
[EXTERNAL] Short Testimony - ref Acquisition of Wahiawā Dam

From Alan Lennard <alan.lennard.808@gmail.com>

Date Thu 3/26/2026 9:12 PM

To DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>

REF:

1) Acquisition of Private Lands Associated with the Wahiawā Irrigation System as Provided for in Act 218, 2023 Session Laws of Hawai'i for Addition to the Wahiawā Freshwater State Recreation Area Identified as Tax Map Keys (1) 7-3-001:003 and 019; 7-3-006:023; 7-3-007:001; 7-3-008:001; 7-3-010:003; 7-3-011:003, 006, and 007; 7-3-012: 006; 7-4-001:003; and 7-4-012:001, Located in Wahiawā, Oahu;

2) Rescission of the Wahiawā Dam Remediation Schedule issued to Dole Food Company Hawai'i by the Board of Land and Natural Resources ("Board") on April 9, 2021, as Item L-3 (which was subsequently amended by the Board), upon Transfer of Tax Map Keys (1) 7-3-001:003 and 019; 7-3-006:023; 7-3-007:001; 7-3-008:001; 7-3-010:003; 7-3- 011:003, 006, and 007; 7-3-012: 006; 7-4-001:003; and 7-4-012:001 to the Department of Land and Natural Resources, Tax Map Keys (1) 7-1-001:013 and 017; 7-1-012: 003, 004, 007, and 014; 7-3-005: 005; 7-3-012:002; and 7-3-013:003 to the Agribusiness Development Corporation, including the Wahiawā Dam and the Ditch System Associated with the Wahiawā Irrigation System;

3) Delegation to the Chairperson to Negotiate the Terms and Conditions of the Transfer Agreement;

4) Delegation to the Chairperson to Enter into the Transfer Agreement;

5) Issuance of Management Right-of-Entry to the Division of State Parks; and

6) Issuance of Set Aside to the Division of State Parks for Addition to the Wahiawā Freshwater State Recreation Area for Park Purposes.

Testimony for the DLNR/Board of Land and Natural Resources (BLNR) meetings, Wahiawa Dam, heard at 9:00 A.M. on 3/27/26. to blnr.testimony@hawaii.gov, DLNR Boardroom, 1151 Punchbowl St., Honolulu,

Dear Board,

I ask that you approve the Acquisition of Wahiawā Dam by the state of Hawai'i so that the spillway capacity can be enhanced; maybe in the future the dam can be studied for inline hydroelectric generation and can participate in the future wheeling tariff.

Thank you

Alan Lennard
P.O. Box 818
Haleiwa, HI 96712

March 27, 2026

Re: Public Testimony Against the Purchase of Wahiawa Dam

Ryan Kanaka'ole, Acting Chair and Director,
State Department of Land and Natural Resources and
Members of the DLNR Board:

This testimony addresses the proposed use of a \$26.0 million legislative appropriation to acquire the Wahiawa Dam and undertake engineering upgrades to meet required safety standards.

The State of Hawaii should not expend taxpayer funds to purchase the Wahiawa Dam in its current deteriorated and unsafe condition from Dole Foods. The Department of Land and Natural Resources (DLNR) has failed to adequately enforce regulatory requirements that would compel Dole to complete necessary structural and safety improvements. By way of background, the Wahiawa Dam was originally constructed in 1906 and had to be rebuilt in 1921 following a catastrophic failure.

Residents of Waialua and Haleiwa narrowly avoided disaster during the recent back-to-back Kona low storms. In advance of a potential breach, water was discharged through the spillways at approximately 1,500 gallons per second—an extraordinary volume capable of causing severe downstream damage. This rate would fill an Olympic-size swimming pool (9 feet, 10 inches deep) in just over seven minutes. Thousands of North Shore residents were placed at risk, and reports indicate that many individuals narrowly escaped life-threatening conditions. This level of exposure is unacceptable.

Hawaii has already experienced the tragic consequences of dam failure. On Kauai, a dam collapse resulted in the loss of seven lives. In that instance, the private owner failed to implement required safety improvements, and the State did not act with sufficient urgency or enforcement. We should not repeat that failure.


Dole Foods has asserted that it lacks the financial resources to perform the required upgrades. This claim is not credible. According to its filings with the U.S. Securities and Exchange Commission, Dole reported net profits of \$125.5 million in 2024 and \$82 million in 2025. Dole is a multi-billion-dollar publicly traded corporation. To suggest an inability to fund critical safety improvements is unreasonable and should not be accepted by the State. This proposal effectively allows a financially capable private entity to shift its legal and financial responsibilities onto taxpayers.

There is no sound policy justification for the DLNR to assume ownership of a more than century-old dam in poor condition and commit additional public funds for its rehabilitation and long-term maintenance. The State has a well-documented history of challenges in maintaining large-scale infrastructure. Proceeding with this acquisition would transfer significant risk and liability from Dole Foods to the people of Hawaii.

While certain small agricultural operations depend on Wahiawa Dam water during drought conditions, this dependency does not justify exposing entire communities to unacceptable safety risks. Viable alternatives exist. These include the development of groundwater wells and the more effective utilization of water from the Waiahole/Waikane system. This system already conveys substantial water through the Koolau Mountains to Central Oahu and the Ewa plains, historically serving plantation agriculture and later diversified farming operations. With those uses now significantly reduced, a considerable portion of this water is discharged unused into the ocean. The failure of the DLNR and the Commission on Water Resource Management to fully address and optimize this resource reflects a lack of strategic planning that should be corrected—rather than compounded by assuming ownership of a hazardous asset.

For these reasons, I strongly urge the DLNR to reject any action to purchase or accept transfer of the Wahiawa Dam.

Mahalo,

A handwritten signature in black ink, appearing to read "Brian Tamamoto", with a large, stylized flourish on the left side.

Brian Tamamoto

Email: kaala96789@gmail.com

[EXTERNAL] Item D-6

From Pat Kahawaiolaa <kokua4kupuna2025@gmail.com>

Date Fri 3/27/2026 3:45 AM

To DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>; CAPITOL2023-senrichards <senrichards@capitol.hawaii.gov>; CAPITOL2023-seninouye <seninouye@capitol.hawaii.gov>; Senator Jarrett Keohokalole <senkeohokalole@capitol.hawaii.gov>; senlamosao@capitol.hawaii.gov <senlamosao@capitol.hawaii.gov>; sendecorte@capitol.hawaii.gov <sendecorte@capitol.hawaii.gov>; CAPITOL2023-sendelacruz <sendelacruz@capitol.hawaii.gov>; CAPITOL2023-senkanuha <senkanuha@capitol.hawaii.gov>; CAPITOL2023-reptodd <reptodd@capitol.hawaii.gov>; repkeohokapuleeloy@capitol.hawaii.gov <repkeohokapuleeloy@capitol.hawaii.gov>; repshimizu@capitol.hawaii.gov <repshimizu@capitol.hawaii.gov>

Cc malamaanahola.sc@gmail.com <malamaanahola.sc@gmail.com>; Sybil Lopez <lopezs808@gmail.com>; Kainoa Lei MacDonald <808divergentgroup@gmail.com>; Ron & Doreen Kodani <phhcahilo@gmail.com>; Duncan Kaohu Seto <dnknz2@gmail.com>; Hokulani Fernandez <hoku.fernandez@gmail.com>; Maile Luuwai <maileluuwai@gmail.com>; kcapresident1924@gmail.com <kcapresident1924@gmail.com>; Lauae Kekahuna <Kekahunalauae@gmail.com>; Jeffrey Kekoa <j_kekoa1956@hotmail.com>; Keahi Pung <keahipung@gmail.com>; puka_bell@yahoo.com <puka_bell@yahoo.com>; Patricia Teruya <pattyteruya@gmail.com>; maysanaaldeguer@gmail.com <maysanaaldeguer@gmail.com>; 808hikino@gmail.com <808hikino@gmail.com>

Aloha e Acting Chair Kanakaole and Honorable members of the Board of Land and Natural Resource,

I'm Pat Kahawaiolaa, a native Hawaiian, as defined pursuant to the HHCA, 1920, as amended July 9, 1921, (42,42 stat. 108) 67th Congress, and currently acting as the Ikuha'i of the Komike O Kūpuna Ainahoopulapula (KOKA), and We STRONGLY OBJECT to: THE DLNR's SUBMITTAL BEFORE THIS BOARD TODAY...

1. The Acquisition of private lands associated with the Wahiawa Irrigation System as provided in Act 218 2023 (SLH), for addition To the Freshwater State Recreational Area identified by various TMK...
2. Delegation to the Chairperson to negotiate the terms and conditions of the Transfer Agreements...
3. Delegation to the Chairperson to Enter into terms to Transfer Agreements
4. Refund the Wahiawa Dam (OA-0017) remediation schedule upon recordation of the deed with the Bureau of Conveyances.
5. Issuance of Management Right-of-Entry (ROE) to the Division of State Parks...
6. Issuance of Set asides to State Parks for Addition to The Wahiawa Freshwater State Recreation Area for Park purposes...FROM...
7. APPROVE such other terms and conditions as may be prescribed by the Chairperson to best serve the interest of the State...

Background...

The Wahiawa dam was constructed in 1906 for the Sugar industry making the dam 120 years...today and owned by Sustainable Hawaii, Inc. and Dole... The first "failure" at the dam happened in 1921 as today is classified as a High Hazard Potential Dam as its failure would result in probable loss of human life...Should Dam Failure occur....

Among some of the biggest concerns , the dam as been classified as having a Poor Overall Condition classification such deficiencies include having and undersized spillway... the dam is also anticipated to overtop during Storm events like the State just experienced with the last Kona low, just last week where this dam was the cause of a lot of devastation in that area...approaching Probable Maximum Flood (PMF)...

Since 2009, 17 years ago the Department has issued 4 Notice of Deficiency...

The record will reflect as late as June 4, 2019, 7 years ago... DOLE was to have developed a work plan and schedule to address the inadequate spillway capacity, evaluate the stability of the embankment, a work plan and schedule to repair and replace the outlet structure gates, removal of unwanted vegetation,

A NOD was issued March 5, 2014, October 26, 2016, February 18, 2020, December 30, 2020... SEE THE RECORD

On that date the Department received a request for a 22 month extension on action items outlined in February 18,2020...NOD

On April 9, 2021, issued an enforcement action before the Board for violations of section 13-190.1-4(c) for its dam spillway not having the capacity to safely pass the PMF inflow design and was fined \$20k for failing to submit a Dam Safety Permit application to address deficiencies of spillways by the deadline of March 2, 2021... Sustainable Hawaii, Inc. & DOLE were given 270 days about 9 months (December 2021) for a conceptual design for spillway remediation...

So we're here with a multi million dollar corporation from North Carolina now wanting to "Let's Make A Deal" State of Hawaii, of which this State legislature must have drunk a gallon on the dam's putrid water with some KoolAid because in 2023 it passed Act 218... to create the framework for which we are here today...and after approximately 18 years 4 NOD, extensions, Fines The State Legislature seems poised to take the deal substitute its own version of a questionable entity under the DOA called AGRIBUSINESS DEVELOPMENT CORPORATION...with EXEMPTIONS OF ALL THE SAFEGUARDS FOR THE GENERAL PUBLIC, BUT WITH THOSE PROPOSED EXEMPTIONS WILL TRAMPLE ON OUR NATIVE RIGHTS AS A PEOPLE... may I remain this body this State of Hawaii as a proviso of Statehood ACCEPTED THE COMPACT BETWEEN THEIR NEW STATE AND THE UNITED STATES TO ACCEPT THE HAWAIIAN HOMES COMMISSION ACT INTO THE STATE CONSTITUTION, however with the acceptance of the Compact in the Admissions Act I Pub Law 86-3, 73 stat. 4...

In my humble opinion I do not believe ADC will pass the smell test when they use Act 218 2023... to circumvent the conditions, placed in the Compact insofar as the public Trust lands, The water rights, the Rights of the native Hawaiian, as defined and those who benefit from the 5(f) lands

<kokua4kupuna2025@gmail.com> wrote:
| <https://dbedt.hawaii.gov/adc/about-us/>

ADC's unique position enables it to coordinate Federal, State and private resources to maximize agribusiness opportunities. Its EXEMPTIONS from Hawaii Revised Statutes Chapter 171 regarding land use, as well as Public Utilities Commission regulations and civil service laws, and the ability to issue bonds and form subsidiaries, allow for greater flexibility in managing its programs.

.....ADC fosters the growth of agricultural enterprises across the state by providing affordable irrigation and long-term licenses or leases to tenants, which stimulates investment in agribusiness and enhances the viability of agriculture in Hawaii...

Hawaii Revised Statutes (HRS) Chapter 171 pertains to public lands and includes various provisions regarding the management, use, and disposition of the state's lands. The purposes of HRS Chapter 171 can be summarized as follows: however...the following paragraph says it all for me...

****Native Hawaiian Rights****: The statute 171...acknowledges and outlines protections for the rights and usages of

Native Hawaiians concerning their ancestral lands and cultural practices, ensuring that these rights are respected in land management decisions....

.....The Public Utilities Commission (PUC) of Hawaii serves several critical purposes aimed at ensuring fair, reliable, and sustainable utility services for the residents and businesses within the state. Here are the primary purposes of the PUC in Hawaii:

...The PUC works to safeguard the interests of consumers by ensuring that they receive high-quality, reliable service at fair prices. This includes addressing consumer complaints and ensuring transparency in utility operations.

...****Infrastructure Oversight****: The PUC monitors and approves investments in utility infrastructure to ensure that they are necessary, efficient, and in the public interest. This includes upgrades to aging infrastructure or new projects aimed at improving service delivery.

...****Advisory and Strategic Planning****: The PUC advises the state government on energy policies, market conditions, and regulatory frameworks. It helps in the planning process for Hawaii's energy future, aiming for sustainability and resilience.

....****Environmental Stewardship****: The commission supports initiatives that minimize the environmental impact of utility operations, encouraging practices that promote energy efficiency and reduce greenhouse gas emissions.

.....****Market Development****: The PUC fosters competitive markets in sectors such

as electricity, improve service, and reduce costs.

.....**Policy Implementation**:
The PUC implements and enforces policies in accordance with state laws and regulations, ensuring compliance with legislative mandates related to utility services and energy policy.

.....**Stakeholder Engagement**:

Civil service laws
in Hawaii are designed to create an effective, fair, and accountable public service system that benefits both employees and the public they serve...

After reviewing some of the Conditions being proposed for the ADC to operate this Waiawa Dam owned by Dole Corporation of North Carolina, I Strongly OBJECT to the EXEMPTIONS being given to Agribusiness Development Corporation (ADC) the entity chosen by the Governor and the State of Hawaii to now operate this Dam, created during the Territory, when pineapple was pushed to the top after the setbacks of the Sugar industries...

[EXTERNAL] Re: Item D-6

From Lauae Kekahuna <kekahunalauae@gmail.com>

Date Fri 3/27/2026 7:38 AM

To Pat Kahawaiolaa <kokua4kupuna2025@gmail.com>

Cc DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>; CAPITOL2023-senrichards <senrichards@capitol.hawaii.gov>; CAPITOL2023-seninouye <seninouye@capitol.hawaii.gov>; Senator Jarrett Keohokalole <senkeohokalole@capitol.hawaii.gov>; senlamosao@capitol.hawaii.gov <senlamosao@capitol.hawaii.gov>; sendecorte@capitol.hawaii.gov <sendecorte@capitol.hawaii.gov>; CAPITOL2023-sendelacruz <sendelacruz@capitol.hawaii.gov>; CAPITOL2023-senkanuha <senkanuha@capitol.hawaii.gov>; CAPITOL2023-reptodd <reptodd@capitol.hawaii.gov>; repkeohokapuleeloy@capitol.hawaii.gov <repkeohokapuleeloy@capitol.hawaii.gov>; repshimizu@capitol.hawaii.gov <repshimizu@capitol.hawaii.gov>; malamaanahola.sc@gmail.com <malamaanahola.sc@gmail.com>; Sybil Lopez <lopezs808@gmail.com>; Kainoa Lei MacDonald <808divergentgroup@gmail.com>; Ron Doreen Kodani <phhcahilo@gmail.com>; Duncan Kaohu Seto <dnknz2@gmail.com>; Hokulani Fernandez <hoku.fernandez@gmail.com>; Maile Luuwai <maileluuwai@gmail.com>; kcapresident1924@gmail.com <kcapresident1924@gmail.com>; Kekoa Jeffrey <j_kekoa1956@hotmail.com>

Kāko’o! We the native Hawaiian lessees of Maku’u farmers Hawaiian association stand in solidarity to ‘anakalas written statement and We STRONGLY OBJECT to: THE DLNR’s SUBMITTAL BEFORE THIS BOARD TODAY!

I strongly advise that all who are in the position to do so that you stand in righteous for Hawaii and its people.

Mahalo!

On Mar 27, 2026, at 3:45 AM, Pat Kahawaiolaa <kokua4kupuna2025@gmail.com> wrote:

and We STRONGLY OBJECT to: THE DLNR’s SUBMITTAL BEFORE THIS BOARD TODAY...

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR



WENDY GADY
EXECUTIVE DIRECTOR

STATE OF HAWAII
AGRIBUSINESS DEVELOPMENT CORPORATION
HUI HO'OU LU AINA MAHIAI

TESTIMONY OF WENDY L. GADY
EXECUTIVE DIRECTOR
AGRIBUSINESS DEVELOPMENT CORPORATION

BEFORE THE BOARD OF LAND AND NATURAL RESOURCES

March 27, 2026

9:00 a.m.

DLNR Boardroom, Kalanimoku Bldg.
1151 Punchbowl Street, 1st Floor

**Testimony in Support of the Board of Land and Natural Resources'
Acquisition of Lake Wilson Agenda Item D-6**

Strong support is offered for the proposed acquisition of Board of Land and Natural Resources (BLNR) of Lake Wilson from Dole Food Company. This effort reflects a coordinated, forward-looking approach to securing Hawaii's agricultural and natural resource future.

Lake Wilson represents a critical agricultural and water resource asset for central O'ahu. Its continued availability for irrigation is essential to keeping surrounding agricultural lands in active production and supporting the State's broader goals of increasing local food production and reducing reliance on imports. The irrigation systems serving these lands are directly interdependent with Lake Wilson, relying on its stored water to provide consistent and reliable delivery. In turn, acres of Agribusiness Development Corporation (ADC) lands currently in production depend on that consistency to sustain crops, maintain yields, and support local farmers. Securing this resource under public stewardship ensures long-term stability, coordinated management, and continued agricultural viability.

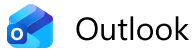
This acquisition also highlights strong interagency collaboration. Leadership from the Department of Land and Natural Resources has been

instrumental in convening and guiding this effort, reflecting its mission to manage, conserve, and protect Hawai'i's natural and cultural resources while ensuring their responsible and sustainable use. The Hawaii Department of Agriculture, through its Division of Agricultural Resource Management, has played a key role in advancing the technical aspects of the project, including due diligence, design, and planning for necessary dam and spillway upgrades, as well as anticipated construction oversight. The Agribusiness Development Corporation has conducted thorough due diligence confirming that the acquisition aligns with its statutory mission to promote diversified agriculture, support farmers, and maintain critical agricultural infrastructure. Together, this partnership reflects a unified, interagency commitment to both resource stewardship and agricultural productivity.

Importantly, maintaining and securing this interconnected irrigation system directly supports Hawai'i's food security mandates. Reliable water delivery enables farmers on ADC lands to sustain and expand production, diversify crops, and make long-term investments in agriculture. Without the dependable function of Lake Wilson within this system, irrigation reliability would be compromised, placing productive agricultural lands at risk of going fallow and weakening the State's agricultural base.

Overall, the acquisition of Lake Wilson represents a strategic investment in Hawai'i's future—supporting agriculture, reinforcing critical irrigation infrastructure, strengthening interagency collaboration, advancing necessary capital improvements, and ensuring that key agricultural lands remain productive for generations to come.

Mahalo for your consideration of this important initiative and the future of Hawaii.



[EXTERNAL] Opposition to Bill SB833 Item D-6

From carroll carrollcox.com <carroll@carrollcox.com>

Date Fri 3/27/2026 8:55 AM

To DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>

We oppose this bill authorizing transfer of the Wahiawa Reservoir to the State of Hawaii. We believe the transfer does not address the presence of the wastewater treatment plant discharging its wastewater into the reservoir and subsequently into the waters of the state. This is just one of the many problems that exist and need to be addressed.

Carroll Cox

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[EXTERNAL] Re: Opposition to BLNR Item D-6 — Wahiawā Irrigation System Transfer (Act 218)

From Melodie Aduja <legislativepriorities@gmail.com>

Date Fri 3/27/2026 9:08 AM

To DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>

Cc Alan Burdick <burdick808@gmail.com>; Mike Ewall <mike@energyjustice.net>; Melodie Aduja <legislativepriorities@gmail.com>

Opposition Testimony — Environmental Caucus of the Democratic Party of Hawai‘i

BLNR Agenda Item D-6 — March 27, 2026 Re: Proposed State Acquisition of the Wahiawā Irrigation System (Act 218, 2023) Submitted by: *Environmental Caucus of the Democratic Party of Hawai‘i*

Aloha Chair and Members of the Board,

The Environmental Caucus of the Democratic Party of Hawai‘i respectfully submits **opposition** to Item D-6 regarding the State’s acquisition of the Wahiawā Reservoir, Wahiawā Dam, ditch system, and associated parcels. While Act 218 (2023) authorizes this transfer, the Board should not finalize it without a full, transparent accounting of the **liability, cost, and public-safety implications** that would shift from a private corporation to Hawai‘i taxpayers.

For decades, **Dole Food Company Hawaii** has owned, operated, and benefited from this infrastructure. The Wahiawā Dam and irrigation system require substantial capital investment to meet modern dam-safety standards, climate-driven storm intensity, and federal hazard-classification requirements. The question before the Board is straightforward:

Why should Hawai‘i taxpayers assume Dole’s long-deferred maintenance, upgrades, and liability?

The March 2026 Kona Low made the risks unmistakably clear. During that event, Lake Wilson rose rapidly, contributing to the evacuation of Waialua and Hale‘iwa, widespread flooding, agricultural losses, and downstream contamination. Preliminary damage estimates already reach into the billions. Yet the public still lacks essential information, including:

- the extent to which Lake Wilson levels, controlled releases, or overflow contributed to downstream flooding;
- the structural vulnerabilities of the Wahiawā Dam under extreme weather;
- the projected cost of required upgrades, maintenance, and insurance;

- and the total **financial exposure** the State would assume by accepting this transfer.

Before BLNR approves this acquisition, the public deserves:

1. A full engineering and dam-safety assessment;
2. A cost projection for upgrades, maintenance, and long-term liability;
3. A hydrological analysis of Lake Wilson's role in the March 2026 flooding;
4. A clear explanation of why Dole is not bearing these costs;
5. A justification for shifting private corporate liability onto taxpayers.

Act 218 automatically repeals on June 30, 2026 if the transfer is not completed. That deadline should not pressure the Board into accepting a transfer without the due diligence necessary to protect public safety and public funds.

For these reasons, the Environmental Caucus respectfully urges the Board to **defer** Item D-6 until a full, transparent accounting is completed and made available to the public.

Mahalo nui loa, Environmental Caucus of the Democratic Party of Hawai'i Alan Burdick, Co-Chair

Mike Ewall, Co-Chair

Melodie Aduja, Co-Chair Emerita

[EXTERNAL] Fwd: Late Testimony: Opposition of the transfer of Wahiawa Reservoir to the State of Hawaii

From karyn herrmann <karyn.herrmann808@gmail.com>
Date Fri 3/27/2026 10:46 AM
To DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>

Corrected & Resubmitted. - kh

----- Forwarded message -----

From: **karyn herrmann** <karyn.herrmann808@gmail.com>
Date: Fri, Mar 27, 2026, 10:35 AM
Subject: Late Testimony: Opposition of Wahiawa Reservoir to the State of Hawaii
To: <blnr.testimony@hawaii.gov>
Cc: karyn herrmann <karyn.herrmann808@gmail.com>

I oppose the transfer of the Dole Reservoir to the State of Hawaii because reports suggest that the Wahiawa Wastewater Treatment Plant has historically operated without a renewed NPDES permit required by the Environmental Protection Act and Clean Water Act to discharge pollutants, with some reports noting that the permit expired in 1994.

Investigative reporting warnings were posted indicating the irrigation water in that system is not clean, though the environmental contamination has been a long-standing issue despite upgraded equipment.

Carroll Cox's investigations often focus on the failure of government agencies to properly regulate and protect water resources. It is curious to note the Wahiawa Wastewater treatment plant generates approximately 1.3 million gallons of treated wastewater a day. It is emptied directly into the Dole Wahiawa Reservoir. The wastewater contains bacteria and other biological materials that pose health risks to the public. We were told the power was shut off at the drinking water plant during the Kona Low storm, possibly contaminating the flood water.


Such transfer could put surrounding water sources including the Kaukonahua Stream at further risk .

There was no mention in the News of water from the treatment plant also contaminating the flood water.

The public has the right to know through transparency from our State of Hawaii Governor, Josh Green.

Karyn Herrmann
Elementary Teacher

808-670-4866



Ka'ūmana Hawai'ian Homes Community Association

2043 Uhaloa Road Hilo, Hawaii 96720 Cell It 1-808-854-6500

Date: Friday, March 27, 2026

Subject: Strong Opposition to DLNR Submittal – Wahiwā Irrigation System Acquisition (Act 218, 2023)

Aloha e Acting Chair Kanaka'ole and Honorable Members of the Board of Land and Natural Resources,

On behalf of the **Kaumana Hawaiian Homes Community Association (KHHCA)**, we write to express our **strong opposition** to the Department of Land and Natural Resources (DLNR) submittal before this Board concerning the proposed acquisition and transfer of lands associated with the Wahiwā Irrigation System under Act 218 (2023), including all related delegations of authority, management transfers, and set-asides.

KHHCA stands in full support of the testimony and position presented by Pat Kahawaiolaa, Ikuha'i of the Komike O Kūpuna 'Āina Ho'opulapula (KOKA), and we align with the serious concerns raised regarding public safety, accountability, and the protection of Native Hawaiian rights and resources.

Primary Concerns

At its core, this proposal asks the State of Hawai'i to assume responsibility for a severely deficient and high-risk dam system without adequate resolution of longstanding safety, legal, and trust obligations.

The Wahiwā Dam, constructed in 1906 for plantation-era sugar operations, is now approximately 120 years old and currently classified as a **High Hazard Potential Dam**, meaning its failure would likely result in loss of human life.

It is also classified as being in **poor overall condition**, with documented deficiencies including:

- An undersized spillway incapable of safely managing Probable Maximum Flood (PMF) conditions
- Risk of overtopping during major storm events, as recently demonstrated during the latest Kona low system
- Structural and maintenance concerns, including embankment stability, outlet structures, and unmanaged vegetation

These are not new issues.

Documented History of Non-Compliance

Since 2009, the Department has issued multiple Notices of Deficiency (NODs), including:

- March 5, 2014
- October 26, 2016
- February 18, 2020
- December 30, 2020

Despite repeated directives, extensions, and enforcement actions, compliance has not been adequately achieved.

As recently as April 9, 2021, enforcement action was taken for violations related to inadequate spillway capacity, resulting in fines and mandated corrective timelines. Yet, years later, these critical issues remain unresolved.

Concerns with Act 218 and Proposed Transfer

Rather than holding private entities accountable for remediation, this proposal effectively shifts the burden—and risk—to the State and, ultimately, the people of Hawai'i.

The involvement of the Agribusiness Development Corporation (ADC), under Act 218 (2023), raises serious concerns regarding:

- Potential circumvention of public safeguards
- Lack of transparency and accountability
- Exemptions that may undermine environmental protections and public trust responsibilities

This approach appears to be a transfer of liability rather than a responsible and enforceable solution.

Native Hawaiian Rights and Public Trust Obligations

Equally concerning is the potential impact on **Native Hawaiian rights and public trust resources**.

The State of Hawai'i, through the Admissions Act (Public Law 86-3) and its Constitution, accepted a solemn obligation to uphold:

- The Hawaiian Homes Commission Act
- The protection and proper use of public trust lands (including 5(f) lands)

- The safeguarding of water resources for the benefit of Native Hawaiians and the general public

Any action that weakens these obligations—particularly through exemptions or delegated authority—must be carefully scrutinized.

Conclusion

This Board is being asked to approve a significant action involving public safety, environmental stewardship, and constitutional responsibility.

Given:

- The dam's high hazard classification and poor condition
- The long history of unresolved deficiencies
- The shifting of responsibility from private entities to the State
- The risks to Native Hawaiian rights and public trust resources

KHHCA respectfully urges the Board to deny or defer this submittal until:

- All safety deficiencies are fully resolved and independently verified
- Responsible parties are held accountable
- Transparency and public protections are ensured
- Native Hawaiian rights and trust obligations are upheld

Mahalo for the opportunity to provide testimony on this critical matter.

Me ka ha'aha'a,

Kaumana Hawaiian Homes Community Association (KHHCA)

[EXTERNAL] STOP STATE FROM ACQUIRE WAHIAWA RESEVOIR

From Denis Sandra <lawaia49@icloud.com>

Date Fri 3/27/2026 2:00 PM

To DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>

We are The Park family from Kukea Circle, Waialua Hawaii

Who has lived here for more than 80 years.

And have never seen this type of Rain damage to our neighbors and to our community.

I am asking that without Billion dollar insurance held in the transfer/signed in agreement with The Dole Company. The State of Hawaii should NOT VOTE IN FAVOR OF OWNERSHIP.

State of Hawaii should NOT AGREE TO AN OWNERSHIP WITHOUT HOLDING THE DOLE COMPANY ACCOUNTABLE TO ANY AND ALL FUTURE PROJECT, MAINTENANCE, CATASTROPHIC EVENTS(that nearly happened on March 20, 2026.

Mahalo

Sandra and Denis Park and Ohana

Please listen to the people.

Sent from my iPhone