

**From:** [Audrey Allencastre](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Agenda Item D-1  
**Date:** Wednesday, December 10, 2025 10:43:28 AM

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Dear Chair Chang and Members of the Land Board,

My name is Audrey Allencastre and I reside in Haʻikū Maui.

I might be behind in what is going on with Mahi Pono and the taking of water from the East Maui's streams. That said, this is what I would like to see happen. A mediation of sorts - I hate to use that word, but prefer a coming together to talk things over, more like a ho'oponopono between Mahi Pono and the people affected by the taking of the water. Actually, we the people of Maui are all affected.

I have so much 'eha regarding this water issue. Your department is tasked with a great responsibility. You must not forget that the land and the people come first and then, how can you make the for profit entity fit so that everyone benefits. It's no good to alienate either side. Give Mahi Pono the water? At what cost? And what will be said in the future in publications and your role? Do you really want that? I think the opposition leaders are not unreasonable people.

I think you, they, we must not throw a match into an already volatile situation. There is passion on both sides. I have relatives who work for Mahi Pono. Their paychecks pay for mortgages, food, and care for their young children. They have to take a side because nobody wants to be the kind of person who bites the hand who feeds them.  
What you say and do will affect how they will think of themselves.

This is what AI has to say regarding Mahi Pono:

"In Hawaiian,

**Mahi Pono** means "to farm or cultivate morally and properly," reflecting a commitment to sustainable, responsible agriculture that benefits the community and environment, not just profit. It combines *mahi*, meaning to work or farm, and *pono*, meaning righteousness or doing what's right, guiding their goal of food security and local jobs in Hawaii. Essentially, Mahi Pono aims to be a farming enterprise that serves the Hawaiian community by providing local food and economic opportunities, all while stewarding the land responsibly."

Do you fail to see the irony?

I will keep the paragraph below. You have heard those words many times before.

"Of the many issues with this agenda item, perhaps the most egregious is the proposal to allow PSP Investments (dba Mahi Pono) and East Maui Irrigation to take even more water than was taken from East Maui's streams last year. This Board should not be giving Mahi Pono and East Maui Irrigation even more water - not when streams ordered restored by the Water Commission in 2022 continue to be drained dry. Not when Mahi Pono, after years of enjoying public trust water, still refuses to line its century-old reservoirs after decades of water waste. Not when we do not understand the impacts of the diversion system on Makapipi stream. Not when the terms of the new revocable permit are unenforceable. And not when a standing court order specifically prohibits the Board from doing so."

Mahalo.

Audrey Allencastre

**From:** [Perle Besserman](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-15  
**Date:** Wednesday, December 10, 2025 10:06:23 AM

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Dear Chair Chang and Members of the Land Board,

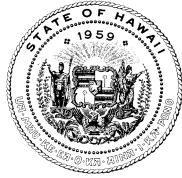
My name is **Dr. Perle Besserman** and I urge you to recognize that the staff recommendation in this agenda item is critically flawed.

Of the many issues with this agenda item, perhaps the most egregious is the proposal to allow PSP Investments (dba Mahi Pono) and East Maui Irrigation to take even more water than was taken from East Maui's streams last year. This Board should not be giving Mahi Pono and East Maui Irrigation even more water - not when streams ordered restored by the Water Commission in 2022 continue to be drained dry. Not when Mahi Pono, after years of enjoying public trust water, still refuses to line its century-old reservoirs after decades of water waste. Not when we do not understand the impacts of the diversion system on Makapipi stream. Not when the terms of the new revocable permit are unenforceable. And not when a standing court order specifically prohibits the Board from doing so.

Mahalo nui,  
**Perle Besserman**

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

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



**KALI WATSON**  
CHAIRPERSON, HHC  
*Ka Lūna Ho'okele*

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

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

P. O. BOX 1879  
HONOLULU, HAWAII 96805  
December 9, 2025

**TESTIMONY**

**TO:** Dawn Chang, Chairperson  
Board of Land and Natural Resources (BLNR)

**FROM:** Kali Watson, Chairperson  
Department of Hawaiian Home Lands (DHHL) *Kali Watson*

**RE:** **BLNR Agenda Item D-15<sup>i</sup>, meeting of December 12, 2025**

Dear Chair Chang:

The Department of Hawaiian Home Lands offers this testimony on the above referenced agenda item. Should there be a Contested Case Hearing, the Department should be offered the opportunity to be a party if its rights are impacted by the terms of the proposed permit. Below we describe our interests and rights related to the East Maui Irrigation (EMI) System.

The DHHL, Hawaiian Homes Commission, and our beneficiaries have a deep-rooted connection to the waters historically and currently diverted by the EMI system. The waters diverted are the most viable water source for our approximately 7,100 acres of DHHL lands in Kēōkea - Waiohuli and Pūlehunui. DHHL submitted an 11.455 million gallons of water per day reservation petition to CWRM related to this system on December 16, 2020, which CWRM has not yet fully acted upon. At the November 12, 2025, BLNR meeting, DHHL's reservation request was also highlighted in our testimony.

Thank you for the opportunity to provide this testimony and for the continued communication regarding the EMI System.

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<sup>i</sup> **Issuance of Revocable Permit to Mahi Pono, LLC and East Maui Irrigation Company, LLC for the Development, Diversion, and Use of Surface Water for Diversified Agriculture, Currently Existing Historical Industrial and Non-Agricultural Uses, Reservoir, Fire Protection, Hydroelectric, and County of Maui Department of Water Supply and Kula Agricultural Park Purposes on the Island of Maui; 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 & 0017.**

**From:** [Mina Elison](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Against Stream Diversion from East Maui Streams  
**Date:** Wednesday, December 10, 2025 9:49:08 AM

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Dear Chair Chang and Members of the Land Board,

My name is Mina Elison and I urge you to recognize that the staff recommendation in this agenda item is critically flawed.

Of the many issues with this agenda item, perhaps the most egregious is the proposal to allow PSP Investments (dba Mahi Pono) and East Maui Irrigation to take even more water than was taken from East Maui's streams last year. This Board should not be giving Mahi Pono and East Maui Irrigation even more water - not when streams ordered restored by the Water Commission in 2022 continue to be drained dry. Not when Mahi Pono, after years of enjoying public trust water, still refuses to line its century-old reservoirs after decades of water waste. Not when we do not understand the impacts of the diversion system on Makapipi stream. Not when the terms of the new revocable permit are unenforceable. And not when a standing court order specifically prohibits the Board from doing so.

Mahalo nui,  
Mina Elison

**From:** [Fairfaxfresh](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on agenda item 1015  
**Date:** Tuesday, December 9, 2025 8:01:12 PM

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The stream behind my house is dry, all the streams here in Haiku are not flowing to the ocean as they should. This water belongs to the land to the People of Maui. Maui Pono is in no way “Pono”. The irrigation ditches are wasting water, Maui Pono wastes water. The People are rallying! You will not sell water rights, our streams will run again! The taro farmers were promised. Margaret Elliott RN 160 Hohani Place Haiku, Hi [mpe@fairfaxfresh.com](mailto:mpe@fairfaxfresh.com)

From me to you

**From:** [John Shockley](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Cc:** [Rita Shockley](#)  
**Subject:** [EXTERNAL] LIVE NOTE: A call for Pono water sharing in Maui  
**Date:** Wednesday, December 10, 2025 1:22:37 PM  
**Attachments:** [favicon.ico](#)

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**Aloha BLNR Chair and Members!**

**At the Free Access Coalition we understand how precious water is. We also understand the power of money's influence. Given all of this, the Pono way to share the Wai source is to save water for the East side of Maui where it is sourced.**

**Text from the Sierra Club of Hawaii:** Of the many issues with this agenda item, perhaps the most egregious is the proposal to allow PSP Investments (dba Mahi Pono) and East Maui Irrigation to take even more water than was taken from East Maui's streams last year. This Board should not be giving Mahi Pono and East Maui Irrigation even more water - not when streams ordered restored by the Water Commission in 2022 continue to be drained dry. Not when Mahi Pono, after years of enjoying public trust water, still refuses to line its century-old reservoirs after decades of water waste. Not when we do not understand the impacts of the diversion system on Makapipi stream. Not when the terms of the new revocable permit are unenforceable. And not when a standing court order specifically prohibits the Board from doing so.

**Perhaps as a compromise: Mahi Pono and East Maui Irrigation could line the irrigation ditches and reservoirs to SAVE wasted water. With that water saving, the East Maui farmers could share the additional water with West Maui resorts and golf courses. Yes, it would take an investment and money could be drawn from the West Maui entities as well as Mahi Pono and E. Maui Irrigation to save precious water that is being wasted right now.**

**Please consider that option and compromise.**

**Mahalo for your time.**

**John & Rita Shockley Coordinators:**

Free Access Coalition  
[freeaccesscoalition.weebly.com](http://freeaccesscoalition.weebly.com)



**From:** [nan harter](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-15  
**Date:** Wednesday, December 10, 2025 11:28:10 AM

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Dear Chair Chang and Members of the Land Board,

My name is Nancy Harter, I'm a resident of Lahaina, and I urge you to recognize that the staff recommendation in this agenda item is critically flawed.

Of the many issues with this agenda item, perhaps the most egregious is the proposal to allow PSP Investments (dba Mahi Pono) and East Maui Irrigation to take even more water than was taken from East Maui's streams last year. This Board should not be giving Mahi Pono and East Maui Irrigation even more water - not when streams ordered restored by the Water Commission in 2022 continue to be drained dry. Not when Mahi Pono, after years of enjoying public trust water, still refuses to line its century-old reservoirs after decades of water waste. Not when we do not understand the impacts of the diversion system on Makapipi stream. Not when the terms of the new revocable permit are unenforceable. And not when a standing court order specifically prohibits the Board from doing so.

Mahalo nui,  
Nancy Harter



P.O. Box 253, Kunia, Hawai'i 96759  
Phone: (808) 848-2074; Fax: (808) 848-1921  
e-mail [info@hfbf.org](mailto:info@hfbf.org); [www.hfbf.org](http://www.hfbf.org)

Submitted via e-mail to [blnr.testimony@Hawai'i.gov](mailto:blnr.testimony@Hawai'i.gov)

## HEARING BEFORE THE BOARD OF LAND AND NATURAL RESOURCES

Kalanimoku Building  
DLNR Boardroom  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813  
Meeting ID: 830 0563 6371

December 12, 2025  
9:00 a.m.

**Testimony on Agenda item D15, Issuance of Revocable Permit to Mahi Pono, LLC and East Maui Irrigation Company, LLC for the Development, Diversion, and Use of Surface Water for Diversified Agriculture, Currently Existing Historical Industrial and Non-Agricultural Uses, Reservoir, Fire Protection, Hydroelectric, and County of Maui Department of Water Supply and Kula Agricultural Park Purposes on the Island of Maui; 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.**

Aloha Chair Chang and Members of the Board:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB comprises 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

**HFB offers its strongest support for the continuation of a revocable permit to provide water to Maui County and to Maui's fertile agricultural lands.**

Although water permit issues are complex and often controversial, Hawai'i policy on and support for diversified agriculture is clear. And as everyone acknowledges, without adequate and reliable water for irrigation, *there can be no agriculture*. The public strongly supports a robust and productive agricultural community that leads to more self-sufficiency, especially with regard to food production.

Most of Maui's farm and ranch lands depend on diverted waters to grow crops and raise livestock. Without the continued supply of irrigation water via this RP, Maui's agricultural lands cannot be productive. Maui's farmers and others will lose access to diverted waters, until such time as long-term water leases can be issued. This is an interim solution and part of the larger process to allow the fair distribution of water, while ensuring appropriate environmental stewardship.

The future of one of the largest contiguous active agricultural lands in the State is at stake. Farmers and ranchers on Maui cannot continue to invest in agriculture without the assurance of an adequate supply of reliable, cost-efficient water, especially while facing long-term severe periods of drought. Continuation of the revocable permit will allow uninterrupted irrigation of approximately 30,000 acres (23,000 acres of which is designated Important Agricultural Land) in Central Maui, as well as supply irrigation water to the small farmers of Kula and provide public drinking water for tens of thousands of Upcountry Maui residents. Continuing this temporary permit until long-term leases are completed supports the State's goals and is consistent with the public trust.

Thank you for the opportunity to provide testimony **strongly supporting** passage of Agenda Item D-15, on behalf of our farmer and rancher members, many of whom rely on revocable water permits to supply Hawai'i 's residents and visitors with fresh produce, flowers, plants and other agricultural products, while stewarding the land and keeping our islands green and beautiful.

**From:** [Joan Heartfield](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-15  
**Date:** Wednesday, December 10, 2025 11:42:15 AM

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Dear Chair Chang and Members of the Land Board,

My name is Dr. Joan Heartfield and I urge you to recognize that the staff recommendation in this agenda item is critically flawed.

Of the many issues with this agenda item, perhaps the most egregious is the proposal to allow PSP Investments (dba Mahi Pono) and East Maui Irrigation to take even more water than was taken from East Maui's streams last year. This Board should not be giving Mahi Pono and East Maui Irrigation even more water - not when streams ordered restored by the Water Commission in 2022 continue to be drained dry. Not when Mahi Pono, after years of enjoying public trust water, still refuses to line its century-old reservoirs after decades of water waste. Not when we do not understand the impacts of the diversion system on Makapipi stream. Not when the terms of the new revocable permit are unenforceable. And not when a standing court order specifically prohibits the Board from doing so.

Mahalo nui,

Joan Heartfield, Ph.D.  
232 Door of Faith Rd.  
Haiku, HI 96708



1050 Bishop St. PMB 235 |  
Honolulu, HI 96813  
P: 808-533-1292 | e:  
[info@hawaiifood.com](mailto:info@hawaiifood.com)

#### Executive Officers

**Kit Okimoto**, Okimoto Corp., *Chair*  
**Jayson Watts**, Mahi Pono, *Vice Chair*  
**Jill Tamura**, Tamura Super Market, *Secretary/Treasurer*  
**Lauren Zirbel**, HFIA, *Executive Director*  
**Paul Kosasa**, ABC Stores, *Advisor*  
**Derek Kurisu**, KTA Superstores, *Advisor*  
**Toby Taniguchi**, KTA Superstores, *Advisor*  
**Joe Carter**, Coca-Cola Bottling of Hawaii, *Advisor*  
**Eddie Asato**, Pint Size Hawaii, *Advisor*  
**Gary Okimoto**, Safeway, *Advisor*

TO: Board of Land and Natural Resources

FROM: HAWAII FOOD INDUSTRY ASSOCIATION

Lauren Zirbel, Executive Director

Date: December 12, 2025

RE: Agenda Item 15 – Revocable Permit for Surface Water Diversion

POSITION: Support of Staff Recommendation to Approve

Dear Chair Chang and Members of the Board,

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.

The Hawai‘i Food Industry Association supports Agenda Item 15.

Retailers, wholesalers, and food distributors depend on local producers to help stabilize pricing, maintain supply, and strengthen community food security.

Hawai‘i’s policymakers have set ambitious targets to expand local food production and reduce vulnerability to supply-chain disruptions. None of these goals are achievable without a reliable water supply for the farms that feed our communities. Irrigation stability enables farmers to deliver consistent volumes of produce to stores, restaurants, and institutional buyers such as schools and hospitals.

Ensuring farmers have access to water is essential to strengthening Hawai‘i’s food system as a whole.

Thank you for considering our testimony.

**From:** [coloneledamvc](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-15  
**Date:** Wednesday, December 10, 2025 10:36:21 AM

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Dear Chair Chang and Members of the Land Board,

My name is **Richard kite** and I urge you to recognize that the staff recommendation in this agenda item is critically flawed.

Of the many issues with this agenda item, perhaps the most egregious is the proposal to allow PSP Investments (dba Mahi Pono) and East Maui Irrigation to take even more water than was taken from East Maui's streams last year. This Board should not be giving Mahi Pono and East Maui Irrigation even more water - not when streams ordered restored by the Water Commission in 2022 continue to be drained dry. Not when Mahi Pono, after years of enjoying public trust water, still refuses to line its century-old reservoirs after decades of water waste. Not when we do not understand the impacts of the diversion system on Makapipi stream. Not when the terms of the new revocable permit are unenforceable. And not when a standing court order specifically prohibits the Board from doing so.

Mahalo nui,  
Richard kite

Sent from my Galaxy

**From:** [Anne Lorenzo](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-15  
**Date:** Wednesday, December 10, 2025 1:05:30 PM

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Dear Chair Chang and Members of the Land Board,

My name is Anne Lorenzo and I urge you to recognize that the staff recommendation in this agenda item is *critically* flawed.

Of the many issues with this agenda item, perhaps the most egregious is the proposal to allow PSP Investments (dba Mahi Pono) and East Maui Irrigation to take even more water than was taken from East Maui's streams last year. This Board should not be giving Mahi Pono and East Maui Irrigation even more water - not when streams ordered restored by the Water Commission in 2022 continue to be drained dry. Not when Mahi Pono, after years of enjoying public trust water, still refuses to line its century-old reservoirs after decades of water waste. Not when we do not understand the impacts of the diversion system on Makapipi stream. Not when the terms of the new revocable permit are unenforceable. And not when a standing court order specifically prohibits the Board from doing so.

Mahalo piha,  
Anne M. Lorenzo

"Mankind must put an end to war or war will put an end to mankind."

~John F. Kennedy, Speech to UN General Assembly, 25 September 1961

**From:** [Malcolm Mackey](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-15  
**Date:** Tuesday, December 9, 2025 7:39:58 PM

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Dear Chair Chang and Members of the Land Board,

My name is Malcolm Mackey and I urge you to recognize that the staff recommendation in this agenda item is critically flawed.

Of the many issues with this agenda item, perhaps the most egregious is the proposal to allow Mahi Pono and East Maui Irrigation to take even more water than was taken from East Maui's streams last year. This board should not be giving Mahi Pono and East Maui Irrigation even more water - not when streams ordered restored by the Water Commission in 2022 continue to be drained dry. Not when Mahi Pono still refuses to line its century-old reservoirs after decades of water waste. Not when we do not understand the impacts of the diversion system on Makapipi stream. Not when the terms of the new revocable permit are unenforceable. And not when a standing court order specifically prohibits the board from doing so.

Mahalo nui,

Malcolm Mackey

**From:** [Eileen](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-15  
**Date:** Wednesday, December 10, 2025 10:19:55 AM

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Dear Chair Chang and Members of the Land Board,

First of all, I can't believe this is still an issue. We've been fighting for East Maui water rights for decades. When will you do the right thing?

My name is Eileen McKee, and I urge you to recognize that the staff recommendation in this agenda item is critically flawed.

Of the many issues with this agenda item, perhaps the most egregious is the proposal to allow PSP Investments (dba Mahi Pono) and East Maui Irrigation to take even more water than was taken from East Maui's streams last year. This Board should not be giving Mahi Pono and East Maui Irrigation even more water - not when streams ordered restored by the Water Commission in 2022 continue to be drained dry. Not when Mahi Pono, after years of enjoying public trust water, still refuses to line its century-old reservoirs after decades of water waste. Not when we do not understand the impacts of the diversion system on Makapipi stream. Not when the terms of the new revocable permit are unenforceable. And not when a standing court order specifically prohibits the Board from doing so.

Mahalo nui,  
Eileen McKee  
Kihei

Sent from my iPad

**From:** [mmmmahalo2000@aol.com](mailto:mmmmahalo2000@aol.com)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-15  
**Date:** Wednesday, December 10, 2025 3:42:30 PM

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Dear Chair Chang and Members of the Land Board,

My name is Mike Moran from Maui ,and I urge you to recognize that the staff recommendation in this agenda item is critically flawed. I participated at many HLUC meeting observing your thorough & thoughtful actions as a commissioner, so am well aware of your perspective and understanding.

Of the many issues with this agenda item, perhaps the most egregious is the proposal to allow Mahi Pono and East Maui Irrigation to take even MORE water than was taken from East Maui's streams last year. This Board should not be giving Mahi Pono and East Maui Irrigation even more water - not when streams ordered restored by the Water Commission in 2022 continue to be drained dry. Not when Mahi Pono, after years of enjoying public trust water, still refuses to line its century-old reservoirs after decades of water waste. Not when we do not understand the impacts of the diversion system on Makapipi stream. Not when the terms of the new revocable permit are unenforceable. And not when a standing court order specifically prohibits the Board from doing so.

Mahalo nui,  
Mike Moran



# Native Hawaiian LEGAL CORPORATION

1164 Bishop Street, Suite 1205 • Honolulu, Hawai‘i 96813  
Phone (808) 521-2302 • [www.nativehawaiianlegalcorp.org](http://www.nativehawaiianlegalcorp.org)



## Testimony to the BOARD OF LAND AND NATURAL RESOURCES MEETING

### **Relating to Agenda Item D-15**

Issuance of Revocable Permit to Mahi Pono, LLC and East Maui Irrigation Company, LLC for the Development, Diversion, and Use of Surface Water for Diversified Agricultural Uses, Reservoir, Fire Protection, Hydroelectric, and County of Maui Department of Water Supply and Kula Agricultural Park Purposes on the Island of Maui; 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

December 12, 2025

9:00 a.m.

DLNR Boardroom

Aloha e Chair Chang and members of the Board of Land and Natural Resources:

On behalf of Nā Moku Aupuni O Ko‘olau Hui, the Native Hawaiian Legal Corporation offers the following testimony on Agenda Item D-15, the issuance of a revocable permit to Mahi Pono, LLC and East Maui Irrigation Company, LLC for the development, diversion, and use of surface water from East Maui in 2026.

Approving this recommendation would violate your duties as trustees of the public trust by failing to protect Native Hawaiian traditional and customary practices, authorizing the use of more water than reasonable or necessary to support off-stream uses, and does so without scrutinizing the actual needs of the diverter.

Nā Moku requests a contested case hearing on this matter.<sup>1</sup>

<sup>1</sup> See *Nā Moku Aupuni O Ko‘olau Hui v. Bd. of Land and Nat. Res.*, et al., Civ. No. 16-1-0052-01 (JPC) (“Nā Moku’s members asserted traditional and customary Native Hawaiian rights and practices, protected by Article XII, Section 7 of the Hawai‘i Constitution, which constitutes a proper[ty] interest for purposes of a due process analysis in determining whether a hearing was required . . . and independently finds it was a violation not to allow a contested case hearing.”); *Sierra Club v. BLNR*, 156 Hawai‘i 382, 575 P.3d 472 (2025) (BLNR was required to hold a contested case hearing on permits

## I. The Staff Submittal Does Not Appropriately Address Impacts on Native Hawaiian Traditional and Customary Practices

Nā Moku members' traditional and customary rights, which are dependent upon sufficient stream flow, would be particularly impacted by the amount of water being taken out of East Maui streams.

The law is clear. Government agencies are "required under the Hawai'i Constitution to preserve and protect customary and traditional practices of native Hawaiians." *Ka Pa'akai O Ka 'Āina v. Land Use Comm'n*, 94 Hawai'i 31, 45, 7 P.3d. 1068, 1082 (2000); Haw. Const. Article XII § 7. The state has "an affirmative duty" to "protect these rights and to prevent any interference with the exercise of these rights." *Id.* Under *Ka Pa'akai*, the Board is obligated to conduct detailed investigations and make specific findings as to:

- (1) the identity and scope of valued cultural historical, or natural resources in the area, including the extent to which traditional customary native Hawaiian rights are exercised in the area;
- (2) the extent to which those resources – including any traditional and customary Native Hawaiian practices – will be affected or impaired by the diversion of up to 35.22 million gallons of water per day out of East Maui; and
- (3) the feasible action, if any, to be taken by the agency to reasonably protect such practices if they are found to exist.

*See id.* at 47, 7 P.3d at 1084.<sup>2</sup>

The staff submittal stops short of the first step of the analysis, improperly suggesting that no one in East Maui actually engages in practices that are traditional and customary. **That is appalling.** It is undisputed that Hawaiians traditionally cultivated kalo, caught 'o'opu, collected 'ōpae, and gathered hīhīwai in East Maui.

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that allowed A&B to take water from streams and was bound to the Coastal Zone Management Act's objectives and policies)

<sup>2</sup> See *In re Waiāhole Ditch Combined Contested Case Hr'g*, 94 Hawai'i 97, 141, 9 P.3d 409, 453 (2000); *In re Surface Water Use Permit Applications*, 154 Hawai'i 309, 332, 550 P.3d 1167, 1190 (2024) ("Na Wai 'Ehā") (chastising the Water Commission for failing to conduct a full *Ka Pa'akai* analysis, as part of its constitutional duty to protect and enforce Native Hawaiian traditional and customary practices - which are afforded a high priority under the public trust - that may be impacted by its decision).

- Hawai‘i law and courts have acknowledged the validity of these practices.<sup>3</sup> See HRS § 174C-101(c) (“[T]raditional and customary rights shall include, but not be limited to, the cultivation or propagation of taro on one’s own kuleana and the gathering of hihiwai, opae, o‘opu, limu, thatch, ti leaf, aho cord, and medicinal plants for subsistence, cultural, and religious purposes.”).
- A&B’s final environmental impact on the diversion of East Maui streams also documents this fact.<sup>4</sup>
- Cultural expert Davianna McGregor has also opined that these farming and gathering practices are considered a traditional practice.<sup>5</sup>
- So too has Kepa Maly in a study commissioned by EMI in 2001.<sup>6</sup>
- Nā Moku – whose membership is literally defined as “descendants of the Ke‘anae-Wailuanui Ahupua‘a . . . within the Ko‘olau District who can trace

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<sup>3</sup> See *Sierra Club v. BLNR*, Civ. No. 1CCV-22-0000794 (LWC) (“[T]he Court reverses the 2022 Board Decision finding that BLNR breached its public trust duties because it failed to address and, as such, failed to protect traditional and customary Native Hawaiian rights/practices.”); *Nā Moku Aupuni O Ko‘olau Hui v. Bd. of Land and Nat. Res., et al.*, Civ. No. 16-1-0052-01 (JPC) (“Nā Moku’s members asserted traditional and customary Native Hawaiian rights and practices, protected by Article XII, Section 7 of the Hawai‘i Constitution, which constitutes a proper[ty] interest for purposes of a due process analysis in determining whether a hearing was required[.]”); *In re Petition to Amend Interim Instream Flow Standards for Waikamoi*, 128 Hawai‘i 497, 291 P.3d 395 (App. 2012) (“Nā Moku demonstrated . . . that its members were native Hawaiians with traditional and customary rights, appurtenant water rights, and/or riparian rights to waters from the streams for, among other things, the cultivation of taro. Article XII, § 7 of the Hawai‘i Constitution protects such rights, and Nā Moku” members demonstrated injury because their ability to exercise these rights has been adversely affected by the streamflow within the ahupua‘a.”); *Maui Tomorrow v. State*, 110 Hawai‘i 234, 236-37, 131 P.3d 517, 519-20 (2006) (“Court concludes that its analysis of traditional and customary native Hawaiian practices and appurtenant rights and the public trust obligations . . . dovetails into the issue of out of watershed transfers.”)

<sup>4</sup> See FEIS Volume I at 4-159 – 60, 4-165 – 4-181 & Volume II at 441 & 451.

<sup>5</sup> See attached declaration and report.

<sup>6</sup> See *Wai O Ke Ola: He Wahi Mo‘olelo No Maui Hikina A Collection of Native Traditions and Historical Accounts of the Lands of Hāmākua Poko, Hāmākua Loa and Ko‘olau, Maui Hikina* (East Maui), Island of Maui, [https://www.kumupono.com/wp-content/uploads/2021/03/Volume\\_1\\_Wai\\_O\\_Ke\\_Ola\\_He\\_Wahi\\_Moolelo\\_No\\_Maui\\_Hikina.pdf](https://www.kumupono.com/wp-content/uploads/2021/03/Volume_1_Wai_O_Ke_Ola_He_Wahi_Moolelo_No_Maui_Hikina.pdf) at 50, 56, 89, 91, 99, 103, 125, 126, 128, 129, 135, & 156.

their genealogical lineage to the original settlers (*i.e.*, ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778) – has offered testimony as to the impacts of stream diversions on these practices that they learned from their ancestors.<sup>7</sup>

**The Board is legally obligated to complete a Ka Pa'akai analysis before considering approval of this revocable permit yet the submittal fails to acknowledge that these practices even exist.**

Additionally, the Board cannot simply point to the Commission on Water Resource Management's ("CWRM's") 2018 IIFS decision and order to meet its constitutional duty.<sup>8</sup> Indeed, "agencies '**may not act** without independently considering the effect of their actions on Hawaiian traditions and practices.'" *Flores-Case 'Ohana v. Univ. of Haw.*, 153 Hawai'i 76, 82, 526 P.3d 601, 607 (2023)(bold emphasis in original; underlined emphasis added).<sup>9</sup> Moreover, relying only on the implementation of the IIFS as sufficient to protect traditional and customary practices also disregards CWRM's

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<sup>7</sup> See attached declarations of Aja Akuna, Awapuhi Carmichael, Carl Wendt, Charles Barclay, Dan Clark, Darrell Aquino, Earth Smith, Sr., Edward Wendt, Gladys Kanoa, Harry Hueu, Healoha Carmichael, Ire Kimokeo, Isaac Kanoa, James Kimo Kaaa, Jerome Kekiki, Jr., Jojo Young, Jonah Hueu, Jonah Jacintho, Joseph Kimo Day, Juliana Jacintho, Kaui Kanakaoole, Leonora Barclay, Lezley Jacintho, Lurlyn Scott, Norman Bush Martin, Pualani Kimokeo, and Sanford Kekahuna.

<sup>8</sup> In a binding circuit court decision involving the same east Maui streams:

[G]iven the provisions of the Hawai'i Constitution, neither the BLNR nor this Court can rubber-stamp any determination of the CWRM. Rather, the BLNR is obligated to make a truly independent investigation as to whether it's in the state's best interest to authorize the diversion of water from East Maui streams.

**.... BLNR may not merely rubber-stamp every CWRM determination.**

*Maui Tomorrow v. State*, 110 Hawai'i 234, 240-41, 131 P.3d 517, 523-24 (2006) (emphasis added).

<sup>9</sup> Native Hawaiian practices are also a protected public trust purpose under Article XI § 1 of the Hawai'i.

Constitution. See *Waiāhole I*, 94 Hawai'i at 137, 9 P.3d at 449 ("[W]e continue to uphold the exercise of Native Hawaiian and traditional and customary rights as a public trust purpose.").

explicit conclusion that **more water in streams** is better for the aquatic life that Nā Moku members depend on for cultural and subsistence practices.<sup>10</sup>

Moving forward without a sufficient Ka Pa‘akai analysis with written findings is a violation of the Board’s constitutional kuleana to protect Native Hawaiian practices and the public trust.

## **II. The Recommendation Does Not Maintain the “Status Quo”**

The staff submittal authorizes way more water than the status quo.

First, authorizing 35.22 mgd as the supposed “status quo” does not maintain anything; instead, it represents a **57% increase** over the actual average diversion of 22.41 mgd as reported by Mahi Pono and EMI to the Board. This is unacceptable. The Circuit Court expressly barred BLNR from “allowing more water to be taken” before CWRM’s orders are fully implemented. *Sierra Club v. BLNR*, Civil No. 1CCV-22-0000794 (LWC). It is undisputed that the diverters have not completed the modifications previously ordered by CWRM, which are essential for riparian, recreation, and cultural uses of the streams as well as biological values. Staff’s proposal does exactly what the court prohibited.

Second, the staff submittal proposes increasing not only the total the amount of water diverted from East Maui but the allocation of water to the county as well. The county does not require up to 6.25 mgd for its total domestic and Kula ag park uses. Its monthly average is 4 mgd. For the 2025 revocable permit, the County agreed to an allocation of 5.25 mgd. Any water the county does not use either benefits Mahi Pono – effectively increasing the allocation for its commercial operations – or is lost as waste. Approving this proposal authorizes the unaccounted use and/or waste of anywhere from 1 mgd to 2.25 mgd of water that could remain in the streams.

Third, the staff submittal also authorizes too much system loss. *See In re ‘Iao Ground Water Mgmt. Area High-Level Source Water Use Permit Applications*, 128 Hawai‘i 228, 257,

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<sup>10</sup> In its 2018 decision and order, CWRM stated that “[t]here is universal agreement that more water and better connectivity in streams is a good thing for native habitat restoration.” The 2018 decision and order was premised on the fact that 64% of baseflow restores 90% of habitat. Based on this premise, **more** baseflow would result in **more** habitat and **more** fish. Clearly, Nā Moku members’ interests are affected when more water is taken out of streams.

287 P.3d 129, 158 (2012) (“The value of diverting water, only to lose the water due to avoidable or unreasonable circumstances is unlikely to outweigh the value of retaining the water for instream uses.”). According to the submittal, staff “calculates the system loss rate based on year-to-date average amounts reported from January 2025 through October 2025 to be approximately 5.4%” yet it recommends that “system losses do not exceed 22.7%. The difference is inexplicable and jarring. Limiting system losses to less than 6% would at least be somewhat consistent with CWRM’s mandate for Nā Wai ‘Ehā streams, which limits system losses to less than 5%. Anything more would be inconsistent with the Board’s duties under the public trust.

Fourth, a lesser-known issue has to do with water taken from Makapipi, a “full restoration” stream under CWRM’s 2018 D&O. For years, community members have observed that there was water in the ditch at Makapipi but no water was flowing. CWRM, in its decision, never addressed EMI’s withdrawal of the water from the East Makapipi Tunnel and Porgue Tunnel, which would otherwise make its way downstream. EMI has been taking that water but it should not be allowed to. The water should remain in the watershed and be allowed to flow makai.

Why the staff submittal allocates so much extra surface water in an area that staff admits could also be irrigated by nearby groundwater sources is internally inconsistent within the divisions of the Department of Land and Natural Resources.<sup>11</sup> See *Kauai Springs*, 133 Hawai‘i at 174, 324 P.3d at 985 (“The applicant must demonstrate the absence of a practicable alternative water source.”).<sup>12</sup> It also contradicts the state’s high trust duties to its water resources.

Ultimately, until the CWRM orders are fully complied with, Mahi Pono and EMI should not be allowed to divert more than was previously allocated by this Board.

### **III. Mahi Pono Has Not Demonstrated its Actual Needs**

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<sup>11</sup> The staff submittal acknowledges that groundwater can be used. In 2018 and 2022, CWRM also recognized that groundwater could be used to irrigate crops in central Maui. The FEIS also acknowledges groundwater use for irrigation purposes.

<sup>12</sup> See also *Sierra Club v. BLNR*, Civ. No. 1CCV-22-0000794 (LWC) (“[T]he Court additionally determines that BLNR breached its public trust duties because . . . it failed to hold A&B/EMI to their burden regarding . . . the lack of alternative water sources[.]”).

Although the environmental court's order in *Sierra Club v. BLNR*, Civ. No. 1CCV-22-0000794 was clear, this Board is obligated to scrutinize non-public trust uses, which this staff submittal fails to do. *See Kauai Springs*, 133 Hawai'i at 174, 324 P.3d at 985 ("Permit applicants must demonstrate their actual needs and the propriety of draining water from public streams to satisfy those needs."); *Sierra Club v. BLNR*, Civ. No. 1CCV-22-0000794 (LWC) ("BLNR breached its public trust duties because . . . it failed to ensure that water taken from streams was and will be used in a reasonable and beneficial manner given system losses[ and] it failed to hold A&B/EMI to their burden regarding their actual water needs and the lack of alternative water sources[.]").

Despite the climate data and its obvious effects on Maui, Mahi Pono's farm plans seek to (literally) grow its operations and plant thousands of acres in water-intensive crops that do not actually *feed* our community. Worse yet, persistent reports in the community suggest that a significant share of Mahi Pono's citrus crop does not even reach consumers. This is a model directly at odds with the public trust's emphasis on sustainability and reasonable-beneficial use. *See Robinson v. Ariyoshi*, 65 Haw. 641, 674, 658 P.2d 287, 310 (1982) (requiring the state "to assure that the waters of our land are put to reasonable and beneficial uses").

CWRM has "set the water duty at 2,500 gad for agriculture across the board, for both large- and small- scale agriculture for all types of crops[.]" *In re Surface Water Use Permit Applications*, 154 Hawai'i 309, 332, 550 P.3d 1167, 1190 (2024). 2,500 gad is the figure utilized for Nā Wai 'Ehā, which also irrigates fields in central Maui. It was also the figure relied on for the 2024 revocable permit proposal. Mahi Pono's expert, Dr. Ali Fares has estimated that citrus requires only 2,536 gad, macadamia requires only 2,366 gad, and coffee requires only 2,583 gad. According to EMI's October 2025 Monthly & Annual Average Water Use Report, 75% of the farm is planted in citrus (9,529 acres of the total 12,734 acres). Mahi Pono's operations should be able to survive on 2,536 gad.

If Mahi Pono really needed more water, it would have already independently taken proactive steps to line reservoirs and ditches to avoid unnecessary loss of the water it takes from streams and increase the amount of available water it can access to address its proffered, unmet need. Instead, Mahi Pono waits for the Board to order it as a condition of its permit demonstrating that such action is indeed necessary to justify this Board's approval of any increase in allocation. *See Kauai Springs, Inc. v. Planning Comm'n of the Cnty. of Kaua'i*, 133 Hawai'i 141, 175, 324 P.3d 951, 985 (2014) ("[T]he applicant must implement reasonable measures to mitigate the cumulative impact of existing and

proposed diversions on trust purposes, if the proposed use is to be approved.”). The permit “must include provisions that encourage system repairs and limit losses.” *In re Water Use Permit Applications*, 105 Hawai‘i 1, 27, 93 P.3d 643, 669 (2004) (“Waiāhole II”). While requiring a plan to line reservoirs and ditches is a step in the right direction, concrete and immediate action is necessary.

#### IV. Next Steps

Nā Moku has carefully reviewed the testimony submitted by the Sierra Club on this agenda item and agrees with the language of the conditions that the Sierra Club has proposed. It also agrees that the issues raised here would more appropriately be addressed via the contested case hearing process. As noted above, Nā Moku is seeking its opportunity to be heard on this matter and other issues.

For decades, the Board has allowed decisions related to East Maui to be made without meaningful and careful consideration. Through the wholesale approval of Maui revocable permits, it has perpetuated a scenario where the status quo means draining the streams dry, ultimately subverting the public trust doctrine by prioritizing commercial uses over those protected public trust uses. *See Haw. Const. Art. XI, § 1 & Art. XII, § 7; Kauai Springs*, 133 Hawai‘i at 172, 324 P.3d at 982 (“The purpose of the state water resource public trust is to protect certain uses.”). The level of scrutiny and protection mandated by our constitution can only be achieved through a contested case hearing—an evidentiary, quasi-judicial process that allows for thorough review of evidence, expert testimony, cross-examination, and full evaluation of impacts on public trust resources—not at the final Board meeting of the year on a jam-packed agenda.

The environmental court has already ruled that Nā Moku was entitled to a contested case hearing related to the approval of a revocable permit to A&B. *See Nā Moku Aupuni O Ko‘olau Hui v. Bd. of Land and Nat. Res.*, Civ. No. 16-1-0052-01 (JPC).<sup>13</sup> This is consistent

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<sup>13</sup> The environmental court concluded that, in challenging the BLNR’s 2015 decision to continue the diversion of water from East Maui streams, “Nā Moku’s members asserted traditional and customary Native Hawaiian rights and practices, protected by Article XII, Section 7 of the Hawai‘i Constitution, which constitutes a proper[ty] interest for purposes of a due process analysis in determining whether a hearing was required . . . and independently finds it was a violation not to allow a contested case hearing.” *See also Sierra Club v. BLNR*, 156 Hawai‘i 382, 575 P.3d 472 (2025) (“We further conclude that constitutional due process entitled Sierra Club to a contested case hearing before the Board voted to renew the RPs.”); *Sierra Club v. BLNR*, Civ. No. 1CCV-22-0000794

with the other recent decisions by the Hawai‘i Supreme Court and environmental court which similarly acknowledged the Sierra Club’s due process right to a contested case hearing. **Nā Moku’s and Sierra Club’s hearing requests must be granted.**

In the meantime, while the contested case hearing is pending, it is critical that the Board limit the amount of water taken out of the streams to 23 mgd as averaged monthly to ensure the county gets the water it needs.

Mahalo,



Ashley K. Obrey, Senior Staff Attorney  
For Nā Moku Aupuni O Ko‘olau Hui

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(LWC) (In its opinion on appeal: “BLNR breached its public trust duties because it failed to address and, as such, failed to protect traditional and customary Native Hawaiian rights/practices. . . . BLNR breached its public trust duties because . . . it failed to ensure that water taken from streams was and will be used in a reasonable and beneficial manner given system losses; . . . to hold A&B/EMI to their burden regarding their actual water needs and the lack of alternative water sources; . . . and . . . to protect the flow of the 12 Huelo streams and impermissibly used “uncertainty” as a reason.”).

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA), HANEHOI,  
WAIKAMOI, ALO, WAHINEPEE,  
PUOHOKAMOA, HAIPUAENA,  
PUNALAU/KOLEA, HONOMANU,  
NUAAILUA, PIINAAU, PALAUHULU,  
‘OHI‘A (WAIANU), WAIOKAMIGO,  
KUALANI, WAILUANUI, WEST  
WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAU,LA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF DAVIANNA  
MCGREGOR, PhD

DECLARATION OF DAVIANNA MCGREGOR, PhD

1. I am submitting this expert testimony in support of the petitions filed by Na Moku Aupuni O Ko`olau Hui to amend interim instream flow standards for various East Maui streams located on the Ko`olaupoko, Maui coastline.
2. Attached as Exhibit "A" is a true and correct copy of PETITIONERS' DIRECT EXPERT TESTIMONY OF DAVIANNA POMAIKAI MCGREGOR, Ph.D, filed in the contested case hearing docket DLNR File No. 01-05-MA.
3. Exhibit A is testimony I prepared for and presented to the Board of Land and Natural Resources in 2005 in the contested case proceeding involving Na Moku Aupuni O Ko`olau Hui's challenge to the request of Alexander and Baldwin/Hawaiian Commercial and Sugar/East Maui Irrigation Company for a 30-year lease of the four East Maui water license areas.
4. Attached as Exhibit "B" is a true and correct copy of my most current curriculum vitae.

5. I recognize that in 2008 the CWRM voted to partially restore 5 of 8 streams then under consideration by amending the IIFS for Wailuanui, Waiokamilo, Pi`ina`au, Hanehoi, and Honopou Streams, in order to respond to the claims of active taro farmers depending on those streams for the irrigation of taro crops in Wailuanui, Ke`anae, Hanehoi, and Honopou valleys.
6. However, I further understand that EMI's compliance with those amended IIFS continues to be an outstanding issue before the CWRM in this contested case hearing.
7. Accordingly, I affirm that the substance of the testimony I presented to the BLNR in 2005 is still applicable and material to the current IIFS contested case hearing before the CWRM and I now offer it for consideration in this proceeding.
8. I have reviewed the Declarations of Na Moku Members submitted in 2001 in support of the stream flow petitions, attached as Exhibit "C" hereto that were provided to me by the Native Hawaiian Legal Corporation.
9. I have reviewed the Declarations contained in Exhibit "D" which were provided to me by the Native Hawaiian Legal Corporation and submitted in 2010 during the CWRM's 90-Day factfinding process.
10. I have reviewed the Witness Statements for CCH-MA-13-01 of Emily Akiona Wendt, Aja Akuna, Terrance D.K. Akuna, Darrell Aquino, Charles Barclay, Leonora (Smith) Barclay, Danny Carmichael, Healoha Carmichael, Dan Clark, Harry Hueu, Sandy Hueu, Jonah Jacintho, Juliana Jacintho, Lezley Jacintho, Kames F. "Kimo" Kaaa, Gladys Kanoa, Sanford Kekahuna, Jerome K. Kekiwi, Jr., Pualani Kimokeo, Norman "Bush" Martin, Jr., Lurlyn "Lyn" Scott, Edward Wendt, and Joseph "Jojo" Young.
11. Based on my prior research, it is my opinion that the 2001 Statements, the 2009 submissions, and the 2014 Witness Statements referenced above, describing the areas of use for traditional and customary practices of gathering in streams ranging from Makapipi to Honomanu are consistent with my prior research as presented in the Ke`anae-Wailuanui Cultural Landscape study of July 1995. The statements are also consistent with my prior testimony provided in Exhibit A, in which I reported that community members from the Keanae-Wailuanui region engage in traditional and

customary gathering activities throughout the traditional practices region (Makapipi to Honomanu) including in unoccupied areas in order to maintain the resources.

DATED: Honolulu, HI, December 23, 2014.



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Davianna Pomaikai McGregor, Ph.D

# **EXHIBIT A**

NATIVE HAWAIIAN LEGAL CORPORATION  
1164 Bishop Street, Suite 1205  
Honolulu, Hawai'i 96813  
Telephone. 521-2302

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ALAN T. MURAKAMI 2285  
MOSES K. N. HAIA III 6277

DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

Attorneys for Petitioners  
Na Moku Aupuni O Ko`olau Hui,  
Beatrice Kekahuna and Marjorie Wallett

BOARD OF LAND AND NATURAL RESOURCES  
STATE OF HAWAII

In the Matter of the Contested Case Hearing ) DLNR FILE NO. 01-05-MA  
Regarding Water Licenses at Honomanu, )  
Keanae, Nahiku, and Huelo, Maui ) PETITIONERS' DIRECT EXPERT  
 ) TESTIMONY OF DAVIANNA POMAIKAI  
 ) MCGREGOR, Ph.D.; CERTIFICATE OF  
 ) SERVICE  
 )  
 ) Hearing  
 ) Date. October 10, 2005  
 ) Time. 9:00 a.m.  
 ) Officer. Hon. E. John McConnell, Esq.

PETITIONERS' DIRECT EXPERT TESTIMONY OF  
DAVIANNA POMAIKAI MCGREGOR, Ph.D.

Q. Please state your name for the record.  
A. DAVIANNA POMAIKAI MCGREGOR.  
Q. Where do you live?  
A. I live in Kaiwiula, Kapalama, O'ahu and Ho'olehua, Moloka'i.  
Q. Where do you work and what is your title?  
A. I am a Professor of Ethnic Studies at the University of Hawaii, Manoa.  
Q. What is your educational background and training?

A. I graduated from the University of Hawaii with a Bachelor of Education degree in Secondary Education in 1972 and a Bachelor of Arts degree in Asian/Pacific History in 1973. I did my graduate work at the UH, where I obtained a Master of Arts degree in Pacific Islands Studies in 1979. I also earned a PhD in Hawaiian and Pacific History from the University of Hawai'i in 1989.

Q. What was your doctoral dissertation topic?

A. The title of my doctoral dissertation is "Kupa`a I Ka 'Aina: Persistence On The Land." It examines the conditions of Hawaiians from 1898 to 1930, the first 32 years of direct U.S. rule over Hawai'i. It compared the conditions of Hawaiians in urban O`ahu with that of Hawaiians in rural Hawaiian communities on the island of Moloka`i, the moku of Hana, Maui and the ahupua`a of Waipi`o, Hawai'i.

Q. Did you prepare a *curriculum vitae* to reflect your education and training?

A. As part of my testimony, I have submitted my *curriculum vitae* which contains information on my academic training, my teaching, my research, and my publications.

Q. Have you previously been qualified to testify as an expert witness?

A. I have served as an expert witness regarding traditional Hawaiian subsistence, cultural, and religious customs and practices in the following Civil Cases: *Kelly v. 1250 Oceanside Partners*, Civ. No. 00-1-0192K (Haw. 3<sup>rd</sup> Cir.); *Office of Hawaiian Affairs, et al vs. Housing and Community Development Corporation of Hawaii, et al*, Civil No. 94-4207-11 SSM, 1994 - 2001; *Kamaka v. Department of Defense; Pele Defense Fund v. Paty*, Civ. No. 89-089 (Haw. 3<sup>rd</sup> Cir.); *Pele Defense Fund v. Campbell Estate*, Civ. No. 89-089 (Haw. 3<sup>rd</sup> Cir.); and *Hanakeawe v. Nansay Hawaii, Inc.*, Civ. No. 90-316 (Haw. 3<sup>rd</sup> Cir.). I have also testified as a cultural expert in the following criminal trespass cases. *State of Hawai'i v. Spalding* (Haw. 3<sup>rd</sup> Cir.); *State of Hawai'i v. Naeole* (Haw. 3<sup>rd</sup> Cir.); *State of Hawai'i v. Kaleo Patterson* (Haw. 3<sup>rd</sup> Cir.); *State of Hawaii v. Keli`ikoa* (Haw. 3<sup>rd</sup> Cir.).

Q. Have you ever been qualified before administrative bodies to testify as an expert?

A. I appeared as an expert before the State of Hawai'i Water Commission in the Waiahole Water Case, Docket No. CCH-0A95-1, and *In re Waiola O Molokai*, Docket No. CCH-MO96-1; before the Public Utilities Commission in Docket # 7259 Relating to Hawaiian Electric Light Company, Regarding Integrated Resource Planning, 1993; and before the Public

Utilities Commission in Docket # 6617 To Require Energy Utilities in Hawai'i to Implement Integrated Resource Planning, 1990.

Q. Have you had the opportunity to study the nature and extent of cultural, religious, and subsistence activity in which the Native Hawaiians have engaged to support themselves?

A. Yes. I first studied rural Hawaiian communities where Native Hawaiians comprised the majority of the population and continued to support their extended 'ohana through traditional Hawaiian subsistence farming, fishing, hunting, and gathering customs and practices when I wrote my PhD dissertation. Subsequently, I conducted a number of studies of the traditional and customary practices of Native Hawaiians, which mirror long-held cultural practices of ancient Hawaiians in several rural communities throughout the state. While all have unique features associated with those communities, these traditions and customs I've recorded are resilient and persistent. In many instances, the continuation of these cultural practices is financially necessary for many families. These studies have taken me to East Maui, where I conducted extensive and expanded research, as well as Moloka'i and the Island of Hawai'i.

Q. What prompted your expanded research for East Maui?

A. In June 1993, the Hawai'i State Legislature approved what later became Act 156 to implement a preexisting statutory mandate requiring planning for the state's physical environment and for socio-cultural enhancement, which recognizes the significance of the state's "cultural landscapes." Accordingly, it established a task force to examine Hawaiian cultural landscapes. This task force was responsible for developing designation criteria, specifying activities and uses consistent with cultural landscape districts, developing procedures for definition of cultural landscape districts and their boundaries, and reporting their findings to the legislature.

Q. What happened as a result of this effort?

A. In January 1994, the DLNR Cultural Landscape Task Force reported back to the Legislature on the importance of landscape preservation within a vital daily living context. The Task Force defined cultural landscapes as geographic areas, which exhibit monolithic characteristics of an ethnic, economic or cultural nature. They reflect the interaction of cultural, economic, and natural forces on the environment. They are a definable area, which clearly defines the settlement or use of the land, water, and/or living systems (plants and animals) over a long period of time, as well as cultural values, norms, and attitudes toward the land, water and/or

living systems. These geographic areas possess a significant concentration, linkage or continuity of landscape components (i.e., vegetation, buildings and structures, archaeological sites, roads and trails, waterways, religious and natural features and resources), which are united by human use and past events and/or aesthetically by plans or physical development. Typically, these landscapes could involve abandoned villages or agricultural systems, taro-producing areas, sugar lands, ranches, fishing areas, traditional gathering areas, and entire islands.

Q. What were the recommendations of the Task Force?

A. The Task Force supported a model project focusing on the Ke`anae-Wailuanui area on Maui, because it recognized that this community is a taro-growing area with long continuity of use and with local support for preservation.

Q. What was the purpose of this model project?

A. The project involved a cultural landscape study to inventory and assess the resources of the Ke`anae-Wailuanui communities. The Maui County General Plan of 1990, on which the Hana Community Plan is based, has themes, one of which under “land use” is:

To preserve for present and future generations existing geographic, cultural and traditional community lifestyles by limiting and managing growth through environmentally sensitive and effective use of land in accordance with the individual character of the various communities and regions of the County.

Maui County adopted the Hana Community Plan as part of its adoption of County General Plan in July 1994, under Section 2.80.050 of the Maui County Code. To implement the Hana Community Plan, the Maui County Planning Department initiated the resulting Ke`anae-Wailuanui Cultural Landscape study. The Hana Community Plan calls for county government to “compile special plans and studies necessary to implement the recommendations of the Community Plan.” It also establishes the following goals, policies and implementing actions:

Land Use: Preservation and enhancement of the current land use patterns which establish and enrich the Hāna Community Plan region’s unique and diverse qualities.

- Identify and inventory exceptional open space resources and viewsheds. Explore protective management measures such as covenants, easements, and other planning tools.
- Explore alternative land use and overlay zoning designations that recognize and preserve the unique natural and cultural characteristics of each community within the Hāna region.
- Encourage the availability of agriculturally suitable lands to provide opportunities for small diversified agricultural activities with residential tenancy for farmers.

Q. What was the specific goal of the Ke`anae-Wailuanui Cultural Landscape study of July 1995?

A. The goal was to describe and quantify conditions and traditions which have shaped the land and which still affect the patterns of land use. Land use management policies based on a broad foundation of knowledge of resources will better enable the community and its representatives in county and state government to make effective decisions appropriate to this and other rural and agricultural areas.

Q. What were the specific tasks of the study?

A. There were three major tasks: (1) identify the historic context of the landscape, through archaeological research to determine the depth of wetland taro cultivation and a literature search, including a summary of Land Commission Awards for the Ke`anae and Wailuanui ahupua`a, focused on agricultural or other uses of the claims; (2) identification of cultural landscape components, including farm land, crops, vegetation types, water control, gathering, hunting, home sites, ocean-related activities, and lands associated with Hawaiian legends; and (3) preliminary mapping using historical maps, aerial photographs, and detailed land classification maps to identify existing land use areas and the boundaries of the cultural landscape.

Q. What was the methodology for conducting this study and who was the team responsible for conducting the work?

A. The methodology is described on pp. 13-17 of the report. Basically, (1) Cultural Surveys Hawaii, Inc. conducted a literature search, including a review of aerial photographs, (2) Cultural Surveys Hawaii, Inc. and Group 70 conducted field surveys, including mapping of taro lo`i; and (3) I conducted personal interviews, relying heavily on kupuna (9 of 13 interviewees) from Ke`anae and Wailuanui.

Q. How reliable are the sources of oral history, as related by those Hawaiians you interviewed?

A. The oral history interviews were consistent with each other and were cross validated with the information gathered through the literature search and the field surveys.

Q. What are the cultural landscape area boundaries?

A. The team identified the Keanae-Wailuanui core Cultural Landscape area boundaries in Figure 3 of the report. The area encompasses the Ke'anae peninsula and runs southeast along the coast to the southeast ridge of Wailuanui Valley. On the west, it is bounded by the Ke'anae YMCA, Ke'anae Arboretum and the Palauhulu stream. Inland it extends 600 feet mauka of the Hana Highway, stretching from the YMCA camp to the ridge on the east side of Waikani Falls. The informants also identified a wider traditional cultural practices region shown in Figure 4 of the report, for fishing, hunting and gathering. This extends from Makapipi Stream and forest access road in the east, to Honomanu and the Kaumahina ridge on the west and mauka to Pohaku Palaha on the northern rim of the Haleakala Crater.

Q. In summary, what did these sources of information show?

A. The literature search documented the cultural and natural setting of the cultural landscape area, which has a rich and long history of supporting Hawaiians who tilled the land, grew taro and other food crops, and fished the nearshore ocean seas as far as 11 miles offshore. In the various land commission testimonies, maka'ainana from the Ke'anae-Wailuanui community described their agricultural pursuits in the 1840's. The field surveys, combined with the literature search, yielded information that enabled the team to map the cultural landscape - historic locations of buildings, taro lo'i, 'auwai, and other cultural features of the communities that settled the area. The interviews helped me link current uses of land and streams by residents to their historic uses and verified those practices that continued to be followed along the traditions of their ancestors. The relative isolation of this cultural landscape enabled it and its residents to avoid or resist intensive modern land developments and retain many of the ancient traditions passed down through the generations of Hawaiians who resided in this area.

Q. Why was the Ke'anae-Wailuanui area selected for this cultural landscape study?

A. Aside from the land use planning angle I've previously mentioned, it was particularly appropriate because it is associated with a deep and long tradition of growing taro, the staple crop of Native Hawaiians for generations. The earliest Polynesian voyagers to Hawai'i brought taro with them. It has been linked mythologically to the origins of Hawaiians as a people. The plant itself has attributes which are embedded in the notion of the family and kinship relations. All parts of the taro plant are used for food. Much of the traditions surrounding the cultivation and use of taro have persisted in Ke'anae-Wailuanui to a much

greater extent than most other parts of Hawai'i. With such an intimate association with the people and culture of Hawai'i, Ke'anae-Wailuanui was a prime candidate for designation as a cultural landscape. Today, large-scale taro cultivation is confined to isolated areas in Hawai'i – Hanalei/Waioli, Hanapepe and Waimea on Kaua'i, Waikane/Waiahole on O'ahu, Onokohau, Waihe'e, Ke'anae-Wailuanui on Maui, and Waipi'o Valley on the island of Hawai'i. The taro landscape of Ke'anae-Wailuanui is a viable traditional economy which has maintained historic and cultural integrity, traditional lifestyles, and social continuity to an equal or greater extent than any of the other taro growing landscapes in Hawai'i.

Q. What physical attributes of Ke'anae-Wailuanui did your study examine?

A. The 1995 study identified 12 components for examination. They are listed on page 44 of the report. Among them are taro cultivation, the Ko'olau Ditch built and maintained by EMI, and cultural resources and use areas.

Q. What did you learn about the taro cultivation in Ke'anae-Wailuanui?

A. Wetland taro cultivation is the most important single component of the cultural landscape of Ke'anae-Wailuanui. Wetland taro cultivation requires a precisely defined, stable field system with a continuous and reliable source of water. The system must be designed so that cool, fresh water can be delivered constantly to every field. In this sense, a taro landscape is designed as a single system with interrelated elements (fields, streams and 'auwai). Alteration of any of these elements could affect the entire system. The ancient Hawaiians who designed this landscape were limited in the degree to which they could alter the natural topography. They dealt with this constraint by flexibility of design. Seen as a whole, the taro landscape appears as a simple network of inter-connected rectangles defined by banks, which hold in water. Upon closer inspection, it is apparent that field design, water flow, and water delivery are a response to subtle variations in the natural landscape. A taro landscape is extremely complex in its internal workings.

Q. What areas of taro cultivation exist in Ke'anae-Wailuanui?

A. There are five major locations of active taro cultivation - Ke'anae peninsula, Wailuanui, Ke'anae Arboretum, Waianu Valley, and Lakini. An additional small area of cultivation exists at Waiokamilo Stream just makai of its crossing of Wailuanui Road. There are small lo'i on both sides of the stream. In addition, throughout the district old taro terraces can be found and taro still grows in the wild in the valleys, along streams. Informants speak of going

out and gathering lu`au leaves from the wild taro because it has a good flavor, distinct from the cultivated varieties. Some of the areas for the gathering of wild lu`au include Pi`ina`au, Nua`ailua, Kupa`u, Waipio, Awiowio, Pohole and Pahoa.

Q. Please describe the Wailuanui taro area.

A. This is the largest taro system of the cultural landscape, with 339 lo`i, that Cultural Surveys plotted off a 1982 aerial photograph in Figure 15. They lie mainly west of Wailuanui Stream and to the north and east below Hana highway. It is an area of mixed cultivation and uncultivated areas. There is also a smaller set of lo`i above Hana Highway in the area known as Lakini. See, Figure 21.

The essence of Wailuanui is water (wai = water). Wailuanui is best viewed looking mauka. The taro lo`i as seen from makai, are framed by the steep green slopes of the valley with Waikani Falls to the east and Waiokamilo Stream waters entering from the center and west. The lo`i themselves, as they ascend the slopes, decrease in size to accommodate the requirements of water control. Nowhere else in Hawai`i are such miniature fields still cultivated in this kind of topography with such integrity. See, p. 126.

Q. Please describe the Wailuanui `auwai system.

A. It is evident that at Wailuanui Valley, the `auwai and lo`i systems were constructed first and subsequent residences and circulation networks accommodated the already established systems. The pattern of cultivated lo`i at Wailuanui is likely close to what existed at the time of the Mahele, but for the time when rice was cultivated just prior to and after the dawn of the 20<sup>th</sup> century.

Cultural Surveys was able to produce a schematic of the `auwai as it takes water from Waiokamilo Stream and passes through Lakini. Figure 21. The water flows past these lo`i, partially returning back to Waiokamilo Stream, but mainly flowing under the existing Hana Highway to irrigate the valley lo`i below that point.

There is another major diversion of Waiokamilo Stream below Hana Highway that irrigates the extreme western end of the valley. See, Figure 22.

Cultural Surveys approximated the direction of flow in the `auwai system servicing the valley, as the system was complex and our team did not have the time or resources to make a definitive map of all aspects of it.

Q. Did you discover any major changes in the use of the valley for taro cultivation since the time of the Mahele?

A. Our team did not find any historic map of the valley. Taro cultivation is well documented for the entire area in the 1850's Land Commission Award documents. In Appendix A of the report, the various claims for Land Commission Awards in Ke'anae-Wailuanui are rendered in a table. The table illustrates the extent to which taro was grown on the claimed parcels. The table summarizes the testimonies submitted in support of the requests for Land Commission Awards and reflects the presence of taro cultivation at the time of the Mahele for these parcels. While it indicates what was happening on those parcels at that time, it does not indicate which of the pieces claimed were actually awarded by the Land Commission. Nevertheless, the table gives an accurate indication of the extent to which active taro cultivation existed and on which parcels in the valley. This activity also indicates where irrigation water from the streams was being applied in pursuit of this activity at the time of the Mahele.

Q. Did you discover any other evidence of the extent of taro growing in the valley during different times in history following the Mahele?

A. Apparently, as an 1896 map (Figure 9) of the lower section of the valley reveals, by then there was a sizable area devoted to rice cultivation, although much of the southeastern portion along Wailuanui Stream remained in taro. This pattern apparently persisted through 1903, according to a similar map of the area (Figure 10). Some of the residents I interviewed indicated that rice was preferred at that period because water temperature was not the crucial consideration as it is for taro cultivation, reflecting a diminished water supply to the valley for irrigation. Chinese farmers grew rice in significant parts of the valley between 1880 and 1927, when the market collapsed because of the competition from California.

A 1936 photograph (Figure 16) shows that a majority of the valley was under taro cultivation, with considerably less tree and bush vegetation than was present in 1994 when I conducted my field research. By 1966, in contrast, while all cultivated areas appeared to be in taro, there is a dramatic increase in forest growth along the periphery of the valley, compared to 1936, as Figures 17 and 18 reveal. Contrasted with current conditions, as depicted in the photographs taken in 2004 and this year in June, it appears that there is now substantially different, as well as fewer, areas of taro lo'i than was being actively cultivated in 1966.

This evidence shows there was apparently a period of decline in taro cultivation in the valley between 1936 and 1966, as well as between 1966 and 1994. However, while to varying degrees, the Wailuanui valley residents, especially Hawaiians, continued a tradition of taro cultivation that continues through the present. This cultural landscape is distinctive in terms of this long tradition, and continues on to this day, reflecting how critical taro production is to this community.

Q. Do you have an opinion as to whether the current taro cultivation reasonably approximates the amount of water used to cultivate taro at the time of the Mahele?

A. Yes.

Q. And what is that opinion?

A. While the rice cultivation earlier last century may have altered some of the pattern of lo`i in the valley, the broad pattern remains since both crops are wetland agricultural products and the irrigation system plays a critical role in their cultivation. The mechanics of irrigation systems must follow gravity. Residences are found on slightly elevated areas at the edges of the fields, not in the center of the lo`i, which would be the low spot and subject to periodic flooding. The roadway network serving these residences skirt the cultivated areas and does not cut into the system of lo`i. This pattern involves frequent tending and fits the horticultural character of Hawaiian agriculture where the cultivated fields are relatively small and are within walking distance of residences. It is a pattern developed before automobiles and mechanized agriculture. The field was central, not the residence. This pattern is found even in areas where residences are not nearby. See, p. 126.

There was far more taro cultivation in the valley in the 1800's than presently. There is also far less water flowing naturally into the valley as a result of the major EMI diversion into the Ko`olau Ditch mauka of Kupau and Akeke Spring. This reduction in taro production is significant compared to historic levels.

Q. On what basis do you make this conclusion?

A. During the fieldwork for this study, which included field trips as well as interviews, it became apparent that the Ke`anae-Wailuanui communities have a long history of small commercial ventures associated with processing and marketing of local taro. Besides the People's Store, which once stood at Ke`anae landing, there were six separate poi mills, each in operation over a different span of time. Each sold local taro processed into poi to the community

itself and also exported taro. Taro was exported in two separate directions: to Hana and to Ha`iku/Kahulu/Wailuku. The Alama Poi Shop operated from the 1920's to the 1950's. The Ching Poi Mill operated in the 1930's through the 1950s, exporting poi to Kahului and Hana. The Ng family operated a mill that exported poi to Hana. The Alu family ran the Kupa`u Mill from the late 1930's to the early 1950's. The Lum Hoy Poi Mill exported poi to Wailuku from the 1930's through the 1940s. The last mill, Ke`anae-Wailua Poi Mill was started in 1975 by Mr. Ed Wendt and operated through 1984. The current level of taro production contrasts sharply with what historic records show.

Q. Do you have an opinion, based on your training, research, and expertise, whether the land uses of Wailuanui residents are linked to Hawaiian cultural mores and practices?

A. Yes.

Q. What is your opinion?

A. The land use patterns of the Ke`anae-Wailuanui region have been shaped by Hawaiian cultural mores and practices. The 'ohana values and practices of the community stress the conservation of natural resources for the benefit of present and future generations. Rules of behavior are based on respect of the 'aina, the virtue of sharing, and a holistic perspective of organisms and ecosystems that emphasize balance and coexistence. The Hawaiian outlook which shapes these customs and practices is lokahi or maintaining spiritual, cultural, and physical balance with nature. In the course of their travels through the various 'ili of the traditional cultural practices region, practitioners of Ke`anae and Wailuanui are able to renew their knowledge and understanding of the landscape, the place names, names of the winds and the rains, traditional legends, wahi pana, historical cultural sites, and the location of various native plants and animals. The region is thus experienced as a part of their 'ohana, necessitating the same care as would a member of their family.

Q. Do you have an opinion, based on your training, expertise, and research, on how important traditional and customary gathering of 'o'opu, 'opae, and hihiwai is to the Hawaiians of Wailuanui?

A. Yes.

Q. What is that opinion?

A. Ke`anae-Wailuanui is one of the few remaining areas in the Hawaiian Islands where 'opae can be gathered. Virtually every stream has 'opae at some time during the year.

However, it is easier to gather 'opae in the tunnels of the EMI ditch system. The irrigation ditch itself is an excellent breeding area for the 'opae because it has flowing water year round. Some streams below the ditch, however, don't have enough flowing water to sustain the 'opae year round when the water is diverted into the ditch system. Commercial sale of 'opae is prohibited under a state law that went into effect in 1993. 'Opae is still a popular delicacy among the families in the district. They also gather 'opae to share with family and friends outside and on different islands. 'Opae, the 'a'aniu net used to gather it, and the methods of preparing it will continue to be a distinctive aspect of the cultural lifestyle for which Ke'anae-Wailuanui is known and distinguished.

'O'opu and hihiwai are becoming increasingly scarce in the Hawaiian Islands. Certain species of 'o'opu are endangered and others are rare. They require pristine and flowing stream waters to exist. Ke'anae-Wailuanui is one of the few areas where they still can be found in sufficient size to be occasionally caught for subsistence food.

The gathering of hihiwai is also carefully managed. The location of the hihiwai is knowledge that has been passed down from generation to the next for their protection and proper management. It is not information that is made available to the general public.

Q. What is the geographic range of this gathering activity?

A. Family members of all ages engage in some level of gathering activity in the Ke'anae-Wailuanui district. Kupuna like Helen Nakanelua still go out and gathers 'opae with her homemade 'a'aniu net in the 'auwai that runs through her property at Lakini. Waiokamilo Stream still has 'opae which is accessible to the kupuna. The Ka'auamo family is best known for their traditional and customary gathering activities. Awapuhi Ka'auamo Carmichael still goes out gathering for 'opae, hihiwai, and 'opihi from Kailua and over through Kuhiwa. Awapuhi Carmichael identified some of the area which she regularly accessed for gathering of 'opae, hihiwai, and 'o'opu:

We have our own names. Kapa'ula, gather 'opae. We use Puaakaa, we call it Kaunoa. Above the road, the ditch above the road, we use that stream, and then it branches off. Even Makapipi, we use Makapipi stream. We use all the way to the tunnel. We use it. Kuhiwa gulch is used by our family. Kuhiwa gulch we use also. Makapipi is just mauka. Kuhiwa is mauka.

Gathering from a variety of places is important in order to maintain the resources. The choice of place to gather is determined by the weather and other natural signs. Awapuhi Carmichael described the factors which affected her decision as to where to gather on a particular expedition:

It depends on what we're getting, and how we feel . . . We never go to the same place. You know how the Hawaiians used to do, they don't go back to the same place, so can restore. It depends on the weather, and then we go by the moon, the stars. If use one place, then go to another place, depends on the moon and the stars. We go up far . . . We all go to the same places, although each of us have our favorite hole, places, where we go for opae, you know. All mauka for 'opae. And then below have the 'o'opu and the prawns, they introduced the prawns, and hihiwai. Above the road is more the 'opae. Above the road is where all the opae are. Above the main highway. And then below the road has hihiwai, 'o'opu, you know.

Within the traditional cultural landscape area for Ke'anae-Wailuanui unoccupied areas with flowing pristine streams and the forested areas are integral to the livelihoods of the families in the district. For example, nobody lives in the area from Wailuaiki to Kopili'ula and over to Hanawi but there are many gulches and streams flourishing with hihiwai and 'o'opu.

Q. What was the importance of subsistence gathering to the health of Hawaiian gatherers who engaged in this traditional activity – historically and in current times?

A. Through subsistence, families attain essential resources to compensate for low incomes. They can also obtain food items, especially seafood, that may be prohibitively costly under a strict cash economy. If families on fixed incomes were required to purchase these items, they would probably opt for cheaper, less healthy foods that would predispose them to health problems. In this respect, subsistence not only provides food, it also ensures a healthy diet.

Subsistence generally requires a great amount of physical exertion (e.g., fishing, diving, hunting) that is a valuable form of exercise and stress reduction and contributes to good physical and mental health. It is also a form of recreation that the whole family can share in. Family members of all ages contribute at different phases of subsistence, be it active hunting, fishing or gathering or cleaning and preparing the food for eating. Older family members teach the younger family members how to engage in subsistence and prepare the food, thus passing on ancestral knowledge, experience and skill.

Q. What was the pattern of these subsistence activities amongst those traditional and customary gatherers of Ke'anae-Wailuanui you interviewed?

A. Subsistence gathering, hunting and fishing is an integral part of the lives of the residents of Ke'anae-Wailuanui. There is general agreement among the informants that their traditional cultural practices region extends from Honomanu in the west to Makapipi in the east and mauka from Pohaku Palaha on the rim of the Haleakala crater makai to the shoreline, and into the ocean as far as the buoy 11 miles offshore. Additional areas are used by residents of Ke'anae-Wailuanui depending on where their family ancestors originated and established subsistence practices. For example, some families fish and gather as far as Kaupo or as far west as Honopou and mauka to Waikamoi. The location and distribution of water is the primary determinant of the distribution of natural resources. Traditional land use boundaries were defined in relation to the amount and location of water. The change of season from wet to dry does affect the distribution and availability of subsistence resources. When there is a lot of rain, the resources are more abundant and spread out over a larger area. During the dry period, the amount of resources shrink and they are distributed near to water sources.

Most subsistence areas can only be accessed by land through a trail or a dirt road. The Pi'ilani Trail affords an important route of access between 'ili along the coastline. The Ke'anae-Wailuanui residents also use an extensive network of mauka to makai trails to carry out their subsistence activities. Hunters say that one can readily catch a decent sized pig without venturing far up the mountain. However, the network of trails allows access to upper regions where the larger animals roam. Fishing resources vary by ocean depth. Along the rocky shoreline fishermen gather crab, 'opih, ha'uke'uke, and other shellfish. In the reef, residents gather limu and catch squid, lobster, and reef fish such as 'uhu, kala, and manini. At greater depths bottom fish are caught such as weke, ehu, 'opakapaka and uku. In the bays, nets are used to surround 'akule. 'Aholehole, 'ama'ama and uouoa are also caught with gill nets. In the deep ocean and out to the buoy the fishermen troll for ono, aku, 'ahi, marlin, and mahimahi. Ocean resources are accessed by land through mauka-to-makai trails and along the Pi'ilani Highway. Boats are also used for ocean subsistence activities. The launching areas are Honomanu Bay, Ke'anae Landing, Wailuanui Bay and Hana Harbor.

Resource gathering patterns are also influenced by ho'ailona or spiritual signs in natural phenomena. Ke'anae-Wailuanui residents stay alert to the direction and patterns of clouds, winds, rain, the flight of birds, rainfall and all natural elements to inform them about where the ideal place is to gather on any given day. They also keep track of the moon phases and the effect

on the shifts in the tides. Ancestral knowledge of the interpretation of place names in the district also informs Hawaiians about the special features or qualities of that particular area for subsistence and cultural use.

Q. Is this a traditional pattern of subsistence activity?

A. Traditional factors shape the pattern, nature and purpose of the ongoing subsistence fishing, gathering, farming and hunting activities. These include family and ancestral connections to particular features of the landscape; the distribution of water; access; the type of resource to be obtained; the life cycle of that resource; the diet and feeding habits of fauna; the weather and seasonal changes; and ho`ailona. The subsistence activities are also guided by traditional values and customs which include but are not limited to the following:

1. Only take what is needed.
2. Don't waste natural resources.
3. Gather according to the life cycle of the resources. Allow the resources to reproduce. Don't fish during their spawning seasons.
4. Alternate areas to gather, fish and hunt. Don't keep going back to the same place. Allow the resource to replenish itself.
5. If an area has a declining resource, observe a kapu on harvesting until it comes back. Replant if appropriate.
6. Resources are always abundant and accessible to those who possess the knowledge about their location and have the skill to obtain them. There is no need to overuse a more accessible area.
7. Respect and protect the knowledge which has been passed down intergenerationally, from one generation to the next. Do not carelessly give it away to outsiders.
8. Respect each other's areas. Families in Ke`anae-Wailuanui usually fish, hunt, and gather in the areas traditionally used by their ancestors. If they go into an area outside their own for some specific purpose, they usually go with people from that area.
9. Throughout the expedition keep focused on the purpose and goal for which you set out to fish, hunt, or gather.
10. Be aware of the natural elements and stay alert to natural signs, e.g. falling boulders as a sign of flash flooding.
11. Share what is gathered with family and neighbors.

12. Take care of the kupuna who passed on the knowledge and experience of what to do and are now too old to go out on their own.

13. Don't talk openly about plans for going out to subsistence hunt, gather, or fish

14. Respect the resources. Respect the spirits of the land, forest, ocean. Don't get loud and boisterous.

15. Respect family `aumakua. Don't gather the resources sacred to them.

Q. To what extent, if any, does taro cultivation relate to the traditional and customary gathering of `o`opu, `opae, and hihiwai?

A. These native aquatic marine species and taro rely upon pristine, clear, cold, free running streams that flow year round. All of the great historical taro growing areas of Hawai'i rely on pristine streams where native aquatic species thrive - Ke`anae-Wailuanui, Kahakuloa on Maui; Hanalei on Kaua`i; Waipi`o on Hawai'i, the windward valleys of Moloka`i. `O`opu, `opae and hihiwai have been a part of the traditional diet of taro farmers in these areas.

Q. Were you able to determine the degree to which traditional and customary gathering of `o`opu, `opae, and hihiwai in Wailuanui has changed since the 1890's?

A. Aunty Helen Nakanelua who was 83 in 1994 was born in 1911 and described how she used to go out and gather `opae with her grandmother who would have been born and learned how to gather `opae before the 1890's:

And I used to go along with my grandma, with a five gallon can, you know those tall ones, and I pack some wood, and I pack salt, so that whenever my grandma goes with the upena net, do you have an idea what the upena net looks like and they have a little bag there? Some of the bags are small, but she used to have these long bags, and then she cleans that where I am, she takes that out, we clean it and we cook it in this can. Salt it and cook it there, the wood that I take we cook it. And after it's cooked, I begin spreading it on a table oil cloth and a mat I used to pack along and then she leaves me there I attend that opae while it's drying. By the time she comes back here, it's partly dried, I gather that `opae again, and separate it in another bag, because that's partly dried, and we continue on, she gets another bag to do the same thing, cook, so that by the time she ends up her day, most of the opae, except the last one she has is partly half dried already. Do you know how the upena look like? I show you, cause I have made some for me, because I use it.

Although Aunty Helen continues to gather 'opae, it is not as plentiful as it had been in her youth. An indicator of the decline of 'opae is the passage of a state law in 1993 which prohibits its commercial sale due to its scarcity.

Q. Do you have an opinion as to the importance of the Ke'anae-Wailuanui region to Hawaiian cultural history?

A. Yes.

Q. What is that opinion?

A. The most distinctive historic association of the Ke'anae-Wailuanui landscape is its unbroken relationship to the foundations of Hawaiian culture through the traditional cultivation of taro, the major component of the cultural landscape. The traditional cultural practices region is also significant as a surviving enclave of Hawaiian subsistence, cultural, and spiritual beliefs, customs, and practices. Rural Hawaiian communities like Ke'anae-Wailuanui are cultural kipuka - places where Hawaiians have maintained a close relationship to the land through their livelihoods and customs - that play a vital role in the survival of Hawaiian culture as a whole. There is a growing recognition that protection of the natural resources and the integrity of the lifestyle and livelihoods within rural districts is essential for the perpetuation of Hawaiian culture. However, the survival of these cultural kipuka and the traditions and customs related thereto are continually eroded by an ever increasing lack of water.

Q. Do you have an opinion on how significant the Ke'anae-Wailuanui region is as judged against federal criteria for cultural significance?

A. Yes.

Q. What is that opinion?

A. The Ke'anae and Wailuanui cultural landscape is significant under the four National Register criteria of significance and an additional Hawai'i state criterion. Under Criterion A, Ke'anae-Wailuanui is associated with significant events affecting broad patterns of history. The evolution of Hawaiian culture and society in the Hawaiian Islands over the past 1500 years was sustained by highly developed and well-managed systems of wetland taro cultivation. Ke'anae-Wailuanui is an extraordinary example of a highly developed historic Hawaiian wetland irrigation system which sustained the complex social organization and sophisticated customs and practices of the Native Hawaiian culture. The cultural landscape also includes the historic network of irrigation ditches and tunnels which were developed in the late

nineteenth and early twentieth centuries. The last completed segment of the Hana Belt Road is also in this cultural landscape.

Under Criterion B, Ke'anae-Wailuanui is associated with events which involved famous people such as the landing of Umi-a-Liloa's war canoes during his 14th century battle over Hana against Ho'olae-Makua and the staging of the battles between Kalaniopu'u and Kahekili in the 18th century.

Under Criterion C, Ke'anae-Wailuanui epitomizes the quality and integrity of a historic landscape centered around the historic wetland cultivation of taro. In addition, the 2 churches, its public school facility and the Waikani Bridge are also excellent examples of each of these types of historic architecture.

Under Criterion D, Ke'anae-Wailuanui provides excellent potential to yield information important in the prehistory and history on the origins, chronology and development of Hawaiian taro cultivation, as well as the complex social structures which both sustained and perpetuated by this kind of agricultural technology.

Q. To what extent are those that now gather and attempt to farm taro in the valley genealogically linked to the Hawaiians that lived in the valley during the 1800's?

A. The informants that I interviewed said that they lived and farmed lands that their ancestors had lived on and farmed in the 1800's.

Q. Do you have any opinion based on your training and education of whether there is any correlation historically between the amount of traditional gathering from the streams and the amount of fish and limu that could be taken from the coastal areas of the valley and the sea for subsistence purposes?

A. Yes.

Q. What is that opinion?

A. The abundance of aquatic and marine resources are dependent upon the pristine, clean, free flowing year round streams flowing into the ocean. The bays where the fresh water mixes into the ocean water are important spawning grounds for the fish. Moki Day, a Hawaiian fisherman from the area, described how the bays are important breeding grounds which deserve protection:

You can consider all the shoreline area between here and Kaupo as breeding grounds for all these shoreline species of fish. They come into our rivers here because we have the fresh water, and they come in here and breed here and lay their eggs here.

According to the late Uncle Harry Mitchell, who had been a long-time resident of the area, the streams and the ocean together provided the breeding ground for 'o'opu. He described the lifecycle of the 'o'opu as follows:

The first heavy rains usually arrived in August or September, carrying the 'o'opu to the ocean where they spawned. Once they laid their eggs, the mother 'o'opu died. The baby 'o'opu, called hinano, would hatch and develop in the salt water from August/September through November. The salt water made them strong enough to climb up the stream where they would mature. About November, the hinano began to make their way upstream to the large fresh water pools in the mountains. Their migration upstream coincided with the arrival of the migratory birds from the north which fed upon the hinano as they made their perilous journey to the uplands.<sup>1</sup>

Q. Do you have an opinion on how significant the diversion of stream water from Wailuanui Valley by EMI has been on the ability of its residents to continue their tradition of taro growing and gathering from the streams and coastal areas?

A. Yes.

Q. What is that opinion?

A. The diversion of streams in the Ko'olau watershed, via the East Maui Irrigation (EMI) Company system, has reduced the surface water flow in the region mauka of the cultural landscape. The system currently provides most of the irrigation water for central Maui's large-scale agriculture and is the main source for county water supplies to upcountry Maui residents and farmers.

While the degree of reduction has not been quantified, the volumes of water carried by the ditch are significant and impact on the stream ecology in Ke'anae-Wailuanui is probable. Native endemic and indigenous species such as 'o'opu and 'opae and hihiwai are likely to have been affected within the last few generations, with consequent impact on the traditional gathering practices that are part of the local lifestyle. During interviews for the study, some residents expressed concern over the impact of the diversion of water by EMI Co. on the ecology of the region. They also questioned the effects that the EMI diversion may have on the temperature and consistent flow of stream water to taro lands.

Q. Do you have an opinion on what positive steps should be taken to promote the perpetuation of the cultural landscape of Ke`anae-Wailuanui?

A. Yes.

Q. What is that opinion?

A. Provide incentives for taro growing, such as tax relief for parcels used for taro farming. Provide support to the community to maintain the water sources and the 'auwai, such as state and county support to clean and maintain the agricultural irrigation systems. Maintain the Pi`ilani Trail along the shoreline as well as the trails and unimproved roads running makai from the highway to the beach, and the trails and unimproved roads running mauka into the forest reserve should be maintained and their significance in the cultural landscape assessed. The watershed's forest should be protected. Access for cultural, subsistence, and spiritual customs and practices should be afforded to those residents of the community who will maintain traditions of respect and stewardship of the land and water resources. Develop the Ke`anae Arboretum to offer interpretation and education, with emphasis on practical and hands-on experience. Improve lookout points with better paving, approach signage, interpretive signage, landscaping and benches. Preserve and maintain the 2 large heiau and other cultural sites. Document and protect historic taro terraces. Perpetuate significant aspects of the cultural landscape without hampering changes beneficial to the community and its residents.

Q. Are you familiar with crucial definitions of traditional land divisions used by Hawaiians?

A. Yes.

Q. What are the land divisions that were common in delineating the various land uses made by Hawaiians?

A. The traditional Hawaiian land divisions according to Malo (1951:16-18) consist of the following district, subdistricts, land divisions and land parcels:

- island: *Moku-puni* (cut off surrounded).
- Large District: *Apana* (pieces) or *Moku-o-loko* (interior division), e.g. Hana.
- Sections: *`Okana* or *Kalana*, e.g. Honua`ula. [*`Okana* is also a district or sub-district and usually comprising several *ahupua`a*; *Kalana* is smaller than a district (Pukui & Elbert 1971: 113, 258).]
- Subsection within *`Okana*: *Poko*. [Dividing a District, or *ahupua`a* into two or more sections, e.g.: Hamakua Poko; Hamakua Loa]

- *Ahupua`a* (running *mauka-makai*, from the mountains to the sea) [a sub-district land division, some contain a few hundred acres, others 10,000 acres, or more]
- *Ili-`aina* [*Ili-`aina*, a sub-division of an *ahupua`a*; *ili lele*, a discontinuous *ili-`aina*, consisting of two or more parcels of land in the same *ahupua`a* and having the same name]
- *Mo`o-`aina* [*mo`o-`aina* is a cultivated garden within an *ili-`aina* or *ili-lele*]
- *Pauku-`aina* (joints of lands) [*pauku-`aina* is a land section smaller than a *mo`o-`aina*]
- *Kihapai* (patches or farms) [dry land garden]
- *Ko`ele* [*ko`ele*, a cultivated garden, the produce of which went to the *ali`i* of the district or island]
- *Hakuone* (land cultivated by 'ohana with crops going to *konohiki*) [produce of which went to chief of the *ahupua`a*]
- *Kuakua* (broad *kuauna* or *kuaauna*, an embankment) [embankments between wet taro gardens, usually cultivated] (Malo 1951: 16-18). Information in brackets [ ] added.

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<sup>1</sup> Harry Mitchell, April 22, 1988.

CERTIFICATE OF SERVICE

I hereby certify that two (2) copies of the foregoing document were duly served on Linda L. Chow, Deputy Attorney General, for Hearings Officer, The Honorable E. John McConnell on August 1, 2005, by hand delivery. I further certify that one (1) copy was served on the remaining parties as indicated, on August 1, 2005.

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For Hearings Officer  
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DATED: Honolulu, Hawai'i, August 1, 2005.

Moses K. N. Haia III

ALAN T. MURAKAMI  
MOSES K. N. HAIA III  
Attorneys for Petitioners  
Na Moku Aupuni o Ko'olau Hui, et al.

# **EXHIBIT B**

## CURRICULUM VITA

**Davianna Pōmaika'i McGregor**  
1942 Naio St.  
Honolulu, Hawai'i 96817

### **Personal Data**

Birthplace: Honolulu, Hawai'i

### **Education**

Ph.D., University of Hawai'i, Manoa, Hawaiian/Pacific History, 1989  
M.A., University of Hawai'i, Manoa, Pacific Islands Studies, 1979  
P.D., University of Hawai'i, Manoa, Secondary Education, 1973  
B.A., University of Hawai'i, Manoa, Asian/Pacific History, 1973  
B.Ed., University of Hawai'i, Manoa, Secondary Education, 1972  
High School Diploma, Sacred Hearts Academy, Honolulu, 1968

### **Doctoral Dissertation**

"Kupa'a I Ka 'Aina: Persistence On The Land," University of Hawai'i - Manoa, 1989.

### **Masters Thesis**

"Hawaiian Resistance: 1887 - 1889," University of Hawai'i - Manoa, 1979.

### **Fellowships, Scholarships & Awards**

Awards for book, Na Kua'aina: Living Hawaiian Culture

- Kenneth W. Balridge Prize for best book in any field of history written by a resident of Hawai'i from 2005-2007.
- Hawai'i Book Publishers' Assn. 2008 Po'okela Award, Honorable Mention for Excellence in Hawaiian Culture.

Hung Wo and Elizabeth Lau Ching Foundation Award for Faculty Service to the Community, 2005

Smithsonian Institution Asian Pacific American Program, Inaugural Scholar-In-Residence, Spring 2000

Na Poki'i Graduate Fellowship, 1986 - 1987, 1988-89

Mary Kawena Pukui Hawaiian Studies Scholarship, 1986-87

Ford Foundation Fellowship, 1978 - 1980

### **Teaching Experience**

Ethnic Studies Program/Department, University of Hawai'i - Manoa,  
Professor, 2005 to present  
Associate Professor, 1995 to 2005  
Assistant Professor, 1987 - 1995  
Instructor, 1974 to 1986

**Courses Taught:**

ES 101 Introduction to Ethnic Studies: Basic concepts and theories for analyzing dynamics of ethnic group experiences, particularly those represented in Hawai'i and their relation to colonization, immigration, problems of identity, racism and social class.

ES 221 Hawaiians: Relationship between changes in Hawaiian lifestyle and development of Hawaiian economy; land use and tenure; Hawaiian institutions; Hawaiian resistance movements.

ES 301 Ethnic Identity: Individual and group problems of identity, identity conflict, culture conflict, inter-ethnic relations.

ES 310 Community, Ethnicity and Identity: Overview of ethnic communities with site visits to museums, social welfare units and community guest lecturers including police, health and education professionals.

ES 340 Land Tenure and Use in Hawai'i: Transformation of the traditional Hawaiian land system into a system of private property that is not completely Western given the ongoing recognition of the rights of access for traditional and customary Native Hawaiian practices. Examination of contemporary issues and concerns related to land and development.

ES 350 Economic Change and Hawai'i's People: Development of modern Hawaiian economy and impact on Hawai'i's people. Sugar, pineapple, and tourism industries; role of local and multinational corporations; scenarios for Hawai'i's future development.

ES 380 Field Work in Ethnic Studies: Oversee student field work projects relating to Hawaiian community issues.

ES 392 Change in the Pacific - Polynesia: examines shared traditional cultural customs and practices and contemporary political, economic, and social trends in the island societies which have been labeled "Polynesia."

ES 399 Directed Reading in Ethnic Studies: Oversee student research into aspects of Hawaiian history or contemporary Hawaiian issues.

ES 495/History 495 Hawaiian Labor History: Conditions of work under varying political, social, and economic transformations in Hawai'i; anthropological, sociological, and historic data.

Hawai'i History Institute, Summer 1992 and Summer 1995: Co-taught institute for secondary teachers of Hawai'i history. The institute reviewed key issues in Hawai'i's history; the findings of most recent research in the field; and historic sites and community resources for teaching Hawai'i history. It was sponsored by the National Endowment for the Humanities and the Historic Hawai'i Foundation.

**Areas Of Research and Teaching Interest**

Native Hawaiians:

- Persistence of subsistence, cultural & religious customs & practices
- Resistance in Nineteenth and Twentieth Centuries
- Well-Being in Territorial and Statehood Periods

- Traditional and Contemporary Land Use & Tenure
- Origin and Implementation of Hawaiian Homes Commission Act
- Sovereignty Movement - Recognition, Rights, Claims, Organizations

Indigenous Land Stewardship and International Rights

U.S. Empire in the Pacific

Cultural Impact Studies On Behalf Of Indigenous and Pacific Island Communities

#### **Administrative Experience**

Acting Director, Ethnic Studies Program, University of Hawai'i, Manoa, 1974 - 77, 1990  
 Served as director for the fledgling Ethnic Studies Program at the University of Hawai'i - Manoa during its formative years when its faculty struggled to develop the curriculum to establish it as a permanent program, between 1974 - 77.  
 Served as Acting Director while regular director was on leave in Spring 1990.

Principal Investigator, Ethnic Studies Oral History Project, 1976-78

Set up the Ethnic Studies Oral History Project within the administrative framework of the University of Hawai'i - Manoa campus together with the project staff. Funding for the program was attained through direct legislative funding.

Programmer, University of Hawai'i - Manoa Campus Center, 1974

Coordinator for summer student programs and non-credit courses.

#### **Published Works**

##### **Book of Original Scholarship**

Na Kua'aina: Living Hawaiian Culture, Honolulu: UH Press, 2007, xi, 372p..

##### **Edited Textbook**

Our History, Our Way: An Ethnic Studies Anthology, co-edited with Gregory Y. Mark and Linda A. Revilla, Dubuque, Iowa: Kendall/Hunt, 1996, ix, 469p.

##### **Articles in Refereed Journals**

"Statehood: Catalyst of the Twentieth Century Kānaka 'Ōiwi Cultural Renaissance and Sovereignty Movement," Journal of Asian American Studies, October 2010, Volume 13, Number 3: pp 311-326

Guest Editor, Journal of Asian American Studies, special issue on Pacific Islander Americans, Volume 7, Number 3, October 2004. Introduction: "Weaving Together Strands of Pacific Islander, Asian and American Interactions;" p. vii - xii Article: "Engaging Hawaiians in the Expansion of the U.S. Empire." p. 209-222

Co-editor with Rebecca King-O'Rian, Peace Review, A Journal of Social Justice special issue on Justice for Asian and Pacific Islander Americans, 2004.

"Research in Action: Ethnohistory of Puna," Social Process in Hawaii, Volume 39, 1999, p. 181 - 207.

"A Holistic Assessment Method of Health and Well-Being for Native Hawaiian Communities," with Jon Matsuoka and Luciano Minerbi, Pacific Health Dialog, Fall, 1998 Vol 5 (2) p. 361 - 369.

"An Introduction to the Hoa'aina and Their Rights," The Hawaiian Journal of History, vol. 30 (1996) p. 1 - 27

"Waipi'o Valley, a Cultural Kipuka in early 20th Century Hawai'i," The Journal of Pacific History, 30:2, 1995, p. 194 - 209.

"Kaua'i: Between Hurricanes," with Jon Matsuoka, in Ibrahim Aoude, (ed.), The Political Economy of Hawai'i, Social Process in Hawai'i Volume 35. Honolulu: Department of Sociology, University of Hawai'i, 1994, p 103 - 123.

"Sociodemographic Differences Related To Attitudes Concerning Economic Development In A Hawai'i Community," with Jon Matsuoka, Social Development Issues, 15 (2), 1993.

"Mai Ke Kai Mai Ke Ola, From The Ocean Comes Life", an article on Hawaiian customs and Practices on Kaho'olawe relating to the surrounding ocean, co-authored with Noa Emmett Aluli, M.D., Hawaiian Journal of History, vol. 26 (1992): 231 - 254.

"Aina Ho'opulapula: Hawaiian Homesteading," an article reviewing the original goals and purposes of the Hawaiian Homes Commission Act, as envisioned by the Hawaiian men who drafted the legislation, Hawaiian Journal of History, vol. 24 (1990): 1 - 38.

"Hawaiians:Organizing in the 1970's," Amerasia Journal, "Hawai'i: Issues and Perspectives," 7:2 (1980): 29-55

### **Articles in Scholarly Journals**

"A Community-Based Master Land Use Plan for Moloka'i Ranch? This effort deserves serious reflection," here! Urbanism, Design and Planning, Moloka'i, Department of Urban and Regional Planning, University of Hawai'i, Manoa, 2 Winter 2007, 68 - 87.

"Hawaiian Subsistence and Community Sustainability", here! Urbanism, Design and Planning, Moloka'i, with Jon Matsuoka and Luciano Minerbi, Department of Urban and Regional Planning, University of Hawai'i, Manoa, 2 Winter 2007, 40 - 67.

"Kaho'olawe: Rebirth of the Sacred", Amerasia Journal, "The Politics of Remembering" edited by Henry Yu and Mae M. Ngai, Volume 28: 3, (2002): 68 - 83.

"Voices of Today Echo Voices of the Past: 1845 Petitions," in Malama Hawaiian Land and Water, Honolulu: Bamboo Ridge Press, 29(Winter) 1985, 44 - 58.

"A Comparison of the Terms Malo Used for 'Steal', 'Theft', 'Rob', and 'Covet', With the Terms Used to Translate These Concepts in Baibala Hemolele and the First Penal Codes," Ka 'Unuhi, The Translator 1(May) 1980.

"A Translation and Analysis of No Ka Moe Kolohe, A Law of King Kauikeaouli Enacted on September 21, 1829," Ka 'Unuhi, The Translator 1(May) 1980.

### **Book Chapters**

'Aina: Ke Ola O Na Kanaka 'Owi / Land: The Health of Native Hawaiians with Noa Emmett Aluli, in \_\_\_\_\_, edited by Dr. Benjamin Young, in press, Honolulu: UH Press.

"Wao Kele O Puna and the Pele Defense Fund" with Noa Emmett Aluli, M.D. in A Nation Rising: Hawaiian Movements for Life, Land, and Sovereignty, edited by Noelani Goodyear-Ka'ōpua, Ikaika Hussey and Kahunawaika'ala Wright, Durham: Duke University Press, 2014.

"Our History, Our Way" Ethnic Studies for Hawai'i's People!" with Ibrahim Aoude, in A Nation Rising: Hawaiian Movements for Life, Land, and Sovereignty, edited by Noelani Goodyear-Ka'ōpua, Ikaika Hussey and Kahunawaika'ala Wright, Durham: Duke University Press, 2014.

"Recognizing Native Hawaiians: Reality Bites," in Sovereign Acts, edited by Frances Negron-Muntaner, in press.

"Recognizing native Hawaiians: A Quest for Sovereignty in Asian American Studies Now: A Critical Reader, edited by Jean Yu-wen Shen Wu and Thomas Chen, New Brunswick, N.J.: Rutgers University Press, 2010.

"An Ecological Model of Wellbeing," with Paula Tanemura Morelli, Jon Kei Matsuoka, and Luciano Minerbi in International Handbook of Social Impact Assessment: Conceptual and Methodological Advances, edited by Henk Becker and Frank Vanclay, 2003, translated into Farsi (Persian), Tehran: Office of Social and Cultural Studies, 2010 p 108-128.

"Using Geographical Information Systems for Cultural Impact Assessment," with Luciano Minerbi and Jon Matsuoka, in International Handbook of Social Impact Assessment: Conceptual and Methodological Advances, edited by Henk Becker and Frank Vanclay, 2003. translated into Farsi (Persian), Tehran: Office of Social and Cultural Studies, 2010, p 195 - 210.

"Nā Kua'āina: Living Hawaiian Culture" in We Go Eat: A Mixed Plate from Hawai'i's Food Culture, Honolulu: Hawai'i Committee for the Humanities, 2008

"Hawaiians in 2000" in The New Face of Asian Pacific America: Demographic and Cultural Change 2000 and Beyond, 2003, p 79 - 84.

"Constructed Images of Native Hawaiian Women," in Asian/Pacific Islander American Women: A Historical Anthology, edited by Shirley Hune and Gail Nomura, NYU press, 2003, p 25 - 41.

"An Ecological Model of Wellbeing," with Paula Tanemura Morelli, Jon Kei Matsuoka, and Luciano Minerbi in International Handbook of Social Impact Assessment: Conceptual and Methodological Advances, edited by Henk Becker and Frank Vanclay, 2003, p 108-128.

"Using Geographical Information Systems for Cultural Impact Assessment," with Luciano Minerbi and Jon Matsuoka, in International Handbook of Social Impact

Assessment: Conceptual and Methodological Advances, edited by Henk Becker and Frank Vanclay, 2003. p 195 - 210.

"Recognizing Native Hawaiians: A Quest for Sovereignty," in Pacific Diaspora: Island Peoples in the United States and Across the Pacific, edited by Paul Spickard, Joanne L. Rondilla, Debbie Hippolite Wright, Honolulu: University of Hawai'i Press, 2002, p 331 - 354.

"Hawaiian Subsistence, Culture and Spirituality and Natural Biodiversity: A Complementary Contribution to the Global Biodiversity Assessment," in Cultural and Spiritual Values of Biodiversity, United Nations Environment Programme, 1999.

"Native Hawaiian Women," in The Reader's Companion to U.S. Women's History, edited by Wilma Mankiller, Gwendolyn Mink, Marysa Navarro, Barbara Smith, and Gloria Steinem, Boston: Houghton Mifflin Company, 1998, p 423 - 425.

"Moloka'i: A Study of Hawaiian Subsistence and Community Sustainability," in Sustainable Community Development: Case Studies in Economic, Environmental & Cultural Revitalization, with Jon Matsuoka and Luciano Minerbi, ed. by Marie D. Hoff, St. Lucie Press, 1997, 25 - 44.

"The Cultural and Political History of Hawaiian Native People," and "Self-Determination and Native Peoples: The Case of Hawai'i" in Our History, Our Way: An Ethnic Studies Anthology, ed. Gregory Yee Mark, Davianna Pomaika'i McGregor, Linda A. Revilla, Dubuque, Iowa: Kendall/Hunt, 1996, p 333 - 396.

"Ho'i Ho'i Ea Hawai'i: Restoring Hawaiian Sovereignty," in New Politics in the South Pacific, ed. by Ron & Marjorie Crocombe, Tony Deklin, Werner vom Busch, Esther Williams and Peter Larmour. Suva, Fiji: Institute of Pacific Studies, 1994, p 31 - 54.

"The Healing of Kaho'olawe," with Noa Emmett Aluli in Ulla Hasager and Jonathan Friedman (eds.), Hawai'i: Return to Nationhood. Copenhagen: International Working Group for Indigenous Affairs, Document no. 75, 1994, p 197 - 209.

"'Au'a 'ia' To 'Mele O Kaho'olawe:' Voices of Power and Vision" in Franklin Ng, Judy Yung, Stephen S. Fugita, Elaine H. Kim (eds.), New Visions in Asian American Studies, Diversity, Community, Power, Pullman: Washington State University Press, 1994, 253 - 270.

"Endangered Culture: Hawaiians, Nature, and Economic Development" with Jon Matsuoka in M. Hoff and J. McNutt (eds.), Social Work and The Environment. London: Avebury/Gower House Publishers, 1994.

"Pele vs. Geothermal: A Clash of Cultures," in Bearing Dreams, Shaping Visions: Asian Pacific Americans Facing the 90's, Seattle: Washington State University Press, 1993.

"Redress for Indigenous Peoples' Rights: The Case of Native Hawaiians," in Restructuring for World Peace: On the Threshold of the Twenty-First Century, ed. by Katharine and Majid Tehranian, Cresskill: Hampton Press, Inc, 1992, p 161 - 181.

"Ho'omau Ke Ea O Ka Lahui Hawai'i: The Perpetuation of the Hawaiian People," in Ethnicity and Nation-building in the Pacific, ed. by Michael Howard, Tokyo: United Nations University, 1989, p. 74 - 97, 74 - 97.

"Hanauna," essay on Queen Lili'uokalani in Hanai: A Poem For Queen Lili'uokalani, John Dominis Holt, Honolulu: Topgallant Publishing Co., Ltd., 1986, p. 51 - 70.

"Hawaiian History Timeline Series of Hawaiian History," Honolulu: Editions Limited, 1985.

"The Hawaiian Monarchy Timeline Series of Hawaiian History," co-writer, Honolulu: Editions Limited, 1985.

### **Scholarly Publications**

"Native Hawaiians and Pacific Islanders" in Asian Americans: An Encyclopedia of Social, Cultural, Economic and Political History edited by Zhao Xiaojian and Edward Park, in press

Foreword to Edward Bailey, A Life on Maui, Linda McCullough Decker, Honolulu: Rainsong, 2010, p. xvii - xx.

"Kai Ākea,", in Ho'i Hou Ka Wena I Kaiwi'ula: Restoring Bishop Museum's Hawaiian Hall Bishop Museum Press, 2009, p 20 - 23.

Introduction to Kailua: I Ke Oho O Ka Malanai/In the Wisps of the Malanai Breeze, Kailua: Kailua Hawaiian Civic Club, 2009, p xvii - xx.

"Aloha 'Āina" issue paper, 2005 Sustainability Plan, UHM College of Social Sciences Public Policy Center, 2007.

### **Technical Reports**

"Cultural Impact Assessment for Construction and Public Use of the Ala Pālā'au Project, Pā Iā'au State Park, Moloka'i" for Ke Aupuni Lōkāhi, Moloka'i Enterprise Community, November, 2009.

Tropical Storm/Typhoon, Tsunami Response Study Commonwealth of the Northern Marianas Islands, 2007-2008, for U.S. Army Corps of Engineers Honolulu District by Group 70 International and University of Hawai'i, Manoa School of Social Work and Ethnic Studies Department, June 30, 2008.

Hurricane Evacuation Behavior Study for Guam and the Commonwealth of the Northern Marianas for the U.S. Army Corps of Engineers with Jon Matsuoka, December 31, 2006.

Cultural Assessment Report for the La'au Point Rural-Residential Development, assisted by Sean McNamara, November 15, 2006.

Cultural Assessment for the Mo'omomi Preserve, Kaluako'i, Island of Moloka'i, for The Nature Conservancy, June 15, 2006, assisted by Blake La Benz.

Cultural Assessment for the Kamakou Preserve, Makakupa'ia and Kawela, Island of Moloka'i, for The Nature Conservancy, June 15, 2006, assisted by Blake La Benz.

Moloka'i Responsible Tourism Initiative: A Community-based Visitor Plan for Moloka'i, for Ke 'Aupuni Lokahi-Moloka'i Enterprise Community, February 2006.

Phase III: Native Hawaiian Access Rights Project, Recommendations for SMA Rules and Process, for Hawai'i Coastal Zone Management Program, Office of Planning, Department of Business, Economic Development and Tourism, Pursuant to National Oceanic and Atmospheric Administration, Award No. NA870Z0233, 2002.

"Cultural and Socio-economic Assessment." with M.P. Crosby, J.W. Milon, D. Rosen, and D.O. Suman in Alternative Access Management Strategies for Marine and Coastal Protected Areas, A Reference Manual for their development and assessment, U.S. Man and the Biosphere Program, 2000.

Phase II: Native Hawaiian Access Rights Project for Hawai'i Coastal Zone Management Program, Hawai'i Office of Planning, State of Hawai'i, Department of Business Economic Development and Tourism Pursuant to National Oceanic and Atmosphere Administration Award No. NA870Z0233, 2000.

Phase I: Native Hawaiian Access Project for Hawai'i Coastal Zone Management Program, Hawai'i Office of Planning, State of Hawai'i, Department of Business Economic Development and Tourism Pursuant to National Oceanic and Atmosphere Administration Award No. NA770Z0185, 1999.

Hawai'i Externalities Workbook, "Chapter 8.0 Native Hawaiian Impacts." Co-authored with Jon Matsuoka and Luciano Minerbi, under contract with Energy Research Group, Inc. for Hawaiian Electric Company, July 1997.

"Contemporary Subsistence Fishing Practices Around Kaho'olawe: Study Conducted for the NOAA National Marine Sanctuaries Program." Co-authored with Noa Emmett Aluli, Manny Kuloloio, Malia Akutagawa, and Kehau Walker. Kaunakakai: Protect Kaho'olawe Fund, May 1997.

"Hawaiian Cultural and Resource Management" in CRM: Cultural Resource Management, National Park Service, V. 19, no. 18, pp 17-20, 1996.

"Traditional Hawaiian Cultural, Spiritual, and Subsistence Beliefs, Customs, and Practices and Waiahole, Waikane, Hakipu'u, and Kahana" for Native Hawaiian Advisory Council, September 1995.

"Kaho'olawe Use Plan," with PBR-Hawai'i, for Kaho'olawe Island Reserve Commission, 1995.

"Kalo Kanu O Ka 'Aina: A Cultural Landscape Study of Ke'anae and Wailuanui, Island of Maui," with Group 70, Inc. and Cultural Surveys Hawai'i, Inc., for the County of Maui Planning Department and the Maui County Cultural Resources Commission, May 1995.

"Governor's Moloka'i Subsistence Task Force Report," with Jon K. Matsuoka and Luciano Minerbi, Moloka'i Department of Business, Economic Development, and Tourism, 1994.

"The Cultural, Political and Legal History of Hawaiian Native People," with Professor Rob Williams, Professor James Anaya, Professor Eric Yamamoto, Alan Murakami, Esq., Elizabeth Pa Martin, Esq., Joyce McCarty, Esq., and Professor Emeritus Stephen Boggs, Ford Foundation, 1994.

"Native Hawaiian Ethnographic Study for the Hawai'i Geothermal Project Environmental Impact Study," with Jon K. Matsuoka and Luciano Minerbi for the Oakridge National Laboratories Environmental Impact Study for the U.S. Department of Energy, 1993.

"Kaua'i Island Study," with Jon Matsuoka and Masters in Social Work Students at the Kaua'i Community College, Fall 1991.

"Native Hawaiian and Local Cultural Assessment Project," with Jon K. Matsuoka and Luciano Minerbi, State of Hawai'i Department of Health Hawai'i Environmental Risk Ranking Project, 1991 - 1993.

"Sociocultural Impact Assessment" in the Environmental Impact Statement for the Commercial Satellite Launching Facility, Palima Point, Ka'u, Hawai'i, with Jon Matsuoka, 1991.

### **Grants and Contracts**

Title: Cultural Impact Assessment for Construction and Public Use of the Ala Pālā'au Project, Pā lä'au State Park, Moloka'i"

Principal Investigator: Responsible for 100% of the report, 2009

Funded: Ke Aupuna Lōkāhi, Moloka'i Enterprise Community, \$1500

Title: Tropical Storm/Typhoon, Tsunami Response Study, Commonwealth of the Northern Marianas Islands, 2007 – 2008

Researcher: Responsible for 50% of the report

Funded: U.S. Army Corps of Engineers and Group 70, International, \$103,000

Title: 2050 Sustainability Plan Project – Issue paper and technical support on cultural stewardship, paper entitled, Aloha 'Aina.

Principal Investigator: Responsible for 100 percent of the paper

Funded: UHM College of Social Sciences Public Policy Center, 2007 Sustainability Plan Project, \$5,000.

Title: Tropical Storm/Typhoon, Tsunami Response Study: Guam and Commonwealth of the Northern Marianas Islands, Survey Instrument Development Phase.

Researcher: Responsible for 50% of the report, 2005 - 2006

Funded: U.S. Army Corps of Engineers and Group 70, International, \$100,00

Title: Cultural Assessment for the Mo'omomi Preserve, Kaluako'i, Island of Moloka'i and Cultural Assessment for the Kamakou Preserve, Makakupa'ia and Kawela, Island of Moloka'i,

Principal Investigator: Responsible for 80 percent of the report, 2006

Funded: The Nature Conservancy, \$10,000

Title: Moloka'i Responsible Tourism Initiative

Principal Investigator: Responsible for 100 percent of the study and report 2004 - 2005

Funded: Rural Development Project of Maui Community College and Ke Aupuni Lokahi Moloka'i Enterprise Community Governance Board, \$10,000

Title: Phase III: Native Hawaiian Access Rights Project for Hawai'i Coastal Zone Management Program, Hawai'i Office of Planning, State of Hawai'i, Department of Business Economic Development and Tourism Pursuant to National Oceanic and Atmosphere Administration Award

Principal Investigator - responsible for 45 percent of the study and report  
2000 - 2002

Funding: Hawai'i Office of Planning, State of Hawai'i, Department of Business Economic Development and Tourism Pursuant to National Oceanic and Atmosphere Administration Award, \$25,100.

Title: Community Assessment of a Community Center in Wai'anae  
Co-Principal Investigator – responsible for 30 percent of the study and report  
2000 - 20003

Funded: Consuelo Zobel Alger Foundation Community and Department of Hawaiian Homelands, \$18,622.

Title: Research and Development Planning For Hawaiian Well-Being  
Researcher – responsible for 35 percent of the study  
1999 - 2000

Funded: Office of Hawaiian Affairs

Title: Phase II: Native Hawaiian Access Rights Project for Hawai'i Coastal Zone Management Program, Hawai'i Office of Planning, State of Hawai'i, Department of Business Economic Development and Tourism Pursuant to National Oceanic and Atmosphere Administration Award No. NA87OZ0233

Principal Investigator - responsible for 35 percent of the study and report  
1999

Funded: Hawai'i Office of Planning, State of Hawai'i, Department of Business Economic Development and Tourism Pursuant to National Oceanic and Atmosphere Administration Award No. NA87OZ0233, \$20,000.

Title: Phase I: Native Hawaiian Access Project for Hawai'i Coastal Zone Management Program, Hawai'i Office of Planning, State of Hawai'i, Department of Business Economic Development and Tourism Pursuant to National Oceanic and Atmosphere Administration Award No. NA77OZ0185.

Principal Investigator - responsible for 35 percent of the study and report  
1998

Funded: Hawai'i Office of Planning, State of Hawai'i, Department of Business Economic Development and Tourism Pursuant to National Oceanic and Atmosphere Administration Award No. NA 770Z0185, \$22,000.

Title: Hawaiian Externalities for the Hawaiian Electric Company Integrated Resource Plan

Participating Researcher- responsible for 25 percent of the study and report  
1997

Funded: Hawaiian Electric Company

Title: Traditional Hawaiian Cultural, Spiritual, and Subsistence Beliefs, Customs, and Practices and Waiahole, Waikane, Hakipu'u, and Kahana  
Pro bono study for the Native Hawaiian Advisory Council  
1995  
Funded: Office of Hawaiian Affairs

Title: Kaho'olawe Land Use Plan  
Pro bono member of the planning team - responsible for 15 percent of the study and report, 1995  
Funded: Kaho'olawe Island Reserve Commission

Title: Ke'anae-Waluanui Cultural Landscape Survey  
Participating Researcher - responsible for 15 percent of the study and report  
1994  
Funded: Maui County Planning Department - \$22,000

Title: Mo'omomi Community-Based Subsistence Fishing Area Management Plan  
Pro bono Participating Researcher - responsible for 15 percent of the study and report  
1994  
Pro bono: Moloka'i Office of Department of Business and Economic Development and Hui O Mo'omomi

Title: Native Hawaiian Ethnographic Study for the Hawai'i Geothermal Project Environmental Impact Study  
Participating Researcher - responsible for 30 percent of the entire study  
1993 - 1994  
Funded: U.S. Department of Energy to Oak Ridge National Laboratory- \$100,000

Title: Governor's Moloka'i Subsistence Task Force Study  
Participating Researcher - completed 40 percent of the study and report  
1993 - 1994  
Funded: Department of Business and Economic Development - \$36,000

Title: Kaho'olawe Cultural Resources Ocean Study  
Participating Researcher - responsible for 40 percent of the study and report  
1993 - 1994  
Funded: National Oceanic and Atmospheric Administration to Protect Kaho'olawe Fund - \$24,800

Title: Native Hawaiian and Local Cultural Assessment Project, Hawai'i Environmental Risk Ranking Project  
Participating Researcher - completed 35 percent of the study and report  
1992 - 1993  
Funded: State of Hawai'i Department of Health - \$14,600

Title: Status and Entitlements of Hawaiian Natives  
Historical Researcher - completed 10 percent of study and report  
1992  
Funded: Ford Foundation to the Native Hawaiian Advisory Council, 1992 - \$90,000  
Title: Hawaiian Sovereignty Education Grant

Pro bono Curriculum Development Consultant - during the first year, contributed to the development of 5 percent of the curriculum materials, including a documentary video 1991 - 1992

Funded: Administration for Native Americans to Hui Na'auao Hawaiian Sovereignty Education Project - \$364,061 - year 1; \$342, 240 year - 2; \$285, 515 year - 3

Title: Kaua'i Island Study

Participating Researcher - completed 10 percent of the study and report 1991

Pro bono: in conjunction with Social Work research course at the Kaua'i Community College

Title: Sociocultural Impact Assessment of a Commercial Satellite Launching Facility at Palima Point, Ka'u, Hawai'i.

Participating Researcher - completed 30 percent of the study and report 1991

Funded: Department of Business, Economic Development and Tourism - \$27,000

Title: The Cultural Landscape of Heiau Sites in Hawai'i

Principal Investigator - completed 2 percent of the study 1990-91

Funded: Hawai'i State Department of Land and Natural Resources, Division of Historic Preservation - \$3,997

Educational Improvement Fund, University of Hawai'i, 1987, "Experiential Education at the Kanewai Cultural Garden," Principal Investigator.

#### **Audio-Visual Media**

"Ho'ala," documentary video reviewing changes in the sovereignty of Native Hawaiians at key periods in history from the pre-contact period through Annexation in 1898.

Helped to write the script for producers and directors, Hui Na'auao (consortium of 30 Hawaiian sovereignty organizations) and Juniroa Productions, 1992

"Kaho'olawe: Aloha 'Aina," documentary videotape on the natural and cultural resources of Kaho'olawe. Helped to write the script with producers and directors Na Maka O Ka 'Aina, the Protect Kaho'olawe Fund, and Talk Story, Inc. with funding from the Hawai'i Committee for the Humanities and the State Foundation on Culture and the Arts, 1992.

"Pele's Appeal", documentary videotape on the significance of the volcano and the rainforest to native Hawaiian culture and its threatened destruction by geothermal energy development, served as script consultant to the producers and directors, Pele Defense Fund and Na Maka O Ka 'Aina, 1989.

"Na Wai E Ho'ola I Na 'Iwi? Who Will Care For The Bones?," documentary videotape on the Honokahua Burials issue, script consultant to Na Maka O Ka 'Aina, 1988.

"Kapu Ka'u," documentary videotape on the cultural and historical significance of the Ka'u district of Hawai'i Islands, script consultant to Na Maka O Ka 'Aina, 1987.

"Ti Mangyuna: Those Who Led The Way," docudrama on Filipinos in Hawai'i, co-writer, 1981.

### **On Line Resources**

"Healing Elements: A Native Hawaiian Perspective," Voyage to Health Higher Education Module, U.S. National Library of Medicine, 2011  
<http://www.nlm.nih.gov/exhibition/avoyagetohealth/education/HEhealingelements.html>

### **News Articles**

"Proper Recognition: Is the Akaka Bill the Best Prescription for Hawaiians? Yes: Independence Does Not Offer Same Guaranteed Protection of Native Rights," The Honolulu Advertiser, Sunday Editorial Section, p. B-1, April 25, 2004

"Prince Jonah Kuhio: An introduction to his life," Honolulu, Hawai'i, Center for Biographical Research, 2002, 2p.

"There's more to History than Overthrowers Told" The Honolulu Advertiser, Sunday September 7, 1997, Focus, p. B-1& B-4.

"The Hawai'i Land Reform Act: Public Interest or Hawaiian Rights?" Ka Huliau newspaper, January - February 1985.

### **Refereed Conference Contributions**

Annual Conference of the Association for Asian American Studies (AAAS)

2013 Seattle, Washington  
Paper: "Revitalizing a "Sacred" Landscape: Kanaloa Kaho'olawe, Hawai'i"

2012 Washington D.C.  
Plenary: Asian American Empire: Revisiting Pacific Island Studies and Pacific Islanders in  
Asian America/n Studies  
Paper: Alter-Native Energy for Hawai'i: Challenging Lines of Power

2010 Austin, Texas  
Plenary: Celebrating the 40th Anniversary of the AAAS

2008 Chicago, Illinois  
Paper: Un-melting 20<sup>th</sup> Century Myths of the Chicago School About Hawai'i

2007 New York, New York  
Paper: Molokai: Not for Sale. Just Visit" - Tourists Encounter the Last Hawaiian Island

2005 Los Angeles, California  
Paper: Hawaiian Diaspora and the Culture Drain

2004 Boston, Massachusetts  
Paper: Engaging Hawaiians in the Expansion of the U.S. Empire

2003 San Francisco, California  
Paper: Natives and Locals: Contested Identities of Hawai'i

2002 Salt Lake City, Utah  
 Paper: Indigenizing Asian American Studies: Hawai'i and the Pacific

2001 Toronto, Canada:  
 Paper: "Nature, Class and Constructed Image: Native Hawaiian Women,"  
 Panel Chair and Discussant: Locating Hawai'i and the Pacific in Asian American Studies: The Politics of Culture

2000 Scottsdale, Arizona  
 Paper: Sunbathers vs. Fishermen or Tourism vs. Subsistence: Researching Divergent Rights of Access

1999 Philadelphia, Pennsylvania  
 Paper: Original Hawaiian and Local Cultures in the New Millennium?

1998 Honolulu, Hawai'i  
 Paper: Planning to Keep Moloka'i Hawaiian  
 Panel Chair and Discussant: Representing Hawaiians and Hawaiian

1997 Seattle, Washington:  
 Paper: Models of Sovereignty in the Pacific

1994 Ann Arbor, Michigan  
 Paper: Sovereignty: Hawaiians and Locals

2003 First Annual Kamehameha Research Conference on the Education and Well-being of Hawaiians  
 Paper: Cultural Kipuka and the Perpetuation of Native Hawaiians  
 Panel: A Holistic Model of Native Hawaiian Well-Being

Western History Association Conference  
 1997 Denver, Co.  
 Paper: Cultural Change and Continuity in Rural Hawaiian Communities

1992 Yale University, New Haven, Connecticut  
 Paper: Perpetuation of Hawaiian Custom, Belief and Practice in Rural Hawaiian Communities

### **Invited Conference Presentations**

"Statehood: Unexpected Catalyst of the Hawaiian Cultural Renaissance and Sovereignty Movement" Plenary Panel on Challenging Inequalities Among Nations, Association for Asian American Studies 2009 Conference

"Ka Wai Ola: The Living Water," Panel on Planning Pono - Hawaiian Values, Tradition & Customary Uses & Views of Resources Protection & Process for the Water Use & Development Plans at the Hawaii Water Works Association Conference, October 2008

Reserved Rights of Native Hawaiians, Weaving Together Natural Resource Management and Native Hawaiian Cultural Needs, U.S. Fish and Wildlife Service/Native Hawaiian Workshop, Winter 2007.

U.S. and Hawai'i: Dis-Connecting the Native from the Land, the Demise and Rebirth of the Sacred, University of the Ryukyus, Okinawa, Japan, 2006

"Recognizing Native Hawaiians: Reality Bites," Conference on The Space of Sovereignty: Land, Law and Citizenship at Columbia University, 2005.

"Cultural Impact Assessments," Hawai'i State Association of Counties Conference on "Smart Growth: A Step in the Right Direction," 2001.

"Practicing Native Hawaiian Access and Gathering Rights," Hawai'i Congress of Planning Officials Conference, October 2000.

"Background and History of the Kanaka Maoli Through the Study of the U.S. Apology to the Kanaka Hawai'i Maoli," The Native Hawaiian Convention, 1999

"He Mo'olelo: From Kapu to Kuleana," Hawaiian Historical Society Conference on "Ka 'Aina: Rethinking Our Kuleana," 1998.

"Life After PASH," Native Hawaiian Bar Association Conference, 1997

"GIS Overlay Mapping of Native Hawaiian Cultural and Natural Resources," 15th Annual Pacific Island Coastal Zone Management Conference, 1997.

"Native Hawaiian Sovereignty in Hawai'i's Future in the Global Economy," Hawai'i State Association of Counties, 1996.

"The 'Aina in History," Hawaiian Historical Society Conference, 1996.

"Oral Traditions And Writing Hawaiian History" Hawaiian Historical Society, October 1994.

"Hawaiian Sovereignty and Land Use," HCPO, September 1994.

"Restoring Hawaiian Sovereignty," Second National Conference on Relations Between the United States and American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the United States Virgin Islands, May 1994.

"Protecting Hawaiian Cultural Kipuka," Hawai'i State Association of Counties Conference on Shaping Tourism's Future, Honolulu, 1994.

"Protocol in Conducting Research in Hawaiian Communities," Native Hawaiian Health Conference, Honolulu, 1994.

"The Continuity of Hawaiian Customs, Beliefs and Practices: New Threats to the Perpetuation of Hawaiian Culture," Colloquium; "The Hawaiian 'Ohana/Family," Lecture in Asian American Family Class;

"Pele versus Geothermal Energy," Lecture in Asian American Women Class; Department of American Ethnic Studies, University of Washington, April 1993.

"Hawaiian Culture and Health Environmental Risk Ranking," HPCO, 1993.

"Hawai'i: 1778 - 1992, A Troubled Paradise,"  
"Hawaiians: 1893 to 1993, From Conquest to Sovereignty"  
Lectures at University of Michigan, 1992.

"Hawaiian Sovereignty," Lecture at University of California, Berkeley 1992.

"Hawaiian Perspective On Conflict Resolution," Hawai'i State Association of Counties Conference on Conflict Resolution, Hilo, 1991.

### **University Committees**

2012 - 2013 Personnel Committee - ES Department (chair), Center for Pacific Islands Studies(chair), Hawaiian Studies

2011 Tenure and Promotion Review Committee UH Mānoa  
Personnel Committee - ES Department (chair), Center for Pacific Islands Studies (chair), Hawaiian Studies

2010 Personnel Committee - ES Department (chair), Center for Pacific Islands Studies

2009 Department Personnel Committee (chair), Center for Pacific Islands Studies

2008 College of Natural Sciences, UH Manoa Program Review Committee

2003 to Present  
Associate faculty in Culture and Ethnicity with the College of Social Sciences  
Public Policy Center

2002 to 2005  
University Council on Program Reviews

2000 - 2001  
Arts and Sciences Educational Planning and Policy Core Curriculum Committee

2000 West O'ahu College Selection Committee for Hawaiian Studies Position  
Social Sciences Core Curriculum Committee

1999 to 2004  
Ka Papa Lo'i O Kanewai Coordinating Committee

1997 to present  
Ethnic Studies Department Personnel Committee

1997 WASC Standard 7 Review Committee

1995 - 2002  
Manoa Forum II

### **Professional Service**

Bishop Museum Affiliate Faculty, Hawaiian and Pacific Studies, 2004 to present

Asian Pacific American History Collective, 2002 to present

Association of Asian American Studies, Board of Directors, 1999 - 2002

Journal of Asian American Studies Editorial Board, 1998 to present

The Contemporary Pacific Journal Editorial Board, 1998 to present

### **Community Service**

Asian American/Pacific Islander Scholars Expert Panel of the National Park System Advisory Board, 2014.

Native Hawaiian Cultural Communications Course, Department of Defense, 2009, 2010; 2011; June 2012, February 2014

Director, Moloka'i Land Trust, 2007 to present; Vice-President 2014 to present.

Native Hawaiian Cultural Communications Course, National Museum of the American Indian Executive Training Session, Department of Defense, December 13, 2007, Washington D.C.

Weaving Together Natural Resource Management and Native Hawaiian Cultural Needs, U.S. Fish and Wildlife Service/Native Hawaiian Workshop, Winter 2007.

Continuing Medical Education Presentation, "Queen Emma Foundation: Auhea Ho'i He Kauoha? Where is the Bequest," 2007

Co-chairperson, Humanities Scholar for Hawaiian Historical Society 2005 Conference, "'Olelo Makuahine: New Hawaiian Language Based Resources"

Participant in the Moloka'i Ranch Community-Based Master Land Use Planning Committee as a project of the Ke Aupuni Lokahi Moloka'i Enterprise Community Governance Board, 2004

Sustainable Tourism Study, Native Hawaiian Advisory Committee, 2003

"Kaho'olawe: Rebirth of A Sacred Hawaiian Island," script writer and coordinator, Exhibit at the Smithsonian Arts and Industries Building, June 5 to September 2, 2002. Joint project of the Bernice Pauahi Bishop Museum, Community Development Pacific, and Protect Kaho'olawe Fund in cooperation with the Smithsonian Asian Pacific American Program, 2000-2002.

Bishop Museum New Trade Winds U.S.-China Trade Advisory Committee to Renovate Hawaiian Hall, 2000, 2007, 2008

Hawaiian Historical Society, Board of Directors, 2000 – 2004

Reader to screen applicants, Inaugural Gates Millennium Scholars Program, 2000, 2001, 2002

U.S. Department of Interior, research and review of Report on the Reconciliation Process Between the U.S. Government and the Native Hawaiian People, "From Mauka to Makai The River of Justice Must Flow Freely," 2000

Grant Writing Team, Moloka'i Rural Empowerment Zone Application, submitted to United States Department of Agriculture October 9, 1998 by The Community of Moloka'i. The Moloka'i Community was designated a Rural Enterprise Community and was awarded \$2.5 million.

Historic Hawai'i, Board of Directors, 1997 - 2005

PASH/Kohanaiki Study Group, convened by the Office of State Planning of the Hawai'i State Department of Business, Economic Development, and Tourism to report to the

Hawai'i State Legislature on issues arising from the Supreme Court Ruling in PASH v. Nansay and options to help resolve the issues, 1997

Historian consultant, "Lili'uokalani: Hawai'i's Last Queen," produced by Vivien Ducat for the American Experience series of the Public Broadcasting System, 1996.

Vice-chairperson, Hawaiian Sovereignty Elections Council, initially appointed by the Governor of Hawai'i as the Hawaiian Sovereignty Advisory Commission, 1994 - 1996. The Council conducted the Native Hawaiian Vote in 1996.

Kohemālamalama O Kanaloa/Protect Kaho'olawe Fund, Board of Directors, 1996 to present. Secretary-Treasurer, 2006 to present.

Protect Kaho'olawe 'Ohana - O'ahu Access Coordinator, Liaison for the 'Ohana with the U.S. Navy, 1984 to 1999; Access Co-coordinator 2000 – present.

Expert Witness

Civil Cases:

Kostick v Nago, Civil No. 12-00184 JMS-LEK-MMM

Apiki Omerod v C. Brewer and Company, Ltd., Civil No. 03-1-0026

Arakaki v Lingle. Civil No. 02-00139 SOM-KSC

Walter John Kelly v 1250 Oceanside Partners, Civil No. 00-0912K I

Barrett v. Cayetano. Civil No. 00-00645 SOM/UEK

Office of Hawaiian Affairs, et al vs. Housing and Community Development Corporation of Hawaii, et al, Civil No. 94-4207-11 SSM, 1994 - 2001

Malama Makua v. Donald H. Rumsfeld, Civil No. 00-00813 (SOM) (LEK), 2001

Hanakeawe v. Nansay Hawaii. Inc., Civ. No. 90-316 (Kona)

Pele Defense Fund v. Campbell Estate

Pele Defense Fund v. Paty

Kamaka v. Department of Defense

Criminal Trespass Cases:

State of Hawai'i v. Lloyd Pratt

State of Hawai'i v Kaupiko, CR. No. 97-116

State of Hawai'i v. Kei'i'ko'a

State of Hawai'i v. Kaleo Patterson

State of Hawai'i v. Spalding

State of Hawai'i v. Naeole

Administrative Hearings:

Before the State of Hawai'i Water Commission in the Na Moku Aupuni O Ko'olau Hui Case. 2005

Before the State of Hawai'i Water Commission in the Kamiloloa Aquifer Case, 1997

Before the State of Hawai'i Water Commission in the Ewa Marina Case, 1996

Before the State of Hawai'i Water Commission in the Waiahole Water Case, 1996

Before the Public Utilities Commission, Docket # 7259 Relating to Hawaiian Electric Light Company, Regarding Integrated Resource Planning, 1993

Before the Public Utilities Commission, Docket # 6617 To Require Energy Utilities in Hawai'i to Implement Integrated Resource Planning, 1990

Humanities consultant, Japanese-American National Museum, Kona Coffee Exhibition, 1994

Vice-chairperson, Hawaiian Sovereignty Advisory Commission, appointed by the Governor of Hawai'i to advise the Legislature on the organizing of a convention to draft an organic document for a sovereign Hawaiian nation, 1993.

Member, Hawaiian Electric Company Advisory Groups on Supply-Side Resources and Integration Plan for the Integrated Resources Management Plan. Statewide Panel Presentations on "Externalities," 1992 - 1993.

Consultant, U.S. Navy advisory group to develop a Cultural Resources Management Plan for Kaho'olawe Island as a historic property on the National Register of Historic Places, 1992.

Governor's Planning Committee on Kaho'olawe, 1990 - 1993.

Hui Malama I Na Kupuna O Hawai'i Nei - member, organization is taking responsibility for proper treatment of native Hawaiian burials, 1989 - 1991.

Interim O'ahu Advisory Council on Burials, Department of Land and Natural Resources, State Historic Preservation Office - member, 1989 - 1991.

Pele Defense Fund - Consultant on the Integrated Resource Plan, pro bono, 1989 to 1994.

Selection Committee for Hawai'i Filmmaker's section of the Hawai'i International Film Festival, 1990.

Academic Humanist Scholar for Projects of the Hawai'i Committee for the Humanities:

2009 Hawai'i Book and Music Festival, Essay on "Importance and Significance of "Place" as Kānaka 'Ōiwi," Sense of Place Tabloid, Moderator of Panel on this topic.

"Timeless Craft: Building Mauloa" documentary film, Humanities Scholar, 2009

"Biography Hawai'i: Five Lives, A Series of Public Remembrances," Scholar for programs on Prince Jonah Kuhio Kalaniana'ole, and Koji Ariyoshi, sponsored by the Center for Biographical Research of the University of Hawai'i, Manoa and Hawai'i Public Television, 2002 - 2004.

"The Panala'au Years: Survivor - Hawaiian Style," with the Bishop Museum, 2002.

"1898 – 1998: Rethinking the U.S. in Paradise," with the American Friends Service Committee, Principal Humanities Scholar, 1998.

"Indigenous Voices", East-West Film Festival, Principal Humanities Scholar, 1993.

Papakolea: Where the Shorebirds Land," Humanities Scholar, 1992-93.

"Kaho'olawe: Aloha 'Aina Film Project," Principal Humanities Scholar, 1988 - 1994.

"Hollywood's Hawai'i," panel discussant, Principal Humanities Scholar on the portrayal of Hawai'i's people in film, 1992.

"Let's Talk About It," lecture/discussion on Ho'i Ho'i Hou and Malama Hawaiian Land and Water collections of poems and essays in various community libraries, 1989, 1990.

"Let's Talk About It," lecture/discussion on Hawaii's Story By Hawaii's Queen, 1986, 1988, 1989, 1990

"People Speaking," discussion on outstanding women of Hawai'i in conjunction with a play on Mother Jones and Mary Bethune, 1986

Humanities in the libraries, discussion on video regarding the issue of reparations for Native Hawaiians, 1986

"Papa Hana Lanai: Future Changes and Alternatives for the People of Lanai," 1977

Pacific Concerns Resource Center, Advisor, Steering Committee, 1981 to 1989.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'OHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAPUA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF AJA AKUNA

DECLARATION OF AJA AKUNA

I, Aja Akuna, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am a member of Nā Moku Aupuni O Ko'olau Hui.
4. I am a taro farmer. My family grows kalo on about 1 ½ to 2 acres of property irrigated by Waiokamilo and Kualani.
5. I am farming this land based on my family traditions and the cultural practices we learned and wish to continue here.
6. Traditionally, my 'ohana gathered 'ōpae, 'o'opu, hihiwai, pohole, kalo, 'ulu, mai'a, watercress, pepeiau and other fish in Honopou, Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuailua, Piinaau, Palauhulu, 'Ohi'a/Waianu,

Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

7. Traditionally, my ‘ohana fished for moi, ane, ‘ō‘io, ‘awa, pakaawa, aholehole, uhu, crab, kole, poopaa, haukeuke, ‘opihi, pipi, kupee pu‘u, pilali, and wana in or near the mouths of Honopou, Waikamoi, Alo, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

8. My ‘ohana also engaged in mālama ‘āina and mālama kahawai by only taking what they could eat in and around Honopou, Waikamoi, Alo, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

9. Currently, my ‘ohana and I gather ‘ōpae, ‘o‘opu, hihiwai, pohole, kalo, ‘ulu, mai‘a, watercress, pepeiau and other fish in Honopou, Waikamoi, Alo, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. However, we can’t get the same amount of these resources as my ‘ohana used to be able to. We also need to go further to gather.

10. My family and I fish for whatever fish we can get, including moi, mullet, and aholehole in or near the mouth of in Honopou, Waikamoi, Alo, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

11. I gather and fish to feed my family and kupuna who cannot go and get food themselves.

12. We engage in mālama ‘āina and mālama kahawai by only taking what we need and cleaning the above-named streams to help the water flow all the way to the ocean and support the ecosystem we rely on to farm, fish, hunt, and gather.

13. We also enjoy Honopou, Waikamoi, Alo, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ohi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue recreationally. We fish and hunt in and around those streams. We go down to the muliwai to swim.

14. My ‘ohana appreciates seeing the rivers run to the ocean and looking at the waterfalls.

15. The lack of stream flow is a problem for my family because we cannot grow kalo or gather how our kupuna used to. We are unable to open up new taro patches. We have also lost taro due to the lack of water. There also is not as much fish to eat. Families cannot support themselves and have to leave the area to make money.

16. If there was enough water in the streams, my ‘ohana would open more taro patches.

17. If there were more water in the streams, my ‘ohana would gather ‘ōpae, hihiwai, and ‘o‘opu in Honopou, Waikamoi, Wahinepee, Honomanu, Piinaau, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Waiaaka, Kapaula, Hanawi, and Makapipi.

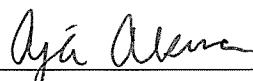
18. If the lack of water was not a problem, I would fish as my kupuna did, fishing for moi, ane, ‘ō‘io, ‘awa, pakaawa, aholehole, uhu, crab, kole, poopaa, haukeuke, ‘opihi, pipi, kupee pu‘u, pilali, and wana in or near the mouths of Honopou, Waikamoi, Wahinepee, Honomanu, Piinaau, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Waiaaka, Kapaula, Hanawi, and Makapipi.

19. If water were put back in the streams, I would continue to mālama the streams by only taking what we could eat. My ‘ohana would continue to fish and hunt in and around these streams and swim in the muliwai.

20. If there was more water in the streams, I would appreciate the natural scenery. It would be nice to see the rivers flow to the oceans and see the waterfalls how they used to be.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Kihei, Maui, Hawai'i, December 26, 2014.

  
AJA AKUNA

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMIMO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAPUA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF 'AWAPUHI  
CARMICHAEL

DECLARATION OF 'AWAPUHI CARMICHAEL

I, 'Awapuhi Carmichael, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am a member of Nā Moku Aupuni O Ko'olau Hui.
4. My father Henry Ben Kaauamo was from Wahinepee. My mother Sarah Ahkuna Hueau was from Ke'anae.

5. I grew up in Wailua/Ke'anae and was raised by my grandmother Ellen. We were raised traditionally. Although we had no money, we were still rich.

6. When I was growing up, we had so much food. Now no more. It seemed to change after Hawai'i became a state, and the state introduced foreign species.

7. I farmed kalo when I was a little girl with my grandmother. She farmed taro to feed our family, not to sell it, and we farmed in the traditional way and without the use of commercial fertilizers.

8. I learned traditional and customary gathering practices from my grandmother Ellen. Our 'ohana had our own traditions.

9. Traditionally, my 'ohana went all over to gather 'ōpae, watercress, lū'au, haha, pepeiao, hihiwai, pupulo'i and goldfish in Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, 'Ōhi'a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. We would gather as far as Kaupo because we were invited. We liked to go to Hanawi at night.

10. Traditionally, we would gather 'opihi on the way home from gathering and also catch 'o'opu at Waiolohe and Ching's pond in Palauhulu.

11. My 'ohana also engaged in mālama 'āina and mālama kahawai at Honomanu, Piinaau, Palauhulu, 'Ōhi'a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue by gathering according to the moon and not always going to the same places so we didn't overharvest the stream. We would mālama our own ko'a's to make sure that we could keep the population going.

12. I noticed EMI started to take more water in 1985. I started noticing the stream went dry. We tried to do something about it, but as we talked, EMI took more water. They expected us go to out and clean the ditches.

13. Currently, my 'ohana and I gather 'ōpae, limu, and opihi in or near the mouths of Piinaau, Palauhulu, 'Ōhi'a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. We have to go farther, higher in the mountains than we used to to find the opae. We also used to go to Honomanu but it's dirty now.

14. I gather to feed my family.

15. I still engage in mālama 'āina and mālama kahawai by gathering according to the moon and not always going to the same places so we didn't overharvest the stream.

16. We also enjoy swimming in Ching's Pond at Piinaau.

17. If there were more water in the streams, my ‘ohana would gather ‘ōpae, limu, and opihī in or near the mouths of Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

18. If water were put back in the streams, I would continue to gather according to the moon and not always go to the same places.

19. The lack of stream flow is a problem for me because we need water so future generations can continue our traditions.

20. I thank God for all of the blessings, for the upbringing we had. We stayed together through the hardships, always together. I didn’t really know my parents until I got married. I was raised by my grandmother. I went everywhere with my grandma. I left Ke‘anae at 13 to go to Kamehameha. My parents sacrificed so much for me. After Kamehameha, I went to California to work at an insurance company and then Pacific Stock Exchange. I gave it up to be with my husband. When I came back to Maui and saw what my parents did with their lo‘i and my brothers and sisters (only one of 13 of us never got a diploma), I was so appreciative. When I came home, I kissed the ground. I was happy to be on Maui.

21. My ‘ohana taught me everything I know today. They showed us by example – they did, and we followed. I want to pass it on to the generations that come after us.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Keanae, Maui, Hawai'i, 11/1, 2014.

*Awapuhi Carmichael*  
‘AWAPUHI CARMICHAEL

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'OHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAU,LA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF CARL WENDT

DECLARATION OF CARL WENDT

I, Carl Wendt, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am a member of Nā Moku Aupuni O Ko'olau Hui.
4. My family has an interest in property in proximity to Palauhulu and Waikani (Wailuanui) Streams.
5. I am a taro farmer. I grow kalo on property irrigated by Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, and East Wailuaiki streams.
6. Traditionally, my family gathered 'ōpae, 'o'opu, and hihiwai from Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.
7. My family also traditionally fished for moi, mullet, turtle, and akule in or near the mouth of Honopou, Hanehoi/Puolua, Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena,

Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

8. Traditionally, my family engaged in mālama ‘āina and mālama kahawai by being good stewards.

9. In addition to kalo farming, I also engage in mālama ‘āina and mālama kahawai by cleaning the streams, specifically Palauhulu, Waiokamilo, and Kualani.

10. For me, gathering and fishing from the streams is a way to provide food and pass on traditional practices.

11. I appreciate the peace of mind I get when I’m outside and experiencing the natural scenery and beauty of Honomanu, Nuaailua, Piinaau, Palauhulu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, and East Wailuaiki.

12. The lack of stream flow is a problem for me as a Hawaiian. It hurts me to see the ‘āina and its resources suffering.

13. Because of the lack of stream flow, we are losing our cultural practices.

14. If there was enough water in the streams, I would gather and fish as my family before me did. I would gather ‘ōpae and ‘o‘opu from Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Hanawi, Makapipi, and Waiohue. I would also gather pohole, water cress, banana, bamboo shoot, pepeiao, and mountain haha alongside those streams.

15. If there was more water in the streams, I would spend more of my time teaching the next generation about our practices at Honomanu, Nuaailua, Piinaau, Palauhulu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, and East Wailuaiki.

16. If water was returned to the streams, I would appreciate seeing mother nature working as intended.

I declare under penalty of perjury that the foregoing is true and correct.

CARL WENDT

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'OHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAPULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF CHARLES  
BARCLAY

DECLARATION OF CHARLES BARCLAY

I, Charles Barclay, declare that:

1. The statements below are based upon my personal knowledge.
2. I am a member of Nā Moku Aupuni O Ko'olau Hui.
3. My family has an interest in property near Wailua Stream. We currently have about ¾ acre to 1 acre in kalo, which is farmed by Carl Wendt.
4. I am farming this land based on my ownership (through my wife).
5. In the past, I gathered hihiwai, papaya, guava, mountain apple, pohole, 'o'opu, prawns, and 'ōpae in Honomanu, Wailua, Waikani (Wailuanui), and East Wailuaiki. I also fished for kole, noho, aholehole, kumu, moi, anae, menpachi, enenu, palani, poopaa, kala, he'e, Manini, pāpio, ulua, uhu, aweoweo, lobster, and opihi in or near the mouths of Kailua, Nuaailua, Piinaau, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, and Hanawi. I gathered and fished to feed my family.

6. I have also tried to mālama the stream by cleaning the ‘auwai of Wailua.  
7. The last time I swam in Waikani (Wailuanui) was about two years ago.  
8. The way I see it, the lack of stream flow means no kalo and no ‘ōpae. Without water, kalo becomes unhealthy, watercress becomes unhealthy. Goldfish, ‘ōpae, and ‘o‘opu disappear. My family and I had to leave the area because there was not enough water and that made it harder to continue farming and gathering.

9. If there was enough water in the streams, I would appreciate the natural scenery and beauty of Waikamoi, Wahinepee, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, and Hanawi.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Waiehu, Maui, Hawai‘i, September 5, 2014.



CHARLES BARCLAY

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAU,LA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF DAN CLARK

DECLARATION OF DAN CLARK

I, Dan Clark, declare that:

1. The statements below are based upon my personal knowledge.
2. I am a member of Nā Moku Aupuni O Ko'olau Hui.
3. My family has an interest in property in proximity to Piinaau Stream.
4. I am a taro farmer. My family grows kalo on 0.129 acres of property located in Ke'anae and irrigated by Piinaau and Palauhulu. I am farming this land based on my leases with various property owners on the Ke'anae peninsula.
5. I have been kalo farming in Ke'anae for 15 years.
6. The Wailuanui-Ke'anae ahupua'a comprise one of the most beautiful spots on the earth. Once my work is accomplished, I take time to enjoy the beauty of the natural landscape.
7. The fact that the fishing resource is in the process of being restored is a consolation to the hard work required to keep the ecosystem alive. When you can gather, the resource (food) will be there.
8. Currently, my family and I clean both our section of the ditch and above our area at Piinaau and Palauhulu in an effort to mālama the land and streams.

9. The lack of stream flow is a problem for me and my 'ohana because I need cool, fast running water to feed my lo'i for the best production of kalo. The low stream flow has caused a decrease in my kalo production and an increase in disease to my kalo.

10. If there was enough water in the streams, I would be able to harvest a much healthier kalo crop at Piinaau and Palauhulu. Additionally, it would restore the entire ecosystem, which would benefit everyone.

11. If stream flow was restored, my family and I would continue to clean Piinaau and Palauhulu, the streams that water our lo'i.

12. For me, recreation is enjoying the surroundings and gathering around a healthy ecosystem. If the water was to flow again, I would definitely enjoy seeing the Piinaau and Palauhulu areas restored and in good health again. There are songs and legends associated with the spots we go to. It is a spiritual feeling.

13. If water was returned, I would appreciate viewing the beauty of Ke'anae's restored natural ecosystem.

14. Please return the stream flows.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Keanae, Maui, Hawai'i, September 28, 2014.



DAN CLARK

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAILUA, PIINAAU,  
PALAUHULU, 'OHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAPUA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01  
DECLARATION OF DARRELL  
AQUINO

DECLARATION OF DARRELL AQUINO

I, Darrell Aquino, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. My father is Eusebio M. Aquino. My mother is Flora Aquino. My mother's father is Harry Pahukoa. My mother's mother is Maryann Pauhokoa from Wahinepee. She gave my mom ½ acre, which is where we began farming.
4. When I retired, I was still farming. I thought I would be a full time farmer but I don't farm anymore.
5. My family grows kalo on about a ½ of property irrigated by Palauhulu Stream.
6. My sister Georgina Garrido is farming this land based on her knowledge from her younger days farming taro. We were taught by my parents when we were old enough to walk and do anything that would contribute to taro farming, including pulling weeds, throwing away rubbish, mowing, cleaning the auwai, etc.

7. I learned how to farm taro from my father. He used to have 52 lo`i and produce about 30 bags a week. In the 1960s, he had 30-40 lo`i. He stopped farming in 1996.

8. I learned how to gather ‘ōpae from my mother.

9. Traditionally, my family gathered ‘ōpae, bamboo shoot, and frogs in and around Piinaau, Palauhulu, ‘Ōhi‘a, and Kopiliula. They gathered ‘O‘opu from Palauhulu. My ‘ohana gathered hihiwai from Hanawi where the water was colder.

10. We used to swim in a swimming hole off Palauhulu and stay in the pond all day.

11. My family also traditionally fished for poopaa, aholehole, and puhi in or near the mouths of Piinaau, Palauhulu, and ‘Ōhi‘a.

12. My family engaged in mālama ‘āina and mālama kahawai in Piinaau and Palauhulu by cleaning the ditches/auwais up to the flume. If nobody cleans it it’s not going to flow.

13. Currently, I gather ‘ōpae, hihiwai, and ‘o‘opu in Wahinepee, Puohokamoa, Haepuaena, Piinaau, Palauhulu, ‘Ōhi‘a, Kopiliula, Hanawi, and Makapipi.

14. I also hunted all the time before I was injured three and a half years ago. I hunt in most of the areas the streams flow, and I notice there is not as much water in the streams.

15. I throw net and dive for lobsters, kumu, uhu, kala, palani, aholehole, and moi in or near the mouth of Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

16. I gather and fish for subsistence and also because I enjoy it. I also like teaching my son what I learned growing up.

17. I would practice mālama ‘āina and mālama kahawai when I was farming by cleaning and maintaining the ditch/‘auwai near home that are fed by Piinaau and Palauhulu.

18. When I was living in Ke‘anae full time, I would swim in the swimming hole at Palauhulu.

19. Now I notice there is hardly any water running. I remember Makapipi stopped running in the late 1980s to early 90s. Even the swimming hole in Ke‘anae is low. The water is disappearing someplace; it’s even dry before the diversion in some places. The rivers really only run when there is lots of rain.

20. The problem with not enough water is that lo‘i needs water. It also affects ‘ōpae. The water problem combined with the prawns that eat the ‘ōpae really changed the population.

21. If water got put back into the stream, I would continue to gather ‘ōpae, hihiwai, and ‘o‘opu in Wahinepee, Puohokamoa, Haepuaena, Piinaau, Palauhulu, ‘Ōhi‘a, Kopiliula, Hanawi, and Makapipi.

22. If stream flow was restored, I would continue to throw net and dive for lobsters, kumu, uhu, kala, palani, aholehole, and moi in or near the mouth of Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Waiehu, Maui, Hawai‘i, Dec. 17, 2014.

Darrell T. Aquino  
DARRELL AQUINO

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAU, LA  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF EARL SMITH, SR.

DECLARATION OF EARL SMITH, SR.

I, Earl Smith, Sr., declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I live in Kaupō.
4. My family has about four to five acres of property irrigated by Waiokamilo Stream. Not all of our lo'i are open because there is not enough water.

5. Traditionally, my family gathered 'ōpae, 'o'opu, and hihiwai from Hanawi, Makapipi, and One'o streams.

6. My family also traditionally fished along the East Maui shoreline near the mouth of Honopou, Hanehoi/Puolua, Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, 'Ōhi'a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

7. Traditionally, my family engaged in mālama ‘āina and mālama kahawai in the above streams by only taking what they needed for their ‘ohana and to share with family and neighbors.

8. Currently, my ‘ohana gathers ‘ōpae, hihiwai, and ‘o‘opu in Hanawi. It’s the only place where I can find these living things. The other streams are dead.

9. Currently, my ‘ohana fishes for moi, aholehole, manini, and eneneue along the East Maui shoreline near the mouth of Honopou, Hanehoi/Puolua, Waikamoi, Alo, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. There has been a depletion of fish. Enenu used to be there by the schools but now there are less. Only the strong survive.

10. My family also practices mālama ‘āina/mālama kahawai in and around the above streams by only taking what we need, not to sell. I work with marine biologists so the scientists can survey/research environmental impacts and depletion of resources from Hana to Keanae. I also plant native plants.

11. I gather and fish for home consumption and to share if I have more than enough. I also gather and fish to teach my kids and grandkids how to live off the land and sea (fishing, gathering, hunting) to survive after I’m gone.

12. In the past, my family used to wash clothes and swim in the stream.

13. When I go to the streams, I take in the beauty. I don’t alter what’s there, what’s beautiful. The way it was, that’s the way I leave it.

14. The lack of stream flow is a problem for me because my grandkids don’t have the experience or resources to gather what they need from the land and water. The lack of water has caused too much pilikia. When nobody cares, nobody understands our practices and our need to harvest. It pains me. It’s very emotional.

I declare under penalty of perjury that the foregoing is true and correct.

EARL SMITH, SR.

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'OHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOSHUE,  
PAAKEA, WAIAAKA, KAPAPUA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01  
DECLARATION OF EDWARD WENDT

DECLARATION OF EDWARD WENDT

I, Edward Wendt, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am the president of Nā Moku Aupuni O Ko`olau Hui.
4. I am a taro farmer. I farm kalo on more than one acre of land irrigated by Waiokamilo, Kualani, and Wailua.

5. My family has been in Wailuanui for six generations. I still farm on lands that trace back to the Māhele on my mother's side (Kaiha'a-Waila'ahia-Lu'ukia). I farm the same taro patches, 'auwai, and rivers in the same traditional and customary manner. That knowledge was passed on to me through the generations.

6. My ancestors are buried in Lakini and at St. Gabriel's Church located in Wailuanui.

7. Traditionally, my family gathered ‘ōpae, ‘o‘opu, and hihiwai from Waikamoi, Alo, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

8. My family also traditionally fished for uhu, u‘u, kole, ulua, ‘uku, kumu, moi, honu, and anae in or near the mouth of Honopou, Hanehoi/Puolua, Waikamoi, Alo, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

9. Traditionally, my family engaged in mālama ‘āina and mālama kahawai by being careful not to overharvest the stream animals as well as clearing the vegetation or rubbish blocking stream flow in and around Waikamoi, Alo, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

10. Currently, I gather ‘o‘opu and hihiwai in Honomanu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, Hanawi, Makapipi, and Waiohue. I also fish for moi, enenu, manini, uaouao, ulua, and anae in or near the mouth of Honomanu, Nuaailua, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, Hanawi, Makapipi, and Waiohue.

11. I also engage in mālama ‘āina and mālama kahawai by clearing stream banks of vegetation and rubbish that otherwise block stream flow in and along Honomanu, Piinaau, Palauhulu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Hanawi, and Waiohue.

12. For me, gathering and fishing from the streams enables me to provide a protein source to my ‘ohana and neighbors, including kupuna, who may be unable to gather and catch their own fish. I also aim to teach the ‘ōpio the traditional practices to mālama streams and gather and fish from the streams and coast lines.

13. I appreciate viewing and visiting Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, and East

Wailuaiki. Every morning, my wife and I walk up to Waikani (Wailuanui) waterfall to enjoy the view and experience the beauty of this area.

14. Dewatering the streams prevented my generation from teaching ‘ōpio how to mālama streams and use techniques wisely to gather from streams and fish along coastline near the muliwai.

15. The diminished stream flow has negatively affected the muliwai and the coastal fisheries, including a fish sanctuary in Hana that depends on the water. Much of my kalo could not survive the emptying of these streams, so it has made farming more difficult. The lack of stream flow has also allowed vegetation along the stream banks to block the stream beds, and has permitted invasive snail species and African tulips to take over the taro crop. Additionally, some of my neighbors have abandoned kalo farming because the streams had stopped flowing. Ultimately, the loss of stream water has changed the whole way of life in Wailuanui-Ke‘anae. It takes more time to find the resources to gather, which robs me of my time for recreation and time with my ‘ohana.

16. If there was enough water in the streams, I would gather and fish as my family before me did. I would gather ‘ōpae, ‘o‘ōpū, and hihiwai from Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. My family would fish for uhu, uu, kole, ulua, ‘uku, kumu, moi, and honu (if it were legal, of course) in or near the mouths of Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, Hanawi, and Waiohue.

17. If there was more water in the streams, I would continue to clear stream banks of the vegetation and rubbish that would otherwise block stream flow.

18. If water was returned to the streams, I would appreciate viewing and visiting Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

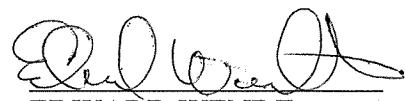
19. Many original members of Nā Moku have died since we first petitioned for the return of water to these streams. It makes me sad and lose hope. They never lived to see the

water return to the lo`i in 2008. I am afraid I will not live to see the return of the water we are now fighting for.

20. Without the water, my whole way of life would be lost. Corporations last forever. Traditional people do not. Crown lands should be set aside for the benefit of the people.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Honolulu, Hawai`i, September 10, 2014.



EDWARD WENDT

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'OHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOSHUE,  
PAAKEA, WAIAAKA, KAPAPULA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF EMILY WENDT

DECLARATION OF EMILY WENDT

I, Emily Wendt, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I was born April 7, 1925 in Hana.
4. My parents were James Akiona and Ellen Higgins.
5. My family consisted of my parents, five brothers and three sisters.
6. I was the fourth born of the family.
7. Until 15 years old, from 1925 through 1940, I lived in a house in Keanae peninsula.
8. Thereafter, my family sent me to Maunaolu Seminary, where I boarded and received my education until the 10<sup>th</sup> grade.

9. While going to school, I visited Wailuanui periodically to visit and stay in touch with my 'ohana.

10. I got married to Donald Wendt and raised my family of five children in Kahului, where I still reside.

11. During the years I was raising my children, my husband and I visited Wailuanui-Keanae as frequently as weekly.

12. My grandmother, Helena Akiona, who used to live at Lakini, is still buried at St. Gabriel's Church located in Wailuanui.

13. My father died when I was nine years old.

14. When I was between the ages of 10-13, I and my older cousin, Dorothea Lum Ho, who taught me how to gather, would gather 'ōpae, 'o'opu, and hihiwai from Palauhulu, Waiokamilo, Kualani, Hanawi, Wailuanui Streams.

15. My family also traditionally fished for popa'a, hinale'a, and kupipi from the shoreline near the mouths of West Wailuaiki and Wailuanui Streams.

16. My brother Jimmy, who was my senior by six years, would bring me by canoe to the shoreline near the muliwai of Wailuanui, Kopiliula, and Waiohue Streams to swim and pick opahi. He taught me the most about how to fish and gather.

17. My father, uncle, brothers and cousins also shared and supplied the family with u'u, enenu, kole, ulua, kumu, moi, honu, aholehole and anae, which they fished in or near the mouth of Wailuanui and West Wailuaiki.

18. My family raised pigs, chicken, and cattle while I was growing up in Keanae.

19. My brother Jimmy and I helped raise and brand pipi in our back yard

20. For me, gathering and fishing from the streams and coastlines near streams was a very important food source to my 'ohana. In fact, most of the food we ate came from what my 'ohana fished, gathered or raised.

21. I recall my relatives, the Akinas, Nakaneluas, and Ka'auamos, as well as my neighbors, all raising taro in Wailuanui and Keanae valleys as the staple for our diets.

22. Many of these families pounded their own poi, as I was taught to do when I was old enough.

23. When my father typically went shopping for food, he only purchased a few items, like sugar, cream, rice, and cookies.

24. The rest of our diet came from what we raised, fished and gathered.

25. As a youth in Wailuanui-Keanae, my 'ohana lived a very basic life living off the land and sea.

26. As I was growing up in Wailuanui-Keanae, I was not aware of any complaints against East Maui Irrigation Company about how much water was available in the lo'i and auwai of the valleys.

27. To this day, my nephew Norman Akiona and son Ed catch fish like papio, enenu, pala, manini, and kole from the Wailuanui-Keanae area for me to eat.

28. It makes me sad and lose hope when I see so many original members of Nā Moku who have died since we first petitioned for the return of all water to these streams; water that would support more taro growing, gathering, and fishing along the mouths of those streams.

29. I do not understand why Nā Moku members who started in 2001 have had to wait so long for the return of the water.

30. I think the priority should be to leave water in East Maui streams so the people who used it traditionally can continue to survive like my 'ohana used to be able to do.

31. To me, I don't know why Hawaiian Commercial and Sugar insists on diverting water that is so important to Hawaiian traditions and customs.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Kahului, Maui, Hawai'i, December 17, 2014.

  
EMILY WENDT

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAILUA, PIINAAU,  
PALAUHULU, 'OHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAU,LA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01  
DECLARATION OF GLADYS KANOA

DECLARATION OF GLADYS KANOA

I, Gladys Kanoa, declare that:

1. The statements below are based upon my personal knowledge.
2. I am a member of Na Moku Aupuni O Ko'olau Hui.
3. I am the wife of Isaac Kanoa.
4. Isaac and I farm kalo and lū'au on about four acres of property in Ke'anae

irrigated by Palauhulu stream. I also farm about five acres of land in Waianu Valley, located between Wailuanui and Ke'anae, that are irrigated by water from Waiokamilo.

5. As part of farming, I help take care of the streams by cleaning the 'auwai to make sure water reaches everyone who needs it.

6. We enjoy swimming in the ponds of Waiokamilo, Palauhulu, and Piinaau.
7. I appreciate the natural beauty of Ke`anae, including its streams, when I am out on the farm.

8. One of my biggest concerns with the lack of water is the warmth, which is not good for the taro. The water is warm in our patches, some of which are near the top of the `auwai system.

9. Apple snails are a big problem in Ke`anae and affect the quality of the taro. They like warm water. They hibernate in the winter because they don't like cold water.

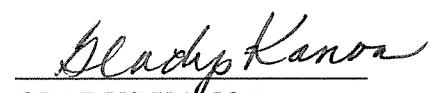
10. The lack of water has also created a tension in the community as farmers and families compete for water.

11. If there was more water in the streams, Isaac and I would open up more patches. We would continue to clean the `auwai to make sure enough water reaches all of the patches that feed our community.

12. If there was more water, we would enjoy swimming in the ponds of East Maui.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Ke'anae, Maui, Hawai'i, December 21, 2014.

  
GLADYS KANOA

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMIMO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOSHUE,  
PAAKEA, WAIAAKA, KAPAPUA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01  
DECLARATION OF HARRY HUEU

DECLARATION OF HARRY HUEU

I, Harry Hueu, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am a member of Nā Moku Aupuni O Ko`olau Hui.
4. I was born on May 29, 1939. I was born and raised in the Ke`anae/Wailua area.
5. My father was James Hueu. He was a taro farmer and a foreman for EMI. My father had about three acres of taro. He never had a problem with the water.
6. Growing up I was always in the taro patch. When we came of age, we did it.
7. In 1976, my main focus became growing taro. The lo`i I farmed was about five acres on family land as well as land now owned by Dr. Keppler and EMI that was irrigated by Piinaau and Palauhulu. I also once farmed some land in Wailua irrigated by Waiokamilo. The land used to farm taro produced about 75 85-pound bags a week.
8. My son, Aukai Hueu, took over the farming about six years ago.

9. Traditionally, my ‘ohana gathered ‘ōpae and ‘o‘opu in Honomanu, Nuailua, Palauhulu, and ‘Ōhi‘a. We would also get akule from Honomanu and Nuailua and pohole from ‘Ōhi‘a.

10. Traditionally, my ‘ohana dove or fished for kole, moi, enenu, pāpio, uhu, kumu, menpachi, and ‘opihi in or near the mouths of Piinaau and Palauhulu.

11. My ‘ohana also engaged in mālama ‘āina and mālama kahawai at Palauhulu and Waiokomilo by cleaning the stream and no make dirty. When I was farming, I would clean the flume every two weeks.

12. We also used to go to Waiolohe to picnic and catch akule. The kids would catch ‘o‘opu with small poles. We would go barbecue at Ke‘anae landing.

13. Currently, my kids and grandkids gather ‘ōpae, ‘o‘opu and hihiwai in Honomanu, Nuailua, Palauhulu, and ‘Ōhi‘a. There’s not as much hihiwai now.

14. My kids also dive for kole, moi, enenu, pāpio, uhu, kumu, menpachi, and whatever else they can get in or near the mouths of Piinaau and Palauhulu. They also gather ‘opihi. I want to show my grandkids how to put the net.

15. The ditch is better for gathering than the streams. There is more ‘ōpae. By the hundreds.

16. My son Aukai malamas Palauhulu by cleaning the ditches to make sure water is not blocked.

17. Our ‘ohana still picnics at Waiolohe and barbecue at Ke‘anae landing.

18. There is a big difference in stream flow since 1976. There is a big rock, maybe five to six feet tall, in Palauhulu by Ching’s Pond. When there is plenty water, the water covers the rock almost to the top. Now it’s low. Also, the water used to be bubbling; now no more nothing.

19. The water in Piinau has changed too. There used to be a pond called Lalaau near where Isaac Kanoa lives. It was always there when I was a kid, but not anymore.

19. I miss the sound of the water roaring.

20. I hate to say it, because it was my dad’s working place, but I think EMI is taking more water now.

21. The lack of water has changed people in the community. Now people don’t always mālama everyone.

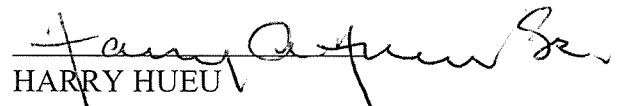
22. The lack of water in the streams hurts the taro because instead we gotta depend on rain. If no rain, no water in lo'i. You gotta have water to raise taro.

23. If there was more water in the streams, my kids and grandkids would continue to gather 'ōpae, 'o'opu and hihiwai in Honomanu, Nuailua, Palauhulu, and 'Ōhi'a, fish in or near the mouths of Piinaau and Palauhulu, mālama the 'auwai off Palauhulu, and swim, picnic, and enjoy each other's company at Waiolohe and Ke'anae landing.

24. If there was more water in the stream, I would be more confident that my son could continue farming our family lands and other property he takes care of for other community members.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Keanae, Maui, Hawai'i, 1 Nov., 2014.

  
HARRY HUEU

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMIMO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAPUA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF HEALOHA  
CARMICHAEL

DECLARATION OF HEALOHA CARMICHAEL

I, Healoa Carmichael, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am a member of Nā Moku Aupuni O Ko'olau Hui.
4. I grew up in Wailua/Ke'anae.
5. I learned traditional and customary gathering practices from my grandmother, 'Awapuhi Carmichael.

6. Traditionally, my 'ohana gathered 'ōpae, watercress, lū'au, haha, pepeiao, hihiwai, pupulo'i and goldfish in Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuailua, Piinaau, Palauhulu, 'Ōhi'a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapapua, Hanawi, Makapipi, and Waiohue.

7. Traditionally, my family would also ‘opihi on the way home from gathering and also catch ‘o‘opu at Waiolohe and Ching’s pond in Palauhulu.

8. My ‘ohana also engaged in mālama ‘āina and mālama kahawai at Honomanu, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue by gathering according to the moon, not always going to the same places so we didn’t overharvest the stream, and taking care of the ko‘a’s to keep the population up.

9. Currently, I gather ‘ōpae in Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. I gather hihiwai in Waiohue and Kopiliula. We have to go high in the mountains to find the ‘ōpae and hihiwai.. I understand the traditions my grandmother taught me, including what colors not to wear when gathering, how we should be quiet when we practice, and how we should walk on the sides of the river. I was taught to always look up at the mountain to look for big water.

10. I currently fish for moi, aholehole, uouo, and mullet in and around the mouths of Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi. I also dive for kole and pick ‘opihi. Now, there’s not much moi.

11. I gather to feed my family and as recreation.

12. I still engage in mālama ‘āina and mālama kahawai as my grandmother taught me by gathering according to the moon and not always going to the same places so we don’t overharvest.

13. We also enjoy swimming in Ching’s Pond at Piinaau. Also, in some places the water is dirty and just sits because there’s not enough flow. I got a staph infection four times just swimming in the water.

14. I’ve noticed the change in water flow. For example, at East Wailuaiki, you can see the ditch, see the water dropping, and look below and see the pond is completely dry. At Hanawi, one side is water, one side has nothing, then you see EMI’s pipe. Mountain Pond at Piinaau is bone dry. So is Kikokiko Spring.

15. Most of the time, you have to wait for it to rain. If you wait a couple days for the rain to clear up, the streams are beautiful. Otherwise it’s dry.

16. If there were more water in the streams, I would gather ōpae and hihiwai in Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

17. If water were put back in the streams, I would continue to gather according to the moon and not always go to the same places.

18. If there was more water, I would keep fishing for moi, aholehole, uouo, and mullet in and around the mouths of Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi. I would also dive for kole and pick ‘opihī.

19. If there was more water in the streams, I would swim in the ponds that are often dry today.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Keanae, Maui, Hawai‘i, 11/11/14, 2014.

  
HEALOHA CARMICHAEL

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, ‘OHI‘A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAPUA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01  
DECLARATION OF IRE KIMOKEO

DECLARATION OF IRE KIMOKEO

I, Ire Kimokeo, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am a member of Nā Moku Aupuni O Ko‘olau Hui.
4. I am a taro farmer. My family grows kalo on about 1 acre of property in Keanae irrigated by Palauhulu and another water source that may be connected to Piinaau.
5. My mother is Pualani Kimokeo. I have an interest in the land I farm based on my connection to Kalilimoku, on my grandmother’s side.
6. Traditionally, my ‘ohana gathered pohole, ‘opihi, ‘ōpae, kalo, fish, lū‘au leaf, pipi, bananas, strawberry guava and mango in and around Waikamoi, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuailua, Piinaau, Palauhulu, ‘Ohi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula

Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. My family also hunted wild pig in those areas.

7. Traditionally, my ‘ohana fished for moi, kole, uhu, ahole, enenu, kumu, and weke in or near the mouths of Puohokamo, Haipuaena, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ohi‘a/Waianu, Waiokamilo, Wailua, and West Wailuaiki..

8. My ‘ohana also engaged in mālama ‘āina and mālama kahawai at Waikamoi, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ohi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue by always throwing the small fish back into the ocean. Also, when my family would hunt wild pig, we would try and let go the pregnant sows and babies to preserve for the future.

9. Currently, my ‘ohana and I gather ‘ōpae, fish, ‘opihi, and hihiwai in and around Waikamoi, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ohi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. I also hunt wild pig in those areas.

10. I fish for moi, kole, and ahole in or near the mouth of Punalau/Kolea, Honomanu, Piinaau, Palauhulu, Wailua, and West Wailuaiki.

11. I farm, gather, and fish to feed my family, give to kupuna and to the people that cannot go. I just like māhele with the community.

12. I engage in mālama ‘āina and mālama kahawai by cleaning the ditches and the flume by grandpa’s house to allow for better water flow for the farmers and our family’s lo‘i around Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ohi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

13. We also enjoy Nuaailua, Piinaau, Palauhulu, ‘Ohi‘a/Waianu, Waiokamilo, Kualani, and Wailua for recreation. We hunt, fish, and work taro patch.

14. I appreciate the natural scenery and beauty when I go down to Bird Island and down Nuaailua. I enjoy the scenery around Wahinepee, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ohi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, and Makapipi.

15. The lack of stream flow is a problem for my family because there is hardly any water for the taro patch. I also noticed we lost a lot of ‘ōpae.

16. If there was more water in the stream, I would worry less about my kalo. I would expect more cool water to reach my loi

17. If there were more water in the streams, my ‘ohana would gather ‘ōpae, ‘o‘opu, hihiwai, and pohole in or near the mouths of Waikamoi, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

18. If had more water, we would fish for moi, kumu, kole, ahole, and enenu in or near the mouths of Honomanu, Nuaailua, Piinaau, ‘Ōhi‘a (Waianu), Wailua, West Wailuaiki, and East Wailuaiki.

19. With more stream flow, I would clean the ponds and keep trying to conserve ‘ōpae for the next generation in Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, and Kopiliula.

20. If there was more water in the streams, we would enjoy going down Bird Island and enjoy going up the mountain. I love to go up to the mountain and work on the watershed in the area of Wahinepee, , Puohokamo, Haipuaena, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, Paakea, and Makapipi. It’s what I enjoy the most. Being up in the mountains feels free.

21. There is something spiritual about being around the streams. I love Ke‘anae and my family. With more water, I would continue to experience the natural beauty of this area, including Wahinepee, Puohokamo, Haipuaena, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, and Makapipi.

I declare under penalty of perjury that the foregoing is true and correct.

IRE KIMOKEO

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAILUA, PIINAAU,  
PALAUHULU, 'OHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOSHUE,  
PAAKEA, WAIAAKA, KAPAU,LA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF ISAAC KANOA

DECLARATION OF ISAAC KANOA

I, Isaac Kanoa, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. My mother is Victoria Young. Her mother's name was Keomailani Young.
4. My father's name is Isaac Kanoa. His father was Martin Kanoa, from Ke'anae.

My father's mother was Esther Pueo Kahookale, from Nahiku.

5. I have about four acres in kalo and lū'au. I currently farm land in Ke'anae from my grandmother's side. I also farm property owned by Bill Kepler, Janet Akau, Naome Ching, Jojo Chong Kee, the State, and EMI. These lands are irrigated by Palauhulu.

6. I also farm about five acres of land in Waianu Valley, located between Wailuanui and Ke‘anae, that are irrigated by water from Waiokamilo.

7. As far as gathering, I follow in the tradition of my father, who showed me how to do it.

8. Traditionally, my ‘ohana gathered ‘ōpae, hihiwai, and ‘o’opu in all the streams from Honopou to Makapipi.

9. Traditionally, my ‘ohana would throw net, dive, or troll for aholehole, moi, aku, enenu, u‘u, uhu, and kole all along the coast from Honopou to Makapipi. My ‘ohana also gathered ‘opihi.

10. I gather ‘ōpae, hihiwai, and ‘o’opu in Piinaau, Palauhulu, Kopiliula, PUakaa, Paakea, Waiaaka, Kapaula, Hanawi, and Makapipi. Hardly get any ‘o’opu because of the introduced prawns. I also catch akule in Waiohue.

11. I currently fish for the same types of fish in the same way my grandfather did along the coast from Honopou to Makapipi. I slowed down fishing about eight years ago.

12. Besides making a living and feeding my family, the purpose of my farming, gathering, and fishing is to teach my kids, my son-in-law, and my grandkids the traditions that my father taught me.

13. I currently mālama Piinaau, Palauhulu, and Waiokamilo by cleaning the ditches and streams and cleaning the bamboo out of Palauhulu. Also, during droughts, I close off some of my patches to ensure that more water goes to the people below.

14. My ‘ohana enjoys swimming in ponds in Waiokomilo and at Ching’s Pond in Palauhulu. My kids have also fished in Ke‘anae stream, which is where Palauhulu and Piinaau meet.

15. Appreciating the beauty of this place where I live and farm is a given. We are farmers. Piinaau and Palauhulu are beautiful.

16. The water is warm even up in my patches, which are right near the flume. My patches that are further down are much warmer. Warm water indicates low flow. If my water is warm, then the guys on the bottom must have really warm water. If I had more lo‘i, there wouldn’t be enough cool water to sustain them.

17. If there was more water in the streams, I would open up more patches.

18. If streamflow came back, my kids and grandkids would gather 'ōpae, hihiwai, and 'o'opu in Piinaau, Palauhulu, Kopiliula, Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, and Makapipi, catch akule in Waiohue, fish as I learned along the entire East Maui coast from Honopou to Makapipi, and continue to mālama Palauhulu and Piinaau by cleaning the rivers that feed us.

19. If there was more water in the stream, I would be more confident that my son-in-law could continue farming our family lands and other property he takes care of for other community members.

20. I am very familiar with the layout of Ke'anae.

21. I know who is farming and where their farms are located.

22. Or I have identified on maps marked as Exhibits A-140 and A-141 and showing the tax map numbers 1-1-03 and 1-1-07, respectively, the areas of taro farming (as shown in green highlighting) and the farmers associated with each area (as shown on orange labels) based on what I know and have seen in this area over the many years that I have lived in Ke'anae.

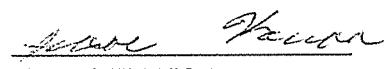
23. I have also identified on the map marked as Exhibit A-140 where the supporting 'auwai system is located and how the water flows in it (as shown in blue highlighting).

24. Both maps are true and accurate depictions of the location of lo'i and/or the supporting 'auwai system.

I declare under perjury that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Ke'anae, Maui, Hawai'i, December 21, 2014.

  
ISAAC KANOA

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAPUA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF JAMES KIMO  
KAAA

DECLARATION OF JAMES KIMO KAAA

I, James Kimo Kaaa, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am a member of Nā Moku Aupuni O Ko'olau Hui.
4. I am a taro farmer. I am trying to grow taro on property irrigated by Piinaau, Palauhulu, Waiokamilo, Kualani, and Wailua streams. Unfortunately, the source is not dependable. I am at the end of the line so I don't get sufficient water to maintain the correct levels and temperatures. If the water level gets too low, the weeds start to grow and overtake the field. Without a constant, continuous, cool flow, it's hard to make it work.
5. I am farming this land based on my responsibility to maintain the culture by keeping alive the traditions and practices that the people before me exercised here. Money is not the driving force. It's about doing what is right in the place that I live. It's about respect for all the generations that came before.

6. I learned how to farm taro from many taro farmers, including Ed and Carl Wendt and Bush Martin. I try to gain information from everyone I know who grows taro and is willing to share their knowledge. Different farmers have different ways of farming based on knowledge each one gathered over time – types of taro grown, how and when to care for the lo‘i, and the amount and quality of water ideal for growing.

7. I gather ‘ōpae and ‘o‘opu from Wailua stream and fish for mullet and moi in or near the mouth of Wailua. I learned how to gather and fish from kupuna and fishermen who shared their knowledge with me. It started when I was young.

8. I mālama ‘āina and mālama kahawai in and around Waiokamilo, Wailua, and Waikani by education, awareness, and involvement. Education is key. To know where the streams ran in the early days, how they were maintained, how they flowed, what areas they fed, where the gathering spots for certain species like ‘ōpae and ‘o‘opu can be found. Also to be aware of the effects of the lack of water flow on the ecosystem. Get involved, whether it be by community stream clean up or even discussions on what more needs to be done. For myself, I look at things differently from others. These streams are more than just places to gather from. I see 27 streams that used to be 27 nurseries for both land and sea. What happens to these streams impacts the whole island. Life that depended on this water flow has no other place to go, whether it be for spawning or just protection (a lot of fish sleep upstream for protection, i.e., mullet, aholehole, and even pāpio). The streams not only affect gathering but the island itself. Like everything in life needs water, so does the ‘āina. Take care of Haloa, Haloa take care of you. Take care of ‘āina, ‘āina take care of you.

9. I appreciate the natural scenery of Waikani (Wailuanui).

10. For me, gathering and fishing from the streams is to support my family and sustain life.

11. Because of the lack of stream flow, I am unable to do the necessary farming and gathering needed to supplement my family’s needs. At one point, the water was so low that I had to sponge water into my taro patch.

12. Sometimes I spend all day trying to find ‘ōpae and ‘o‘opu, but see only one or two in the water. I return home empty-handed out of respect for the rehabilitation process. It is frustrating because it is a waste of an entire day. Because of the amount of time and effort to find

the resources, there is less time for recreation. Recreation used to be built into the whole day – hiking, catching fish, swimming, and then returning. It's not like that anymore.

13. Now that there is more effort involved in just finding the ‘ōpae and ‘o‘opu, because they have to travel further upstream, there's no time for recreation or to stop and enjoy the natural beauty. The further you have to go, the more difficult it is to do recreation. However, farmers do what they do because there is enjoyment that comes with it – no matter how hard or back breaking the work is.

14. There are many invasive species below the diversion. One example is the African tulip. Native species are being crowded out. This requires additional work to weed out the African tulips from taking over the loi. This additional work takes time away from our other work and opportunities to be with our families.

15. There has also been a lot of displacement of families due to the lack of resources.

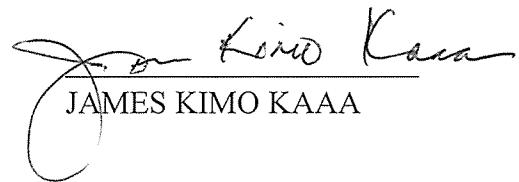
16. People are opening up new patches which require more water. As I understand it, there have been leases arranged for approximately fifteen more patches. More patches means more water is needed.

17. If there was enough water in the streams, I would gather ‘ōpae and ‘o‘opu from Waikamoi, Alo, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. I would also fish for mullet, moi, ahole, manini in or near the mouth of Waikamoi, Alo, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. I would also continue to mālama these streams and the areas around them by clearing the streams to prevent blockage of the natural water flow.

18. If there was more water in the streams, I would appreciate the natural scenery that comes from restoring water and health to this area. There is beauty in putting life back into the streams and seeing them as they are supposed to be.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Wailuku, Maui, Hawai'i, December 24, 2014.

  
\_\_\_\_\_  
JAMES KIMO KAAA

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'OHI'A (WAIANU),  
WAIOKAMIMO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAPUA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01  
DECLARATION OF JEROME K.  
KEKIWI, JR.

DECLARATION OF JEROME K. KEKIWI, JR.

I, Jerome K. Kekiwi, Jr., declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am a member of Nā Moku Aupuni O Ko'olau Hui.
4. My family has an interest in property in proximity to Palauhulu and Waikani (Wailuanui) Streams.
5. I am farming this land based on my family roots dedicating my life to Haloa and the Hawaiian culture here in Wailuanui.
6. I am a taro farmer. My family grows kalo on about five acres of property irrigated by Piinaau, Palauhulu, Waiokamilo, Kualani, and Wailua.
7. Traditionally, my family gathered 'ōpae, 'o'opu, and hihiwai from Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau,

Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. My ‘ohana also gathered watercress, pepeiao, bamboo shoot, banana, and pohole in those same streams.

8. My family also traditionally fished for turtle, moi, mullet, aholehole, uha, akule, and enenu in or near the mouth of Waikamoi, Alo, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. My ‘ohana also gathered limu in or near the mouths of those streams.

9. Traditionally, my family engaged in mālama ‘āina and mālama kahawai by being good stewards at Waikamoi, Alo, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

10. Currently, I gather ‘ōpae, hihiwai, and prawns in Honomanu, Piinaau, Palauhulu, Waiokamilo, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, Hanawi, and Makapipi. Before, there was plenty ‘ōpae. You could just grab them from the water. Now, not so much. It takes about four hours to walk to where you can gather. Before you could just get out of the car and you would see them. These days there is sometimes nothing and you need to turn around empty-handed.

11. Currently, I fish for moi, aholehole, anae, pāpio, and enenu in or near the mouth of Honomanu, Nuaailua, Wailua, Waikani (Wailuanui), West Wailuaiki, and East Wailuaiki.

12. I engage in mālama ‘āina and mālama kahawai by clearing the streams, cutting the grass, removing hau bush and big stones in and around Honomanu, Piinaau, Palauhulu, Waiokamilo, Wailua, and Waikani (Wailuanui).

13. I gather and fish from the streams to eat and keep our traditions going.

14. When gathering, I will stop for a while to take in the natural beauty of Wahinepee, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, and Puakaa.

15. I also use the streams for other purposes, including washing dishes and bathing.

16. Without water, I have a hard time farming kalo. The kalo I do grow is more often diseased because of the lack of stream flow.

17. The lack of stream water below the diversions means I need to walk much farther to gather ‘ōpae, hihiwai, and prawns. There is also less fish near the shoreline for me and my ‘ohana to catch. Because of all of this, many of my ‘ohana had to move away to find a “better” life.

18. If there was enough water in the streams, I would gather and fish like my kupuna did. My family and I would gather ‘ōpae, ‘o‘opu, hihiwai, prawns, water cress, pepeiao, bamboo shoot, banana, and pohole from Waikamoi, Alo, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. My family and I would fish for moi, mullet, aholehole, uha, akule, enenu, pāpio, and anae in or near the mouth of Waikamoi, Alo, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

19. If the water was to flow again, I would continue to go to the streams to mālama Waikamoi, Alo, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

20. If stream flow was restored, I would be able to enjoy the recreational activities that our kupuna enjoyed, including, for example, swimming in Waikamoi, Alo, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

21. If water was returned to the streams, I would appreciate the beauty of Waikamoi, Alo, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. To me, more water means more beauty.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Wailua, Maui, Hawai'i, September \_\_\_, 2014.

  
JEROME K. KEKIWI, JR.  
11/4/2014

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'OHI'A (WAIANU),  
WAIOKAMIGO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAPUA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF JOSEPH "JOJO"  
YOUNG

DECLARATION OF JOSEPH "JOJO" YOUNG

I, Joseph "Jojo" Young, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am a taro farmer.
4. My family grows kalo on property irrigated by Waiokamilo Stream.

Approximately three to four acres of our ten acres are in taro.

5. I am farming this land based on my lease and ownership of certain Wailua parcels that have been farmed by my family for generations.

6. I learned how to farm taro on these lands from my father, Joseph Young Sr., who fed and supported his entire family as a full-time taro farmer. The traditional knowledge my father passed down to me was passed down to him by my grandparents, Kemalani Wong and Aima Young, who farmed taro on these lands during their lifetime.

7. Traditionally, my family gathered ‘ōpae from West Wailuaiki, East Wailuaiki, Puakaa, Hanawi, and Makapipi. My ‘ohana gathered hihiwai from Hanawi.

8. My family also traditionally fished for moi, aholehole, anae, ‘opihi, akule, enenu, and aweoweo in or near the mouth of Honopou, Hanehoi/Puolua, Waikamoi, Alo, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

9. Traditionally, my family engaged in mālama ‘āina and mālama kahawai in West Wailuaiki, East Wailuaiki, Puakaa, Hanawi, and Makapipi by gathering only as much ‘ōpae as they needed and nothing more.

10. Currently, in addition to kalo farming, I gather ‘ōpae in Piinaau and Palauhulu only. The other streams do not have enough water to support my gathering. I gather maybe two or three times a year in order to supply food for ‘ohana gatherings on special occasions.

11. I no longer fish because I’m older now. I am 65 years old.

12. I continue to practice mālama ‘āina and mālama kahawai in Piinaau and Palauhulu by gathering ‘ōpae for my current needs. I never take more than I need.

13. I am unable to gather from all of the streams I would have in the past because many of the streams are now “dead.” They are not getting enough water. The lack of stream flow is a problem for me because it puts more pressure on other resource areas I wouldn’t normally use or access. I also have to rely on other family members to provide food I used to be able to gather myself. I also sometimes have to spend money to provide substitute foods for meals and special occasions, though there really is no substitute for the ‘ōpae I get myself.

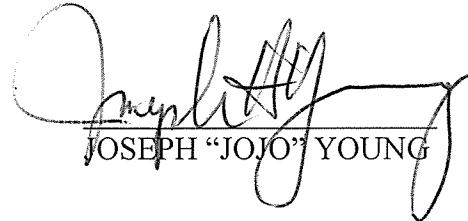
14. If there was enough water in the streams, my ‘ohana would gather ‘ōpae in any stream that has ‘ōpae but only as much as we needed for our ‘ohana. My family would continue to gather ‘ōpae from West Wailuaiki, East Wailuaiki, Puakaa, Hanawi, and Makapipi.

15. If there was more water in the streams, the next generation of my ‘ohana would fish for moi, aholehole, anae, ‘opihi, akule, and enenu aweoweo in or near the mouth of Honopou, Hanehoi/Puolua, Waikamoi, Alo, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu Waiokamilo, Kualani,

Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue as my kupuna did.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Lahaina, Maui, Hawai'i, November \_\_\_, 2014.



JOSEPH "JOJO" YOUNG

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAILUA, PIINAAU,  
PALAUHULU, 'OHI'A (WAIANU),  
WAIOKAMIGO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOSHUE,  
PAAKEA, WAIAAKA, KAPAPUA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01  
DECLARATION OF JONAH  
KUPONOIKEAUEA HUEU

DECLARATION OF JONAH KUPONOIKEAUEA HUEU

I, Jonah Kuponoikeauea Hueu, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am 19 years old.
4. For the last four years, I have lived with grandparents, Harry and Sandy Hueu in Ke'anae/Wailua.
5. I learned a lot about growing taro, gathering, and fishing from my grandpa.
6. According to my grandfather, my family used to gather 'ōpae and 'o'opu in Honomanu, Nuailua, Palauhulu, and 'Ohi'a. They would also get akule from Honomanu and Nuailua and pohole from 'Ohi'a.
7. Traditionally, my 'ohana dove or fished for kole, moi, enenue, pāpio, uhu, kumu, menpachi, and 'opihi in or near the mouths of Piinaau and Palauhulu.

8. My 'ohana also engaged in mālama 'āina and mālama kahawai at Palauhulu and Waiokomilo by cleaning the stream and no make dirty. When I was farming, I would clean the flume every two weeks.

9. Currently, I help gather hihiwai from Palauhulu. I go swim in the pond and bring home hihiwai to my grandparents. There's not that much hihiwai.

10. I also fish and dive for whatever I can get down Ke'anae, which is fed by Piinaau and Palauhulu.

11. My grandfather wants me to work the taro patch. Sometimes I help Aukai at the lo'i, working the patch and cleaning the ditches.

12. If there was more water in the streams, I would definitely continue the traditions I learned from my grandpa. I would gather hihiwai from Palauhulu, fish in the waters off Piinaau and Palauhulu, work the taro patch, and help keep the streams and ditches clear.

I declare under penalty of perjury that the foregoing is true and correct.

JONAH KUPONOIKEAUEA HUEU

COMMISSION ON WATER RESOURCE MANAGEMENT  
STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOSHUE,  
PAAKEA, WAIAAKA, KAPAU,LA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01  
DECLARATION OF JONAH JACINTHO

DECLARATION OF JONAH JACINTHO

I, Jonah Jacintho, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. My family has an interest in property near Honopou. We grow kalo on that property, which is about two acres. I have my own lo'i as do my aunt and sister.
4. I am farming this land based on my family history and the practices passed down to me.
5. I learned how to farm taro from Aunty Beatrice Kepani Kekahuna and Lurlyn Scott.
6. Traditionally, my 'ohana gathered pohole, fish for enenu, 'o'opu, watercress, hihiwai, prawns, banana, limu, bamboo, and ulu in and around Honopou.

7. Traditionally, my ‘ohana fished for moi, enenu, aholehole, ‘opihi, kumu, tako or he‘e, moanakali, kole, ulua, honu, mullet, omilu, pāpio, uhu, paananu, menpachi, and aweoweo in or near the mouth of Honopou.

8. My ‘ohana also engaged in mālama ‘āina and mālama kahawai at Honopou by cleaning the ‘auwai to our family lo‘i, pruning, and cleaning the buildup on the stones in the ponds. My family also fished and planted according to moon phases.

9. My mother, Juliana Jacintho, was baptized in Honopou.

10. I currently gather kalo, pohole, fruit, ‘ulu, and watercress in and around Honopou.

11. I fish for enenu, ulua, uhu, ‘opihi, haukiuki, poopaa, omilu, aholehole, lae, aweoweo, paananui in or near the mouth of Honopou.

12. I gather and fish to feed my family and myself.

13. My family engages in mālama ‘āina and mālama kahawai by fishing and gathering by moon phases. We also clean Honopou for good consistent flow, which keeps the water cooler for planting.

14. I also swim, relax, and get together with my family along Honopou. I learned to swim there.

15. I appreciate the natural beauty of Honopou. I like listening to the stream flow as well as smelling the flowers and fresh flowing water. I love hearing the birds singing and the sound of the wind blowing through the trees. I enjoy the feeling of following what my grandfather did with kalo farming. I feel him with me.

16. The lack of stream flow is a problem because we cannot fish as much. We have to take only a small amount of fish, and much time is needed before the fish replenish. We have lost large amounts of ocean fish due to warmer waters and the fact that less nutrients get into ocean from the land.

17. If there was enough water in the streams, I would farm more kalo because the flow would be sufficient. I would fish more too, because the water would bring back the abundance of fish.

18. More water would also help meet our needs for home use and gardening.

19. If there was more water in the streams, I would fish for ulua, omilu, pāpio, moi, aholehole, uhu, paananu, enenu, he‘e, and aweoweo in Honopou.

20. If water was put back in the streams, I would clean Honopou for kalo farming.
21. If water was restored, the streams would flow faster and at cooler temperatures that are ideal for growing taro.
22. More water in the streams would bring back fish, 'o'opu, prawns, and 'ōpae, which my family members rely on. Old ways of life would be more feasible.
23. If there was more water in the streams, I would continue swimming, family picnics, and prawning at Honopou.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Honopou, Maui, Hawai'i, December 13, 2014.



JONAH JACINTHO

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUAHULU, 'OHI'A (WAIANU),  
WAIOKAMIGO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAPUA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF JOSEPH KIMO  
DAY

DECLARATION OF JOSEPH KIMO DAY

I, Joseph Kimo Day, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am a member of Nā Moku Aupuni O Ko'olau Hui.
4. My family has an interest in property in proximity to Wailuanui.
5. I was a taro farmer. My family used to grow kalo on property irrigated by

Waikani Stream. I stopped farming about four years ago and primarily fish now.

6. I was raised by my grandparents, and on weekends, we would throw net and gather from the streams.

7. Traditionally, my family gathered 'ōpae, 'o'opu, hihiwai, aweoweo, and honu from Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu,

Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. ‘Opae was for eating and for use as bait for enenu. Honu was for eating and its fat had medical uses. My ‘ohana also hunted for pig up mauka near the streams and gathered black crab near the ocean.

8. My family also traditionally fished for moi, aholehole, and enenu in and around Waikamoi, Alo, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. We would lay net at night and also dive for kole. Back then, fish were big and plentiful. We could catch more fish going a shorter distance by canoe.

9. Traditionally, my family engaged in mālama ‘āina and mālama kahawai in and around Waikamoi, Alo, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. We knew not to overharvest, were mindful of seasonal spawning, and respected the cycle of life. We would also clean and clear debris in the streams.

10. Currently, my ‘ohana gathers ‘ōpae and hihiwai in Waikamoi, Alo, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

11. I have been fishing since I could walk. I currently fish for deep seven bottom fish (onaga, ehu, ‘ōpakapaka, kalekale, lehi, gindai, and hapuupuu), aku, ‘ahi, mahimahi, moi, ‘ō‘io, kole, kumu, and ‘opihi in and around Waikamoi, Alo, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. Now, we have to go longer distances to catch more fish because of the lack of stream water flowing to the ocean.

12. My family also practices mālama ‘āina and mālama kahawai in and around these streams. Everything is seasonal. We fish to feed the family; it’s our icebox. We take just what we need and that’s it. We treat the resources as our icebox – that’s how the village works. If we

don't teach our mo'opuna the same, it's a lost art, and they will have to go to the store for their food.

13. I gather and fish in order to put food on the table. It is for subsistence. We live off the land, from mauka to makai. I teach my traditions to my kids and grandkids. But how can I teach them if the streams are dry and there are no resources left? I don't want my kids eating out of a tin can. I want them to eat natural food.

14. I also take my kids and grandkids to the river below my home (Waikani) to swim, picnic, throw net, and go down to the beach. These are my family traditions. Every Sunday after church, we would dive for fish for the table. It was a community thing.

15. The places my grandfather took me to are sacred to me. As I've gotten older, I have learned to appreciate the surroundings, the beauty, because when I see it, I know I'm home.

16. The lack of stream flow is a problem for me because they are taking away the resources we had before and it's not here now. If water was in the streams, we could have our aquatic life back. The mighty dollar is the only thing that matters to HC&S/EMI – that's the bottom line to the big corporations and the state.

17. The lack of stream water has forced me to stop taro farming and close up my patches. I had about three to four acres worth. All of that used to be open, and I used to pull about 12-14 bags a week, even while working full time and fishing on the weekends. I want my kids to learn – that's the most important to me. But they can't without the water. My granddaughter asks me, "Papa, when we going to open up the farm again?"

18. If there was enough water in the streams, I would teach my kids and grandkids to gather 'ōpae, 'o'opu, hihiwai, and aweoweo from the same streams as me and my ancestors (Waikamoi, Alo, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, 'Ōhi'a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue).

19. If there was more water in the streams, I would fish for onaga, ehu, 'ōpakapaka, kalekale, lehi, gindai, and hapuupuu, aku, 'ahi, mahimahi, moi, aholehole, 'ō'io, kole, kumu, and 'opihi in and around Waikamoi, Alo, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, 'Ōhi'a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka,

Kapaula, Hanawi, Makapipi, and Waiohue. I would teach my kids and grandkids what my grandfather taught me about where to fish and how to harvest.

20. If lack of stream flow was not a problem, I would continue to mālama 'āina and mālama kahawai in and around Waikamoi, Alo, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, 'Ōhi'a/Waianu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue, making sure I only take what I needed and treating the streams and shoreline waters as my icebox.

21. My 'ohana and I would continue to swim, picnic, throw net, and go down to the beach in and around these streams if there was enough stream flow. I would also continue to appreciate the natural beauty of these streams, especially with more water.

I declare under penalty of perjury that the foregoing is true and correct.

JOSEPH KIMO DAY

COMMISSION ON WATER RESOURCE MANAGEMENT  
STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAILUA, PIINAAU,  
PALAUHULU, 'OHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAPUA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01  
DECLARATION OF JULIANA P.  
ALLEN JACINTHO

DECLARATION OF JULIANA P. ALLEN JACINTHO

I, Juliana P. Allen Jacintho, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am the granddaughter of Lokana Kepani Sr. I was delivered by my grandmother Juliana Koko Kepani, and to my knowledge, I was the last to be born in their home.
4. My family has an interest in property near Honopou. We grow kalo on that property, which is about two acres.
5. The stream has provided my family with an abundance of uses.
6. Traditionally, my 'ohana gathered 'ōpae, hihiwai, 'o'opu, pūpū, watercress, bamboo shoot, bamboo for fishing poles, tī leaf, java plum, rosy apple, Hawaiian crayfish, sweet potato, mango, banana, 'ulu, tamarind, guava, hibiscus, plumeria, ferns, pakalana, puakenikeni, 'awapuhi, and medicinal plants in and around Honopou.

7. Traditionally, my ‘ohana fished for aholehole, pāpio, puhi, honu, mullet, popaa, moi, ulua, uhu, enenu, limu, ‘opihi, pipipi, and kupehe in or near the mouth of Honopou.

8. My ‘ohana also engaged in mālama ‘āina and mālama kahawai at Honopou by taking only what we could eat, using the moon to fish and plant, rebuilding stone walls, and maintaining the level of water for taro at Honopou. My grandfather paid special attention to the ditches and kept them flowing so the taro patch and the home below his house had water for their daily uses. He also made sure there was sufficient water to keep the taro growing by checking the flow at EMI gates.

9. As children, Honopou was our pool on hot days where all of us learned to swim. The mangos, guavas, java plum, and rosy apples provided us with snacks as we played and trekked up and down the stream on our adventures. It taught us to be aware of flash flooding, or “big water,” as we called it. We knew it was coming by the sounds of big rocks moving, the water becoming muddy, and the change of the rushing waters. As the water reached the ocean, it provided the small pools, brackish water, for ocean fish to lay their eggs and a fertile place for food for the ocean fish.

10. My mother used to wash clothing by hand with a stick and the rocks as a clothes line. We also used the waters for bathing, washing dishes, cleaning house, to cleaning chickens or pigs. The water was also used to irrigate the plants growing around the properties, including flowers, sweet potatoes, and even grapes at one time.

11. At any time, just sitting along the stream gave me comfort and peace. It relaxed my mind and body, sometimes to recharge me and sometimes to just enjoy relaxing. I remember at night just listening to the rushing waters. It was relaxing and would put me to sleep. Listening to the sound of the frogs was also very peaceful.

12. I currently gather oranges, sugar cane, mangoes, bamboo shoots, ‘ulu, flowers, ferns, tī leaf, pohole, prawns, and achote in and around Honopou.

13. My ‘ohana currently fishes for aholehole, pāpio, puhi, mullet, popaa, moi, ulua, uhu, enenu, limu, ‘opihi, pipipi, and kupehe in or near the mouth of Honopou.

14. I gather and fish to feed my family, to be self-sufficient, and to be somewhat independent. I am proud of my work and abilities.

15. My family engages in mālama 'āina and mālama kahawai by fishing for appropriate sizes of fish, eating what we gather, sharing what we have, taking away 'ōpala, leaving areas clean and fit for the next person, as well as maintaining the streambed at Honopou.

16. I also swim, relax near the water, fish, and gather items as a family. I enjoy just strolling around the Honopou area.

17. I appreciate the scenery at Honopou. It is where my children were able to play and run freely, camp, gather, talk, and remember the past.

18. Water does not flow in the area as it did in my childhood. The lack of stream flow is a problem because there has been decreased productivity. Disease threatens our kalo. There has been a decrease in 'ōpae and hihiwai. The black 'o'opu is gone. We lack the ability to be self-sufficient.

19. If there was enough water in the streams, I would gather 'ōpae at Honopou. I would also fish, as we did traditionally, for aholehole, pāpio, puhi, mullet, popaa, moi, ulua, uhu, enenu, limu, 'opihī, pipipi, and kupehe in or near the mouth of Honopou.

20. If there was more water in the streams, I would continue to mālama as we did before by taking only what we could eat, using the moon to fish and plant, rebuilding stone walls, cleaning the ditches, and maintaining the level of water for taro at Honopou.

21. With more water, I would want my family to be able to do to the same sort of recreational activities I did as a child, including swimming, playing, and using water for other domestic needs.

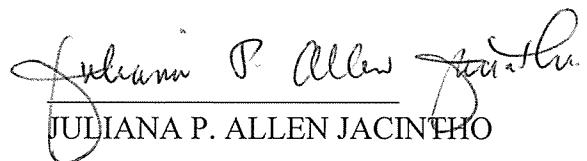
22. If water was returned to Honopou, I would appreciate the natural beauty of the area. It would remind me of my childhood and family that is here as well as family members who have passed on.

23. Without water in the stream, Honopou would not be the same place I have known. It has supplied so much for the people of this area. It is a comfort knowing that the stream is there.

24. It is urgent that we maintain Honopou for our generation and our children. We are learning through trial and error how to improve taro farming as our kupuna have passed on to us.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Honopou, Maui, Hawai'i, December 13, 2014.

  
\_\_\_\_\_  
JULIANA P. ALLEN JACINTHO

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAILUA, PIINAAU,  
PALAUHULU, 'OHI'A (WAIANU),  
WAIOKAMIMO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOSHUE,  
PAAKEA, WAIAAKA, KAPAPUA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01  
DECLARATION OF KAUI  
KANAKAOLE; EXHIBIT "1"

DECLARATION OF KAUI L. KANAKAOLE

I, Kaui L. Kanakaoole, declare that:

1. The statements below are based on my personal knowledge and upon research that I have conducted.
2. I reside at 4195 Hana Highway, Hana, Hawaii 96713. I was born in Hilo on Hawaii Island, but moved with my family to Hana, Maui at age 4 and grew up in Hana until graduating from Hana High School.
3. Attached to my declaration as Exhibit "1" is a true and accurate copy of my resume.
4. I received my Bachelors of Arts in English and my Teaching Certificate in Secondary Education from University of Hawaii at Hilo. I started my professional career in teaching at Hilo High School then moved on to Ke Ana Laahana Public Charter School before returning home to my alma mater at Hana High and Elementary School. All of my teaching experiences have put me in the middle of high Native Hawaiian populations, from Keaukaha to Hana, public education was an important vehicle for me to reach the native "underprivileged" community and give back what I had gained from my own upbringing in these types of communities.

5. I served as Department Head at Hana High School, trying to rally the school population around reading and raising our students' reading test scores, which came to fruition in 2011 when we scored the highest in Maui County.
6. My hula career started as an 8 year old child in Hana with Namahana Kalama-Panui, learning about the stories and songs of the place I grew up in. Hula had me hiking through the mountains gathering kinolau (body forms of the gods) of the gods we danced about and this practice became my first introduction to the water diversions of East Maui.
7. We were curious about the flumes, waterways, and water pumps that cut through our sacred forest so our kumu and aunties told us about the sugar plantations on the other side of the island needing water and even as a young child I remember feeling angry and confused.
8. My hula career continued on in Hilo with renowned Halau o Kekuhi, which is also my family's halau on my father's side.
9. Hula comes from Edith Kanakaole, my father's mother, and was passed down matrilineal and continues in that vein today.
10. I was a dancer in the PBS broadcast of "Great Performances: Holo Mai Pele" (2000), went on tour for the hula drama "Kamehameha: Na Hoailona" (1999) and "Hanau Ka Moku" (2002).
11. Being an olapa dancer in Halau o Kekuhi has afforded me many cultural learning experiences and opportunities however the added responsibility of being of familial descent from this hula lineage gave this experience deeper meaning.
12. Hula has taught me about the many facets of our culture, from menial work to ritualistic prayer, from the bloom of a leaf-bud to the cycle of water in the forest, from obeying the request of an older sibling to embracing the transformation into your god-self.
13. Hula has given me an education that cannot be translated into any degree at a university, and my family has solidified those teachings and anchored me spiritually and it is this inherited DNA that I pass on to my two children.
14. In 2007, I participated in Halau o Kekuhi's Aha Ailolo Puaalohelohe, which is a rigorous rite of passage from olapa to kumu, and I was granted the right to teach the traditions of hula Aihaa and hula Pele that have been taught to me.

15. In 2009 I started my own hula halau and continue today with children and adult classes for Halau o Nakaulakuhikuhi.
16. I am a member of the Edith Kanakaole Foundation, which was started in 1990 by my father and his siblings in order to maintain and perpetuate the teachings, beliefs, practices, philosophies and traditions of their parents, the late Luka and Edith Kanakaole.
17. I am currently contracted by Ala Kukui Retreat Center to conduct research on water in East Maui looking at it from a cultural perspective.
18. My research is entitled “Ke Ala Huli i Waihanau” and I use Papaku Makawalu to understand the cycles and significances of water in the Koolau, Hana, Kipahulu and Kaupo districts of Maui.
19. My ties to East Maui are from my mother’s side, whose great grandmother, Kahele was a native of Kipahulu and married a Japanese stow-away immigrant by the name of Ishii.
20. My mother remembers her grandmother telling her stories of watching her mother Kahele down at the muliwai (estuary) feed the shark at Maulili. She was of pure Hawaiian descent and although not much was said about Kahele, this little piece of information has been passed down. From this we know that the shark is an aumakua (family deity) of our family and because of that we honor these ocean beings through chant and dance and have an affinity for the muliwai there at Maulili and the flow of fresh water from mauka to makai.
21. These combinatorial experiences, influences, lineages have given me the intimate connection and cultural prowess to understand this land that I live on and the natural cycles it goes through and especially our human role in those natural cycles.
22. East Maui, which is comprised of the four moku (land district) of Koolau, Hana, Kipahulu and Kaupo, is historically significant and is extolled in the chants and stories for time immemorial. In the epic saga of Pele and Hiiaka, when Hiiaka journeys up the island chain from Hawaii to fetch her older sister’s lover on Kauai she lands first at Kauiki in Hana and chants about the majestic Kauiki hill, the outcrop of Mokuhano in the sea and the fresh water spring of Punahoa that brings life to the area.
23. Through stories we know that the gods Kane and Kanaloa have traversed the region thrusting their staff into the ground at various places and fresh water bubbled up. People of the area worshipped these gods because of the abundance of water as in the story of

Kalemakuakaimano who was a man who lived in the Pauwalu area where the watercress patches are today.

24. When he lived there, there was no spring, just the water from the river that would flow when there was a lot of rain, however because he constantly importuned Kane and Kanaloa as his gods, grew and ate the kinolau of these gods, they visited him one day. At that visit he prepared a feast and chewed the awa for his gods and served them. In return Kane and Kanaloa thrust their staff and springs erupted out of the ground with a loud rumble that continued so one of the springs was closed up and the one that was flowing quietly was left.
25. There are countless stories and chants that communicate the importance of water in this East Maui region. It is this abundance that made and continues to make this particular land waiwai (valuable) to its inhabitants.
26. This high value was not taken for granted or misused at any cost but met with severe punishment if ever abused, punishment of death. There are a few stories about misuse or greed of the water resource in this area that were met with the death penalty because without water there would be significant repercussions. Found in the Hawaiian language newspaper Ka Nupepa Kuokoa was a story about “Na Akua” Kane and Kanaloa.

*Ka Moolelo o Na Akua*

*... na laua ka wai o Kou ma Kaupo, na laua i hoomake kahuna oia o Koino ma Kikoo i Kipahulu, a na laua i hoomake ka moopuna a Waianu ma no ka hoohaumia i ka wai, a na laua i wahi i ka pohaku a puai mai ka wai.*

*The Story of The Gods*

*... the water of Kou at Kaupo belongs to them (Kane and Kanaloa), they were the ones who killed the priest Koino who was from Kikoo at Kipahulu, and they were also the ones who killed the grandchild of Waianu folks because of his defiling of the water there, and it was the gods who split the rock and water bubbled forth.*

27. Tampering with a natural resource to the point where it prohibited the untainted continuance of the natural cycle was met with strict consequences and this was a pervasive understanding. It's an innate thought process for native people to think this way, which is why as a little girl I was angry and confused about the water diversions in the forest even without any preconceived notions of the sugar industry's effect on Hawaii.

28. It's fundamental to the psyche of the native Hawaiian that we understand the cycles of our natural world and find our fit, as humans, in it all. My Hawaiian ancestors categorized their world into a system of knowledge known as Papaku Makawalu, whose origin can be found in the Kumulipo (Hawaiian Creation chant).
29. Papaku Makawalu is a Hawai'i ontological knowledge system that assigns the Hawaiian universe to three Papa or houses of knowledge. The first of the three is Papahulihonua, which includes all of the earthly elements such as the ocean, volcanic processes, and the water cycle. Kane (and Kanaloa for that matter) is a vital component of Papahulihonua in his occupation as water, Kane is the entity in and of Papahulihonua that mingles continuously with elements of Papahulilani (the second Papa).
30. Papahulilani is the atmospheric elements including the sun, weather, stars, planets, heavenly strata, and seasonality.
31. The third Papa is Papahanaumoku. This papa is comprised of the living components with the biological intelligence of procreation. Those who belong to the house of Papahanaumoku are the direct beneficiaries of Kane. These individuals include everything from plants, to birds, to coral, to fish, to mea kolo (creepers), and kanaka (man). The house of Papahanaumoku also includes the activities that kanaka engage in, including things like hula and caring for land. Kanaka functions including consciousness and inner conscious are also in the house of Papahanaumoku.
32. Water is one of the few elements that easily traverse all three Papa. It is the nature of the water cycle that make it a part of Papahulihonua when it is on the earth in the form of streams, springs, aquifers or even a puddle. Kane and Kanaloa preside over these waters as in the chant "Ka Wai a Kane":

*E ui aku ana au ia oe,*  
 One question I put to you,  
*Aia i hea ka wai a Kane?*  
 Where is the water of Kane?  
*Aia i ke kuahiwi, i ke kualono,*  
 Yonder on mountain peak, on the ridges steep  
*I ke awawa, i ke kahawai;*  
 In the valleys deep, where the rivers sweep  
*Aia i laila ka wai a Kane.*  
 There is the water of Kane.

33. Then Laka presides over the evaporation/transpiration process, it gets taken up into the atmosphere, which is the realm of Papahulilani and falls to earth in the form of rain, mist, or snow.

34. The role of Laka is illustrated in this chant:

*A ke kuahiwi, i ke kualono*  
From the mountain tops, to the highland ridges  
*Ku ana o Laka i ka mauna*  
Laka presides over the forest  
*Noho ana o Laka i ke po`o o ka ohu*  
Laka is at the pinnacle of the gathering of the mist  
*O Laka kumu hula*  
Laka the source of movement

35. As water accumulates it is the beneficiary of Papahanaumoku that ingest and rely on this element for life. The kanaka (man), the plants and animals, crawlers and winged creatures are the ones who are either made up of water and/or rely on it for survival.
36. Papaku Makawalu gives us a framework to understand the movement of water throughout the different papa (foundations) and this framework can be applied to our own localities to understand peculiarities about the cycles we experience everyday. In looking at the moku of Koolau for example, the water cycle there is a microcosm for what is happening in other moku in East Maui, Maui, Hawaii and the world.
37. Starting with Oopuola stream and continuing on to the end of the Koolau moku at Makapipi stream, each water source was given a name by our ancestors. These names tell us information about that particular source, which we can use to better acquaint ourselves with the land, elemental sources and cycles that occurred.
38. Kaaiea stream, for example, was named for the Aiea tree that grew abundantly in the area. The species of this endemic Hawaiian genus *Nothocestrum* consisted of soft-wooded shrubs and trees with oblong leaves, yellowish flowers and white/red berries, which grew from 1500-5000 feet elevation. The aiea tree acted as a causative in the water cycle and it helped to accumulate water in the forest.
39. Ohia stream and spring was named such not for the ohia tree; ohia also means “tabooed, as food patches during famine”. A native of the area, Henry Kahaleulaokekua Kamali, who has long passed, was born in 1886 at Pauwalu close to Ohia stream and grew up in the area. In his 1970 interview with Clinton Kanahele, which was conducted in Hawaiian and later translated and transcribed he described the water as such:

“Ohia, That is the waters of Kanaloa and Kane. The water gushes forth from inside from a spring. Yes, that is healing water for coughs and all kinds of sicknesses. There the sick were taken. When you have your illness you go into there to bathe. Healed.”

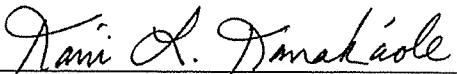
40. The native people in the area understood that this water was special, sacred, kapu (taboo) and only to be used in unique circumstances.
41. A wind of the Wailua area is named Kialeale, meaning stirring, moving, undulating, and rippling with force. This wind is also characteristic of the land because the water sources of Koolau moku (district) are powerful, full of energy and maintain a strong presence over the other elemental forces of nature.
42. The Kialeale wind occupies Papahulilani and is a manifestation of the god Lono and through its stirring force, clouds accumulate in the uplands and that is when the god Kane releases the rains that penetrate the earth and amass in the kuahiwi (hill) and kualono (mountain ridge), in the awawa (valley) of Honomanu, Waiohue, Wailua, and Makaiwa.
43. It is in this realm of Papahuihonua that we kanaka (man) have most intimate dealings with this water. It is the kanaka (man) of Koolau who give praise to the god Lono who initiated the Kialeale wind that brought this precious resource to the earth where he is able to utilize its gifts, while still allowing the cycle to continue. It would be requisite of the kanaka to deny this resource its due diligence.
44. Kialeale is of Koolau moku only, it serves this area and it would be wrong to take the product (water) of its service elsewhere because that creates a void, a break in the cycle that is distinctly Koolau.
45. The unique natural cycles that occur in each locality belong to that particular place, the mana (spiritual power) that is created as a result of these cycles belongs to that particular place and the displacement or gross manipulation of that element whether it be water, earth, lava, wind or sun is counter to everything that the kanaka Hawaii believe. And this is illustrated for us in the simple act of naming everything in their world.
46. The wind in Koolau moku is not known as just “Wind” but “Stirring, Moving, Undulating Wind”.
47. The spring in Pauwalu is not named “Spring” but “Tabooed, as a food garden during famine Spring”.

48. There is a reciprocity of energy that occurs between element and kanaka and it is imperative that these relationships are nurtured and continued so that the our island world lives and prospers.

The people of Koolau were not just called “Wailua-ans” or “Keanae-ans” but “Koolau Hauwalaau”. It is a poetic saying, which means “Koolau of the Loud Voices” because inhabitants of the area were said to be loud of voice. And it is this hauwalaau that must be heeded, that must be reckoned with, that must be regarded because they are the mouthpiece of the land of which they occupy.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Hana, Maui, Hawai'i, December 17<sup>th</sup>, 2014.

  
KAUI L. KANAKAOLE

# **EXHIBIT 1**

**Kaui L. Kanakaole**  
P.O. Box 1012 Hana, HI 96713  
Hawaii Tax ID #W04801158-02  
248-7677 (cell) [kkanakaole@yahoo.com](mailto:kkanakaole@yahoo.com)

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### **Guiding Principles**

1. A strong cultural foundation that is nurtured in all aspects of life will promote physical, mental and spiritual growth that will give one the foresight of his/her purpose not only to their lāhui but also to the global community.
2. My kupuna comprised a highly advanced society filled with a mix of people who had purpose; and whether that purpose was great or small the idea that everyone and everything was inextricably connected is what allowed them to excel to heights unfathomable by scientific standards today. It is this fact that pushes me to not only understand their view but also find applicability in my time.
3. Kuleana is a two-way street that is bestowed upon those who rise to accept the responsibility in order to enjoy the right. Familial duty is wrapped in this principle of kuleana and it is paramount to the elevation of the family, principles, and race, that one takes the helm, no matter how great or small the vessel.

|                  |  |
|------------------|--|
| <b>Education</b> | 1993-present <b>Halau o Kekuhi Olapa</b><br><br>- <i>Hiiakaikaneau, Halauaola Hula Conference – Kauai: 2014</i><br><br>- <i>Moku o Keawe International Hula Festival- Miyazaki, Japan: 2013-2014</i><br><br>- <i>Joint Christmas Concert-Japan Tour: 2010</i><br><br>- <i>Aha Ailolo Puaalohelohe, Hawaii: 2007 Kumu Hula</i><br><br>- <i>Hanau ka Moku-Maui: 2002</i><br><br>- <i>World Performing Arts Festival, Wasshoi-Tokyo, Japan: 2000</i><br><br>- <i>Holo Mai Pele, PBS Great Performances-Oahu: 2000</i><br><br>- <i>Kilohi, Na Akua Wahine-Oahu, Maui: 2000</i><br><br>- <i>Aloha Festivals Investiture-Hawaii: 1995-2000</i><br><br>- <i>Kamehameha, Na Hoailona-West Coast Tour: 1999</i><br><br>- <i>Holo Mai Pele-Oahu, Hawaii, Kauai: 1996</i> |
| 1999             | <b>University of Hawaii, Hilo: Teaching Certificate, Secondary Education</b>   |
| 1998             | <b>University of Hawaii, Hilo: Bachelors of Arts, English</b>  |

|                                      |              |  |
|--------------------------------------|--------------|--|
| <b>Work Experience</b>               | 2002-2013    | <b>Hana High &amp; Elementary School Teacher</b><br><i>-9<sup>th</sup>-12<sup>th</sup> Grade English (American, British, World, Hawaiian Lit., Creative Writing, Expository Writing), Health, Public and Human Services, Hawaiian Dance, Hawaiian Language, Hawaiian Studies, Freshmen Transition, Junior and Senior class advisor, High School Department Chair</i> |
|                                      | 2001-2002    | <b>Ke Ana Laahana Public Charter School Teacher</b><br><i>-7<sup>th</sup> -12<sup>th</sup> Grade English</i>   |
|                                      | 1999-2001    | <b>Hilo High School Teacher</b><br><i>-11<sup>th</sup>-12<sup>th</sup> Grade English (American, British Lit.)</i>  |
| <b>Contractual/ Grant Experience</b> | 2014-present | <b>Office of Hawaiian Affairs Sponsorship - Makaku: The Dance, the Dancer and Divinity</b> , Authoring a book on the choreographic theories and practices of kumu hula Nalani Kanakaole  |
|                                      | 2013-present | <b>Ke Ala Huli o Waihanau</b> , Researcher and Principle Writer  |
|                                      | 2013-present | <b>Ke Ola Magazine, Maui County Edition</b> Contributing Writer  |
|                                      | 2009-2012    | <b>Kamehameha Schools Summer Enrichment Program Curric. Coor.</b><br><b>Kulia i ka Pono, Hana Teacher</b>  |
|                                      | 2008-2010    | <b>Native Hawaiian Scholars Program</b> , Hana Counselor   |
| <b>Boards &amp; Committees</b>       | 2007-present | <b>Ma Ka Hana Ka Ike</b> Board Member/Vice Pres.   |
|                                      | 2003-2011    | <b>Hana Advisory to the Maui Planning Commission</b> Advisory Chair/Member   |
| <b>Conferences &amp; Workshops</b>   |              |  |
| Presenter                            | 2014         | <b>Hana Limu Festival:</b> Hana, Maui<br>-shared Ke Ala Huli i Waihanau project findings   |
| Presenter                            | 2014         | <b>E Alu Pu:</b> Kipahulu, Maui<br>-shared Ke Ala Huli i Waihanau project findings   |
| Teacher/Coordinator                  | 2008-2011    | <b>Hula Kahiko Workshop for Häna Festivals of Aloha Kumu</b>   |

|                |      |   |
|----------------|------|---|
|                |      | -10 week wksp. meeting twice a week culminating in a performance at the Hana Aloha Festival closing   |
| Presenter      | 2009 | <b>Papaku Makawalu Workshop:</b> Kona, Hawaii<br>-shared classroom application of Papaku Makawalu process   |
| Assistant Coo. | 1999 | <b>World Indigenous Peoples Conference:</b> Hilo, Hawaii<br>-coordinate and organize workshops and huakai   |
| Coordinator    | 1998 | <b>Haku Mele Workshop:</b> Hana<br>-coordinate and organize workshops with high school students from Hana and traditional Hawaiian mele composers |

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'OHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAU,LA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF LEONORA  
BARCLAY

DECLARATION OF LEONORA BARCLAY

I, Leonora Barclay, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am a member of Nā Moku Aupuni O Ko'olau Hui.
4. My family has an interest in property near Wailua Stream. I farmed until I was about 27 years old. I stopped because I went to work, and my father did most of it. My brother and other family friends continued to farm our land until about 1990. My family and I reopened the patches in 1996 and stopped around 2004-2005.
5. I farmed this land based on my upbringing and my parents owned the land and transferred to me the ownership.
6. I learned how to farm taro from my father, Edward Smith, Sr., mother Anna Kaauamo Smith and Tūtū Wahine, Ellen Kapeka Kaauamo.
7. We currently have about ¾ acre to 1 acre in kalo, which is farmed by Carl Wendt.

8. Traditionally, my ‘ohana gathered ‘ōpae, ‘o‘opu, hihiwai, guava, lilikoi, pohole, and prawns in Waikamoi, Wahinepee, Honomanu, Nuaailua, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, and Hanawi.

9. Traditionally, my ‘ohana fished for aholehole, poopaa, ‘o‘opu, nohu, and hinalea in or near the mouths of Honomanu, Nuaailua, Piinaau, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, and Hanawi.

10. My family also engaged in mālama ‘āina and mālama kahawai by constantly keeping ‘auwai clear of ‘ōpala and growth in and around Honomanu, Nuaailua, Piinaau, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, and Hanawi. We would clean the ditch so the water would stay in it. We didn’t want it to overflow and soften people’s land, ruining their patches.

11. Currently, my ‘ohana and I gather pohole around Wailua, Waikani (Wailuanui), West Wailuaiki, and East Wailuaiki.

12. I gather to eat and feed my ‘ohana.

13. I enjoy nature such as pohole fields, taking pictures of the taro fields and fruit trees in and around Wailua.

14. The lack of stream flow has been a problem for me because less water causes harder farming for my ‘ohana as well as the farmers below my patches. This is in stark contrast to the 1970s, when we still had plenty of water. It was always flowing. We had to upkeep our lo‘i to make sure that the people below got water.

15. In the 1980s, we would go through periods of water then no water. If there was a big rain, we would see water for two or three days.

16. The lack of water caused my family to stop cultivating the land and to instead offer the land to other farmers to farm if they could.

17. If there was enough water in the streams, I would continue to gather pohole and also gather ‘ōpae, hihiwai, and oopu in Wailua, Waikani (Wailuanui), West Wailuaiki and East Wailuaiki.

18. If there were more water in the streams, I would fish for aholehole in or near the mouths of Wailua, Waikani (Wailuanui), West Wailuaiki and East Wailuaiki.

19. If water were put back in the streams, I would mālama the streams by keeping the 'auwai clear of 'ōpala and growth. I would clear the ditch for the same reason as in traditional times – to stop the overflow of water and potential destruction. Under current conditions, people have to clean the ditches just to get water.

20. If there was more water in the streams, I would go to the streams and catch goldfish like I did as a child. You don't see them anymore. You know when the water is flowing because of the goldfish. They don't survive unless there is a steady flow.

21. If lack of water was not a problem, I would appreciate nature, including pohole fields. I would continue to take photos of the taro fields and fruit trees.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Waiehu, Maui, Hawai'i, September 30, 2014.



LEONORA BARCLAY

COMMISSION ON WATER RESOURCE MANAGEMENT  
STATE OF HAWAI'I

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WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOSHUE,  
PAAKEA, WAIAAKA, KAPAUЛА,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01  
DECLARATION OF LEZLEY  
JACINTHO

DECLARATION OF LEZLEY JACINTHO

I, Lezley Jacintho, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am a taro farmer. I have been growing kalo in Honopou for about six years now on approximately two acres of land.
4. I am farming this land based on my family history and talking with kupuna about practices their parents had done to farm lo'i long before we did.
5. I learned how to farm taro from Beatrice Kepani Kekahuna and Lurlyn Scott.
6. My 'ohana has lived in Honopou for many generations.

7. Traditionally, my 'ohana gathered 'ulu, kalo, uala, moi, aholehole, banana, 'o'opu, pūpū, kala, hau, native crayfish, hihiwai, 'opihi, limu, pohole, mango, 'awapuhi, tī leaf, lū'au, guava, watercress, oranges, and medicinal plants in and around Honopou.

8. Traditionally, my 'ohana fished for aholehole, honu, moi, mullet, poopaa, puhi, ulua, lobster, pāpio, 'ō'io, lae, uhu, menpachi, kole, black crab, haukiuki, kupipi, and opihi in or near the mouth of Honopou, Punalau/Kolea, Honomanu, Hanawi, and Makapipi. They also gathered limu in those areas.

9. My 'ohana also engaged in mālama 'āina and mālama kahawai. They were aware of spawning times, they cleaned the 'auwai, gathered only what was needed, gathered and fished with the moon cycle, rebuilt walls, and cleaned Honopou.

10. Currently, my 'ohana and I gather pohole, banana, avocados, 'ulu, mango, orange, puakenikeni, and lū'au in and around Honopou and Honomanu. We also pull kalo if it is not rotten.

11. My family and I fish for pāpio, enenu, moi, prawns, lobster, haukiuki, 'opihi, and kupipi in or near the mouth of Honopou and Honomanu.

12. I gather and fish to feed my family, teach my kids to feed themselves, and live as our grandparents did.

13. My family engages in mālama 'āina and mālama kahawai by cleaning Honopou and nearby ponds, planting kalo, cleaning, and working together to grow food.

14. We also swim in the ponds, teach our kids how to swim, catch prawns, fish, and play games in and around Honopou.

15. I appreciate the natural beauty of Honopou, including the birds and dragon flies. I love the smells of 'awapuhi and other flowers. I enjoy looking around, taking in the beauty and the greenery, and hearing rushing water while sitting on Lynn's deck next to the pond.

16. Water is used to irrigate my lo'i as well as other lo'i. The level of water barely can feed those lo'i. More water is needed as we continue to open more lo'i. Around these lo'i the water also feeds homes that have been established from generations.

17. The lack of stream flow affects our taro. We have lost taro due to root rot and other diseases.

18. Because the streamflow connects to the ocean, improper flow restricts spawning of different species of fish. Thus, the lack of stream flow affects our gathering rights as

Hawaiians to feed our ‘ohana as was once possible. Native species like ‘o‘opu cannot travel back up stream due to lack of water, which compromises their reproduction. Our families who live in this area cannot gather enough resources from the ocean and streams because there is not enough fish, hihiwai, ‘ōpae, and ‘o‘opu. The low stream flow has also caused people to move away to provide better for their family.

19. Additionally, swimming in the ponds is what we all enjoy and should continue to be enjoyed, not compromised by improper flow which can cause stagnate water, bringing leptospirosis and other bacteria.

20. If there was enough water in the streams, I go back to traditional gathering practices, being more self-sustainable as a valley. Everything in Honopou would be in abundance.

21. If there were more water in the streams, I would fish for what was traditionally fished for in Honopou. Aholehole would come back as well as other species like moi, nohu, and menpachi.

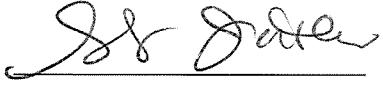
22. If water were put back in the streams, I would mālama the streams the same way as my kupuna did. We would open more lo‘i and continue to monitor fishing practices in and around Honopou.

23. If there was more water in the streams, I would make even more use of the ponds, teach our kids to fish and gather to make traditional tools and implements. I would also appreciate the beauty of the strong flow of water, the additional greenery at Honopou because everything would flourish.

24. Spiritually, we are connected to the water. Water is life. Without water we will not be.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Honopou, Maui, Hawai'i, December 13, 2014.

  
LEZLEY JACINTHO

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
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HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'OHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAUЛА,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF LURLYN SCOTT

DECLARATION OF LURLYN SCOTT

## Declaration of Lurlyn Scott

I, Lurlyn Scott, hereby declare that:

1. I am Hawaiian by birth.
2. I am the daughter of the late Marjorie Wallett, and the niece of the late Beatrice Kekahuna, both of whom were original petitioners to amend the interim instream flow standard (IIFS) for Honopou Stream before this Commission in May 2001.
3. I was born on July 2, 1959 in California after my mother left the U.S. Air Force to begin a family.
4. My mother, Marjorie Wallett, was the daughter of Maria Kaehukai Kepani and John Kalia Kaleialoha.
5. The name listed on the current tax map of this area of Honopou, tax map zone 2, section 9, plat 1 is "Elizabeth Kepani."
6. Elizabeth Kepani's husband, Jerry Kepani, is my mother's first cousin..
7. My extended 'ohana has lived in Honopou for many generations.and after returning to Maui from California as a young girl, I grew up along Honopou Stream.
8. As a young girl growing up, I both played in Honopou Stream and enjoyed the scenic beauty of the stretches of stream where I swam and played.
9. During my lifetime, my 'ohana gathered 'ōpae, 'o'opu, hihiwai, watercress, medicinal plants, and crayfish from Honopou Stream to supplement our diet.
10. My 'ohana also traditionally gathered rocks for the imu in and around Honopou Stream.
11. Traditionally, my 'ohana fished for āholehole, enenu, po'opa'a, moi, weke, moana, kole, 'opihi, uhu, and honu in or near the stream mouths of Honopou, Punalau/Kolea, Honomanu, Hanawi, and Makapipi.
12. They also gathered limu in and along those coastal areas.
13. My 'ohana would mālama Honopou by cleaning out the hau, only taking what they needed, cleaning limu off rocks, and being aware of the spawning cycle of fish and other creatures.
14. My family also used the stream to wash clothes and soak hau to make rope.

15. I also helped my `ohana raise kalo in lo`i tended to by my mother and other members of my family and located on the properties designated as TMK 2-9-1-14, being portions of Grant 1082 and 3101:2. LCA 5595E-1, and Grant 1918:1.

16. My mother passed away on April 3, 2010.

17. After her passing, I continued to farm kalo in the Honopou lo`i.

18. My cousins Sanford Kekahuna, Richie and Leilani English, Maudrey English, and various youth groups like Kukulu Kumuhana, Mormon Young Women's Group and the Royal Hawaiian Guard help me work the Honopou lo`i. My cousins Kainani Kaleialoha, Lezley Jacintho and Jonah Jacintho have their own lo`i in the system and have their friends come to work with them..

19. My daughter, Wyonette and her children, and Kainani Kaleialoha and her ohana all reside in homes location on these parcels.

20. My family and I currently gather `o`opu, crayfish, hihiwai, rocks for the imu, pohole, and ferns for lei making in and around Honopou, Honomanu, Hanawi, and Makapipi Streams.

21. We fish for lobster, enenu, po`opa`a, aholehole, uhu, mullet, and ulua in or near the mouths of Honopou, Honomanu, Hanawi, and Makapipi streams.

22. I gather and fish to perpetuate my cultural food and traditions so my grandchildren will be able to live off the land like our kūpuna did.

23. My family would mālama Honopou by cutting back the hau, trying to regulate shoreline fishing, and breaking apart dams built by other people.

24. We also swim, cliff dive, and enjoy the tranquility at Honopou, Honomanu, Hanawi, and Makapipi after a hard day at work.

25. Our children and grandchildren learned to swim at Honopou.

26. I like hearing and seeing the natural flowing streams at Honopou, Honomanu, Nuailua, Pi`ina`au, Palauhulu, Waiokamilo, Hanawi, and Makapipi.

27. Attached as Exhibit "A-149" is a schematic drawing of the various kalo lo`i that my `ohana has collectively tended over the decades I have witnessed kalo farming on these properties (hereafter, "Honopou lo`i").

28. Included on Exhibit "A-149" are arrows which depict the direction of water flow passing through the various designated lo`i.

29. I certify that the layout of the Honopou lo`i, albeit not to scale, and direction of water flow is truly and accurately depicted in Exhibit "A-149".

30. I estimate that the land area covered by the Honopou lo`i is about one acre.

31. On September 25, 2008, the Commission on Water Resources Management voted to amend the IIFS for Honopou by establishing a flow of 2.0 cubic feet per second (cfs) at Station A.

32. Station A is located about a half mile below the lowest EMI dam on Honopou Stream, known as "Haiku Dam."

33. Attached as Exhibit "A-151" is an aerial photograph of the Honopou drainage basin, which truly and accurately reflects the location of Station A, which is where the amended IIFS for Honopou stream is measured, and the USGS metering locations that once measured flow and temperature readings of water flow into and out of the Honopou lo`i.

34. When the CWRM amended the IIFS for Honopou Stream to 2.0 cfs at Station A in Exhibit "A-151" in September 2008, I elected not to appeal the decision, although I had reservations about whether this amount of flow would be sufficient to support the kalo cultivation on the Honopou lo`i, the gathering of o`opu, ōpae, and hihiwai, and fishing along the mouth of the stream at the coastline.

35. After consulting with attorneys for my mother and aunt, we decided not to appeal the September 2008 CWRM decision because it specifically incorporated an Adaptive Management Strategy (AMS).

36. As a result of the amended IIFS, I looked forward to monitoring the work of EMI workers who installed modifications to the Haiku Dam to supposedly allow more water to pass over that dam to meet the amended IIFS.

37. With great optimism, in 2009-12, I witnessed CWRM and USGS staff periodically install, and download raw data from, instruments at Stations A and B on Honopou Stream in what appeared to be a sustained effort to monitor and enforce stream flow compliance with the amended IIFS established in 2008.

38. I also witnessed USGS staff from Maui separately installed metering in and around the Honopou lo`i at strategic spots to monitor the temperature and flow of the water we diverted from, and later returned to, Honopou Stream.

39. The metering of water temperature and flow *in real time*, apparently through a satellite upload to the USGS website, was especially useful.

40. Access to this metering data, especially the real time information, provided valuable objective information on whether my `ohana was getting adequate water to irrigate our kalo.

41. In March 2009, I witnessed EMI workers cooperating with CWRM staff to install modifications to the Haiku Dam at Honopou Stream to allow more water to bypass the diversions at that dam.

42. One of the major modifications included a metal bypass flume installed on top of the cement grate feature of the Ha`iku Dam to allow a limited amount of additional stream water to pass over this diversion structure.

43. Attached as Exhibit "A-146" is a photograph taken on March 23, 2009, which I took the day EMI workers installed that metal flume over the Haiku Dam.

44. Despite the collection of stream flow data since the IIFS for Honopou was amended in 2008, I have been supplied with flow measurements for Honopou only sporadically when my attorneys asked CWRM staff for them.

45. The CWRM has not provided me regular or reliable access to flow measurements, either online or by other means of communication.

46. I learned of flow measurements only through my attorneys at NHLC.

47. I have only recently been made aware that the CWRM staff presented its flow data to the CWRM.

48. Attached as Exhibit "A-145" is a true and correct copy of September 24, 2009 update, which I downloaded from the CWRM website.

49. As shown in Exhibit "A-145", the AMS adopted by the CWRM appeared to protect my interests in restoring flow to Honopou Stream, and I looked forward to "[c]ollaborat[ing] with agency staff and registered diversion owners to determine appropriate actions," as stated on page 12 of Exhibit "A-145."

50. In addition, as the graphic on page 11 of Exhibit "A-145" indicates, the AMS process allowed for continuous adjustments based on the CWRM staff 's ongoing monitoring and evaluation, enabling the CWRM to revise the IIFS to address the needs of kalo farmers, cultural gatherers and people who fish.

51. I sincerely believed and relied on CWRM's pledge that the AMS was the key to restoring stream flow where conditions and needs required it and that the CWRM would finally and timely meet the needs of kalo farmers, cultural gatherers, and fishermen.

52. As indicated on page 16 of Exhibit "A-145," EMI diverts water from Honopou Stream at 4 elevation levels with the Waioa, New Hamakua, Lowrie and Haiku ditches.

53. As shown on page 20 of Exhibit "A-145," EMI failed to abide by the amended IIFS (2.0 cfs @ Station A) for all of the field measurements recorded between October 2008 and July 2009 during the initial implementation phase.

54. Despite the stream channel modifications installed after the 2008 IIFS amendment, I experienced low flows to the Honopou lo`i cultivated by my 'ohana.

55. Since the 2008 IIFS amendments for Honopou Stream, I have not been able to cultivate all 30 lo`i shown in Exhibit "A-149", because there is inadequate stream flow in Honopou to support all the kalo I and my 'ohana could otherwise plant and grow successfully without experiencing harm to our kalo crop from the lack of stream flow.

56. Without adequate stream flow we could otherwise tap to irrigate more kalo, we were forced to reduce the amount of kalo planted in the Honopou lo`i and the dry cracked lo`i that I saw in the summer of 2009, as depicted in Exhibit "A-147".

57. Unfortunately, apparent funding shortages began to affect my ability to access the real time metering by the USGS in and around the Honopou lo`i after I have begun downloading important objective evidence of the shortage of irrigation water negatively affecting by kalo.

58. Ultimately, when the USGS staff removed gauging stations that it had previously installed at strategic points on or near the Honopou lo`i due to lack of funding, I lost access to important flow and temperature data being recording in real time at the intake to the Honopou lo`i and the outflow from that lo`i system.

59. Before the removal of these meters, working with my attorneys, I was able to download various graphs depicting the water flow and temperature into, and the outflow from, the Honopou lo`i at various times between November 2008 and 2010, all of which is attached as Exhibit "A-150".

60. Attached as Exhibit "A-148" is a video which truly and accurately depicts the amount of water that flows past the Haiku Dam, as a result of the modifications undertaken in 2010 to meet the 2008 IIFS amendments for Honopou Stream, and the amount of water that continues to fall into the diversion ditch at that point.

61. The Haiku Ditch transports those diverted water to points northwest to irrigate Hawaiian Commercial and Sugar fields in Central Maui.

62. As shown in Exhibit "A-148," I estimate that, in 2014, despite the Haiku Dam modifications, EMI still diverts over 80% of the Honopou stream flow at Haiku dam.

63. The restoration of natural flow to Honopou Stream would enhance kalo cultivation in the Honopou lo`i, the gathering of o`opu, īpae, and hihiwai in Honopou Stream, and fishing along the mouth of the stream at the coastline.

64. Also, during summer months, we have stagnant, smelly water that is not useable for domestic use.

65. In addition, from 2009 through 2014, although i repeatedly reported to the CWRM staff members that I was not receiving sufficient flow to irrigate the Honopou lo`i, I did not see the staff attempt to increase stream flow as a remedy to my problems.

66. If there was enough water in the streams, I would grow more kalo, raise watercress, gather 'o'opu, crayfish, hihiwai, rocks for the imu, pohole, and ferns for lei making in Honopou, and fish for lobster, enenu, po`opa`a, aholehole, uhu, mullet, and ulua in or near the mouths of Honopou, Honomanu, and Makapipi.

67. If water were put back in the streams, I would mālama the streams the same way I do now.

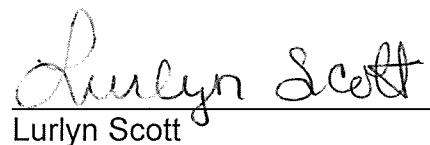
68. I would also clean the muliwai, move rocks for better flow, and observe ancient fishing practices at Honopou.

69. If there was more water in the streams, I could swim and enjoy Honopou recreationally all year round.

70. I would also get to enjoy watching the ulua go upstream, smelling the clean breeze, hearing the water flowing, and watching for 'o'opu.

71. If there was more natural flow restored to Honopou Stream, I would be better able to teach the opio of my 'ohana and others in my community how to mālama the kahawai, perpetuate the traditions and customs of my ancestors and enhance our food security for future generations.

DATED: Honopou, Maui, HI, December 10, 2014.

  
Lurlyn Scott

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAILUA, PIINAAU,  
PALAUHULU, 'OHI'A (WAIANU),  
WAIOKAMIL, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOSHUE,  
PAAKEA, WAIAAKA, KAPAU,LA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01  
DECLARATION OF NORMAN "BUSH"  
MARTIN

DECLARATION OF NORMAN "BUSH" MARTIN

I, Norman "Bush" Martin, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am a member of Nā Moku Aupuni O Ko'olau Hui.
4. My family has an interest in property in proximity to Wailua Stream.
5. I am a taro farmer. My family grows kalo on about three to four acres of property irrigated by Piinaau, Palauhulu, Waiokamilo, Kualani, and Wailua streams.
6. I am farming this land based on my cultural and traditional inheritance of land and knowledge passed on to each generation.
7. I learned how to farm taro from my great grandparents and grandparents.

8. Traditionally, my family gathered ‘ōpae, ‘o‘opu, and hihiwai from Waikamoi, Alo, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. My ‘ohana would also gather pohole, water cress, banana, bamboo shoot, pepeiao, and mountain haha alongside those streams.

9. My family also traditionally fished for shoreline reef fish, including uhu, puhi nikiniki, uha, honu, moi, mullet, uoauoa, aholehole, poopaa, ulua, akule, ‘ō‘io, and aweoweo in or near the mouth of Honopou, Hanehoi/Puolua, Waikamoi, Alo, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waiānu Waiokamilo, Kualani, Wailua, Waikani (Wailunui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. My ‘ohana would also gather limu near the mouth of those streams.

10. Traditionally, my family engaged in mālama ‘āina and mālama kahawai by being good stewards. My ‘ohana would protect the resources and take only what was needed from Waikamoi, Alo, Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. It was my family’s kuleana to maintain the entire moku.

11. In addition to farming, I currently gather ‘ōpae from above the diversions in Honomanu, Piinaau, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, and Hanawi. It takes about four hours to walk to the place where I gather because you cannot find the ‘ōpae below the diversions. Even so, sometimes I only see one ‘ōpae in eight hours. I usually do not gather ‘o‘opu and hihiwai because there isn’t enough. I leave them behind so they can propagate.

12. I fish for uhu, puhi nikiniki, uha, moi, mullet, uoauoa, aholehole, poopaa, ulua, akule, ‘ō‘io, and aweoweo in or near the mouth of Honomanu, Wailua, Waikani (Wailuanui), West Wailuaiki, and East Wailuaiki. I don’t catch very much fish. Sometimes I don’t catch anything. Families in our community will often take turns fishing and share with each other to be sure there is enough to go around.

13. I engage in mālama 'āina and mālama kahawai by cleaning the streams. I also will not gather any resources if there is not enough so that they can propagate. This is automatic. It goes hand in hand with gathering practices.

14. For me, gathering and fishing from the streams is to feed my family, put a roof over our head, and teach the next generation – at least those who still reside here.

15. Gathering, fishing, and farming are also recreational for me because I enjoy practicing my traditions. I appreciate the views, the sounds, and the smells of nature that I experience while gathering. Seeing water in the stream is beauty to me.

16. The lack of stream flow has caused many families to leave Wailuanui because the resources aren't there. There are very few people we can pass down these traditions to. We call that generation "the lost generation."

17. Other specific negative effects of the lack of stream flow is that people are not opening their lo'i. And if someone above you doesn't maintain their lo'i, water flow to your lo'i is affected. That has been a real problem. There are also so many invasive species below the diversion due to the lack of stream flow, that I have to walk for four hours to be able to gather above the diversion. That takes time away from other work. Even after the four hour hike to the stream, sometimes I will see some fish and 'ōpae, but I cannot take them because there isn't enough.

18. The lack of stream flow also affects the fish near the shoreline. Fish are dependent on brackish water to spawn. With twenty-seven streams, there are twenty-seven fish nurseries. With only eight streams, there are only eight nurseries. Without all of the streams being restored, it blocks everything out. When the limu came back after the Waikani diversion was opened, there was a noticeable difference after only two weeks. The smell changed with the brackish water. The fish returned to that area.

19. The lack of stream flow has also caused me to lose approximately \$13,000-\$15,000 a year in revenue. I have not been able to pull taro in four years.

20. Ultimately, the low stream flow has displaced my community and changed our way of life.

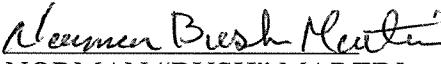
21. If there was enough water in the streams, I would gather and fish as my family before me did. I would gather 'ōpae, 'o'opu, and hihiwai from Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu,

Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. I would also gather pohole, water cress, banana, bamboo shoot, pepeiao, and mountain haha alongside those streams. I would also fish for uhu, puhi nikiniki, uha, moi, mullet, uoauoa, aholehole, poopaa, ulua, akule, ‘ō‘io, and aweoweo in or near the mouth of Honopou, Hanehoi, Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, ‘Ōhi‘a/Waiānu Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. I would expect to be able to catch fish in greater numbers. I would also continue to mālama the streams and the areas around them.

22. If there was more water in the streams, I would appreciate the natural scenery even more. There is beauty in putting life back into the streams and seeing them as they are supposed to be.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Wailua, Maui, Hawai‘i, September\_\_\_\_, 2014.

  
NORMAN "BUSH" MARTIN

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAAILUA, PIINAAU,  
PALAUHULU, 'ŌHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOHUE,  
PAAKEA, WAIAAKA, KAPAPUA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01  
DECLARATION OF PUALANI  
KIMOKEO

DECLARATION OF PUALANI KIMOKEO

I, Pualani Kimokeo, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am a member of Nā Moku Aupuni O Ko`olau Hui.
4. My father Henry Ben Kaauamo was from Wahinepee. My mother Sarah Ahkuna Hueu was from Ke`anae.
5. I grew up in Wailua/Ke`anae.
6. When I was growing up, my mother had different leases from the state. She had about fifty patches. My mother worked the patches until I was in high school. She continued farming most of them until the 90s and stopped when she was 70 years old. My father worked as a taro farmer until he was 80-something. He refused to give up. My dad was also a garbage collector for the County. He also did a lot of hunting for pigs in these mountains as well.

7. I too am a taro farmer. I grow kalo on about one acre of property in Keanae that is irrigated by Palauhulu and another water source that may be connected to Piinaau.

8. I have an interest in the land I farm based on my connection to Kalilimoku, on my mother's side.

9. Before times, the fathers worked the taro patches. Mothers fought to get stream flow and worked on the traditional gathering.

10. I learned traditional and customary gathering practices from my grandmother Ellen. She and my mother taught us about what to look for, how to know when big water is coming, how to respect the seasons. We would pull kalo, pick 'opihi, and gather 'ōpae all in the same day.

11. Traditionally, my 'ohana gathered 'ōpae, watercress, lū'au, haha, pepeiao, hihiwai, pupulo'i and guava in Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, 'Ōhi'a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

12. Traditionally, my 'ohana fished for 'o'opu, aholehole, uau, and pāpio in or near the mouths of Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, 'Ōhi'a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue.

13. My 'ohana also engaged in mālama 'āina and mālama kahawai at Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, 'Ōhi'a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue by respecting the seasons. They didn't have problems that required the same kind of cleaning because there was more flow.

14. Currently, my 'ohana and I gather 'ōpae, and limu in or near the mouths of Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, 'Ōhi'a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. I also gather 'opihi in those same areas.

15. I farm, gather, and fish to feed my family.

16. I taught my kids what I know about farming, gathering, and fishing. My kids also started hunting when they were three. They learned from Doug Chong. They are now teaching their own children our practices.

17. I engage in mālama 'āina and mālama kahawai by cleaning the ditches with a sickle. That allows better flow to my lo'i, which are the last lo'i to get fed by the streams.

18. We also enjoy Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, 'Ōhi'a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue recreationally.

19. I thank Ke Akua for everything before our eyes, everything he gives us. My mom was a strong woman. I learned a lot from her. I love that she tried to teach us. I try to instill all of that into our children. To me, Ke'anae will always be what I envision from when my mom instilled these lessons in me. To me, that's the biggest gift from Ke Akua.

20. The lack of stream flow is a problem for my family because we cannot grow kalo how we would like to. The taro gets diseased and damage. We get pocket rot and what we call "guava seed," or growths on the taro that affects the quality. We have apple snails, which like the warm water. Also, farmers in Ke'anae have to compete for water. It's not like before – we used to share and it wasn't a problem.

21. If there was more water in the stream, I would worry less about my kalo. I would expect more cool water to reach my lo'i.

22. If there were more water in the streams, my 'ohana would gather 'ōpae, limu, and opihi in or near the mouths of Wahinepee, Puohokamo, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, 'Ōhi'a/Waianu, Waiokamilo, Kualani, Wailua, Waikani (Wailuanui), West Wailuaiki, East Wailuaiki, Kopiliula Puakaa, Paakea, Waiaaka, Kapaula, Hanawi, Makapipi, and Waiohue. I also gather 'opihi in those same areas.

23. If water were put back in the streams, I would continue to mālama the streams and cleaning the ditches.

24. If there was more water in the streams, I would appreciate the natural scenery. It would be nice to see the streams of Ke'anae the way I knew them when I learned how to farm and gather from my mother.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Keanae, Maui, Hawai'i, 11/01/2014, 2014.

  
PUALANI KIMOKEO

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM  
INSTREAM FLOW STANDARDS FOR  
HONOPOU, HUELO (PUOLUA),  
HANEHOI, WAIKAMOI, ALO,  
WAHINEPEE, PUOHOKAMOA,  
HAIPUAENA, PUNALAU/KOLEA,  
HONOMANU, NUAILUA, PIINAAU,  
PALAUHULU, 'OHI'A (WAIANU),  
WAIOKAMILO, KUALANI, WAILUANUI,  
WEST WAILUAIKI, EAST WAILUAIKI,  
KOPILIULA, PUAKAA, WAIOSHUE,  
PAAKEA, WAIAAKA, KAPAU,LA,  
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

DECLARATION OF SANFORD  
KEKAHUNA

DECLARATION OF SANFORD KEKAHUNA

I, Sanford Kekahuna, declare that:

1. The statements below are based upon my personal knowledge.
2. I am Hawaiian.
3. I am the son of Beatrice Kekahuna and nephew of Marjorie Wallet, who were some of the first farmers who tried to get more water.
4. My family grows kalo on about two acres by Honopou stream.
5. Traditionally, my 'ohana gathered pohole, watercress, 'ōpae, hihiwai, 'o'opu, and prawns in and around Honopou, Kualani, Wailua, and Makapipi.
6. My family fished for ulua, aholehole, enenu, kupipihi?, 'ō'io, weke, lae, poopaa, uhu, hinalea, kole, and he'e in or near the mouth of Honopou, Wailua, Waikani (Wailuanui), West Wailuaiki, and East Wailuaiki.
7. My 'ohana mālama-ed Honopou, Kualani, and Wailua by cleaning them, cutting wildlife back, and putting rocks back to the stream.

8. When I was small, we used to fish by the streams. We would take bamboo and a small lead line and worms. We would leave it by the stream, go do what we would do, then come back and there would be something on the line.

9. Now, I gather ‘o‘opu, prawns, and small baby fish at the edge of the shoreline at Honopou.

10. I fish for ulua, aholehole, enenu, kupipihi, ‘ō‘io, weke, lae, poopaa, uhu, hinalea, kole, and he‘e from Honopou out past Ke‘anae, Hana, and Kaupō.

11. I gather and fish to feed my family and friends.

12. I still mālama the streams by cleaning them and cutting back wildlife. I mostly do this at Honopou because I live here but sometimes I go and help at Kualani and Wailua.

13. My family and I swim and fish for fun at Honopou. You work first, then you do what you like do.

14. At Honopou, I appreciate the rainfall, the sound of the stream by my house, the wind, the smell of flowers, and the sound of birds – they talk.

15. Because there isn’t as much water, there isn’t as much fish as there were before. I see the fish are slowly starting to come back. I count them to see how much. At the diversion, some ‘ōpae are coming back. If they let water down, it would be more. If more water, life would come back.

16. I make more money where I work than farming. If I could, I would rather farm.

17. If there was more water, I would gather watercress, ‘ōpae, and prawns. I would also gather hihiwai, which would probably come back with more water, because they eat the algae on the rocks.

18. If they gave us more water, I would fish for the same fish I do now but I would try to get more here in Honopou. If not, I would have to go someplace else. Why go there, when I can go here? I’d rather go here.

19. If there was more water, I would mālama Honopou the same way I do now. I would also fish up stone walls and put the river back where it was.

20. If they put more water in Honopou, I would appreciate the natural beauty the same way I do now. Maybe more. That’s life right there, so I would appreciate it.

21. H2O for Honopou!

I declare under penalty of perjury that the foregoing is true and correct.

SANFORD KEKAHUNA

**From:** [JLP](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-15  
**Date:** Wednesday, December 10, 2025 9:47:27 AM

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Dear Chair Chang and Members of the Land Board,

My name is Jessica Peters and I urge you to recognize that the staff recommendation in this agenda item is critically flawed. You know the suffering we who live in Lahaina and on Maui more broadly have dealt with because of poor water resource management. We have to stop prioritizing business over 'aina and locals. Water is life - please protect us!

Of the many issues with this agenda item, perhaps the most egregious is the proposal to allow PSP Investments (dba Mahi Pono) and East Maui Irrigation to take even more water than was taken from East Maui's streams last year. This Board should not be giving Mahi Pono and East Maui Irrigation even more water - not when streams ordered restored by the Water Commission in 2022 continue to be drained dry. Not when Mahi Pono, after years of enjoying public trust water, still refuses to line its century-old reservoirs after decades of water waste. Not when we do not understand the impacts of the diversion system on Makapipi stream. Not when the terms of the new revocable permit are unenforceable. And not when a standing court order specifically prohibits the Board from doing so.

Mahalo nui,  
Jessica Peters  
Lahaina, Hawai'i

**From:** [donna raupp](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-15  
**Date:** Wednesday, December 10, 2025 12:22:07 PM

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Dear Chair Chang and Members of the Land Board,

My name is Donna Raupp and I urge you to recognize that the staff recommendation in this agenda item is critically flawed.

Of the many issues with this agenda item, perhaps the most egregious is the proposal to allow PSP Investments (dba Mahi Pono) and East Maui Irrigation to take even more water than was taken from East Maui's streams last year. This Board should not be giving Mahi Pono and East Maui Irrigation even more water - not when streams ordered restored by the Water Commission in 2022 continue to be drained dry. Not when Mahi Pono, after years of enjoying public trust water, still refuses to line its century-old reservoirs after decades of water waste. Not when we do not understand the impacts of the diversion system on Makapipi stream. Not when the terms of the new revocable permit are unenforceable. And not when a standing court order specifically prohibits the Board from doing so.

Mahalo nui,  
Donna Raupp

**From:** [Beppie Shapiro](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony Agenda Item D-15  
**Date:** Tuesday, December 9, 2025 8:56:30 PM

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Chair Chang and Members of the Land Board,

My name is Beppie Shapiro. The staff recommendation on Item D-15 has serious inadequacies and its recommendation by BLNR staff is not justified.

One major flaw is the proposal to allow Mahi Pono and East Maui Irrigation to take **even more** water than was taken from East Maui's streams **last year**. BLNR should not give Mahi Pono and East Maui Irrigation even more water - as streams ordered restored by the Water Commission in 2022 continue to run dry. This problem is worse than it might be because Mahi Pono still wastefully refuses to line its century-old reservoirs. None of us really understands the impacts of the diversion system on Makapipi stream. What's worse, the terms of the new revocable permit are unenforceable. A standing court order specifically prohibits the board from doing this.

Thank you for your attention.

Beppie Shapiro

**From:** [pomai\\_stone](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-15  
**Date:** Wednesday, December 10, 2025 4:03:21 PM

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aloha mai kakou,

o vau no keia o Johanna Kapomaikai Stone, he wahi ahe malanai keia no Kailua, Koolaupoko a he kama au no ia Palikoekoe o Kamakalepo, ma ka piko o Maunawili. Aia no makou ma laila e mahiai ana mai kinohi mai.

the staff recommendation in this agenda item is CRITICALLY FLAWED. i am call upon you to return to your inherent human nature as a servant to our aina, this is the place that enables YOU to exist. Thus there should be WATER in our STREAMS.

Of the many issues with this agenda item, perhaps the most egregious is the proposal to allow PSP Investments (dba Mahi Pono) and East Maui Irrigation TO TAKE EVEN MORE WATER than was taken from East Maui's streams last year. THIS IS EGREGIOUS AND CRIMINAL. LITERALLY.

This Board should not be giving Mahi Pono and East Maui Irrigation even more water - not when streams ORDERED TO BE RESTORED by the Water Commission in 2022 continue to be drained dry. Not when Mahi Pono, after years of enjoying public trust water, still refuses to line its century-old reservoirs after decades of water waste. Not when we do not understand the impacts of the diversion system on Makapipi stream. Not when the terms of the new revocable permit are unenforceable. And not when a STANDING COURT ORDER specifically PROHIBITS the Board from doing so.

we are disgusted you are trying to STEAL MORE WATER from the river, we adamantly refuse your CRIMINAL actions against LIFE.

return to your human-ness, and start RECIPROCATING with the place that enables you to LIVE.

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na-u me ke aloha  
na Johanna Kapōmaika‘i Stone  
.me he lau no ke Ko‘olau ke aloha:  
"Mauliola i ka Mahi‘ai:  
Our Farming is our Stewardship because our Resources are our Relations"  
<https://www.youtube.com/watch?v=UzAyigHnv4c>

Stephanie Whalen

PO Box 64

Kunia, HI

96759

HEARING BEFORE THE BOARD OF LAND AND NATURAL RESOURCES

Kalanimoku Building

DLNR Boardroom

1151 Punchbowl St.

Honolulu, Hawaii 96813

Meeting ID: 830 0563 6371

December 12, 2025

9:00 a.m.

Testimony on Agenda item D15, Issuance of Revocable Permit to Mahi Pono, LLC and East Maui Irrigation Company, LLC for the Development, Diversion, and Use of Surface Water for Diversified Agriculture, Currently Existing Historical Industrial and Non-Agricultural Uses, Reservoir, Fire Protection, Hydroelectric, and County of Maui Department of Water Supply and Kula Agricultural Park Purposes on the Island of Maui; 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.

Aloha Chair Chang and Members of the Board:

My name is Stephanie Whalen. I have worked supporting agriculture for over 50 years. My previous employment was with the Hawaiian Sugar Planters' Association as its President, Executive Director and Head of Environment Science Department over my years with it.

Bottom line there is no agriculture without a reliable, sustainable water supply.

I offer my strongest support for the continuation of a revocable permit to provide water to Maui County and to Maui's fertile agricultural lands.

If the state's objective is to have an agricultural industry, then it is absolutely necessary to maintain a reliable, sustainable water supply for its agricultural lands whether or not they

are currently in production. Reducing supplies based on current or speculated usage is short-sighted and destructive to the state's long-term goals.

Yes, water permit issues are complex and always controversial, but Hawaii policy must support water for all lands classified as agriculture whether it is currently in use or not. This can't be stated more strongly especially where some of the lands are designated 'important agricultural land' of the state!

It has taken decades for diversified agriculture to gain ground, and it still is in its infancy with critical growing pains. Curtailing water now to any land classified as agriculture is short-sighted and detrimental to the state's food production potential. No one can predict the future, and it is obvious that more production is needed to reduce imports. How and where that will occur is unpredictable. So many factors are involved: land, water, labor, transportation, and market access. And as everyone acknowledges, without adequate and reliable water for irrigation, there can be no agriculture. One cannot even begin to address the other 4 factors! Consequently, It is in the public interest to preserve, wherever possible, the water resources necessary for lands designated for agriculture for it to even be considered possible. The future food needs of the islands demand that.

Yes, some oppose diversions but historically, back to ancient times Romans and before them water was diverted for man's use be it agriculture or public. This is not new; it is historical. Those before us moved water through massive aqueducts where it was needed and that has continued through time. To be responsible for the future generations of Hawaii the state needs to prioritize preserving water resources to land where land is already held for agriculture. Land removed from agriculture for lack of water will NEVER be returned for use in agriculture. That is apparent throughout the state.

The infrastructure spent in this water resource cannot be duplicated tomorrow if needed then, not in today's or tomorrow's economic reality. Most of Maui's existing farm and ranch lands depend on diverted waters to grow crops and raise livestock. Reducing these water needs or decreasing any potential future needs for agriculture again is short-sighted. The need for reliable and sustainable supply is necessary for any future growth of crop production. Maintaining a revocable permit now while diversification grows and develops is necessary before permanent permits can be reasonably and accurately determined. This interim solution is critical to ultimately determine fair, adequate, sustainable and reliable distribution through a permit process.

Farmers and ranchers are practical with long term vision. If land does not have adequate access to a reliable water supply, they will not invest in the extensive resources necessary to farm or ranch. This has been a major impediment to the growth of diversified farming:

reasonable long-term access to land and water. Both these primary needs of agriculture are at risk in this discussion. Decision makers must think long and hard to preserve Hawaii's needs for current and future food production. Where will that be preserved if not where some of the important agricultural lands are located as well as current farms and ranches. Water is vital; preserving its current and future uses for land currently designated for agriculture is critical and is a weighty obligation.

Thank you for the opportunity to provide testimony strongly supporting passage of Agenda Item D-15, on behalf of agriculture now and for all of Hawaii's people's future.

**From:** [Pete Wilson](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-15  
**Date:** Wednesday, December 10, 2025 4:30:10 PM

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Dear Chair Chang and Members of the Land Board,

My name is Peter Wilson and I urge you to recognize that the staff recommendation in this agenda item is critically flawed.

Of the many issues with this agenda item, perhaps the most egregious is the proposal to allow PSP Investments (dba Mahi Pono) and East Maui Irrigation to take even more water than was taken from East Maui's streams last year. This Board should not be giving Mahi Pono and East Maui Irrigation even more water - not when streams ordered restored by the Water Commission in 2022 continue to be drained dry. Not when Mahi Pono, after years of enjoying public trust water, still refuses to line its century-old reservoirs after decades of water waste. Not when we do not understand the impacts of the diversion system on Makapipi stream. Not when the terms of the new revocable permit are unenforceable. And not when a standing court order specifically prohibits the Board from doing so.

Mahalo nui,  
Peter Wilson

--  
Pete Wilson  
13-927 Kahukai Street  
Pahoa HI 96778  
808-557-8108

**From:** [keri zacher](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-15  
**Date:** Tuesday, December 9, 2025 7:30:55 PM

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Dear Chair Chang and Members of the Land Board,

My name is Keri Zacher and I urge you to recognize that the staff recommendation in this agenda item is critically flawed.

Of the many issues with this agenda item, perhaps the most egregious is the proposal to allow Mahi Pono and East Maui Irrigation to take even more water than was taken from East Maui's streams last year. This board should not be giving Mahi Pono and East Maui Irrigation even more water - not when streams ordered restored by the Water Commission in 2022 continue to be drained dry. Not when Mahi Pono still refuses to line its century-old reservoirs after decades of water waste. Not when we do not understand the impacts of the diversion system on Makapipi stream. Not when the terms of the new revocable permit are unenforceable. And not when a standing court order specifically prohibits the board from doing so.

Mahalo nui, Keri Zacher