

October 22, 2025

Nominating Committee for the Commission on Water Resource Management (CWRM)
1151 Punchbowl St.
Honolulu, Hawai'i 96813
Via email to Suzanne.M.Kariya-Ramos@hawaii.gov and dlr.cwrwm@hawaii.gov

Re: Testimony with concerns regarding Agenda Item B.11, Applicant Jeff Pearson, Meeting of October 20 and 24, 2025

Dear Members of the Nominating Committee,

Regrettably, I am compelled to submit this testimony to you regarding the above agenda item. Mr. Pearson is an affable individual with lengthy experience in serving water developers, private diverters, and water utilities in Hawai'i. However, I encourage your committee to carefully evaluate his performance when he served as CWRM Deputy Director -- beyond the representations in his resume -- when reviewing his application.

While I have appeared before the CWRM as a scholar and a consultant for multiple parties for decades, I am offering this testimony as an individual.

Mr. Pearson's submitted resume states that during his time with CWRM he "Worked to be more inclusive with native Hawaiian groups to better involve them in the designation and permitting process." While it is correct that during his time he recommended and CWRM adopted long overdue reservations of water for the Department of Hawaiian Home Lands, he also lobbied against their bills to have an actual seat on CWRM. And while he took action to include the Department of Land and Natural Resources `Aha Moku coordinator during review of well construction permits in the Keauhou aquifer, he used that as a basis for excluding other Hawaiian practitioners who were not represented through the state's `Aha Moku process and who disagreed with the pro-development stance of that coordinator.

Keauhou bears further mention. The core and basic duty of a CWRM member is to uphold public trust uses of water and protection of the resource during the process of resource development. Necessary to note here is how Mr. Pearson oversaw the long drawn out consideration of a petition to designate the Keauhou Aquifer as a Ground Water Management Area, which culminated with its rejection in 2017. With his recommendation to deny, CWRM also adopted a staff-drafted "alternatives to designation" designed to facilitate future well development. Unfortunately, by ignoring established legal procedures and requirements under the Water Code, this adopted path for almost nine years has created legal ambiguity that has stymied all proposed wells, has done nothing to protect public trust interests in water, and has actually increased rather than resolved serious disputes.

Perhaps most notable among his actions, however, was what is arguably the most targeted anti-native Hawaiian action by CWRM in its thirty eight year history. In 2016, with Mr. Pearson's

recommendation and signature, CWRM staff proposed fining a native Hawaiian kalo growing family \$4,500 for putting a pipe in the Wailuku River (ʻĪao Stream) to grow kalo on their family land in ʻĪao Valley, Maui.¹ They already had oral permission from CWRM staff to install the pipe, and were exercising a constitutionally protected traditional and customary practice that CWRM is supposed to support and uphold.

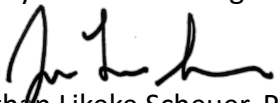
Uncle John and Aunt Rose Duey and their family also were, not coincidentally, key community leaders who helped lead Hui o Nā Wai ʻEhā, the community group that had petitioned and ultimately forced CWRM to restore water to the streams of Nā Wai ʻEhā. These community members had to fight for water against Mr. Pearson’s former employers, including golf courses and the County of Maui.

This fine proposal generated hundreds of pieces of testimony in opposition, perhaps the most ever submitted to CWRM on a single item. CWRM itself rejected the proposal, two members apologized, and they recognized the motion was being targeted towards the very community leaders who had successfully called on CWRM to do their job in Nā Wai ʻEhā.^{2 3} This generated a significant loss in faith of CWRM as an institution. It was only the CWRM itself – the body on which Mr. Pearson now wants to serve – that stopped this from progressing further.

Over the next four years, Mr. Pearson wishes to serve on CWRM just as public trust users will be competing with large landowners, corporations, and golf courses who will be appearing before the CWRM to secure water permits in Lahaina, including a former employer. In addition there will be many other significant decisions before CWRM dealing with water allocation on Kauaʻi, ground water designation in Waiʻanae, and the still ongoing disputes in Keauhou.

Please consider Mr. Pearson’s actual record with CWRM when considering his application. Please also contemplate how the perception of his nomination may be perceived by public trust water users and advocates across the pae ʻāina who have experienced his previous actions with CWRM.

Thank you for reviewing this testimony.


Jonathan Likeke Scheuer, Ph.D.
Oʻahu, Hawaiʻi

¹ <https://files.hawaii.gov/dlnr/cwrmm/submittal/2016/sb20160816A2.pdf>

² <https://files.hawaii.gov/dlnr/cwrmm/minute/2016/mn20160816.pdf>

³ <https://www.environment-hawaii.org/?p=9233>

From: [Loke Aloua](#)
To: [Kariya-Ramos, Suzanne M](#); [DLNR.CW.DLNR.CWRM](#)
Subject: [EXTERNAL] CWRM October 25, 2025 Testimony for Selection of Committee Members
Date: Thursday, October 23, 2025 7:56:56 AM

Aloha,

My name is Loke Aloua and I am a kupa of Kona, kia'i loko of Kaloko Fishpond, and member of Hui Ola Ka Wai who is working with NHLC to protect the waters of Keauhou Aquifer.

I am writing testimony in support of committee member Aurora Kagawa-Viviani to remain a member of the Commission of Water Resource Management. She has constantly and consistently been a voice for the people and the water demonstrating her commitment to the public trust. Often, the voice of the community falls to the wayside with state priorities but Commissioner Viviani has ensured to uplift the voice of the people and dec-enter government to re-center water needs, health, quality and wellbeing.

I am in opposition to the nomination of Jeff Pearson as a commissioner on the board. He has acted against both the needs of water and the people in previous capacities that have actively worked against public trust priorities for the Keauhou Aquifer. His election is in opposition to the actual duties of the commission to uphold the trust and protect our most precious life source, wai.

Mahalo for the opportunity to comment,
Loke Aloua

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Cocoa cracka butta morning, hāloa till high noon, dry fish poi will meet you.

October 24, 2025

Testimony in Opposition to Jeff Pearson's Nomination

Aloha members of the CWRM Nominating Committee Meeting:

Jeff Pearson is an affable fellow. But he should not serve on CWRM.

Jeff Pearson is **not** a detail-oriented person. He likes the big picture. But details matter. Facts matter. He does not have the attention span to delve into the details. Because CWRM members are trustees, they must not abdicate their duty to “take the initiative in considering, protecting, and advancing public rights in the resource at every stage of the planning and decisionmaking process.” Pearson is biased towards resource extraction instead of its protection. His entire career has been built on facilitating the extraction of water – even while he worked at CWRM.

Aloha,

/s/ David Kimo Frankel

From: [Kim Crawford](#)
To: [Kariya-Ramos, Suzanne M](#); [DLNR.CW.DLNR.CWRM](#)
Subject: [EXTERNAL] CWRM Nominations
Date: Thursday, October 23, 2025 2:32:05 PM

Aloha

My name is Kimberly Crawford I am a Mother and Kia'i loko of Kaloko loko i'a and a protector of wai that feeds the loko i'a with Hui Ola ka wai

I am submitting testimony today in favor of Aurora Kagawa-Viviani. Aurora has shown her commitment to wai, community and our natural resources as a whole. She has been a forward thinker with a drive to find solutions to problems our Wai is facing. Aurora is a commendable candidate for another term in a commission seat.

I am also testifying in opposition to Jeff Pearson as a commissioner on the board. He has shown that his voice does not speak for the community and only serves his own personal interests. I ask that you do not recommend his name to the governor for consideration on the commission as he does not uphold the public trust doctrine.

Mahalo
Kimberly Crawford
Kona Hawaii



Hui o Nā Wai 'Ehā

Ola i ka wai

October 23, 2025

Hui o Nā Wai 'Ehā Board of Directors

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Vacant
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Sesame Shim
(Board Member)

Legal Counsel

Isaac Moriwake
(Earthjustice)

To: Nominating Committee for the Commission on Water Resource Management
c/o: Suzanne.M.Kariya-Ramos@hawaii.gov; dlnc.cwrmm@hawaii.gov

Aloha Members of the Nominating Committee,

Hui o Nā Wai 'Ehā is submitting this testimony regarding Mr. Jeff Pearson's application for nomination as a member of the Commission on Water Resource Management (CWRM). The Hui is a community-based organization with members and supporters across the Nā Wai 'Ehā region and the greater Hawai'i Pae 'Āina. For over two decades, we have led the ongoing campaign to restore the waters of Nā Wai 'Ehā. In that role, we had direct and extensive experience with Mr. Pearson during his tenure as CWRM's deputy director, which included many of the critical years of the Nā Wai 'Ehā proceedings.

In short, as highlighted below, Mr. Pearson's tenure at CWRM stands out as among the most ineffective and counterproductive episodes in the history of this agency. Based on his track record, the Hui is compelled to speak out with our *strongest vote of no confidence* against including Mr. Pearson on this committee's lists of nominees for water commissioner. Not only is Mr. Pearson unsuited to lead this agency as a commissioner, but his nomination would instigate unhelpful controversy and conflict at this critical time when CWRM must focus on moving forward more constructively and can ill-afford further distractions and setbacks.

The following summarizes several of the most painful examples of Mr. Pearson's failures at CWRM. In each instance, Mr. Pearson not only bore ultimate responsibility as the administrator in charge, but further was *directly* responsible for causing or exacerbating these debacles. Each of these examples involved Nā Wai 'Ehā, so the Hui experienced every one of them directly. But these include only the worst examples for our community, and not Mr. Pearson's other failures in other communities across the state during his time at CWRM.

► The injustice of pursuing enforcement action, including fines, against the Duey 'Ohana for exercising their constitutionally protected rights to grow kalo (as shown in the picture below) is an all-time day of infamy for CWRM. Mr. Pearson endorsed this action and pushed it forward despite direct pleas and warnings against this misstep. The incident unleashed a tidal wave of outrage including a record number of testimonies in the hundreds from across the pae 'āina; prompted apologies by commissioners and criticism over "misplaced priorities"; and left an enduring stain on CWRM's reputation.¹



Hui o Nā Wai 'Ehā (501c3) • 213 West Waikō Road, Wailuku, Maui, Hawaii 96793

(808) 430-4534 • Huionawai4@gmail.com • www.huionawaieha.org • [Facebook](https://www.facebook.com/huionawaieha) • [Instagram](https://www.instagram.com/huionawaieha)

The Mission of Hui o Nā Wai 'Ehā is to advocate for the restoration and stewardship of mauka to makai streamflow in Waikapū, Wailuku, Waiehu, Waihe'e Streams (Nā Wai 'Ehā), to protect cultural and natural resources pertaining to traditional and customary practices of Native Hawaiian kuleana kalo farmers and to conduct water resource management education outreach programs for the Maui community.

► In 2016, after a historic flood of Wailuku River buried Wailuku Water Company's 'Āo diversion dam, Mr. Pearson stood idle and silent while WWC sent an industrial excavator into the river to indiscriminately tear up the river bed. After community members protested and implored CWRM to exercise oversight to no avail, three women from the community took action and physically blocked the excavator with their own bodies. This incident, including CWRM's belated response, made public news, further eroding the community's trust in the agency. In sum, Mr. Pearson's abdication of responsibility during this crisis literally put the river and people's safety in harm's way.



► At the end of 2017, after the Hui's repeated requests to Mr. Pearson to address rampant violations of the Nā Wai 'Ehā interim instream flow standards (IIFSs) went nowhere, the Hui filed a formal written complaint to CWRM. In the public meeting to discuss the complaint, a longtime commissioner described the situation as the diverter "getting away with murder."² In a colloquy with the commissioners, Mr. Pearson cast doubts on CWRM's ability to act, even questioning openly whether IIFSs were enforceable at all. Beyond legally off-base, this sentiment was so outrageous that OHA's attorney came forward to decry Mr. Pearson's suggestion that, essentially, the decades of work and progress since the *Waiāhole* case "was all for nothing." In this case and others during his tenure, Mr. Pearson's lackadaisical approach to upholding the law and CWRM's kuleana can well be described as a form of gaslighting.³

As far as the Hui is aware, each of these incidents rank among the all-time injustices and embarrassments in CWRM's history. Indeed, any one of them would provide ample grounds for disqualification from serving as a water commissioner. But three major strikes—again, just in Nā Wai 'Ehā alone—truly stands out. It overwhelmingly demonstrates a lack of competence, loyalty, temperament, and judgment that this position of public trusteeship needs and requires, particularly in these ongoing challenging circumstances for public confidence in the agency. For these reasons, we respectfully urge this committee not to include Mr. Pearson on its lists of nominees for water commissioner.

Mahalo for this opportunity to submit testimony and for your consideration of these uncomfortable yet essential considerations. We are willing and able to provide further information as necessary to further inform this committee's review and decision.

Ola i ka wai!

Hōkūao Pellegrino

Hōkūao Pellegrino (Board President)

¹ See *Maui taro farmers prevail in water dispute with state*, Hawaii News Now (Aug. 16, 2016), <https://www.hawaiinewsnow.com/story/32775775/maui-taro-farmers-prevail-in-water-dispute-with-state/>. Adding all the more insult to injury, the Dueys were targeted for enforcement while being forced to wait for years for CWRM to hold the plantation diverters accountable and restore flows to the river, and to act on the Dueys' long-pending permit applications.

² See *Water Commission Struggles to Address Failure to Enforce Minimum Stream Flows*, Environment Hawai'i (January 2018), available at <https://www.environment-hawaii.org/?p=10150>.

³ This, of course, only further highlights the outrage over Mr. Pearson's decision to affirmatively and discriminatorily target the Dueys for enforcement action.

Aloha Water Commission Nominating Committee,

My name is Wayne Tanaka and I am submitting this testimony in my personal capacity, based on my experiences as a former public policy advocate with the Office of Hawaiian Affairs (OHA), to register my opposition to Mr. Jeffrey Pearson's application to become a member of the Commission on Water Resource Management.

I am greatly encouraged by the number of highly qualified Commission candidates with clear expertise in water law and management, and a demonstrated commitment to upholding the public trust and public interest in our most precious resource. I am also grateful to you, for dedicating yourselves to this months-long process, in order to select the best possible candidates for one of the most important decisionmaking bodies in state government.

Unfortunately, while I have no doubt that Mr. Pearson is well-intended in his application, I do not believe that he merits any further consideration as a potential nominee to the Water Commission.

Throughout my time at OHA, my main focus areas included the water commission and its implementation of the water code, and the public trust. This was a particularly vital aspect of OHA's mission, given that the unique interests and rights of Native Hawaiians in public trust purposes - including the preservation of waters in their natural state, domestic uses, Department of Hawaiian Home Lands reservations, appurtenant rights, and Native Hawaiian traditional and customary practices including but not limited to kalo cultivation and subsistence gathering - had been long neglected by the Commission, both in its decisionmaking, and in its decades of inaction in updating instream flow standards, addressing water waste complaints, exploring water management area designation, and accounting for these uses in the state water plan. It is from this experience that I offer the following observations and thoughts.

As has been articulated by other testimonies submitted on this matter, and as I have personally observed, Mr. Pearson's past tenure as the deputy director of the Commission raises grave concerns about his ability to adequately and objectively oversee the ongoing implementation of the water code and public trust doctrine. Moreover, his appointment may only undermine the Commission's efforts to regain and maintain the public's confidence after decades of biased decisionmaking – as highlighted by numerous Hawai'i Supreme Court opinions over the last three decades regarding the Commission's failure to meet the standards of the public trust.

As deputy, Mr. Pearson clearly did not demonstrate an adequate recognition of the persisting injustice experienced by Native Hawaiian communities deprived of their life-giving waters, or of the need for the Commission to fulfill its duties in a much more proactive and objective manner. His tenure was marked by an apparent lack of understanding of Native Hawaiian traditional and customary practices, and the importance of upholding their constitutional protections through the Ka Pa'akai framework; the glacial pacing of Commission responses - if any - to supreme court rulings and community petitions regarding water management and waste; and a continued lack of enforcement of reported instream flow standard violations and well reporting

requirements by water diverters and large landowners, among other water code violations. Notably, the enforcement action that the Commission did attempt to take during his tenure was not directed at large scale corporate water users taking and wasting millions of gallons of water per day, but at two kalo farmers who had received verbal approval from Commission staff to install a pipe in a stream to feed their adjacent lo'i - and who had been years-long, leading advocates for the Commission to truly accept its kuleana, and abandon its antiquated and dangerous laissez-faire approach to water management.

As the Lahaina tragedy has made clear, the decades-long failure to recognize the importance of the Commission's mission has not been without concrete and life-or-death consequences. While Mr. Pearson may have avoided the political retribution experienced by his successor for the unprecedented progress that had been subsequently made in the implementation of the state water code, one can only wonder whether the wildfires of 2023 may have been mitigated or avoided, had Mr. Pearson taken a more proactive approach to addressing the obvious water hoarding and waste that had been contributing to the desertification of West Maui throughout his time as the Commission's deputy director.

As our islands approach multiple inflection points arising from climate destabilization, resource depletion, and widening socioeconomic divides, the need for thoughtful, proactive, and equitable water management is more critical now than ever before. We must accordingly ensure that our Water Commission members possess the integrity, dedication, and deep understanding of this need, as they contemplate water management decisions that can, and must, pivot us towards a sustainable and just future for our islands and communities for the generations to come. Unfortunately, Mr. Pearson has not demonstrated the willingness or ability to meet this necessarily high bar.

Therefore, I respectfully but strongly urge the Committee to **not** include Mr. Pearson on your list(s) of recommended nominees for the Commission vacancies you are contemplating today.

Mahalo nui for the opportunity to testify.

From: [Makanui Kitahara](#)
To: [Kariya-Ramos, Suzanne M](#); [DLNR.CW.DLNR.CWRM](#)
Subject: [EXTERNAL] CWRM October 24, 2025 Testimony for Selection of Committee Members
Date: Friday, October 24, 2025 9:07:15 AM

Aloha Members of the Nominating Committee,

Thank you for the opportunity to provide this testimony. My name is Cheyenne Paris 'Makanui' Kitahara, a deeply concerned Hawaiian mother, a cultural practitioner, an eleventh generation grand-daughter of Kekahawai'olenākona, and fifth generation kia'i loko here in Kona.

I respectfully submit this testimony in strong support of committee member Aurora Kagawa-Viviani to remain a member of the Commission of Water Resource Management. Kagawa-Viviani has been a strong voice for the people and our precious water demonstrating her commitment to the public trust. In my experiences, the needs and voices of the community, and the lineal descendants of kō Hawai'i Pae `Āina often seem to be overlooked and underrepresented in state decisions and priorities. However, Water Commissioner Kagawa-Viviani has consistently been a vital source of knowledge and hope ensuring the voices of our people are uplifted and heard.

I strongly oppose the nomination of Jeff Pearson as a commissioner on the water board. He has proven time and time again that his intention is to act against both the needs of water and the people. The sole responsibility of a water commissioner is to uphold public trust uses of water and protect our resources during the process of development. In much of his former work, Pearson has actively demonstrated his position against public trust priorities by and not limited to; excluding the voices of many Hawaiians and cultural practitioners, unnecessarily prolonging then denying the Keauhou Aquifers AMP and designation as a Ground Water Management Area and avidly working against the commission's kuleana (responsibility) to protect public trust interests in our most precious resource, our water. His experiences over his three decades of work in Hawai'i have vividly demonstrated that his interests are **not in alignment with the duties of the commission.** Pearson's actions have repeatedly acted against the best interests of our wai, public trust resources and our people; instigating and increasing the conflict in these matters rather than contributing to the solutions.

Mahalo,

Makanui Kitahara
Mamo o Kekahawai'olenākona