

April 20, 2021

Commission on Water Resource Management
State Department of Land and Natural Resources
P.O. Box 621, Honolulu, Hawai'i 96809
Via Email: raeann.p.hyatt@hawaii.gov

Re: Agenda Item C3: Informational Briefing Regarding the Amended Interim Instream Flow Standard for Wai'oli Stream, Halele'a, North Kaua'i

Aloha Chair Case and Members of the Commission on Water Resource Management,

My name is Reid Yoshida, and I write to you as both a taro farmer and the President of the Wai'oli Valley Taro Hui. I am grateful for Ayron's hard work and the rest of your staff's support in getting us here. The Hui **strongly supports this amended Interim Instream Flow Standard (IIFS) of 50% of the flow (4mgd at the Q90)**, and humbly requests that you **adopt it** in May.

As a Hui, it is our mission to support and enhance the biocultural resources of the Hanalei Kalana, traditionally comprised of Hanalei, Wai'oli, Waipā, and Waikoko; to protect the natural and cultural resources that enable traditional and customary Native Hawaiian practices; to maintain habitat for endangered Hawaiian waterbirds; and to engage the greater Kaua'i community through educational outreach programs and initiatives relating to taro farming and community-based stewardship of water resources.

The law students call our Hui a legal unicorn because uses like ours have become rare in this day and age. Our farmers continue the centuries-old **instream use** of routing fresh, flowing water from Wai'oli Stream through our lo'i and back into Wai'oli Stream and Hanalei River. This Hui and our ancestors have stewarded Wai'oli Stream and the greater Hanalei Kalana for four to six generations or more – long before there was a State of Hawai'i, conservation district, or interim instream flow standards. For example, my family has been in Hanalei for 125 years. My great grandfather came to Kaua'i to work on the plantations and settled here in the late 1800s. My grandfather was born in Hanalei in 1896, and I am fortunate enough to live in the same home that he built in 1933. In the 1920s, he started raising rice and then slowly started to plant taro as a supplemental crop in the 1940s. By the 1950s, due to the competitive rice prices in California, he left that crop and focused on taro. For years to follow, my grandfather continued to farm until my uncle eventually took over. Growing up, I split my time between O'ahu where I went to school, and Hanalei where I spent my summer/spring breaks, long weekends, and holidays. We worked the farm whenever I was in Hanalei. When my friends were out playing sports and going to the beach, we were pulling grass, planting huli, or using the tiller to prep the fields. After graduating from high school, I went to college in California. I received my degree in Engineering and spent seventeen years as an engineer/project manager for a few different contractors here in Hawai'i and on the mainland. During those years, I always returned home to Kaua'i to work in the lo'i and help my family. I didn't take vacations during my professional career to travel; instead, I came home to help work in the lo'i. In 2010, I decided to leave my career as an engineer to move home to Hanalei. Over the next few years, I helped my uncle on his farm and some of my friends who were also taro farmers. In 2015, I was fortunate enough to secure a 6 acre lease which

enabled me to build my own farm and continue to farm today. Many people have questioned my decision to walk away from my career as an engineer to farm taro, but I did it because it is gratifying, because I am able to farm on the same land that my grandfather did, and this gives me pride in what I do. I am carrying on my grandfather's legacy, and I am committed to ensuring that it won't end with me.

Although our farming community has always been close, we did not formally organize as a non-profit until the devastating 2018 floods made it painfully clear that our entire community and way of life was at risk. Our lo'i kalo irrigation system sustained major damage, completely cutting off our water supply. In addition, disaster recovery efforts revealed that our māno was on conservation land, which triggered a host of permits, exemptions, and other requirements. We have worked closely with Ian Hirokawa and others and were grateful when the Land Board approved a right of entry and perpetual easement for our lo'i kalo irrigation system, and a revocable permit for our water use. But, a long-term water lease has remained elusive, and this IIFS is a necessary step in that process. While permitting has progressed, flood recovery has been challenging. Major damage to our system has made our water supply inconsistent, and severe weather events in the Fall of 2020 and Spring of 2021 leveled repairs to our irrigation system made by the County of Kaua'i in 2020. This damage has created a lot of stress and left many of us wondering if there is a future in taro farming for us. In fact, I've had to go back to my career as an engineer for a contractor on Kaua'i. This was not my plan or wish, but I had to financially support my family as my farm is relatively small, and my production was down about 40% compared to pre-flood conditions until 2019 (it has finally started to come back over the last few years). I continue to work the farm on a part-time basis with the hope that I can return to farming full-time when our water system is fully repaired.

In addition to the physical devastation, the 2018 flood has forced our Hui to navigate a legal maze to continue to care for resources that our families have stewarded for centuries. Though it's been hard, we've learned so much through this process. We are grateful that the people of Hawai'i value our traditional taro cultivation as a **protected public trust purpose** under the State Constitution and Water Code. Members of our Hui have **appurtenant, riparian, and traditional and customary Native Hawaiian rights**. After the four to six generations that our Hui has been farming together, we have this down to a science. Our uses are reasonable and beneficial because we have to be exceedingly efficient in order for our dozen or so farmers to have enough water to cultivate the 80 or so acres of lo'i that we steward. We have dutifully complied with all of the legal requirements imposed since the 2018 floods, but it's been a lot. Appearing on your Commission's agenda gives us hope that at some point we will be done with these legal processes so we can focus on rebuilding our irrigation system and farms.

Ayron's amended IIFS is appropriate for a number of reasons. It is consistent with Native Hawaiians' historical diversion of not more than 50% of a stream's flow, and this traditional approach is perfect for our traditional use. Back in the 1980s, our members **declared their uses with the Water Commission**, and the Commission verified total water use of about 13.5 mgd. Our Hui is still in basic recovery mode because of the flooding, but we are working towards getting back to that capacity eventually. Like our ancestors, we adaptively steward our resources, so we look forward to continuing to work with Ayron if adjustments are necessary.

The amended IIFS is an important step in the process, but we still have a long way to go. Once the amended IIFS is set, we can submit our Draft Environmental Assessment for a long term water lease. Amending the IIFS will allow my family, as well as many other families, to continue raising taro. Some claim the future is bleak for taro farming, but your staff submittal gives us hope. It is my hope that when I am at the point where I can no longer physically continue to farm, there will be a new generation that will want to continue. Having the right to continue to use and maintain the system our ancestors stewarded for centuries will ensure that future generations have the opportunity to raise taro and enjoy the same incredible opportunity that I have. Mahalo again for this chance to testify and please vote to adopt the proposed IIFS in May.

Mahalo,

Reid Yoshida
President, Wai'oli Valley Taro Hui

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Commission on Water Resource Management
State Department of Land and Natural Resources
P.O. Box 621, Honolulu, Hawai'i 96809
Via Email: raeann.p.hyatt@hawaii.gov

Re: Agenda Item C3: Informational Briefing Regarding the Amended Interim Instream Flow Standard for Wai'oli Stream, Halele'a, North Kaua'i

Aloha Chair Case and Members of the Commission on Water Resource Management,

My name is Kimo Inanod and I am a kalo farmer in Wai'oli Valley. I am also the Vice President of the Wai'oli Valley Taro Hui. Mahalo for considering the amended Interim Instream Flow Standard (IIFS) so that we may continue to steward our ancient lo'i kalo system. Like many others in our hui, my family has been farming kalo and taking care of Wai'oli's natural and cultural resources since before I was born. I am a fourth generation Native Hawaiian kalo farmer; I cultivate one kuleana that my family owns and about seven acres that I lease from Wai'oli Corporation. Because of this, I also help to mālama Wai'oli Stream and the larger watershed. As a hui of small family farmers, we take pride in stewarding these life-giving resources.

I was raised by my grandpa, James Masada, right here in Wai'oli. Over thirty years ago, in May 1989, my grandpa and I submitted declarations of our water use with your Commission. In 1993, your Commission verified our water uses from the same mānowai, po'owai, and 'auwai that we use today. In addition to farming kalo, I am also an avid hunter, and regularly access the ma uka reaches of our watershed to exercise my traditional and customary Native Hawaiian rights and practices. Because of this, I am keenly familiar with this 'āina and feel an obligation to ensure responsible use of this land and its resources.

For me, and so many others, our work is about restoring and continuing our way of life as Native Hawaiian practitioners and small family farmers. Kaua'i's North Shore has changed dramatically during my life, and our sleepy farming community has been transformed into a bustling tourist destination and construction zone. Amending the IIFS for Wai'oli Stream is a vital step in protecting both our stream and the cultural practices dependent upon it, including the Hui's kalo cultivation. While it won't resolve all our issues, it provides some assurance that our culture and way of life in this kalana get chance for our children and the generations yet to come. While we still have a long road to recovery, our community is resilient and committed to this work. My 'ohana and I support the amended IIFS for Wai'oli Stream and ask that you adopt it in May to help us continue this way of life that has shaped our 'ohana and larger community for generations.

Mahalo piha,
C. Kimo Inanod
Vice President, Wai'oli Valley Taro Hui

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Aloha Chair Case and Members of the Commission on Water Resource Management,

My name is JoAnne Kaona and I was born and raised on Kaua'i. I grew up in Wai'oli, and come before you as a fourth-generation Native Hawaiian kalo farmer.

Mahalo nui for the opportunity to testify in strong support of this matter, which is of great importance to my 'ohana, and mahalo to Ayrton for going out of his way to work with us in Wai'oli Valley to set a numeric IIFS. I am a kalo farmer in Wai'oli Valley, and also serve as the Secretary as well as a Board Member of the Wai'oli Valley Taro Hui.

My father, Clarence "Shorty" Kaona, has had primary responsibility for our family kuleana along with a handful of other small parcels for about 33 years. As one of five children, I am the only one who helps my Dad mālama our lo'i. For me, kalo farming defines our 'ohana; it is what we do. My Dad took over this kalo farm from his father in 1987. In 1989, he filed a Declaration of Water Use for our appurtenant and traditional and customary Native Hawaiian rights and practices in Wai'oli. My twin brother and I grew up on our small family farm and were blessed to have been afforded a lifestyle that allowed us to know and enjoy the amenities of our 'āina. Unfortunately, these amenities are not as plentiful anymore. Since the 2018 floods devastated our 'āina – our lo'i kalo, manōwai, po'owai, and entire 'auwai system – things are just not the same. A year after the floods, for the first time in my father's 75 years of farming, he was not able to produce any kalo. This was due to many factors, including water shortages due to the damaged mānowai and 'auwai, equipment that was ruined by the floods, and debris and silt clogs in our lo'i. Despite all of our work to carefully steward and mālama our 'āina for multiple generations, we now have tons of legal kuleana to 'auamo, in addition to the physical restoration our farms require.

Farming kalo is my kuleana, it is an opportunity to feed my community, as well as my own spirit; I enjoy helping my father farm and have a deep appreciation for it as something that we share. Even in his 80s, my father still works hard as a taro farmer and I know that the kuleana will fall upon me to 'auamo when he is no longer able. After four generations of kalo farming, it would be impossible for me to turn away from this traditional practice that has been with my 'ohana forever. In fact, there is no other alternative for me but to be a kalo farmer, just like my Dad before me and his father before him.

Kalo farming teaches us how to act, how to mālama our 'āina, these lessons are blessings that I was lucky enough to experience growing up. I see the kids that I work with every day and they

are consumed with technology, with little opportunity to experience our ‘āina like I did when I was their age. In my work at the Waipā Foundation, a nonprofit in the neighboring ahupua‘a, I work with keiki and teach them about aloha ‘āina, sustainability, natural resource management, and how all of these are part of our traditional and customary Native Hawaiian practices. I see it as an opportunity for me to instill a sense of kuleana in this younger generation to take the teachings of our kūpuna and apply them to our practices today.

A mission of the Waipā Foundation is to create a healthier community by educating our people about the benefits of an Indigenous diet while also keeping it affordable. One way to maintain this is by ensuring that our community has local kalo and poi to eat. The Waipā Foundation gets 70% to 90% of our kalo from the Wai‘oli farmers, including my Dad. The Foundation processes that kalo and poi at our certified kitchen with volunteer labor and provides pa‘i‘ai for our community, at or below cost. For example, Waipā’s pa‘i‘ai price for kūpuna is variable, but can be one or two dollars per pound; or even free for kūpuna who cannot afford it.

In the greater scheme of things, I see my own kuleana as helping to sustain a healthy lifestyle for our entire community, from keiki to kūpuna. We in Hanalei, and more particularly the farmers in Wai‘oli, have been blessed to be able to farm kalo on ‘āina that has been stewarded in this same way for many, many hundreds of years. The ‘āina is well-suited for wetland kalo cultivation and the ‘ohana who have been farming for multiple generations, like mine, have taken on this kuleana to ensure accessibility to our lāhui’s most basic and essential food. This kuleana is a heavy burden to carry at any time, but even more so when our access to water needs is uncertain. So, we are asking for your kōkua to allow farmers like me to continue feeding our communities.

So much of our Hanalei is not the same anymore; I don’t recognize the same safe community that I grew up knowing, and often I feel frustrated because our town has become so crazy and inundated with faces that are not kama‘āina. The shops and restaurants that cater to tourists sit across the road from the illustrious lo‘i kalo, which give our Wai‘oli its joyful name. In light of all of these changes, I come here today with my fellow farmers humbly requesting that this Commission ensure that the amended IIFS provide enough water for us to maintain our traditional and customary practices, which have been passed down from our ancestors, to our kūpuna, to us. As Native Hawaiian cultural practitioners, we steward this ‘āina in the same way that our ancestors did, preserving some small part of our Hanalei. We respectfully ask that this Commission adopt the proposed IIFS of 4 mgd for Wai‘oli Stream, which we believe will enable us to continue our cultural practices as Native Hawaiian kalo farmers, and eventually pass them on to future generations as well. I will be at the meeting via Zoom and am happy to answer any questions you may have.

Me ka ‘oia‘i‘o,
JoAnne Kaona
Secretary, Wai‘oli Valley Taro Hui

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Re: Agenda Item C3: Informational Briefing Regarding the Amended Interim Instream Flow Standard for Wai'oli Stream, Halele'a, North Kaua'i

Aloha Chair Case and Members of the Commission on Water Resource Management,

My name is Clarence "Shorty" Kaona. I am a third generation kalo farmer in Wai'oli Valley, 100% Native Hawaiian, and a member of the Wai'oli Valley Taro Hui. Mahalo for this opportunity to testify in support of the amended Interim Instream Flow Standard (IIFS) for Wai'oli Stream.

I have been farming the same kuleana land since I was six years old. My Grandfather started farming kalo in Hanalei Valley in the 1930s. When he passed away, my Dad took over. In the 1940s, my Dad acquired land in Wai'oli Valley. This is the same kuleana land that I continue to farm, and that my daughter, JoAnne Kaona, will mālama after me, and the same land that will pass to future generations of our family. When we were kids, we would walk to the kalo patch to work every day. We were tasked with weeding, tilling, planting, and any other work my Mom and Dad needed. I think back to those days fondly. We would make poi every week with a model A Ford engine that my Dad hooked up to our grinder. We would share this with our 'ohana and friends in the community. As long as I can remember, we always had a bowl of poi on the table. From grade school and through high school, my brothers, sisters, and I spent countless hours in the lo'i. This was both a routine for us and our cultural practice as an 'ohana. I am grateful for this experience, as it taught me many lessons and ultimately shaped my values. I learned to work hard, be diligent, and be one one with nature. Everything in our environment, us humans included, has an impact on the kalo's growth.

Because our hui has always shared one 'auwai system, we are responsible, and our water use is reasonable and beneficial. Otherwise, our farms and families would not have survived. For many of us in the hui, our families have been working together for multiple generations. Stewarding this 'āina from a young age taught me the value of our native culture and the importance of 'ohana. I lived in California for some time, but when my Dad passed away in 1986 I moved back to Kaua'i and have been farming kalo in Wai'oli Valley full-time ever since. I knew that no one else would step up to this responsibility, and I really wanted to honor my Dad's legacy and continue to farm kalo. I hope to pass down the lessons I learned in the lo'i to my children and the generations to come.

My family has been in Wai'oli for many years, and I work hard to continue our traditional and customary Native Hawaiian practice of wetland kalo cultivation. Since the devastating floods in 2018, it has been even harder to continue. I currently farm about three acres of kalo, which is less

than our normal, pre-flood acreage. In all of my years here in Wai‘oli, I have never seen a flood like that. The damage was devastating. It ruined my equipment and tools, most of the banks that border my patches, and the ‘auwai. Over the last three years, we have made some progress; but in some ways, the real restoration has yet to begin. Our hui regularly maintains the mānowai, po‘owai, ‘auwai, and other areas along our lo‘i kalo irrigation system. This cleaning ensures that our uses are efficient, but also supports ma uka to ma kai stream flow, a healthy watershed, and helps to prevent flooding. This work is important not only for our hui’s farms, but also for the larger Wai‘oli and Hanalei communities. As you know, water is integral to lo‘i kalo cultivation, and we are hopeful that an amended IIFS for Wai‘oli Stream will support both our stream and continued kalo cultivation.

We support the proposed IIFS for Wai‘oli Stream and the important protections it provides for our resources. It will also enable us to continue farming so that our traditional and customary practices, knowledge, and lessons, can be passed on to future generations. The recovery efforts and legal requirements have been really hard, but this amended IIFS gives me hope that the younger generations will be able to continue kalo farming in Wai‘oli. This knowledge and other lessons can only be gained through the hard work and love that comes from spending time in the lo‘i.

Mahalo for the opportunity to testify in strong support of this issue, which is of vital importance to my ‘ohana and our larger community. Please adopt the numeric IIFS for Wai‘oli Stream in May, and help us keep our cultural practices alive in Wai‘oli.

Mahalo nui,

Clarence “Shorty” Kaona

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Re: Agenda Item C3: Informational Briefing Regarding the Amended Interim Instream Flow Standard for Wai'oli Stream, Halele'a, North Kaua'i

Aloha Chair Case and Members of the Commission on Water Resource Management,

My name is Bobby Watari and I am the Treasurer of the Wai'oli Valley Taro Hui. Mahalo for the opportunity to testify in support of the amended Interim Instream Flow Standard (IIFS) for Wai'oli Stream. I would also like to thank both the Commission and Ayrton Strauch for working with the Hui on this important issue. We understand how critical this work is and are honored by the time and attention you have given to Wai'oli and our families.

I am a 3rd generation taro farmer who has been farming full-time for the past 40 years. Farming kalo is my life's work and passion. I learned to farm from my father, who moved to Hanalei in the 1950s to grow taro and I now steward the same lo'i that was my first classroom. I farm the kuleana land that my family owns and I also lease from Wai'oli Corporation.

My wife Lillian and I are now grooming my step-son, Kaisen Carrillo, and our daughter Lily to take over. It feels like I am working constantly to ensure that our farm is operational and healthy so that my kids have the option of continuing this important family tradition. Unfortunately, this has been a struggle. Farming is so much more than planting and harvesting. We work hard to maintain the land for taro. This includes monitoring and maintaining Wai'oli Stream and the lo'i kalo system that has been in place long before I started farming. In Wai'oli, we use a traditional Hawaiian irrigation system that has been operating since the 1500s. It is hard work, but we are honored to be a part of the handful of farmers who continue this important practice — one that has been our way of life in Wai'oli for hundreds of years. We feed our community by supplying this staple to small nonprofits like the Waipā Foundation and others throughout Hawai'i. My step-son Kaisen also provides lū'au leaf so local families can make laulau and other Hawaiian food.

Restoring and maintaining our existing lo'i kalo system is so critical — not only for my family's livelihood and the livelihood of the other famers — but also to perpetuate a practice integral to our community's identity. We use a mānowai, a traditional, Native Hawaiian breakaway dam, to take some water from Wai'oli Stream. That water flows through our 'auwai (ditches), then into our taro patches, then back to either Wai'oli Stream or the lower reaches of Hanalei River. Like other taro farmers, we need throughflow — water flowing through our taro patches — but we don't "consume" water like most offstream users because it goes back to the stream. All of our use is within the watershed where our water supply originates. So, the water that runs through our patches eventually goes back to feed our water cycle in Wai'oli Stream and Hanalei Kalana.

For these reasons, instream, in-watershed cultivation of kalo in a traditional manner (like ours) has earned special protection and respect under our State Constitution and laws.

The way we steward our system is unique in that it perpetuates a centuries-old Native Hawaiian cultural tradition that is place-based and resource-specific. Our families have stewarded these resources long before there was a State of Hawai‘i, conservation district, or interim instream flow standards. We know this stream well, and Ayrone’s proposed IIFS is appropriate for our situation. Historically, Native Hawaiians diverted up to 50% of a stream’s flow. So, this Native Hawaiian approach is appropriate for our Native Hawaiian cultural use of kalo cultivation. The irony of our situation is that, although we have been stewards of this area and its resources for hundreds of years, due to the devastation and repairs related to the 2018 floods, we now have to navigate this complex maze of legal requirements. Throughout it all, we have and will continue to dutifully comply with the various requirements. As you well know, our uses are protected public trust purposes. We have appurtenant, riparian, and traditional and customary Native Hawaiian rights. My ‘ohana declared our uses with the Water Commission back in the 1980s and the Commission verified them.

April 2021 marks three years since one of the most devastating floods in recent memory. Although much has been done, we still have more work to do. We continue to struggle with damage from severe weather events. Though our māno was repaired in the August 2020, it was leveled again in the fall. The number and severity of weather events continue to increase. In fact, last month, my wife and I were caught in a flash flood, which completely overtook our farm in less than 10 minutes. We desperately need to finish the legal permitting so we can focus on rebuilding our irrigation system and farms.

For the first time in my life, I have had to face the harsh reality of many of my fields remaining unplanted. Prior to the 2018 floods, I had never seen so many of my fields empty. It has taken a toll on me personally and on our family. We enjoy, and are proud of, being able to farm as family. The vision I have of farming this land with my wife, Lillian, step-son, Kaisen, and our daughter Lily gives me the strength needed to continue during these difficult times. Knowing that in the future our ‘ohana will continue to have access to water from Wai‘oli Stream gives me hope that they will be able to continue our family tradition of farming taro.

Mahalo for considering my testimony and for your ongoing work to protect our valuable natural resources and the traditional practices upon which they depend. We humbly ask for your support of the amended IIFS in May.

Mahalo nui,

Robert “Bobby” Watari
Treasurer, Wai‘oli Valley Taro Hui

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Re: Agenda Item C3: Informational Briefing Regarding the Amended Interim Instream Flow Standard for Wai'oli Stream, Halele'a, North Kaua'i

Aloha Chair Case and Members of the Commission on Water Resource Management,

My name is Lillian Watari and I am a 4th generation Native Hawaiian kalo farmer. I have been farming for 45 years. Our 'ohana started farming kalo in Lumaha'i with my great-grandfather Saburo Harada. My grandfather Genichi Harada then moved the farm to Wainiha, and the tradition continued with my mother and father who still farm in Wai'oli Valley at 74 and 85 years old respectively. I am married to Bobby Watari and we are proud to work with our son, Kaisen Carrillo.

Kalo farming is more than a longstanding custom and tradition in our family, it's our way of life and our family legacy. Growing up, I was the eldest of 5 children. As soon as we were physically able, we were out in the lo'i helping our parents and grandparents maintain and cultivate kalo. At such a young age, I didn't understand the commitment necessary to farm kalo. It felt like a burden. Our lives revolved around the kalo's needs. Our routine consisted of coming home after school, having just enough time to grab a quick snack, and loading up the truck to head down to the lo'i. Looking back now, this is a testament to our community's commitment to farming and the natural resources upon which we all depend. I also realize the value of the lessons I learned working in the lo'i. I am proud of my family's tradition of farming kalo and the person it has made me. It taught me the value of hard work and the importance of being able to spend time with nature.

I currently work full-time at a hotel. Yet, even now, I look forward to the weekends and being able to go to the lo'i and have the opportunity to be there with my family. It gives me the peace of mind that is often hard to find in today's complex world. It's hard work, but I enjoy it and wouldn't trade it for anything. It's beautiful to continue the legacy built by my grandparents and to pass that on to my children and, hopefully, my grandchildren.

As I understand it, setting an IIFS for Wai'oli Stream of 4mgd would both protect the stream, and enable our Hui to continue our Native Hawaiian traditional and customary practice of kalo cultivation. It has been hard since the floods almost three years ago, both emotionally and in terms of our kalo production. Our family farm may have been hit the hardest because of where our lo'i are situated in relation to the floodwaters. For the first time in our lives, our farm was left with many empty fields for a number of reasons, including a decrease in water flow. Yet, we are resilient and will persevere. We are still here. We just want to be able to get back on our feet and continue to practice the culture we love in our small community. The North Shore of Kaua'i has changed so much over the years. Yet, I can say that our identity as a community is grounded in

kalo farming. It is a true testament to our community that we work together and help each other get through challenges like this. We are proud of who we are and what we do, and hope to continue to pass down this tradition to future generations.

Last, I would like to thank Ayron and the Commissioners for all your time, consideration, and efforts. We are one of many communities in need of a numeric IIFS. Though it is hard work, we hope to set an example for others. Please vote to approve the staff recommendation and Ayron's numeric IIFS in May. We look forward to continuing to work with you all to steward our natural and cultural resources.

Mahalo,

Lillian Watari

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Aloha Chair Case and Members of the Commission on Water Resource Management,

Mahalo for taking the time to consider an amended Interim Instream Flow Standard (IIFS) for Wai'oli Stream and our humble Wai'oli Valley Taro Hui. We'd also like to mahalo your staff for their tireless and vigilant efforts, especially Ayron. A numeric IIFS as your staff has proposed would actualize important natural resource protections and would help to provide certainty around water flow for our hui. This would help us continue to cultivate this important crop that feeds our 'ohana and community.

My name is Kaisen Carrillo and I come from multiple generations of kalo farmers on both sides of my 'ohana. My mother's side of the family, the Haradas, started farming with my great-great-grandfather, Saburo Harada, in Lumaha'i. My great-grandfather, Genichi Harada, eventually moved the farm to Wai'oli and my 'ohana has been farming in the valley ever since. My great grandfather's daughter, my grandma Lily, married Ahfook Tai Hook and both of them still farm in Wai'oli at 74 and 85 years old. Finally, my mom Lillian, daughter of Ahfook, married Bobby Watari, who also farms in Wai'oli Valley. That leaves me, a 29-year-old 5th generation Native Hawaiian kalo farmer in Wai'oli Valley. I am one of only three farmers in Wai'oli younger than 35-years-old. I have started my own family and am raising my 4-year-old daughter and 1-year-old son to farm this land as well. With your support, they will be 6th generation Wai'oli kalo farmers. I spent some time outside of Kaua'i, going to school, earning my associate's degree in hospitality and my bachelor's degree in business. I'm grateful to have these degrees and have been putting them to good use since I moved back to Kaua'i. Now, as an adult, I am able to use my formal education to expand my own farming efforts and am currently being groomed to run our family farm someday.

Since the 2018 floods, though, things have really been hard. As a full-time farmer with a young family, it's been stressful trying to figure out how to provide for my family. I need to not only repair the damage to our farm, but also provide for my growing family's needs. At the same time, I have been trying to engage more in the administrative aspects of farming by working with our Hui to learn about the issues unique to Wai'oli kalo farmers. These include securing a perpetual easement and revocable permit from BLNR, applying for a long-term water lease, and now, working to set a numeric IIFS with this Commission. I am committed to these issues because I know this will make it possible for my children to farm, just as my kūpuna did all they could to pave the way for me to continue farming.

One of the most important reasons for adopting the proposed IIFS is because farming kalo differs from most other uses. As you know, our traditional, Native Hawaiian methods of kalo cultivation rely on "throughflow." Water from the stream flows into our lo'i then returns to Wai'oli Stream

and Hanalei River. So, it's not consumptive or polluting, and all use is within the same watershed. Additionally, understanding the importance of water resources, Kānaka Maoli have historically diverted up to 50% of a stream's flow. This approach is particularly appropriate for the traditional and cultural practice of farming kalo – especially in Wai'oli where our hui has farmed for generations. Last, our use of the stream is a protected public trust purpose. In addition to Native Hawaiian T&C rights, we also have appurtenant and riparian rights. From my understanding, farmers like my step-dad declared our water use with the Water Commission in the 1980s, which was later verified. Our stewardship of the stream brings together centuries of Native Hawaiian knowledge that is specific to this 'āina. Humbly, Hui members and our ancestors are the original experts with regard to the needs of Wai'oli Stream and the Hanalei Kalana. Our stewardship of the stream is directly tied to our ability to continue our traditional practices for the generations to come – this is a kuleana to which our Hui has committed.

This responsibility is very important to me because I am raising my keiki with Native Hawaiian values in the hopes that they will develop a passion for kalo as a connection to our culture. But, without the security of knowing we have the water as we need to cultivate kalo, it is difficult for me to look them in the eye and promise that they will be able to cultivate the same patches that their ancestors stewarded for generations.

As difficult as things have been, I love what I do. This is my culture. It is what my family has been doing forever. I feel a deep sense of pride and honor to 'auamo my kuleana and perpetuate this practice – especially now when many of my generation are becoming less interested in taro farming. To be honest, there are more lucrative ventures for some. But, what we do goes beyond monetary value; this is about kuleana. It is our way of life and we will continue to farm taro on these lands for as long as we are physically able.

A numeric IIFS would bring us peace of mind, support traditional kalo cultivation, enable 'āina-based stewardship, and protect our stream and way of life.

Mahalo for the opportunity to share my support for this incredibly important action. Please support the staff's recommendation and vote to adopt a numeric IIFS in line with Native Hawaiian custom.

Mahalo,

Kaisen Carillo

April 20, 2021

Commission on Water Resource Management
State Department of Land and Natural Resources
P.O. Box 621, Honolulu, Hawai'i 96809
Via Email: raeann.p.hyatt@hawaii.gov

Re: Agenda Item C3: Informational Briefing Regarding the Amended Interim Instream Flow Standard for Wai'oli Stream, Halele'a, North Kaua'i

Aloha Chair Case and Members of the Commission on Water Resource Management,

My name is Wilbert "Afuk" Tai Hook and I have been farming kalo in Wai'oli Valley for over 70 years. Mahalo to the Commission, and Ayrton Strauch in particular, for all your efforts for Wai'oli Valley. We understand how important this issue is and appreciate the opportunity to share our mana'o. I would also like to say mahalo for considering Native Hawaiian customs and practices in the context of this IIFS. Our culture is the foundation of this practice and the water upon which it depends.

Wai'oli Valley is the center of our connection as a family. I started farming kalo here with my father when I was 8 years old. Now, at 85 years old, I am still farming kalo in Wai'oli. I retired as Fire Captain of Hanalei Station more than 20 years ago and I have been farming full-time since then. Farming kalo is extremely hard work and continuing this tradition at my age fills me with pride and joy. The fact that my daughter Lillian and grandson Kaisen are carrying on our tradition and culture makes that pride overflow. I am not the only farmer in my 80s that continues to farm. Unfortunately, it seems like the younger generation is less willing to dedicate themselves to farming kalo. Kaisen is the only grandkid that has shown an interest and dedication to continuing this practice. Seeing him pass on our traditions to his own children makes me so happy and gives me hope that farming kalo will continue in our family.

We know this stream and its needs well. It's our kuleana. My father taught me how to farm kalo specifically for this area and I have continued to pass down that knowledge to my family. We know that what we do in our lo'i affects the larger watershed. The health of the stream is fundamental to our survival as well. As we take care of it, it takes care of us, and we can then take care of our families and community.

Since the 2018 floods, things have been hard for us. We have stewarded this 'āina for generations and that was the worst flooding that I've seen. The stream completely changed. It made me realize how important it is that the younger generation continue this practice. Those of us who are older cannot take care of the stream the way we used to. We need younger farmers to take leadership for the benefit of our stream and our community. This is how our family tradition will continue.

As I understand it, amending the IIFS for Wai‘oli Stream would allow us to protect the stream’s resources and continue our Native Hawaiian practice of farming kalo. This would be such a huge help. It would reinvigorate the hope I have for the future of our family tradition and farming kalo in Wai‘oli Valley. For the first time in my life, so many of our lo‘i are empty because of the inconsistent and decreased water supply. However, I have hope that we can recover and continue. Seeing the way our family and community has come together and grown has been such a joy to witness. Please help us continue to feed our families, communities, and the generations that follow us. Please vote to approve the staff recommendation and the amended IIFS in May.

Mahalo,

Wilbert “Afuk” Tai Hook

April 20, 2021

Commission on Water Resource Management
State Department of Land and Natural Resources
P.O. Box 621, Honolulu, Hawai'i 96809
Via Email: raeann.p.hyatt@hawaii.gov

Re: Agenda Item C3: Informational Briefing for Wai'oli Stream IIFS

Aloha Chair Case and Members of the Commission on Water Resource Management,

Mahalo for considering the Interim Instream Flow Standard (IIFS) for Wai'oli Stream. I'm Chris Kobayashi, a kalo farmer in Wai'oli Valley and member of the Wai'oli Valley Taro Hui. I humbly continue to care for our precious resources that are an important part of our livelihood and our community. Mahalo Ayrton for all of your hard work in getting us here! **Adopting this amended IIFS would be so helpful for us farmers** because it would give us the stability to continue farming kalo to feed ourselves, our 'ohana, and our community.

My family has been living and farming in Wai'oli Valley for three generations and over one hundred years. My grandfather moved here from Japan and chose to begin farming in Wai'oli. Initially, my family farmed rice, but by the early 1940s, we expanded to wetland kalo. My father was born in Wai'oli in 1920, the fifth of six siblings. I was born and raised on the same land. My father spent his entire life farming in Wai'oli. Back in 1989, **my family and I declared our use to the Water Commission to irrigate 15 acres of lo'i kalo**, and the Water Commission verified our use in 1993. We have **appurtenant and riparian rights**, as our land abuts Wai'oli Stream.

One day, my father told me that he was worried that there might not be anyone left to take care of our kalo farm. I thought of all of his blood, sweat, and tears that had gone into clearing, preparing, planting, maintaining, and taking care of the kalo and the land. I thought: I can't let all that he put into our farm be for nothing. In that moment, I decided to take over our family farm. I continue to live on and steward that same land in Wai'oli today.

Over twenty years ago, we started growing various vegetables and fruits using organic methods and inputs. We also applied that knowledge to our kalo cultivation and started implementing sustainable practices. We are always trying to be better. We work really hard to grow food for ourselves and to supply good kalo to small poi millers who make poi or pa'i'ai for their communities. We also support 'āina-based education and organizations, as well as students and families who do traditional ku'i with their native food. It has been a heartfelt honor to have been a part of this, and we hope to continue to supply these friends and others.

But the 2018 floods devastated our lo'i kalo system. After the flooding, we were unable to plant new fields because all of our equipment, small tools, and our truck were ruined. After numerous repairs, we finally got our tractor fully working again in March 2019 and, weather permitting, we started mowing, tilling and cover cropping our farm and preparing our fields.

With the huli that we had available to us, we were able to plant 3 fields in 2019. We now have 7 lo'i planted, with the potential to plant 26 lo'i of various sizes. Our māno was repaired in Fall 2020, but last November more flooding leveled it again. This Spring, several floods have wreaked further damage.

The condition of the stream is in constant flux from all this flooding. Frequent heavy rains cause 'ili'ili to build up and water to breach our banks, requiring us to shovel out the 'ili'ili by hand and build up the banks at the same time. We are constantly working to maintain the māno and 'auwai, especially after heavy rain and wind events, which are so frequent these days. Neither our farm nor the Hui's lo'i are operating at full capacity. So, when it rains, the water in the river is high and floods the area, including Hanalei town. But, our small Hui always shows up because this is what we do; we all work together to maintain the lo'i kalo system. We all depend on managing that flowing water for our farms and larger community.

Our Hui is a legal unicorn. We are carrying on a centuries-old traditional practice passed down to us by our ancestors. Our families have stewarded lo'i kalo in Wai'oli since before the State of Hawai'i, conservation districts, and interim instream flow standards existed. Ironically, it wasn't until we were forced to undertake major repairs because of the 2018 flooding that we discovered we had to navigate a legal maze just to continue to steward resources our ancestors protected for generations. We have been working really hard since 2018 to understand and go through all the necessary legal processes, including this IIFS. It's a lot, but we also know that it is important for the greater good. We are grateful that the people of Hawai'i protect the **traditional and customary Native Hawaiian practice of kalo cultivation** as a **public trust purpose under the Hawai'i Constitution and the Water Code**.

Like our parents and grandparents, we know and mālama Wai'oli Stream, and we understand how to balance our **instream use** with stream vitality and other needs. As the waters ebb and flow, farmers working with the land, water, and kalo are so intertwined with nature and their own lives, that we too ebb and flow. So, we'd like some flexibility to address variations with crop cycles etc., which we are hopeful we have with Ayron's proposed figure.

This month makes three years since the 2018 floods. We need to be pau with the legal permitting so we can focus on rebuilding our irrigation system and lo'i kalo. Where we can, we need stability and predictability in those areas that can be actively and adaptively managed. **Adopting Ayron's amended IIFS of 4mgd would allow us to continue to take care of Wai'oli and move forward in the legal process and with our lives.** This would be helpful for us and for future generations, as our Hui is also part of Wai'oli's kalo growing lineage that has persevered for hundreds of years. We carry on this tradition, this legacy, and we want this traditional culture to continue for generations to come.

Thank you for this opportunity to share my testimony and for your continued support of the Wai'oli Valley Taro Hui. We humbly ask you to please approve the numeric IIFS for Wai'oli Stream when you vote next month.

Mahalo,
Chris Kobayashi

April 20, 2021

Commission on Water Resource Management
State Department of Land and Natural Resources
P.O. Box 621, Honolulu, Hawai'i 96809
Via Email: raeann.p.hyatt@hawaii.gov

Re: Agenda Item C3: Informational Briefing for Wai'oli Stream IIFS

Aloha Chair Case and Members of the Commission on Water Resource Management,

Mahalo for this opportunity to testify in **strong support of the numeric Interim Instream Flow Standard (IIFS) for Wai'oli Stream**. My name is Demetri Rivera, and I am a Board Member with the Wai'oli Valley Taro Hui. I really appreciate your staff's kōkua on this important issue, and for Ayron's help in particular.

Together, Chris Kobayashi and I maintain and farm about 10 acres. Our kalo cultivation is a **protected public trust purpose**, and our land has **appurtenant and riparian rights**. Back in the 1980s, Chris and her family **declared their uses with this Commission**, which were later verified.

I have been farming kalo full-time for over 25 years. I know that wetland kalo requires good, fresh, flowing water from the mountains. Our **water use is instream** because we only use the water for kalo cultivation, and then that water flows through our lo'i kalo and back into Wai'oli Stream. If there isn't enough water or flow is inconsistent, we get lots of weeds, and our kalo quality can be so bad that sometimes we just gotta plow under. Summer is almost here, and we need to make sure that our system is repaired and the farmers can use the water we need. If 'auwai flow is low in the hot months, the water is warm and the kalo will rot due to diseases and a poor environment. No sense plant.

In the last three years, Chris and I, as well as the rest of the Hui, have dealt with devastating flooding. The Hui has maintained the mānowai, po'owai, and 'auwai for generations, and especially during emergencies, which now seems like every time there is a big rain. In the wet season, we brace ourselves for big rains and storms, hoping that there won't be any more flooding. The 2018 flood was really unlike anything we've seen. Through hard work and generous community support, we restored the māno, cleared the stream of debris, and fixed the 'auwai so that we had enough water to start planting at limited capacity again. After almost three years, **we need to move forward with the legal process so we can focus on rebuilding our lo'i kalo system**. Adopting Ayron's proposed IIFS would bring us one step closer to resolution.

Mahalo nui for this opportunity to testify. I ask that the Commission please adopt the proposed IIFS of 4 mgd during low flow conditions.

Mahalo,

Demetri "Dimi" Rivera

April 20, 2021

Commission on Water Resource Management
State Department of Land and Natural Resources
P.O. Box 621, Honolulu, Hawai'i 96809
Via Email: raeann.p.hyatt@hawaii.gov

Re: Agenda Item C3: Informational Briefing Regarding the Amended Interim Instream Flow Standard for Wai'oli Stream, Halele'a, North Kaua'i

Aloha Chair Case and Members of the Commission on Water Resource Management,

Mahalo for this opportunity to provide testimony on this important matter. As a kalo farmer in Wai'oli Valley, Kaua'i and a member of the Wai'oli Valley Taro Hui, I strongly support the amended Interim Instream Flow Standard (IIFS) for Wai'oli Stream. My name is Dwight Morishige and I am a third generation kalo farmer. I have been farming in Wai'oli Valley for over 40 years and my family has been here in Wai'oli for 120 years.

I grew up in a community that dedicated itself to farming kalo. From before I can remember, my father and his family farmed kalo. I learned how to farm from my father-in-law, Bobby Tasaka, who filed a declaration of water use for the land I now steward. I currently lease ten acres for kalo cultivation, and carry on my family and community's kalo farming practices just as I was taught. The 2018 flood was the worst I have ever seen. All of our hui's kalo farmers, both individually and collectively, suffered tremendous impacts from that flooding.

Even though our community has always been tight knit, this is the first time we received so much help. We have always worked together to manage our resources on a regular basis. This includes regularly maintaining the entire lo'i kalo irrigation system, as well as the stream and watershed upon which we depend. We know this place really well and are familiar with the resources within it. Since the flood, our hui has been working hard to fulfill the necessary requirements to make sure we can continue our practice of kalo farming in Wai'oli. Without this help and cooperation, kalo farming would not be possible. As a nutritional food and community practice, it is important that our younger generation be able to continue our family and Native Hawaiian practice of farming kalo.

Thank you for your time, work, and for this opportunity to share my support of the amended IIFS for Wai'oli Stream, which will allow us to continue our traditional and customary kalo cultivation for future generations. Please adopt the amended IIFS in May.

Mahalo,
Dwight Morishige

April 20, 2021

Commission on Water Resource Management
State Department of Land and Natural Resources
P.O. Box 621, Honolulu, Hawai'i 96809
Via Email: raeann.p.hyatt@hawaii.gov

Re: Agenda Item C3: Informational Briefing Regarding the Amended Interim Instream Flow Standard for Wai'oli Stream, Halele'a, North Kaua'i

Aloha Chair Case and Members of the Commission on Water Resource Management,

Thank you for the opportunity to testify on this important matter. As a taro farmer and member of the Wai'oli Valley Taro Hui, I strongly support the amended Interim Instream Flow Standard (IIFS) for Wai'oli Stream.

My name is Wayne Tanji and I have been farming in Wai'oli Valley for over 30 years. Prior to becoming a farmer, I worked retail in Hanalei. My friends were taro farmers and so I eased into farming by slowly acquiring patches from them. Eventually, I decided to farm full-time. I currently lease 1.8 acres of land where, prior to the floods in 2018, I maintained seven wetland kalo patches. Kalo farming is a big part of Wai'oli's identity.

As a Hui sharing kuleana over the same system, we know that our water use affects others further down the 'auwai so we all work hard to ensure that our uses are as efficient as possible to reduce impacts on others. Because of the ongoing maintenance to our lo'i kalo system and intake in particular, our Hui lacks the water we need to cultivate all of our crops. The 2018 flood completely devastated my farming operations. Because of the location of my patches, the damage to our 'auwai system has hit me particularly hard. My lo'i are not receiving enough water to ensure a consistent level of through-flow and, as a result, my taro does not receive enough water to grow properly. Without the necessary water to act as a weed suppressant, I cannot eradicate the weeds fast enough to save my kalo.

Currently, at 71 years old, I am barely able to maintain two of my original seven patches. Although sometimes friends give me a hand, I mostly farm alone. Even if the water flow returned to pre-flood levels today, it would still take me about a year to get back to "normal" production. To say that this situation is causing me stress is an understatement. Water is so vital for us to continue farming, it is the lifeblood of this place and our practice. Without it, we cannot survive.

We are still working hard to recover, but adopting an amended IIFS for Wai'oli Stream would ensure protection of one of our most valuable resources: water. The historic floods caused immense damage to our water system, which has been compounded by increasing and severe weather events. Establishing the amended IIFS would get our Hui one step closer to pre-flood conditions. It would give me hope that we can continue kalo farming in Wai'oli for generations to come, something that I think is really important for our small community.

Thank you again for this opportunity to submit testimony in support of the amended IIFS for Wai'oli Stream.

Mahalo,
Wayne Tanji

April 20, 2021

Commission on Water Resource Management
State Department of Land and Natural Resources
P.O. Box 621, Honolulu, Hawai'i 96809
Via Email: raeann.p.hyatt@hawaii.gov

Re: Agenda Item C3: Informational Briefing Regarding the Amended Interim Instream Flow Standard for Wai'oli Stream, Halele'a, North Kaua'i

Aloha Chair Case and Members of the Commission on Water Resource Management,

Mahalo for the opportunity to testify on this important matter. As a kalo farmer and member of the Wai'oli Valley Taro Hui, I strongly support the informational briefing and amended IIFS. I am also grateful that your staff used Native Hawaiian custom and tradition as a basis for the IIFS – that's pono. My name is Sierra-Lynn Stone and I am a fifth generation Native Hawaiian kalo farmer in Wai'oli Valley. The legacy my family has created inspired me to begin farming and it is what drives me to continue. Farming kalo is my passion and is a purposeful way to live life. Today, I come before you with the hope that this Commission can help to ensure a future in farming for me, my young family, and the families of all the other kalo farmers in Wai'oli Valley by adopting an amended IIFS.

My love for farming began at an early age. I was raised in the lo'i kalo where I learned and grew to love the culture of kalo, the various aspects of hard work, and how to have fun while working. My dream is to carry on this tradition and lifestyle, and to teach my children and future generations of my family to love it as I do. Initially, my career pathway was very different. After I graduated from high school, I went off to Washington State University to become a registered nurse. While there, my grandfather's health took a turn for the worse. I had the option of continuing school in Washington, but instead, I chose to return home to run the family farm. Since 2010, I have been running the entire farm.

Our farm is 9 acres. Since the flooding in 2018, we have struggled to maintain our "normal" operations. We have had to deal with many challenges, but we work really hard to continue. Right after the 2018 floods, we were informed that portions of our centuries-old lo'i kalo irrigation system, a system that predates modern zoning laws and the Water Code itself, was located on state conservation land. Since then, we had to get a right of entry and easement so we could access and maintain our mānowai and po'owai. Now, we are before you seeking an amendment to the IIFS for our traditional use that has always existed in Wai'oli Valley. This has really affected our entire community. These legal and legislative processes have been difficult to track and effectively participate in. But, we are doing our best because we are committed to this place. With your Commission's help and an amended IIFS, we can maintain what is pono: adequate water for our stream, stability for our farms, and support to continue our practice.

While we've been able to make some progress since the devastating floods, our farm, as well as all the other farms in Wai'oli, still have a long way to go. Flooding continues to happen in

Wai‘oli. As you know, we’ve already endured several weather events in the last several months. Our families and our community rely on us to face challenges as they come.

My love for farming is limitless — it is hard to put into words. The opportunity to love what you do, and do what you love, is an experience that I hold dear. It is priceless and I plan to continue my family’s tradition of farming here on the North Shore of Kaua‘i. With the Water Commission’s help, I can do just that.

Thank you again for this opportunity to testify. Please vote in May to adopt a numeric IIFS and support traditional kalo cultivation in Wai‘oli.

Mahalo nui!

Sierra-Lynn Stone

April 20, 2021

Commission on Water Resource Management
State Department of Land and Natural Resources
P.O. Box 621, Honolulu, Hawai'i 96809
Via Email: raeann.p.hyatt@hawaii.gov

Re: Agenda Item C3: Informational Briefing for Wai'oli Stream IIFS

Aloha Chair Case and Members of the Commission on Water Resource Management,

My name is Nathaniel Tin Wong. I am a kupa 'ai au of Kaua'i and a Board Member of the Wai'oli Valley Taro Hui. Native Hawaiian practices, like kalo cultivation, are an integral part of Hawai'i today, and we must protect these cultural practices so that they can be passed on to our keiki. I am grateful to be able to share my thoughts with you on why your **Commission should adopt a numeric Interim Instream Flow Standard (IIFS) for Wai'oli Stream.**

I know how important it is to grow kalo, even though in relation to my fellow Wai'oli Valley Taro Hui members, I am relatively new to farming. I have developed an intimate understanding of how the plant, over many generations, has allowed our people to pass on ancestral knowledge. Knowledge that teaches and epitomizes, at its very core, the mana'o of sustainability. This knowledge teaches us how to be better stewards of our 'āina, how to act in our environment, and how those principles translate to how we interact with each other as humans. Farming kalo feeds not only my physical self, but also feeds my na'au. My practice, as a kalo farmer, keeps me grounded, and without it, it is easy to get lost. I consider my practice and work important not only to my community, but to humanity as a whole.

I have been given the opportunity to farm lo'i kalo with Aunty Chris Kobayashi and Uncle Dimi Rivera in Wai'oli. This 'āina has appurtenant and riparian rights, and Aunty Chris and her 'ohana declared their water uses for kalo with this Commission back in the day. As a Native Hawaiian, farming kalo is also a traditional and customary practice for me and my 'ohana. Growing kalo through organic methods allows me to help to feed my community because people need this mea'ai. One principle that I strongly believe in is having my family eat together as a household. Eating kalo and poi together as an 'ohana nurtures and promotes cohesion, which is reflected in other aspects of our 'ohana's life and also for other 'ohana that my kalo feeds. The way that we treat each other at the dinner table and around the poi bowl embodies the spiritual side of food; it is a discipline that teaches us how to treat one another with love and respect. I want to pass these values and principles on to my keiki so that they can continue for generations to come.

The April 2018 flood devastated our 'āina and lo'i kalo, and my 'ohana and I have been forced to start over from the beginning. My wahine, Dominique, and I talked about the seemingly overwhelming amount of work it would take to keep growing kalo. We both decided this is something central to our lives and values and committed to kalo farming as a lifestyle. I am dedicated because I know how important this is to me and my 'ohana. The silver lining in it all, however, has been the closeness and cohesiveness we have developed between us Wai'oli farmers, working together to help to better the conditions to the extent that we can, so we can all

return to farming. I know I have to do this for my ‘ohana and for our Wai‘oli farmers’ ‘ohana, too.

I am grateful that the people of Hawai‘i have committed to protecting traditional and customary Native Hawaiian practices, such as kalo farming, through our Constitution, Water Code, and other laws. With the rapid changes in our community on Kaua‘i from tourism and the slow, but steady, change in demographics, it is important for me that this Commission know that **we—Native Hawaiian practitioners—are still alive, we are still here, and we are devoted to exemplifying those values and traditions passed on to us by our ancestors, namely living with the land and farming kalo.** My daughters are the sixth generation of our ‘ohana in Hanalei and, skipping a couple generations, the fourth generation to be farming lo‘i in Wai‘oli. Culture and practices like kalo farming are still very much here and they must be protected so that they can be passed on to our keiki. I have found, for myself, in kalo farming what has been missing in my life. I was suppressed from my culture growing up and have only now been able to engage in practices, like farming lo‘i kalo, which has allowed me to reconnect with those same kinds of things that my ancestors celebrated. I hope to be able to pass these cultural practices and values on to the next generations, just as I have been able to learn from Aunty Chris and Uncle Dimi. Knowledge about kalo cultivation and ‘āina stewardship has been a blessing for me. I will give my children this lifestyle, and I feel that it is my kuleana to keep kalo farming alive for them.

But to do so, the numeric IIFS for Wai‘oli must support both the life of the stream and the life of the land, especially the lo‘i kalo that have thrived here for centuries. We are grateful for your staff’s kōkua, and Ayron’s hard work in particular. It is refreshing to see Native Hawaiian principles and values come to life in actual decisionmaking, such as having an IIFS for our stream based on a Native Hawaiian principle of diverting not more than 50% of flow. This Native Hawaiian approach is entirely appropriate for our Hui’s Native Hawaiian practice of kalo cultivation.

We in Wai‘oli have always been, and will continue to be, committed to providing sustenance for our communities. Cultural practices such as kalo farming must be protected so we can pass them on to our keiki. It is also important to continue these practices so they can be taught to others when the time is right. **Please vote to adopt the proposed IIFS for Wai‘oli Stream in May, which we believe is sufficient to enable our cultural practices as Native Hawaiians to thrive for generations to come.**

We always tell our daughters they can be anything. Today, you have the power to allow them to be kalo farmers, if they so choose.

Mahalo for your time and aloha,

Nathaniel Temanu Tin-Wong

April 20, 2021

Commission on Water Resource Management
State Department of Land and Natural Resources
P.O. Box 621, Honolulu, Hawai'i 96809
Via email: raeann.p.hyatt@hawaii.gov

Re: Agenda Item C3: Informational Briefing Regarding the Amended Interim Instream Flow Standard for Wai'oli Stream, Halele'a, North Kaua'i

Aloha Chair Case and Members of the Commission on Water Resource Management,

Mahalo nui for the opportunity to submit testimony in support of the amended interim instream flow standard (IIFS) for Wai'oli Stream. My name is Emily Schlack and I am a student at William S. Richardson School of Law, as well as a Native Hawaiian. The Wai'oli Valley Taro Hui has been stewarding Wai'oli Stream and their surrounding lo'i kalo for generations, and they are an incredible example of how cultural traditions and practices can be passed down through generations and continue to grow in strength. The Hui's ancestors have been stewarding this same land, cultivating kalo, and feeding the lāhui for generations, and theirs are the voices who should be heard in decisionmaking regarding Wai'oli Stream, which they have been caring for since time immemorial.

The traditional and customary practices of Native Hawaiians are an amazing resource endemic to Hawai'i, but just as we must all mālama the natural resources such as our water, our cultural traditions must also be stewarded. Without careful cultivation, preservation, and the ability to pass these practices on, our culture will not survive. This is why it is imperative that we do everything we can as a community to help our cultural practitioners both continue their traditions and pass them on to generations to come. One way for us to help with this would be to ease the Wai'oli Valley Taro Hui's path forward in recovering from the multiple floods that have occurred over the last several years, which is why I ask that you adopt this amended IIFS in May.

Without traditional and customary practitioners such as the Wai'oli Valley Taro Hui, our culture's roots cannot thrive - we need them to keep the generational knowledge and wisdom that they have accumulated alive. Mahalo nui for your time and compassionate consideration of our community's most valuable resources – our water and Native Hawaiian culture.

Me ke aloha,
Emily Schlack

April 17, 2021

Commission on Water Resource Management
State Department of Land and Natural Resources
P.O. Box 621, Honolulu, Hawai'i 96809
Via email: raeann.p.hyatt@hawaii.gov

RE: TESTIMONY IN STRONG SUPPORT OF AGENDA ITEM C-3

Draft Amended Interim Instream Flow Standards for the Surface Water Hydrologic Unit of Wai'oli (2018): Wai'oli Stream, Halele'a, North Kaua'i

Aloha Chair Case and Members of the Commission on Water Resource Management:

My name is Alexa Deike and I am in my last semester of my advanced Juris Doctor program at the William S. Richardson School of Law at the University of Hawai'i at Mānoa. Before moving to Maui in 2010, I had passed the bar in Germany. The 100-year flood in 'Īao Valley catalyzed my decision to return to law school to be able to practice in the area of water law here in Hawai'i. This is also my third continuous semester of supporting the Wai'oli Valley Taro Hui as part of the Environmental Law and Native Hawaiian Rights Clinics. Mahalo for the opportunity to testify regarding the importance of setting a numeric IIFS for Wai'oli Stream.

First, I would like to mahalo your Commission, Deputy Director Kaleo Manuel, and Commission staff Ayrton Strauch for the tireless support in proactively drafting an amended IIFS for Wai'oli Stream, which will facilitate the issuance of a water lease for the Wai'oli Valley Taro Hui.

The Wai'oli Valley Taro Hui and Wai'oli Stream are truly unique and special. In Clinic, we often refer to them as "legal unicorns." For example, this lo'i kalo system has been in perpetual use since time immemorial and Wai'oli Stream is one of the very few streams in Hawai'i that has not been siphoned for plantation purposes. Instead, Kānaka Maoli have cultivated kalo and always stewarded this water guided by the principles of aloha 'āina – resource management in harmony and reciprocity with the ecosystem. Their diversion intake, the mānowai, was carefully designed to take only as much water as needed and break away in times of high streamflow. The Wai'oli Valley Taro Hui continues this traditional and customary Native Hawaiian practice. Most members of the Hui have been kalo farmers for four to six generations, some are farming the same kuleana lo'i that their ancestors have cultivated for centuries. The Wai'oli Valley Taro Hui is an example of a living culture and authentic Native Hawaiian way of life that is fast disappearing in Hawai'i today.

This amended IIFS for Wai'oli Stream is just as unique and special. It will protect and perpetuate kalo cultivation in Wai'oli Valley for the generations to come. During my time in law school, I

have researched and written on water conflicts involving IIFSs in East Maui and Nā Wai ‘Eha. Even before I even started law school, I testified before this Commission on the IIFS in West Maui. Unlike those IIFSs that had to restore streams to enable farmers to resume or begin kalo cultivation, your Commission has the opportunity here to strengthen and secure the unbroken practice of farming kalo in Wai‘oli Valley into the future – to be proactive in protecting instream uses and traditional and customary Native Hawaiian practices precisely as Hawai‘i’s Constitution and Water Code contemplate.

Chair Case mentioned in the February 2020 BLNR meeting regarding the Hui’s perpetual easement, that “*What we are trying to do here, is fit an old system into a new legal system!*” I agree completely and propose that one of the best ways to do that is to adopt the amended IIFS in May, and as part of that process, to specifically recognize and make determinations regarding the Hui’s appurtenant, riparian, and traditional and customary Native Hawaiian rights.

Me ka Mahalo,

Alexa Deike

April 20, 2021

Commission on Water Resource Management
State Department of Land and Natural Resources
P.O. Box 621, Honolulu, Hawai'i 96809
Via Email: raeann.p.hyatt@hawaii.gov

Re: Agenda Item C3

Aloha Chair Case and Members of the Commission on Water Resource Management:

Mahalo for this opportunity to testify in support of the amended Interim Instream Flow Standard (IIFS) for Wai'oli Stream. Mahalo nui to Ayron and the entire Commission for all of the time, attention, and energy that you have given to our Law Clinic and the farmers we are fortunate enough to assist. What you do for our communities is invaluable and we look forward to being able to continue working with you all.

My name is Kevin Fernandez and I am currently a law student at the William S. Richardson School of Law. I have had the honor and pleasure of working with the Wai'oli farmers on two separate occasions: in the fated Spring of 2020 and currently this Spring Semester 2021. My time spent learning the beautiful intricacies of who they are, who they come from, and the intimate relationship they have with the land they steward has impacted my life in a way I will forever be grateful for. It is a glimpse into a reality where a revered relationship with the environment in which one lives is paramount to a true understanding of self. A reality I had forgotten over the course of my first two years in Law School.

In my undergraduate studies I was fortunate to be part of a Hawaiian Leadership Program even though I am not Native Hawaiian. However, my time in that program has been the most influential experience since I moved to 'Oahu ten years ago. We learned about the current realities of a modern Hawai'i within the historical context of the continued subjugation of Native Hawaiian rights, traditions, and practices. I was humbled to be taught how to respect and serve the community that affords me the opportunity to experience its indigenous culture. That experience gave me a more rooted understanding of self and my own ancestral history. This was a driving factor in my decision to attend Law School here in Hawai'i. I wanted to be of service and I figured the legal field gave me the best platform to do that.

Throughout Law School I was led by that desire to serve. However, the reality of Law School after my first year and a half left me incredibly disheartened and that desire to serve felt hopeless. I was yearning desperately for some semblance of the experience I had in undergrad. I started to believe that perhaps the legal field lacked the interpersonal connections and ability to serve in the way I had hoped. Fortunately, I decided to take the Environmental Law Clinic in the Spring of 2020 and I was able to find hope again. Visiting Wai'oli Valley and getting the chance to work with the farmers helped bridge the gap between the experience I had in undergrad and my experience in Law School up until that point.

Just the opportunity to have met and helped the farmers makes the struggle of Law School more than worth it. They are truly some of the most beautiful and genuine people I have come across in life. They love what they do and why they do it. They are also experts in how to best steward the kalana they farm in and call home. This cannot be emphasized enough. The rooted knowledge these farmers draw upon runs as deep as 6 generations. There may have never been a better opportunity to do something truly groundbreaking: utilize these farmers' ancestral biocultural knowledge to better your western management system. How can we better serve a system that thrived for a millennium prior to western contact? How can a western management system be improved by allowing Hawaiian knowledge that has been perfected since time immemorial lead the way? Creating a system that is built around traditional and customary Native Hawaiian practices, like those of the Wai'oli Valley Taro Hui, would be a monumental step in the right direction. This is the epitome of what law and science is supposed to be about. The basis for Wai'oli Stream's IIFS in Native Hawaiian custom and tradition is a good start. But more can and should be done to operationalize the Hui's biocultural knowledge.

Again, I cannot thank you all enough for your time and effort.

Kevin Fernandez

April 20, 2021

Commission on Water Resource Management
State Department of Land and Natural Resources
P.O. Box 621, Honolulu, Hawai'i 96809
Via Email: raeann.p.hyatt@hawaii.gov

Re: Agenda Item C3

Aloha Chair Case and Members of the Commission on Water Resource Management:

Mahalo for the opportunity to testify in support of the amended Interim Instream Flow Standard (IIFS) for Wai'oli Stream. My name is MJ McDonald, and I am a law student at the William S. Richardson School of Law at the University of Hawai'i at Mānoa. I've had the pleasure of working with and learning from the Wai'oli Valley Taro Hui this past semester. I am so grateful to Ayron Strauch and the rest of your staff for their hard work, and I believe Ayron's proposed IIFS of 4 mgd for low flow conditions in Wai'oli Stream is appropriate.

There should, however, be a **lower monitoring standard for water uses for traditional and customary Native Hawaiian practices, such as the Hui's lo'i kalo irrigation system in Wai'oli Valley, which is an instream use with all water returning to the same Kalana.** The Commission should **embrace an adaptive management approach for these practices, such as wetland kalo cultivation, and authorize Deputy Director Manuel and Ayron Strauch to work in partnership with the Hui** to craft a schedule and method for water use reporting appropriate for their public trust purpose and also respectful of their deep knowledge of these specific resources.

Ancestral knowledge passed down over four to six generations informs the Hui's stewardship of Wai'oli Stream and Watershed. The farmers' lifeways are rooted in close observation, adaptive stewardship, and aloha 'āina. They are expert managers of Wai'oli Stream, and their 'ohana have been stewarding the Hanalei Bay Kalana since before IIFSs, Hawai'i Revised Statutes Section 174C, and the State of Hawai'i even existed. In short, the farmers know what is pono, and they are the best equipped to mālama their own biocultural resources. They have been doing so successfully for over a century, and to now impose even more requirements adds insult to injury.

Requiring the farmers to report their uses to the Commission monthly would be a significant burden. The Hui is still in basic recovery mode from the devastating 2018 floods, as well as more recent flooding last Fall and this Spring. Many of the farmers are aging, so monitoring duties will fall on specific Hui members who are raising young families, working full-time jobs, and caring for their kūpuna. The farmers are pursuing options for a flume or weir, but funding is an issue. Requiring that the Hui report their uses twice a year, or each quarter at the most, would be

more manageable. The farmers check and adjust their water levels daily, and will continue to do so. This requirement affects only the frequency with which they are required to share that information with this Commission.

In sum, the farmers need and deserve the time and flexibility that an adaptive management approach provides. The Hui is excited about the possibility of continuing to work with Deputy Director Manuel and Ayron, both of whom have been supportive throughout this process. I urge your Commission to embrace this opportunity to **create a new adaptive management approach for traditional and customary Hawaiian practices** that can serve as a model for future biocultural resource management. I ask that you **amend the reporting requirements to twice a year, or each quarter at the most**, because water use for traditional and customary Native Hawaiian kalo cultivation should not be subject to the same monitoring standard as large-scale, exploitative diversions.

Mahalo for your consideration,

A handwritten signature in black ink that reads "MJ McDonald". The letters are cursive and fluid, with the "M" and "J" being particularly prominent.

MJ McDonald