

To: blnr.testimony@hawaii.gov

Subject: Testimony on Agenda Item D15

Message: Testimony

Dear Chair Chang and Members of the Land Board,

E nā kīni o ka ‘āina, na mamo aloha hāloa e kūpa‘a a kūpau nei i ka ike i waiho ‘ia e nā kupuna, nā hoa e paio mau ‘ana i nā pono a‘e hapai nei i ka maoli hawai‘i i kēla lā me keia lā mai ka hikina o Ke‘anae wahi kaulana o ke kalo a‘i ke komohana o Lahaina wahi loko‘ino o ka lā.

Aloha, my name is Anale‘a Bennett, I am now a senior at Ke Kula Ki‘eki‘e o Kekaulike. Through my years of education and being in the Hawaiian Immersion program I have gained a lot of knowledge on the mō‘aukala, and mo‘omeheu. My great great grandmother Mary Ka‘auamo Smith, and great grandma Thressa Ka‘auamo Smith were kalo farmers from Ke‘anae. They lived the lifestyle of living off the ‘āina. Working, planting, growing, and farming kalo has and will always be a lifestyle for kanaka, to keep on the ‘ike, and hana to provide for ‘ohana. Which is why I am hereby to urge you NOT to accept Mahi Pono’s request for the issuance of another one- year revocable permit of continuing to divert more wai.

The continued diversion of wai by Mahi Pono has had a devastating impact on our ‘āina, our lāhui and our mo‘omeheu Hawai‘i. The streams of East Maui are an essential asset, providing drinking water, agriculture, and cultural practices. For a long time Mahi Pono has been allowed to take an excessive amount of wai, leaving the community out there dry and damaged. Issuing another permit would perpetuate this injustice and further harm the fragile work of East Maui’s natural environment.

Mahi Pono’s actions are taking away wai that the kaiaulu needs and disrespecting how important wai is to kanaka. Wai isn’t just something to use. It’s a kapu part of our mo‘omeheu as kanaka, and it is life to us that connects us to our kupuna and sustain’s our way of life. Taking more wai will make it hard for us kanaka to farm kalo the traditional way and stay connected to our ‘āina.

Granting another permit to Mahi Pono would be a disservice to the lāhui and a betrayal of the Land Board’s responsibilities to protect Hawai‘i’s natural and cultural resources. I implore you to consider the long-term consequences of the decision and to prioritize the wellbeing of our ‘āina and

our lāhui over the interests of the corporation. By denying this permit, you have the opportunity to restore balance, promote sustainability, and reaffirm the commitment to preserving Hawai‘i’s heritage for the generations to come.

In conclusion, the decision is not just water rights, but it’s about upholding justice, preserving culture, and ensuring a sustainable future for Hawai‘i. Denying Mahi Pono’s permit is a crucial step towards honoring our kuleana to protect the ‘āina and to empower the lāhui to thrive. May you choose wisely, with aloha and a deep respect for the delicate balance of our ‘āina. By choosing this permit, the Land Board has the chance to set a model for kuleana ‘āina and management over wai, revealing that the voices of the lāhui and the needs of the ‘āina will be prioritized over corporate interests. The decisions will inspire other communities to also kū‘e and stand for their rights, “He mana o ka waha” to protect and mālama our mo‘omeheu and kaiaola. It’s time to build a future where we focus on a sustainable, fair, and protected culture, not just talking or posting about it.

Mahalo nui,

Anale‘a Bennett

Public Testimony
12/12/2025
Revocable Water Use Permit: Mahi Pono LLC

Aloha Chair and Commissioners,

My name is Joseph Cardoza. I am a lifelong Maui resident, born and raised here, and I am here in support of the recommended revocable water use permit for Mahi Pono LLC. I currently run a livestock operation on Maui, with active operations spanning from Lahaina to Huelo, giving me firsthand experience with the realities of agriculture across diverse microclimates and water conditions.

I hold a Bachelor of Science in Agricultural Economics and a Master of Science in Agriculture from Washington State University. Agriculture runs deep in my family. On my maternal side, my family has over 100 years combined experience in Maui's sugar industry. On my paternal side, my family is from East Maui, with more than 50 years of experience in ranching and agriculture, including work on Kaeleku Sugar Company, Grove Ranch, and Haleakala Ranch.

Agriculture is what made Maui what it is today, and its continued success is vital to Maui's future. As the most isolated populated land mass in the world, Hawaii must take food security seriously. Natural disasters and shipping disruptions are real risks, and diversified local agriculture strengthens our resilience.

Water is the foundation of agriculture. A revocable water use permit allows water to be put to beneficial use while maintaining oversight and flexibility for the State. Based on my education, experience, and family history in Maui's agriculture, I support approval of the recommended revocable permit for Mahi Pono LLC.

Mahalo for the opportunity to testify,

Joseph Cardoza
Cardoza Farms LLC
Owner/Operator



December 11, 2025

Via Electronic Mail

Board of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl St.
Honolulu, Hawai'i 96813
blnr.testimony@hawaii.gov

Re: 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 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 e Chair Chang and Members of the board,

Earthjustice submits this testimony to urge the Board of Land and Natural Resources ("board") to defer agenda item D-15 until the board complies with Hawai'i Revised Statutes ("HRS") § 171-4(b) and includes at least one member with experience in conservation and natural resources.¹ Without fulfilling this prerequisite, this board's decisions are unlawful and invalid. That this board has not taken steps to rectify or address this issue since it was raised in the board's November meeting seems reckless and irresponsible. This board must prioritize ensuring the composition of its members complies with the law before making major, long-term decisions that affect our precious public trust resources like Maui Hikina stream flows.

Section 171-4(b) requires the board have at least one member with a background in conservation and natural resources, as evidenced by "[a] college degree in a relevant field" or "[w]ork history sufficient to demonstrate an appropriate level of knowledge in the subject of land and natural resources." *Id.* The legislature included this requirement recognizing the "specialized subject area" that this board oversees. S. Stand. Comm. Rep. No. 17, in 2005 Senate Journal. As the primary public trustee tasked with the control and protection of Hawai'i's public lands, *see* HRS § 171-1, a board member with a conservation and natural resources background is vital for ensuring that the board's decisions fulfill its public trust duties. A

¹ Attached to this testimony is Earthjustice's November 13, 2025 Letter to Governor Green and BLNR regarding the governor's failure to appoint a board member with a background in conservation and natural resources to the board.

decision regarding to issue a revocable permit for water usage in Maui Hikina would be premature, uninformed, and unlawful without a member with the legally mandated conservation and natural resources expertise.

Additionally, the board is not fulfilling its public trust duties in rushing to decide this matter amidst the ongoing drought in Maui Hikina and against extensive community opposition. The waters of Maui Hikina have suffered from decades of overextraction, causing these water resources to be unstable and unreliable for kalo farmers and community members who use this water to support their cultural practices and everyday lives. This board has the duty to take steps to prevent and stop misuse that would exacerbate historic injustice and ongoing drought, not promote the continued extraction of Maui Hikina's water resources under the guise of a revocable permit.

We urge this board to do the right thing for Maui Hikina and all of Hawai'i's public trust resources by immediately remedying its lack of the lawfully mandated member with conservation and natural resources expertise. Mahalo nui for this opportunity to testify.

Sincerely,

/s/ Harley M. Broyles

HARLEY M. BROYLES

EARTHJUSTICE

From: [Tatiana Ebro](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony on Agenda Item D-15
Date: Thursday, December 11, 2025 7:51:05 PM

Dear Chair Chang and Members of the Land Board,

My name is Tatiana 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,

Tatiana Ebro

Sent from my iPhone

From: [eduardo.gandolfo](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Subject: Testimony on Agenda Item D-15
Date: Friday, December 12, 2025 10:17:05 AM

Dear Chair Chang and Members of the Land Board,

My name is Eduardo A. Gandolfo, 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 up 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.

Additionally, it is essential that we take action to prevent future disasters like the Lahaina fires. Our community remains at risk of similar events occurring again.

One potential measure would be to request that Mahi Pono develop and maintain their plantations around our communities, thereby creating a green belt that could help prevent wildfires from reaching residential areas.

mahalo nui loa,

Eduardo A. Gandolfo

Principal Broker
Maui Houses and Condos Realty
"excellence with aloha"
Certified Short sale and Foreclosure Resource Specialist

Green Realtor
GRI
Cell: 1.808.264.4733
gandolfsea@hotmail.com
2824 Ohina St., Kihei, HI 96753, USA

"IF WE WAIT FOR THE MOMENT THAT EVERYTHING IS READY, WE SHALL
NEVER BEGIN" Ivan Turgenev

*My clients deserve my undivided loyalty and priority scheduling. Therefore, I exclusively
serve buyers and sellers with whom I have signed representation agreements.*

*Referrals are greatly appreciated. Please call me if a friend, family member or a neighbor is
in need of my help.*



Please consider the environment before printing this e-mail.

From: [Kyle Greenwood](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony on Agenda item D-15
Date: Thursday, December 11, 2025 9:53:34 PM

Dear Chair Chang and Members of the Land Board,

My name is [your name] 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.

I live in east Maui and Mahi Pono negatively effects locals ability to farm and the streams to reach the ocean affecting wildlife's ability to survive let alone thrive. Also the general consensus of people living here is they don't want Mahi Pono to have the water lease and want water restored to the streams.

Mahalo, sincerely
Kyle Greenwood

Sent from my iPhone



TESTIMONY to THE BOARD OF LAND AND NATURAL RESOURCES

Via Email to: blnr.testimony@hawaii.gov

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

Aloha Chair Chang and Members of the Board,

On behalf of the Hawai'i Ag & Culinary Alliance, I express our strong support for the approval of Agenda Item 15.

Our statewide culinary community depends on the success of Hawai'i's farmers. Chefs, restaurants, and food businesses rely on a steady supply of locally grown ingredients to showcase the flavors that are unique to our islands. None of that is possible without reliable access to water—one of the most fundamental requirements for farming.

But this issue extends far beyond restaurants. Local agriculture is essential to feeding Hawai'i's future. Schools, hospitals, correctional facilities, and other institutional buyers are among the largest and most stable purchasers of food in the state. To meet the volume and consistency these markets require, Hawai'i needs farms that can scale, diversify, and invest in long-term production—and those farms cannot operate without a dependable water supply.

State leadership, including the Governor and Legislature, has set an urgent and clear direction: Hawai'i must increase local food production, reduce dependence on imported food, and strengthen resilience against supply chain disruptions. Farmers are at the center of achieving these goals, but they cannot plant, cultivate, or harvest without consistent water. A stable water supply allows producers to meet growing demand from residents, visitors, and institutional markets while building a more resilient island food economy. Ensuring they have dependable access to water is not simply an agricultural matter; it is an investment in Hawai'i's food security and economic stability.

For these reasons, we respectfully support the staff recommendation.

Sincerely,

A handwritten signature in black ink, appearing to read "Denise Yamaguchi". The signature is fluid and cursive, with a large loop at the end.

Denise Yamaguchi
CEO, Hawai'i Ag & Culinary Alliance



December 10, 2025

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.

RE: 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,

My name is Eric S. Tanouye and I am the President for the Hawaii Floriculture and Nursery Association (HFNA). HFNA is a statewide umbrella organization with approximately 350 members. Our membership is made up with breeders, hybridizers, propagators, growers, shippers, wholesalers, retailers, educators, and the allied industry, which supports our efforts in agriculture. Our organization is a non-profit membership organization whose purpose is to enhance its members' business success through enactment of laws to advance the common business interests of the members, education, marketing, research, and services; to encourage and promote the betterment of conditions that will create and sustain an economically viable flower and plant industry; and to promote the growing and exporting of Hawaii flowers and plants.



HFNA would like to voice our support for the continuation of a revocable permit to provide water to Maui County and to Maui's fertile agricultural lands.

We understand that water issues and permits are complex with many different things to consider, but we feel it is important to support diversified agriculture. Water is an important component to farming and without it, you are simply unable to farm. We hope that you can support the future of agriculture on Maui and support the continuation of the revocable permit, that will allow the continuation of irrigation that supplies around 30,000 acres.

If you have any questions at this time, we would be happy to discuss them and can be reached by phone at 808-959-3535 ext. 2627, cell 960-1433 and email eric@greenpointnursery.com.

Supporting Agriculture and Hawaii,

Eric S. Tanouye

President

Hawaii Floriculture and Nursery Association

Submitted via e-mail to blnr.testimony@hawaii.gov

From: [Jessica Nakamura](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony on Agenda Item D-15
Date: Friday, December 12, 2025 8:34:36 AM

Dear Chair Chang and Members of the Land Board,

My name is Jessica Nakamura 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.

Please do the right thing.

Mahalo,

Jessica Nakamura

From: [tarahawaii_kiai](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony & Request to Testify Orally* on Agenda Item D-15
Date: Thursday, December 11, 2025 7:14:32 PM

Dear Chair Chang and Members of the Land Board,

*Zoom link request to testify orally.

I urge you to recognize that the staff recommendation in this agenda item D-15 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.

NO to a 30-year permit.
NO to a 1-year permit.
NO.

We are in a water crisis.
We are in a water drought.
We are overdeveloped.
We are bought out.
We are pushed out.
ENOUGH.

Enough of "hard decisions" that:
...put profit over people.
...hurt the people.
...dry the river beds.
...affect lo'i existence.
...take away water, period.

Your KULEANA is to PROTECT the WAI.
Your KULEANA is not to neglect our water.

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.

Again, it is TIME WE TRUST YOU WHO SIT ON THIS BOARD TO MAKE PONO DECISIONS = what the Lāhui collectively knows needs and wants is and forever needs to be the SAME needs and wants you all have...and MAKE THE DECISIONS ALIGNED WITH THIS MINDSET.

Mahalo nui,
Tara Rojas

From: [Tomas Lynch](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony on Agenda Item D-15
Date: Friday, December 12, 2025 7:07:36 AM

Dear Chair Chang and Members of the Land Board,

My name is Tomas Lynch 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,

Tomas Lynch

Council Chair
Alice L. Lee

Vice-Chair
Yuki Lei K. Sugimura

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



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

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

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

December 11, 2025

Dawn N.S. Chang
Chairperson
Board of Land and Natural Resources

December 12, 2025
9:00 AM
DLNR Boardroom, Kalanimoku Building

Aloha Chair Chang and Members of the Board,

SUBJECT: **Testimony In Support of** Agenda Item 15 – Issuance of Revocable Permit

Mahalo for the opportunity to testify on Agenda Item 15. My name is Yuki Lei Sugimura, and I represent the Upcountry Residency Area on the Maui County Council. I am submitting testimony in strong support of this item.

Upcountry Maui is unlike any other part of the island. We are an agriculturally rooted, water-constrained community where family farms, ranches, and rural residents depend daily on a stable and responsibly managed water delivery system. Disruptions do not occur in a vacuum; any change reverberates through our agricultural economy, household water use, and wildfire preparedness. The water delivered under this revocable permit is part of the broader system that ensures Upcountry farmers, ranchers, and residents have the water they need to maintain crops, support local food production, and protect their lands.

As we work to rebuild and strengthen Maui's economy, local agriculture has taken on even greater importance. The operations supported by this permit are critical for producing the food that supplies not just Maui residents, but also major institutional purchasers across the state, including DOE schools and hospitals. Without predictable access to water, large-scale agriculture would contract, increasing our dependence on imported food and undermining the State's goals of expanding Hawai'i-grown agricultural production.

Upcountry communities have also experienced repeated wildfire threats over the past several years, and irrigated agricultural landscapes play a measurable role in reducing

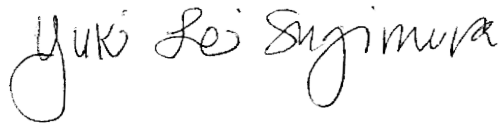
December 11, 2025
Page 2

fuel loads and slowing fire spread. Continued water deliveries to Central Maui agriculture indirectly enhance our safety by keeping thousands of acres actively managed and less susceptible to ignition. For us, wildfire mitigation is not theoretical; it is a lived, annual experience, and actions taken by this Board inevitably affect the landscape conditions Upcountry residents face.

I respectfully ask that the Board apply the public trust doctrine in a fair and consistent manner that recognizes both environmental protection and the clear public benefits of local agriculture, economic diversification, and community safety. Predictable state decision-making is essential for farmers planning their crops, for employers retaining their workers, and for Upcountry families who depend on a resilient water system.

On behalf of the Upcountry community, I respectfully urge approval of Agenda Item 15. This action is essential for Maui's agricultural stability, wildfire preparedness, and long-term food security.

Mahalo for your time and service.

A handwritten signature in black ink, reading "Yuki Lei Sugimura". The signature is fluid and cursive, with the first letter of "Yuki" being a large, stylized capital "Y".

YUKI LEI SUGIMURA
Council Vice-Chair