the County’s ability to negotiate a water disposition under HRS §171-95. Contested cases are adversarial by nature and are ill-suited to the cooperative problem-solving needed to achieve a mutually beneficial and legally sound outcome. The Mayor, DWS, the EMWA and its community Board the “aha Wai O Maui Hikina” are currently in productive negotiations with Mahi Pono to create a mutually beneficial agreement. Pitting the County of Maui against Mahi Pono in a CCH proceeding will be counterproductive to these efforts.

Moreover, EMWA has made significant progress toward building the capacity required to meet its Public Trust obligations. Diverting limited resources to contested case preparation would halt that progress and hinder EMWA’s ability to implement its Charter duties effectively. A CCH at this time would also require significant time from the Department of Corporation Counsel, the DWS, and the Mayor’s Office, thus reducing county resources to address historic drought conditions and fire recovery efforts.

## **III. Critical Information Gaps Preclude Informed Decision-Making**

In the absence of critical information, a CCH is inappropriate and will likely lead to more litigation and continue a pattern of the courts overturning BLNR decisions. There are significant informational deficiencies that prevent meaningful consideration of the issues. A CCH will only document existing information available at the time of the hearing. The most recent Court opinion specifically instructed the Board to address information gaps prior to decision making on a one-year as follows:

“On October 29, 2025, the Circuit Court of the First Circuit issued its Opinion on Appeal reversing the Board’s Findings of Fact, Conclusions of Law and Decision & Order. *Sierra Club v. BLNR*, Civ. No. 1CCV-22-0000794. To overcome the deficiencies in the Decision & Order the Circuit Court identified, for future dispositions, the Opinion on Appeal instructs the Board to: Require practical mitigation measures to reduce system losses; Ensure that CWRM’s interim instream flow standards are in place and fully implemented before allowing more water to be taken from east Maui streams; and Render necessary findings regarding traditional and customary practices.” (page 4 Staff submittal)

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Before any CCH, the Board and potential parties should be provided essential information, including:

- a. **Compliance with CWRM Orders** — Status of mandated stream modifications and compliance with orders that were issued in 2018 and 2022 (see [CWRM Submittal, Nov. 15, 2022](#)).
  - b. **Stream Diversion Removals and Documentation of Full Restoration** — Diversions ordered for removal must be completed before determining long-term water availability. Issuing a 30-year license now risks over-allocating water to private use, leaving less for the public.
  - c. **Current Drought Conditions** — Ongoing droughts, documented by CWRM, have already impacted both DWS and Mahi Pono's access to East Maui water. Accurate and reliable streamflow and rainfall monitoring must be completed and verified before any long-term disposition to ensure environmental protection.
  - d. **Water System Loss Reduction Analysis** — An in-depth analysis of the system to identify system losses and correction measures needs to be done.
  - e. **Necessary Findings Regarding Traditional and Customary practices** — Current information needs to be collected to make a determination on the protection of traditional and customary practices as required by the public trust doctrine.
- IV. A CCH on an Executive Order Will Likely Lead to More Litigation in Opposition of the Stated Objective of Reducing It** — The Board's frustration over current litigation is understandable. The solution, however, is to follow the court's guidance on issuing a contested case on annual revocable permits and ensure adequate information has been collected in which to make decisions. Requiring a CCH for the issuance of a long-term license or an executive order that has not been formally requested is legally problematic. Moreover, requesting a CCH solely for the purpose of gathering current information to create a record does not address the lack of available information and will lead to unnecessary additional litigation.

## **Conclusion**

For these reasons, I respectfully urge the Board to deny the recommendation to hold a CCH. A CCH is not appropriate at this time, nor is it appropriate for a Governor's Executive Order set aside and would unduly favor private interests over the public trust.

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EMWA requests that the Board allow EMWA to continue capacity-building and good-faith negotiations with all parties.

Finally, if the Board nevertheless approves the recommendation to hold a CCH, I am formally requesting a CCH on that decision and will submit a written petition within 10 days of the BLNR meeting on November 14, 2025.

Thank you for your consideration and continued commitment to protecting Hawai'i's public trust resources.

Mahalo,



GINA YOUNG  
Director, Dept. of East Maui Water Authority  
County of Maui

Enclosures

cc: Richard T. Bissen, Jr., Mayor, County of Maui  
Josiah K. Nishita, Managing Director, County of Maui  
John Stuffelbean, P.E., Director, County of Maui Department of Water Supply  
Shane Sinenci, Councilmember Maui Hikina Residency Area  
East Maui Stakeholders Committee Members  
Jonathan Likeke Scheuer, Chair 'Aha Wai O Maui Hikina East Regional Community Board and Members

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**JOSH GREEN, M.D.**  
GOVERNOR | KE KIA'ĀINA

**SYLVIA LUKE**  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA**

P.O. BOX 621  
HONOLULU, HAWAII 96809

**DAWN N.S. CHANG**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

**RYAN K.P. KANAKA'OLE**  
FIRST DEPUTY

**CIARA W.K. KAHAHANE**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES  
ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

October 13, 2025

**Sent Via E-mail**

Ms. Gina Young  
Director  
Department of the East Maui Water Authority  
200 South High Street  
Wailuku, Hawai'i 96793

Email: [Gina.Young@co.maui.hi.us](mailto:Gina.Young@co.maui.hi.us)

Aloha Gina,

I apologize that I did not respond sooner to your August 12, 2025, letter. Your letter provided a comprehensive update on the efforts by the Maui County East Maui Water Authority (EMWA) to bring the relevant stakeholders, including Maui County Department of Water Supply (DWS), Mahi Pono, and East Maui Irrigation (EMI), together towards a mutually acceptable agreement on the disposition of the East Maui water. The discussions appeared to be genuine and meaningful in better understanding each other's interests and concerns. In addition, EMWA conducted numerous community meetings to share your updates and solicit their input. I was very encouraged by the progress of these discussions.

Your letter also shared that EMWA plans on submitting a letter of intent before the end of the year outlining operational plans, including coordination with DWS, and respond to the questions we posed in our July 31, 2024, letter to Chair Scheuer. During this time, EMI has been sold to Mahi Pono. Much has happened since the Board of Land and Natural Resources (BLNR) meeting in December 2024 when BLNR approved the Revocable Permit (RP) to EMI, including the Hawaii Supreme Court's decision in *Sierra Club v. BLNR* holding that Sierra Club is entitled to a contested case hearing (CCH) prior to the BLNR's approval of the RP for 2021.

Accordingly, based on the information provided, we intend to agendize a recommendation to hold a CCH for either the proposed disposition of a water license by public auction or a set aside via Governor's Executive Order to the County of Maui to the BLNR at the November 14, 2025, BLNR meeting. Unfortunately, this is a similar submittal that we presented to the BLNR last year, but it was denied. However, given the Supreme Court's recent decision, we believe it is the most appropriate course of action, but it will take at least a year to complete.

Therefore, based upon the proposed request to the BLNR to approve the CCH for the water license or set aside, EMI's current RP will expire in December 2025, and we intend to ask the BLNR to issue a new RP to Mahi Pono, subject to conditions, to ensure uninterrupted water continues to be delivered to meet the public trust purposes, including that interim instream flow standards are met, DWS is able to provide water to Upcountry users, and for Mahi Pono's agricultural uses. Pending the outcome of the CCH, EMWA may end up managing the East Maui Water system. With that in mind, we ask if EMWA will object to the BLNR issuing the RP to Mahi Pono for one more year while the CCH for the water license proceeds.

If you have any questions, please contact Ian Hirokawa, Acting State Lands Administrator at [ian.c.hirokawa@hawaii.gov](mailto:ian.c.hirokawa@hawaii.gov). Thank you.

Sincerely,

A handwritten signature in black ink, appearing to be 'Dawn N.S. Chang', with a stylized, looping initial 'D' and a horizontal line extending to the right.

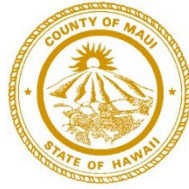
Dawn N.S. Chang  
Chairperson

c: The Honorable Richard T. Bissen, Jr., Mayor  
John Stufflebean, Director of Maui County Water Department  
Shan Tsutsui, COO, Mahi Pono  
Ian Hirokawa, Acting Administrator, DLNR Land Division  
Ciara Kahahane, Deputy Director, Commission on Water Resource Management

**RICHARD T. BISSEN, JR.**  
Mayor

**JOSIAH K. NISHITA**  
Managing Director

**GINA M. YOUNG**  
Director



**EAST MAUI WATER AUTHORITY**  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793

August 12, 2025

Dawn N.S, Chang, Chair  
State of Hawai'i Department of Land and Natural Resources  
Kalanimoku Building  
1151 Punchbowl Street  
Honolulu, Hawai'i 96813

**RE: COUNTY OF MAUI DEPARTMENT OF THE EAST  
MAUI WATER AUTHORITY UPDATE**

Aloha e Chair Chang.

During the December 13, 2024 Board of Land and Natural Resources hearing on the 2025 annual revocable permit for the East Maui surface water collection, the Board asked for a mid-year update on the development of the Maui County East Maui Water Authority (EMWA) and our efforts to bring all parties to the table to reach a mutually beneficial agreement on the disposition of water collection in East Maui. Under your direction, I am providing this letter and attached information as the update.

As a part of the efforts to fulfill the mission of the Maui County Charter amendment creating the EMWA that passed by 64% of voters in the 2022 election, Mayor Richard Bissen, Jr. has been leading discussions between Mahi Pono, EMI, the EMWA, the Department of Water Supply (DWS) and the Managing Director. I am happy to report that the discussions are productive and on-going. The County of Maui participants and Mahi Pono/EMI agree in the value of meeting regularly to bring resolution to long-standing issues surrounding the collection and use of water in East Maui. Please see the attached letter jointly signed by Mayor Bissen Jr. and Shan Tsutsui, Chief Operating Officer of Mahi Pono LLC acknowledging the ongoing discussions and expressing gratitude to you for providing the time in which to have these meetings. We anticipate that the partner building work will continue through the year, and we will provide an update again prior to the scheduling of the 2026 annual permit review process.

We understand the importance of supporting Mahi Pono in their agricultural operations and recognize their beneficial impacts to our economy, food security, and fire protection. The

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current discussions with Mahi Pono and EMI acknowledge that any agreement developed must serve and support their farming operations. Our goal is support their long-term needs to operate efficiently and successfully. We recognize that a strategic partnership benefits both parties and our island community.

Any agreement reached will include a reservation of 11 million gallons of water to the Department of Hawaiian Home Lands, in addition to sufficient water to DWS for Upcountry users to support their efforts to reduce the water meter list and help keep rates affordable for residents and farmers. We're working closely with DWS to coordinate efforts and develop a strategic plan. This includes identifying a consulting firm to help shape our operational model and capital improvement plan. We are currently evaluating potential consulting firms that can assist with this. We also meet regularly with the DWS staff to ensure coordination of efforts and to tap their knowledge. DWS Director John Stufflebean is also an ex-officio member of our community board the 'Aha Wai o Maui Hikina and is in attendance at every meeting. Director Stufflebean and Deputy Director Landgraf also regularly attend the DLNR Interim Committee of East Maui Stakeholders meetings.

We've begun informal community outreach to share updates on discussions with Mahi Pono and EMI, upcoming planning efforts, and to gather input on community and stakeholder priorities. A summary of recent meetings and an educational session on financing is included. For EMWA to succeed, agreements must reflect the needs of both stakeholders and the broader community. We're working to incorporate a strong community benefit component into EMWA's management of the system and watershed. While we cannot undo past injustices, we aim to acknowledge them and focus on building a better future, starting with partnerships that support and revitalize watershed communities. Additional community benefit ideas are also being explored and will be shared as they develop.

We plan to share our progress in a letter of intent before the end of the year, requesting an executive order to collect and deliver water to both DWS and Mahi Pono. The letter will outline our operational plan, including coordination with DWS, and respond to the questions posed in your July 31, 2024, letter to Chair Scheuer.

I also wanted to report on the monthly Interim Committee East Maui Stakeholders meeting. As a condition of the 2025 annual revocable permit, the County of Maui was asked to coordinate these existing meetings. The meetings have been well attended and informative. I have received good feedback from meeting participants who are grateful for the opportunity to engage in meaningful discussions on the monthly and quarterly reports, as well as learn about issues related to East Maui water. In addition to discussing the Mahi Pono and EMI reports, we have also had the following meeting topics:

- Department of Agriculture Kula Agricultural Park update on water usage needs and development of Phase 2

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- Area issues related to East Maui water and stakeholder descriptions of their organizations and interests
- East Maui rainfall and climate data presentation, Chris Shuler, Community-engaged Research Specialist, University of Hawaii Manoa Water Resources Research Center and member area reports on climate, rainfall, stream and watershed observations
- EMWA Community Conversation Series Report on Meetings held June 16-18

Attached is a list of meeting participants, a list of policy issues from member input, meeting agendas, summary of participant organizations and interest areas, and the PowerPoint from our recent presentation on community engagement feedback.

Finally, I would like to share an update on our progress in launching the department. So far, we have hired three key team members: a Private secretary, a Grant Coordinator, and an Information and Education specialist. This year's budget includes a Water Resource Specialist position, which we will be hiring soon. We're also grateful for the strong support from the County Council, which approved two Watershed Field worker positions to help establish our new watershed division. As part of our long-term vision, we're building a partnership with the watershed community and planning an East Maui base yard to support this work on the ground.

We aim to improve the watershed, increase water yield, and mitigate expected climate-related losses. Initial community input has emphasized the importance of co-partnering with watershed communities by establishing a physical presence and hiring local residents. Other key priorities include:

- Creating a plan that is community based and culturally rooted to serve as an operational plan for the work and an informational plan for grant applications. Our Water Resource Specialist will take the lead on plan development.
- Partnering with existing community organizations
- Incorporating community benefits into the watershed program
- Identifying streams by their Hawaiian identities, individual purposes, and characteristics prior to diversions
- Addressing the need for climate change mitigation and lack of rainfall through eco-system restoration, native reforestation, and invasive species removal
- Provide opportunities to engage our youth and transfer knowledge from older to younger generations

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- Integrating traditional, cultural, and spiritual values of wai into planning and decision-making
- Partnering with DLNR Division of Forestry and Wildlife and the East Maui Watershed Partnership to enhance their efforts, maximize coordination, and focus on areas not currently being fully served.

The community also highlighted employment barriers and the need for internships and mentorships to build a future workforce. In response, we're developing an internship program focused on data collection, monitoring, and workforce training.

Another valuable partner in our efforts is the Public Finance Initiative who is providing us with non-gratis technical assistance to develop our financial plan and assist with community engagement. In June they sponsored our Community Conversations Series. I have included a write up of the event and a summary of the feedback received. We are currently working with the Public Finance Initiative on potential new grant program options for small and rural municipalities. We are focused on learning more about innovative financing options that can help to define and build the concept of a community benefit component of our future water resource management program. Here is a link to their website with information about them: [The Public Finance Initiative](#).

I would appreciate any guidance you may have regarding our efforts. Your wisdom given in our January meeting was very useful, particularly on the Interim Committee meeting goals and community engagement. If you would like to meet again, have any questions about this update, or would like additional information at this time, please do not hesitate to contact me at [Gina.Young@co.maui.hi.us](mailto:Gina.Young@co.maui.hi.us).

Mahalo,



GINA YOUNG  
Director, Dept. of East Maui Water Authority  
County of Maui

Enclosures

cc: Richard T. Bissen, Jr., Mayor, County of Maui  
Josiah K. Nishita, Managing Director, County of Maui  
Dr. Jonathan Likeke Scheuer, Chair, the 'Aha Wai O Maui Hikina, East Maui Regional Community and Board Members  
Shan S. Tsutsui, Chief Operating Officer, Mahi Pono  
Ian Hirokawa, Interim Administrator, DLNR Land Division

***Eia no o kūlanihāko'i, no kakou e mālama ai!***

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## WRITTEN TESTIMONY IN OPPOSITION TO THE CONTESTED CASE HEARING

To: Chairperson and Members of the Board of Land and Natural Resources

From: Toni Eaton

Date: November 12, 2025

Subject: Opposition to the Contested Case Hearing – East Maui Water Resources

Aloha Chair and Members,

I respectfully submit this testimony in opposition to the proposed contested case hearing process to determine who gets a 30 year water license for the waters from East Maui. This measure is inconsistent with Hawai‘i’s constitutional public trust doctrine, HRS Chapter 174C, and the principles established in *In re Water Use Permit Applications*, 94 Hawai‘i 97 (2000).

I oppose the proposed contested case hearing structure because it limits community participation and excludes key stakeholders. The proposed criteria for intervention, allowing only prior litigants, parties to the 2018 Commission on Water Resource Management Decision and Order, current EMI system users, and the East Maui Regional Community Board Water Authority, exclude the general public who depends on water from East Maui, Native Hawaiian beneficiaries, and cultural practitioners who depend on the natural flow of East Maui streams for traditional, subsistence, and religious purposes.

The public trust doctrine and HRS Chapter 174C-101(c) require that water management decisions be made through open, transparent, and inclusive processes that give meaningful voice to affected communities. Limiting participation to a narrow set of prior parties undermines this obligation and erodes public confidence in the fairness of the proceeding.

By holding a contested case hearing with restricted access, the Board risks transforming a public decision-making process into a procedural mechanism that legitimizes pre-determined outcomes rather than genuinely engaging the community whose rights and livelihoods are at stake.

For these reasons, I urge the Board to reconsider the contested case hearing structure to ensure full transparency, equitable participation, and adherence to Hawai‘i’s public trust obligations.

Mahalo for your time and consideration.

Respectfully submitted,

Toni Eaton

**From:** [Tatiana Ebro](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Wednesday, November 12, 2025 8:16:29 AM

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**Dear Chair Chang and Members of the Land Board,**

**My name is Tatiana Ebro I grew up in East Maui and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:**

**1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.**

**2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.**

**3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.**

**Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/Aha Wai o Maui**

**Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.**

**Mahalo nui,**

**Tatiana Ebro**

Sent from my iPhone

**From:** [Olan Leimomi Fisher](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Personal Testimony on Agenda Item D-10 - East Maui Streams  
**Date:** Wednesday, November 12, 2025 12:49:10 PM

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Aloha e Chair Chang and Members of the Land Board,

Testifying in my personal capacity, I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

**1. This violates the wishes of Maui County voters.** In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.

**2. This ignores pressing matters central to your mission.** The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.

**3. This perpetuates drought denial.** As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought

that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please **reject** the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/‘Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui for considering my testimony,

Olan Leimomi Fisher

*Olan Leimomi Morgan Fisher*

"Kama 'ia ke aloha 'āina ā pa'a i loko."

**From:** [Carol T. Friedman](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Subject: Testimony on Agenda Item D-10  
**Date:** Wednesday, November 12, 2025 8:37:14 AM

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Dear Chair Chang and Members of the Land Board,

My name is Carol Friedman and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

**1. This violates the wishes of Maui County voters.** In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.

**2. This ignores pressing matters central to your mission.** The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many

mission-critical issues in these streams continue to remain unaddressed.

**3. This perpetuates drought denial.** As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please **reject** the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,

Carol Friedman

**From:** [Tracy Gonsalves-Cosma](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Subject: Testimony on Agenda Item D-10  
**Date:** Tuesday, November 11, 2025 8:28:18 PM

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Dear Chair Case and Members of the Land Board,

My name is Tracy Gonsalves-Cosma and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.
2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions.
3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawaii have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Water feeds the land that feeds us. As a lifelong resident of East Maui, I have grown to understand how vital our waters are to the life and sustainability of our community. Working in the lo'i kalo during summers and whenever I could taught me firsthand what it takes to put food on the table and how deeply water connects to our survival and culture. East Maui



streams help our lands stay green during droughts, they nourish our kalo patches, and the water that sustains them returns to the streams, continuing a natural and sacred cycle. These same waters support native wildlife and keep our ecosystems in balance. East Maui streams are not just water — they represent a way of life and a living process that sustains our people, our 'āina, and our future. I ask that continued care and protection be given to these waters so that they may keep feeding both the land and the generations to come.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,  
Tracy Gonsalves-Cosma

**From:** [Regina Gregory](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Agenda Item D-10  
**Date:** Wednesday, November 12, 2025 10:23:12 AM

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Please do not approve any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams.

Regina Gregory

**From:** [Kenny Halpern](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Save our water for residents  
**Date:** Wednesday, November 12, 2025 11:24:08 AM

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> To: [blnr.testimony@hawaii.gov](mailto:blnr.testimony@hawaii.gov)  
> Subject: Testimony on Agenda Item D-10  
> Message (be sure to include a request to testify via Zoom, if you wish to testify verbally as well):  
>  
> Dear Chair Chang and Members of the Land Board,  
>  
> My name is Kenneth Halpern and I urge you NOT to accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:  
>  
> 1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.  
>  
> 2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.  
>  
> 3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.  
>  
> Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.  
>  
> My friend's stream up Awalau Road used to run all year. Now it rarely runs. Please do not give our water to a toxic mahi Pono.  
>  
> You know that the public trust doctrine states that our water is for everyone, not to be owned by any one entity.  
>  
>  
> Mahalo nui,  
> Kenneth Halpern



**From:** [Jan Herrick](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Wednesday, November 12, 2025 4:25:34 PM

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Dear Chair Chang and Members of the Land Board,

My name is Janice Herrick, and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.
2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.
3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is foolish, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,

Janice Herrick  
Paukūkalo Hawaiian Homes  
Community Association

**From:** [celena kahealani](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] TESTIMONY ON AGENDA ITEM D-10  
**Date:** Tuesday, November 11, 2025 9:44:23 PM

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Dear Chair Case and Members of the Land Board,

My name is Kahealani and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.
2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.
3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous. Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-

term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,  
Kahealani



**From:** [Jackie Keefe](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony re: Agenda Item 10  
**Date:** Wednesday, November 12, 2025 1:02:32 PM

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Aloha Chair Chang and Members of BLNR,

My name is Jackie Keefe and I am writing today to provide testimony about an item that, quite frankly, is frustrating to even see on your agenda.

I would first like to express my interest in testifying via zoom on Friday. Mahalo for the opportunity. I urge you not to move forward with any process that contemplates giving the control of our most precious resource to anyone other than the East Maui Water Authority!

There is no question; a court ordered the need for a contested case hearing! There is a clear and present impact that all of these decisions have on watershed health, native species, Hawaiian rights, and more. Mahi Pono's refusal to line reservoirs and restore streams are only two examples of the harms that are being perpetuated on our 'aina, and there are plenty more.

Most legislators that I've spoken to believe in home rule. Maui County voters agreed to the creation of the East Maui Water Authority to make home rule a possibility for our wai. We realize that this is a coveted resource, and we've asked for special protections to allow residents of our County to make important decisions surrounding it. The Authority has been diligently preparing to accept this kuleana, and the DLNR staff should be assisting with this conversion--not wasting our precious time pushing against the will of the voters to give a foreign corporation the path to do what we all know is **not pono**.

Your primary mission is to uphold the public trust for the good of the lahui and the next seven generations. There is no lack of information about the wrongs that have been committed with regard to East Maui's wai, and I urge you to refresh your memory. I urge you to reflect on the impact that this decades-long wrongdoing has had in raising the hazard of fires, eradicating native species in our auwai, and growing distrust on our island.

East Maui is experiencing **unprecedented drought conditions** that are getting exponentially worse. There is no reason that long-term control of our wai by *anyone other than experts chosen to do so* is even a conversation that we should be having! Mahi Pono is expanding their farms across Maui not only in a way that does not perpetuate local culture but that depends on continued extraction. Huge areas of farmland covered in water-sucking produce like citrus in some of the driest areas of our island is a slap in the face to Hawaiian cultural values.

The voices of our Maui community are who deserve to be heard, not champions for the interests of a foreign entity that is not impacted by the desecration of our 'aina! Please do not waste our tax dollars attempting to appease extractive corporations over the interest of our next seven generations.

Please reject any proposal to move forward with any leases for anyone other than 'Aha Wai o Maui Hikina. Please ask that your staff work with this East Maui Community Water Authority to facilitate the will of the voters of Maui County, who chose the environment over private interests.

We do not support an unelected Board's decision to subvert the democratic process, and we will not stand behind that sort of behavior. You are in your seat to do the right thing for our

'aina, wai, and other precious resources so **please choose to do what is pono.**

Mahalo for your service.

Jackie Keefe



808-264-8286

[@JackieForHawaii](https://www.instagram.com/JackieForHawaii)

**From:** [Kawehi Kuailani](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Subject: Testimony on Agenda Item D-10  
**Date:** Wednesday, November 12, 2025 11:11:03 AM

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Dear Chair Chang and Members of the Land Board,

My name is Sanoë Kawehiōnālani Kuailani and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.
2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.
3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Me ke aloha,  
Kawehi Kuailani

**From:** [Maile Lavea-Malloe](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Wednesday, November 12, 2025 8:37:11 AM

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Dear Chair Chang and Members of the Land Board,

My name is Maile Lavea-Malloe and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.
2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.
3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,

**Maile Lavea-Malloe**



**From:** [Scott Whitmarsh II](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Tuesday, November 11, 2025 7:58:05 PM

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Dear Chair Chang and Members of the Land Board,

My name is Scott Whitmarsh II and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.
2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.
3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,

Scott Whitmarsh II

Sent from Gmail Mobile



## TESTIMONY

November 12, 2025

*Via Email to: [blnr.testimony@hawaii.gov](mailto:blnr.testimony@hawaii.gov)*

The Honorable Dawn Chang, Chair  
and Members of the Board of Land and Natural Resources  
State of Hawaii  
P.O. Box 621  
Honolulu, Hawaii 96809

RE: BLNR Agenda – November 14, 2025, Item D-10 : Recommendation to hold a contested case hearing over the proposed disposition of a water license by public auction covering the diversion of public surface water (“proposed License” or “License”), or set aside via Governor’s Executive Order to the County of Maui for the diversion of public surface water (“proposed set aside” or “set aside”) from the Koolau Forest Reserve, Island of Maui, Hawai’i; Tax Map Keys: (2) 1-1-001:004 and 050, 1-1-002:002 (por.), 1-2-004:005 & 007, 2-9-014:001, 005, 011, 012, & 017.

Aloha Chair Chang and Members of the Board:

This testimony is being submitted on behalf of Mahi Pono, LLC, and its subsidiary, East Maui Irrigation Company, Inc. (collectively, “Mahi Pono”). Mahi Pono **strongly supports** the BLNR staff’s recommendation on the above-referenced Agenda Item D-10.

Over the past seven years, Mahi Pono has transitioned more than 20,000 acres of fallow lands – formerly in sugarcane – into an active and diversified farm. Our crops consist of citrus varieties, watermelon, avocado, coffee, livestock feed crops like corn and alfalfa, and many others. Mahi Pono is also the majority partner of Maui Cattle Company, a thriving cattle





ranching operation located along Maui's north shore. Our mission is to grow food locally to improve Hawaii's food sustainability outlook, while also creating viable economic opportunities through diversified agriculture. However, the continued success of our farm – and every other agricultural venture – is entirely dependent on access to an adequate, reliable, and cost-effective source of irrigation water.

Water rights issues on Maui have been continuously discussed, without resolution, for many decades. The contested case hearing ("CCH") proposed by BLNR staff represents the best opportunity to finally resolve these long-standing issues. The CCH is intended to be inclusive, and all stakeholders would have an opportunity to be heard through a formal and structured process. A qualified hearings officer would lead the proceedings, and their findings would be presented to the BLNR at the conclusion of the CCH. The BLNR would then have an informed and balanced recommendation to reference when deciding how to best move forward.

There are no downsides to proceeding with a CCH, but the upside – potential resolution on a generational issue – is substantial. We respectfully ask that the Board approve the convening of a contested case hearing, as recommended by BLNR staff. Mahi Pono is eager to proceed, and we look forward to participating in the CCH.

Sincerely,

Shan S. Tsutsui  
Chief Operating Officer

**From:** [Malia Marquez](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on agenda item D-10  
**Date:** Tuesday, November 11, 2025 10:01:00 PM

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Aloha Chair Chang and the members of the Land Board,

My name is Malia Lum-Kawaihoa Marquez and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams.

First and foremost, Maui County voted in the 2022 elections where they established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.

This also ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.

Lastly, this perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo for your time on this crucial matter.  
Me ka ha'aha'a,

Malia Lum-Kawaihoa Marquez  
Mai Maunalua mai au.

**From:** [Eileen](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] East Maui Community Water  
**Date:** Wednesday, November 12, 2025 12:01:56 PM

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Dear Chair Chang and Members of the Land Board,

My name is Eileen McKee and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

**1. This violates the wishes of Maui County voters.** In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.

**2. This ignores pressing matters central to your mission.** The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.

**3. This perpetuates drought denial.** As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

**Two weeks ago, I spent a few days out in Hana and after 23 years of living here, I've never NOT experienced rain over a 4 day period. There's typically rain at night and passing showers during the day. One night there were some sprinkles - that's it! Spent a day at the Hāna-Maui Resort, and for the first time witnessed brown grass on the rolling hills heading down toward the ocean. Never seen that before. The drought out there is real. Barely any water in the streams; most were bone dry.**

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please **reject** the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,

Eileen McKee

Kihei

Sent from my iPad

**From:** [Claire Mckenzie](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Wednesday, November 12, 2025 9:18:36 AM

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**Dear Chair Chang and Members of the Land Board,**

**My name is Claire Mckenzie and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:**

**1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.**

**2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.**

**3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.**

**Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a**

**set-aside or similar disposition.**

**Mahalo nui,**

**Claire Mckenzie**

**Written Testimony of**  
**Kyle K. Nakanelua**  
*Kalo Mahiai, Ko‘olau, Maui*

**Board of Land and Natural Resources (BLNR)**

**Re:** Item **D10** Opposition to holding contested case hearing and the Issuance of a 30-Year Water License to Mahi Pono for the East Maui Streams

**Date:** November 14, 2025

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**Eia nō Kulanihako‘i, no kākou e mālama ai.**

**E ola nō ia ‘oe, Chairwoman Chang, a me ‘oukou o kēia ‘aha o BLNR a me ke Kōmike Wai o ke Aupuni ‘o Hawai‘i.**

Aloha mai kākou,

My name is **Kyle K. Nakanelua**, and I am a *kalo mahiai* from the **moku of Ko‘olau, Maui**, within the **ahupua‘a of Wailuanui** and the *‘ilikupuno* of **Lakini**, which was deeded to my ancestors **Kaiha‘a and Lu‘ukia Kainapau** in the year of our Lord **1856** by His Majesty **Kamehameha IV, Alexander ‘Iolani Kalanikualiholiho Maka o ‘Iouli Kūnuiākea o Kūkā‘ilimoku**—seven generations ago.

I **respectfully request** that this body **not issue a 30-year license to Mahi Pono** for the purpose of controlling and harvesting the **public trust resource of water** from the **Ko‘olau district of Maui**, also known as the **East Maui streams**.

At present, the **Mayor of Maui County**, his administration, the **Department of Water Supply**, and the **Department of East Maui Water Authority** are engaged in **meaningful dialogue** with Mahi Pono to determine the most responsible and sustainable way to manage this precious resource. These discussions aim to achieve outcomes that are **fair, transparent, and beneficial** to all the people of Maui County—especially those in East Maui.

Issuing this license prematurely would **disrupt this collaborative process**, potentially forcing the issue into litigation. Such an action would hinder the progress of thoughtful, locally driven solutions and limit the ability of our County government and community to move forward **amicably and constructively**. Allowing the Mayor and his administration to continue these discussions **outside of litigation** will ultimately be **more beneficial—politically, financially, and socially—for all parties**. It will save time, resources, and reduce unnecessary division during these challenging times.

With all due respect, the **management of East Maui’s water resources** over the past **150 years** has too often been **environmentally destructive** and **neglectful** of the needs and rights of East Maui’s people. The current system and its underlying philosophy are **antiquated** and in need of



a **new and restorative perspective**, grounded in **Hawaiian ancestral knowledge** and **community-based stewardship**.

This **Indigenous system of land and resource management** has been recognized internationally for its wisdom and success. As **former DLNR Chair Suzanne Case** highlighted during the **IUCN World Conservation Congress—Planet at the Crossroads (September 1–10, 2016)**, Hawai‘i’s traditional approaches to stewardship offer models that are “*tried, tested, and true.*”

(<https://dlnr.hawaii.gov/wp-content/uploads/2012/12/IUCN-2016-World-Conservation-Congress-Report.pdf>)

I **urge** this Commission to embrace this opportunity—to see through new eyes, to support solutions that are **innovative yet rooted in traditional Hawaiian wisdom**, and to make decisions that will **sustain our people and resources for the next seven generations**.

**Ola i ka wai — Water is life.**

**Mahalo nui loa,**

/s/

**Kyle K. Nakanelua**

*Kalo Mahiai, Ko‘olau, Maui*

**From:** [Eleu Novikoff](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Wednesday, November 12, 2025 4:18:15 PM

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Aloha Chair Chang and Members of the Land Board,

‘O wau o ‘Eleu Novikoff and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui’s streams, for the following reasons:

- 1. There is work in progress by the people of East Maui in collaboration with the County of Maui. Following the vote in 2022, Aha Wai O Maui Hikina has and continues with readiness to mālama the kuleana of water resource management. The kuleana does not need to reside with a foreign entity.**
- 2. This ignores pressing matters central to your mission. There are past violations and concerns that need to be addressed. Let's make right what has been violated thus far without creating 30 years worth of additional destruction and hurt.**
- 3. We need to keep in mind drought and other indicators of the ‘āina and wai that may need specific attention over the next 5, 10, 15, 20, 25, and 30 years. How can we confirm that any foreign entity will have Maui's natural resources, specifically East Maui's, at the center of their attention when things decline? The people who will give the necessary attention to such important details are the people of East Maui.**

Please **reject** the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/‘Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Me ke Aloha,  
‘Eleu Novikoff

**From:** [john ohara](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Wednesday, November 12, 2025 12:49:49 PM

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Aloha Chair Dawn Chang and Land Board Members,

My name is John (Irish) O'Hara a Native Hawaiian descendant and resident of Hana, Maui. I strongly advocate you to NOT accept the staff recommendation to proceed with any process giving Mahi Pono/PSP Investments long term lease for East Maui's streams.

In 2022, Maui voters established a community based East Maui Community Water Authority (EMCWA) to manage the long term administration of East Maui streams. The authority's staff have accepted this kuleana with the full support of the County of Maui administration. This violates the desire of Maui County voters. The DLNR staff should be assisting and working with the EMCWA instead of creating a path for foreign corporations to continue control of Maui's public trust resources.

There are still long standing violations of the public trust in East Maui streams that are ignored such as stream restoration orders that result in loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments refusing to line. Also the need to hold a court ordered hearing to address the immediate impacts to watershed health, native species and Hawaiian rights of the upcoming revocable permit for Mahi Pono/PSP Investments stream diversion.

Please REJECT the staff proposal to move forward with the process for a long term lease to Mahi Pono/PSP Investments. Do what is pono for the Maui and Native Hawaiian communities and not satisfy a foreign corporation interest.

Mahalo nui,  
John (Irish) O'Hara

**From:** [Madison Owens](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Wednesday, November 12, 2025 11:23:35 AM

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Dear Chair Chang and Members of the Land Board,

My name is Madison Owens, and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

**1. This violates the wishes of Maui County voters.** In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.

**2. This ignores pressing matters central to your mission.** The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.

**3. This perpetuates drought denial.** As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long-term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are entirely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please **reject** the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,  
Madison Owens

**From:** [X-RAY X-RAY](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Mahi Pono lease for water access  
**Date:** Wednesday, November 12, 2025 1:31:03 AM

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Dear Chair Chang and Members of the Land Board,

**My name is Paleka and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:**

**1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.**

**2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.**

**3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.**

**Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.**

I would just like to add that I was born and raised on Maui. This is just wrong in general, water should be flowing mauka to makai which has always been the case prior to western contact and greed. Ultimately āina will suffer just as we have experienced with drought conditions, desertification, wildfires, etc. Āina is showing us all the signs and we are woefully ignorant to her cries and we will be the ones to pay for it.

**Mahalo nui,**

**Paleka H.**

**From:** [grace pretre](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Wednesday, November 12, 2025 9:12:41 AM

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Dear Chair Chang and Members of the Land Board,

My name is Manon Pretre and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.
2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.
3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o

Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,

Manon Pretre

(East Maui Resident)

[



**From:** [Sindhu](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] do not renew their lease  
**Date:** Tuesday, November 11, 2025 8:28:04 PM

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Aloha to you who decide our future!

Please do not renew Mahipono's lease on water rights . Water is ours ! we the people of Maui need that water to live and survive . Mahipono has questionable intentions , their farming is not build for success and does not help us at all with the cost of living . Don't let them own the water rights of East Maui . we do not want to depend on a Private Equity fund for water .

WATER IS LIFE ! DON'T GIVE IT AWAY!

Aloha Sindhu Rumpler in Kula dba Upcountry Water Features



Virus-free [www.avast.com](http://www.avast.com)

**From:** [Paula Satterthwaite](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Wednesday, November 12, 2025 9:22:22 AM

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Dear Chair Chang and Members of the Land Board,

My name is Paula Satterthwaite and I am a resident of Hāna. I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.
2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.
3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,

Paula Satterthwaite

**From:** [Christine Shaw](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Save our water for residents  
**Date:** Wednesday, November 12, 2025 10:56:35 AM

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To: blnr.testimony@hawaii.gov

Subject: Testimony on Agenda Item D-10

Message (be sure to include a request to testify via Zoom, if you wish to testify verbally as well):

Dear Chair Chang and Members of the Land Board,

My name is Christine Shaw and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.
2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.
3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

My stream up Awalau Road used to run all year. Now it rarely runs. Please do not give our water to a toxic mahi Pono.

You know that the public trust doctrine states that our water is for everyone, not to be owned by any one entity.

Mahalo nui,  
Christine Shaw  
Sent from my iPhone



November 12, 2025

To: [blnr.testimony@hawaii.gov](mailto:blnr.testimony@hawaii.gov)  
Chair Dawn Chang  
Board of Land and Natural Resources

**Re: Testimony on Agenda Item D-10 on 11/14/25**

Dear Chair Chang and Members of the Land Board:

My name is Carrie Ann Shiota, and I respectfully request that you reject the staff's recommendation to move forward with an arbitrary and capricious process that contemplates giving Mahi Pono, a long-term lease for East Maui's streams.

While I currently reside in Honolulu, I was born and raised in Kaupakalua, and still consider Maui "home." Additionally, my 'ohana continues to reside on Maui, from Kahului, to Hā'ikū to Waiohuli.

Over the years, we have had many family discussions about the lack of access to water in Upcountry Maui, for farmers, especially Native Hawaiian traditional and customary practitioners in East Maui, and on Hawaiian Homelands.

This year makes 25 years that our family has been on the water meter list. We have waited and satisfied numerous requirements set by Maui County's Water Department, including payment for the water meter and making improvements, such as a fire hydrant that will benefit residents. And still - no water meter has been issued!

Meanwhile, corporate farmers and developers, golf courses, and millionaires with pools have historically had unlimited access to our precious water, a resource held in trust for the people of Hawai'i.

Against this backdrop, the severe drought in Upcountry, Maui, and the devastating fires in Lahaina and Kula, we are deeply alarmed that the Board may proceed with a long term lease for Mahi Pono. Simply put, **this proposed action directly violates the wishes of Maui County voters.**

As you are aware, in 2022, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. With the full support of the county administration, this newly established Authority and its staff have been diligently preparing to accept this kuleana.

**Given DLNR's mandate to promote the safe and responsible use of Hawaii's natural resources, we implore DLNR staff to assist and work toward a set-aside of East Maui diversion infrastructure to the Authority.** In direct contradiction to DLNR's

mission, however, the staff proffered a recommendation that would create a path for Mahi Pono, a foreign entity to continue the corporate control of Maui's public trust resources, potentially for the next 30 years. If the Board proceeds with this short-sighted recommendation, the purpose of the newly established Authority will be usurped.

In closing, please fulfill your mission and reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono. Rather, my family implores you to address the long-standing violations of the public trust in East Maui streams and to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo for the opportunity to submit testimony.

Sincerely,

***Carrie Ann Shirota***

Carrie Ann Shirota, Esq.  
Honolulu, Hawaii 96813

**From:** [David K Shizuma](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] BLNR 11/14/25 - Testimony on Agenda Item D-10  
**Date:** Wednesday, November 12, 2025 11:54:28 AM

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Aloha Chair Chang and Members of BLNR,

I am submitting testimony against any recommendation that contemplates giving Mahi Pono a long-term lease for East Maui's streams.

The main reason for my opposition is that Maui County's voters recently voted to establish an East Maui Community Water Authority, which gives the community a process to be involved in East Maui's water's future. A lease would of the water would give the water away to a company who is producing crops not just for local consumption, but also for external markets. I am not against a company making profit by growing products to be sold around the world, but I am against giving control of local water sources, especially when the residents of that area have already put efforts forth to have their own system in which the water is controlled and guided by the community.

While this may be, to my knowledge, a first of its kind of community authority, it opens the possibility of local authority and governance that is much needed in today's world, and is in alignment with how natural resources were managed by our kupuna in the olden days. The konohiki and ali'i of a place would be in charge, with feedback from the local community members, on how resources should be managed. This too, can be the success of the East Maui Community Water Authority. This could lead the way to more communities taking ownership, being involved, and collaboratively working together to manage our resources in Hawaii, just as our konohiki and ali'i did in the past.

The community will be able to have input over time in how the water is managed, and this not only builds community as they get involved and discuss the pros and cons of adjustments, but also ensures that the community priorities are recognized and considered. Identity, pride, and community engagement all occurs if BLNR allows this innovative community authority to control the waters of East Maui. So please consider not moving to a contested court hearing, nor leasing the water to Mahi Pono, and instead, handing the water resource over to the local community water authority.

Mahalo for your consideration,  
Keoni Shizuma



**From:** [steve@vcasa.net](mailto:steve@vcasa.net)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Subject: Testimony on Agenda Item D-10  
**Date:** Wednesday, November 12, 2025 10:00:33 AM

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This is so exhausting, I attended my first water meeting in Haiku 43 years ago and numerous meetings since then. How many times has the public expressed a desire for not committing to 30 year leases. Yes an agricultural business needs to have some projection of their water rights, five years should be the absolute maximum at this juncture.

We just experienced an unusually severe drought, I haven't seen anything like it in 40 years as a permanent resident of Haiku Maui.

Global warming is real!

You are the caretakers of Fair public access to resources, a 30 year lease is an outrageous choice at this time.

Additionally, my wife and I have owned this 4 acre agricultural property for 23 years, our deed specifies water rights from the Waipio stream, which has never been funded for water. Our deed also specifies rights to the Haiku Ditch and the Lowie Ditch, but EMI blocks our access by contesting easements. We are on catchment which negates most of our Ag potential.

Steven Slater

55 E. Waipio Rd.

Haiku Maui

**From:** [Ashley Lilinoe](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Wednesday, November 12, 2025 11:26:26 AM

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Dear Chair Chang and Members of the Land Board,

My name is Ashley Lilinoe Adams Soderberg, and I am writing to strongly urge you not to move forward with any process that would grant Mahi Pono (also known as PSP Investments) a long-term lease for East Maui's streams.

1. Uphold the will of Maui's voters.

In the 2022 elections, Maui's residents clearly chose to establish the East Maui Community Water Authority — a locally grounded, community-based entity — to manage East Maui's streams in the long term. The Authority and its staff have been working diligently, with full support from the County, to prepare for this kuleana. DLNR staff energy should be focused on transferring management of diversion infrastructure to this Authority, not on advancing a pathway for a foreign corporation to continue controlling Maui's public trust water resources.

2. Address existing violations before considering new leases.

The Land Board's duty is to uphold the public trust in our natural and cultural resources. Yet, serious issues in East Maui remain unresolved:

- Stream restoration orders from the Water Commission have still not been implemented for streams that are continually left dry.
- Millions of gallons are being lost each day through unlined reservoirs that Mahi Pono/PSP Investments refuses to line.
- A court-ordered contested case hearing is still pending to address the impacts of Mahi Pono's diversions on watershed health, native species, and Hawaiian rights.

These matters must be resolved before even considering a long-term lease to any private corporation. It is neither responsible nor just to advance a 30-year arrangement while such fundamental issues remain.

3. Acknowledge the drought reality.

Over the past five years, East Maui — along with the rest of Hawai'i — has experienced a rapidly worsening drought. There is no clear evidence that this trend will reverse. To entertain a long-term lease under such uncertain and deteriorating conditions, especially with an

agribusiness whose plans ignore the realities of climate change, would be shortsighted and dangerous.

Please do not allocate your limited staff time or public funds to a process that prioritizes a foreign corporate interest over the well-being of our communities, ecosystems, and future generations. Instead, I ask that you reject the staff recommendation to move forward with the proposed long-term lease to PSP Investments/Mahi Pono, and direct staff to work with the East Maui Community Water Authority (‘Aha Wai o Maui Hikina) to enable their management of East Maui’s diversion infrastructure through a set-aside or similar process.

Mahalo nui for your consideration,

Ashley Lilinoe Adams Soderberg

**From:** [Corinne Okada Takara](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Wednesday, November 12, 2025 1:40:50 PM  
**Attachments:** [image.png](#)  
[image.png](#)  
[image.png](#)  
[image.png](#)

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Dear Chair Chang and Members of the Land Board,

My name is Corinne Okada Takara and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

**1. This violates the wishes of Maui County voters.** In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.

**2. This ignores pressing matters central to your mission.** The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.

**3. This perpetuates drought denial.** As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please **reject** the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

While I reside in Mānoa Valley, O'ahu, my roots are in Maui as my father is from Kahului/Pā'ia sugar cane labor camp, and my grandfather and great grandfather are from Nahiku, where they labored on the EMI ditches where my great grandfather died in a tunnel explosion. May Maui once again see water flow as in the days prior to and during the time my grandpa surveyed East Maui streams and ditches. May we grow community access and care over our waterways after over a hundred years of limited access and may we grow pilina with our waterways. Please foster opportunities for the local community to malama East Maui waterways. Please do not support a 30 year lease of EMI to Mahi Pono.

Mahalo nui,

Corinne Okada Takara

Below are photos from one of my grandpa's albums of working for EMI (these images from late 1920's to mid 1930's). That was a pivot point in redirecting water on Maui with extreme consequences for access and use of waterways, and we are also in such a pivot moment now to potentially enable waterway care that is locally driven and community based. Please do not support an inflexible 30 year lease of EMI to Mahi Pono just as the East Maui Water Authority and the Aha Wai O Maui Hikina, East Maui Regional Community Board are starting to grow trusted spaces for community empowerment in water conversations.



*Alo Stream*



*Alo Stream*



*Waikamoi*

*Seen on rainy day, East Maui*



*Naililihale*



*Waikamoi Stream*





*Nailua*



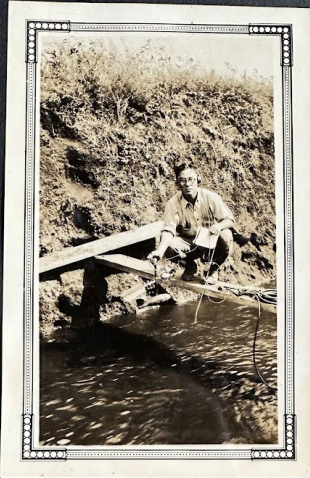
*From Paumotu*



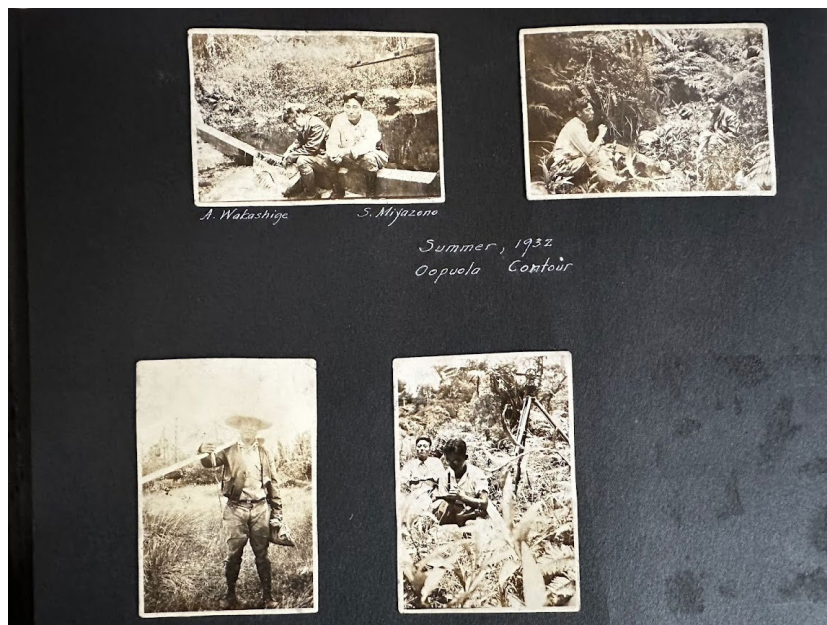
*Paumotu Arch*



*OVER -  
Paumotu Bay*



*3-131 Lowrie Ditch Hanapepe*



Corinne Okada Takara  
Artist and STEAM Educator

<https://linktr.ee/corinnetakara>  
Okada Design Sole Proprietor

[Nest Makerspace](#) STEAM R&D Space  
[Xinanna](#) Former Board Member & Program Director  
[BioJam Camp](#) Cofounder

**From:** [brigitte tawa](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on agenda item D-10  
**Date:** Wednesday, November 12, 2025 3:56:48 AM

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Dear Chair Chang and Members of the Land Board,

My name is Brigitte Tawa and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

**1. This violates the wishes of Maui County voters.** In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.

**2. This ignores pressing matters central to your mission.** The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.

**3. This perpetuates drought denial.** As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please **reject** the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.



Mahalo nui,

Brigitte Tawa

Sent from my iPhone

**From:** [Blake Thompson](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Tuesday, November 11, 2025 9:22:45 PM

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Dear Chair Chang and Members of the Land Board, My name is Blake Nowack and I strongly urge you to against accepting the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.
2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, ~~before~~ any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.
3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.  
Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,  
Blake Nowack

**From:** [evolved](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Tuesday, November 11, 2025 10:07:47 PM

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Dear Chair Chang and Members of the Land Board,

My name is Susan Veno and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

- 1. This violates the wishes of Maui County voters.** In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.
- 2. This ignores pressing matters central to your mission .** The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.
- 3. This perpetuates drought denial.** As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please **reject** the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

And simply, it's not Pono.

Mahalo nui,  
Susan M. Veno

**From:** [Kylee Waia'u](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony - Agenda Item D-10  
**Date:** Wednesday, November 12, 2025 2:38:47 PM

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Aloha kākou, Chair Chang and Members of the Land Board,

My name is Kylee Waia'u from the island of Maui, and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

**1. This violates the wishes of Maui County voters.** In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.

**2. This ignores pressing matters central to your mission.** The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.

**3. This perpetuates drought denial.** As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please **reject** the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,

Kylee Waia'u

**Kylee Waia'u**

**From:** [Scott Whitmarsh II](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Tuesday, November 11, 2025 7:58:05 PM

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Dear Chair Chang and Members of the Land Board,

My name is Scott Whitmarsh II and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.
2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.
3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.



Mahalo nui,

Scott Whitmarsh II

Sent from Gmail Mobile

**From:** [Nancy Yang](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Tuesday, November 11, 2025 9:01:13 PM

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Aloha Chair Case and Members of the Land Board,

My name is Nancy Manglallan-Yang and I am a physician living and working on the island of Maui. I urge you to NOT accept any process that gives PSP Investments (aka. Mahi Pono) *any* lease to East Maui's streams or source of water.

Allowing PSP Investments to lease will 1) violate the wishes of Maui County voters who in 2022 established a community-based East Maui Water Authority, rather than allow a foreign company such as PSP Investments to control Maui's public trust resources; 2) violate *your* responsibility as the Land Board to uphold the public trust and protect East Maui's streams; 3) perpetuates drought denial as private entities waste the water of Maui island while the rest of our residents suffer from heat and fire due to worsening drought year after year.

As a physician, I see the harms of constant fires and drought on the health of my patients. I fear for my loved ones who work directly for the fire department, but everyone is impacted when there is insufficient fresh water to use. I urge again, strongly, for you to **reject** the proposal to move forward with leasing to PSP Investments. They do not belong in our community. Instead, the Land Board should be working with East Maui Community Water Authority.

Mahalo nui,

Nancy S. Manglallan-Yang, MD

**From:** [Alana Yurkanin](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony in Opposition - Agenda Item D-10  
**Date:** Wednesday, November 12, 2025 10:38:12 AM

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Dear Chair Chang and Members of the Land Board,

My name is Alana Yurkanin and I urge you to **NOT** accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

**1. This violates the wishes of Maui County voters.** In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.

**2. This ignores pressing matters central to your mission.** The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.

**3. This perpetuates drought denial.** As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no

idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please **reject** the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui, Alana Yurkanin

**From:** [Cecilia Zamarron](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Tuesday, November 11, 2025 9:10:20 PM

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Dear Chair Chang and Members of the Land Board,

My name is Cecilia Zamarron and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. The Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority- not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.
2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.
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Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please REJECT the staff proposal to move forward with the process for long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,

Cecilia Zamarron

TO: Board of Land and Natural Resources (BLNR)  
FROM: HAWAII FOOD INDUSTRY ASSOCIATION  
Laurin Zirbel, Executive Director

DATE:

TIME:

RE: BLNR Meeting of November 14, 2025 (Agenda Item D-10)  
POSITION: Support of Staff Recommendation to Proceed with Contested Case Hearing

The Hawaii Food Industry Association is comprised of two-hundred member companies representing retailers, suppliers, producers, manufacturers, and distributors of food and beverage related products in the State of Hawaii.

Many of our member business rely on farming partners for locally grown produce. These farmers require a source of water for irrigation. A contested case hearing – as recommended by BLNR staff – would initiate a transparent and open process for irrigation water to be allocated to these farmers. Any concerns with these proposed allocations will also have the opportunity to be heard and considered. At the conclusion of the contested case hearing, the BLNR will be provided with an informed and balanced recommendation from a qualified hearings officer. The BLNR will then be in the best position to make a decision going forward.

We support the staff's recommendation to convene a contested case hearing. We encourage the BLNR to proceed as recommended by staff, and we thank you for the opportunity to testify.