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March 10, 2020

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

Re: Written Testimony in Support of Application:
March 15, 2022 Commission Meeting. Action Item #1:
Hawaiian Turfgrass, Inc. and Valley Well Drilling Application for
Well Construction, Pump Installation and Water Use Permits;
HTGI Well (Well No. 3-2501-002); WUP No. 1101

Aloha Commissioners:

I am Colin K. Kurata, General Counsel for Hawaiian Turfgrass, Inc. ("HTI") and I submit the following in support of HTI's above-referenced application for an onsite well to supply its ag water needs. I have been HTI's general counsel since 2014 and am familiar with its operational growth and concerns since HTI purchased its 67.5 acres of Important Ag Land ("IAG").

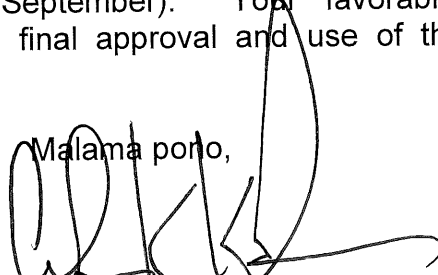
In 2014, HTI partnered with Mililani Ag Park LLC ("MAP") to purchase 135 acres of former Mililani sugar lands from Castle & Cook. To finance the purchase, each buyer acquired 50% in Tenancy in Common (Lot 1 to HTI and Lot 2 to MAP), with each buyer required to co-sign the loan of the other until subdivision approval.

In order to finalize the subdivision of the separate lots by HTI and MAP, it is the lender's consent requirement that HTI have assured water access and availability. The C&C waterline has supplied the needs of its former lands from Waiahole Ditch, including HTI, under recorded covenant, which continued unabated until C&C transferred its waterline to MAP in 2021. After 5 years of wrangling, it was agreed between HTI and MAP that HTI could hookup to the C&C waterline adjacent to its property. However, MAP has restricted the water flow to HTI by 50%+ since early 2021, based upon alleged capacity requirements of users that are presently in dispute. This action has severely impacted the survival of HTI as an authorized owner-user.

The purpose of the proposed well is to replace HTI's dependence upon an uncertain waterline access to Waiahole Ditch water that is beyond HTI and governmental control. This proposed onsite well is the immediate and comprehensive solution for HTI and its continued viability as an Hawaiian owned and operated company dedicated to sod (soil erosion/runoff control and beautification) and its diversification in food production. As noted by owner Sean Fong, HTI is committed to respect, use and protection of our precious land and water, as cultural and family values..

Please note that, despite the much appreciated assistance and encouragement of your overworked staff, this application has been delayed due to causes beyond HTI's control and the situation has gotten worse. It is critical now that the proposed well be operational as soon as possible in anticipation of the increased water requirements of the summer season (June – September). Your favorable consideration and recommendation to fast-track the final approval and use of the proposed well are respectfully requested, mahalo.

Malama pono,



COLIN K. KURATA
General Counsel
HAWAIIAN TURFGRASS, INC.

CKK:mwm
CI/files

Hawaiian Turfgrass Inc Testimony
3/10/22

To whom it may concern,

My name is Brad Seymour of SR Hawaii, specializing in sustainable water management. I am writing in support of Hawaiian Turfgrass getting the permit to drill a well and install a pump for the agricultural purposes of turfgrass production. I have been working with Hawaiian Turfgrass for over two years regarding the water system. Hawaiian Turfgrass has been relentless in the desire to have a highly functioning water system that can meet his needs while also being highly responsible for the usage of our precious water resource.

Through the implementation of technology Hawaiian Turfgrass is monitoring pond heights, pressure, flow rates, and weather 24/7. This technology has enabled the operation to irrigate when necessary, monitor for excessive usages (broken water lines), irrigate the appropriate amounts via evapotranspiration measurements developed on site. Voluntarily installing this equipment shows that Hawaiian turfgrass is taking the necessary steps to being as efficient as possible while also being able to produce an excellent crop. Hawaiian Turfgrass has also shown interest in expanding the uses of technology to become even more efficient in the future.

Through my time working with Hawaiian Turfgrass I have witnessed the hardships endured through his time working with a shared water system. Water delivery via a communal water system has had harsh effects as the operation was required to constantly accommodate to the surrounding neighbors. The effects endured are a lacking volume availability, inadequate pressure, and the constant concern for having enough water to maintain his business. Hawaiian Turfgrass has constantly worked to accommodate the neighbors concerns and requests, even though these requests had negative effects on the internal operation. I have witnessed the abandonment of a crop because of the need to accommodate the neighbors, this is tragic for any agricultural operation.

Allowing Hawaiian Turfgrass to obtain this permit to drill a well and install a pump will provide the business to continue operations while simultaneously accommodating to the neighboring operations by removing a major user from the communal delivery system. Thank you for your time, we appreciate your work for Hawaii, and we hope you will approve this permit.

Date: 3/11/2022

From: Hawaiian Turfgrass, Inc
Po Box 89-3340
Mililani, Hi 96789

To: Commission on Water Resource Management
Department of Land and Natural Resources
PO Box 621
Honolulu, Hi 96809

RE- Written Testimony in Support of Application: March 15, 2022 Commission Meeting. Action Item #1: Hawaiian Turfgrass, Inc. and Valley Well Drilling Application for Well Construction, Pump Installation and Water Use Permits; HTGI Well (Well No. 3-2501-002); WUP No. 1101

Aloha Commissioners,

Hawaiian Turfgrass request's the transfer of its Waiahole allocation upon replacement with our own well. The return of water allocation back to the windward side is also beneficial for that ahapua'a. This is also our only option to survive and become economically sustainable as the current situation with receiving Waiahole water has become unreliable since new owners of our delivery system have restricted our allocation and flow of water which is not economically feasible for Hawaiian Turfgrass.

We need water independence via an on site well. My goal is to keep our land designated IAL Important Agricultural Land, and to farm the entire lot. This is necessary to keep my property in my family and to create a farming legacy in my community. In order to do so we need a reliable water source, more sustainable as the current source is not viable nor cost effective. We have strived to be sustainable and contribute to our local food economy by growing not only grass but banana and fruit tree orchard, 18 pond aqua cultural operation, food crop production of taro, and vegetables. We had to temporarily stop some of these operations and kill off acres of grass due to the limitation of water flow, cutting our water availability, or basically not enough water. In order to survive we are requesting approval for our well so we can become independent and have a reliable source of water.

My name is Sean Aukanai'i Fong born in Honolulu and raised in Hilo, Hawaii. I am a husband to Joy Fong, a School Teacher and father of 4 boys aged 7, 2, 1, and 2.5 month old. I am a 1st generation Farmer, an owner of 67.5 acres in Mililani, Oahu. I graduated from Waiakea High School in 2001. I graduated from Kapiolani Community College with Associates Degree in Liberal Arts in 2004, from University of Hawaii at Manoa with a B.A. in Hawaiian Studies in 2006, and a B.S. in Tropical Plant & Soil Science in 2008.

During that 2006 summer, I did my internship for the leading grass growing company (Southern Turf, Int) in Hawaii. After completing my internship, in 2006 I began leasing at Mililani Agricultural Park (MAP) with 1 acre to farm on my own, then given opportunity to lease 3 acres, then leased 5 acres, Once graduated in 2008 I went full time where I was fortunate to grow to 10 acres, then leased 20 acres. In 2014 I was asked by Mililani Ag Park to join him and partner into buying the land where I currently own 50% of 135 acres.

Hawaiian Turfgrass takes pride in providing careers for all of our employees. We currently employ 15 farm agricultural workers including 6 employees who have achieved first time home ownership status and have been able to purchase homes within our community.

Since 2006 - 2020, we have been on the Waiahole Ditch System with little water limitation and ability to grow our operation with the use of water through multiple water meters. After purchasing our lot in 2014 all the way to 2020 we planted out our entire lot using 450k GPD water during peak summer months historically leading to 2021 via 6", 4", 4" meters. Since 2021, the 3 meters were taken away from us and

we have been given a 3” meter restricted half way totaling about 200gpm over a 24 hour period during peak summer months. Investing in our future we constructed two reservoirs a 1 million gallon reservoir and a recently completed 2 million gallons reservoir to protect our water availability, however this only provides us with a 1-2 week reserve.

In 2020 The management of the CC Castle and Cook line who is MAP (Mililani Ag Park) finally agreed to our 2018 requested (POC) Point of Connection (50ft away) but with no option only a 3” meter not any bigger. Shortly after in January 2021 we were then notified that the “irrigation system” has been sold from Castle and Cook to Mililani Agricultural Park for \$1. Un benounced to us, That Mililani Agricultural Park had a deal with STI that if they should ever come into ownership of system that MAP will then transfer 50% of ownership of this system to Southern Turf Hawaii, our competitor and currently that they formed a entity MIS Mililani Irrigation System to manage line.

Presently, our subdivision is approved, it is subject to lender approval of water availability for Hawaiian Turfgrass. I need to secure my water in order to sever our joint loan and get 100% ownership of my 67.5 acre lot. Doing everything the right way, keeping records of our farm business growth from 2006, and depositing all earning into the bank, we were able to qualify for the loan to purchase the land in 2014.

Through the challenges, we remain positive and working toward survival and to a new season. We hired a agronomist Dr. Joe DeFrenk and water engineer Seymour Resources to make our water delivery system as efficient as possible, to not overwater and water efficiently, with the importance of being net positive daily in our reservoir which we are forced to pump 100% of time. We are working with Valley well drilling to manage and install our well.

Mahalo for your time and consideration and thank you for the many months of assistance by the Water Commission staff in the filing of HTI’s application and arranging for the hearing, particularly during these hectic times.

Sean Fong, President
Hawaiian Turfgrass, Inc
808-371-0527
hawaiianturfgrass@gmail.com

March 13, 2022

Via e-mail (raeann.p.hyatt@hawaii.gov)

Commission on Water Resource Management
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

**Re: Written Testimony in Support of Application: Hawaiian Turfgrass Inc. and Valley Well Drilling, Application for Well Construction Pump Installation and Water Use Permits; HTGI Well (Well No. 3-2501-002), TMK (1) 9-4-003:002, WUP No. 1101
March 15, 2022 Commission Meeting, Action Item #1**

Dear Commissioners:

I am writing in support of the above-referenced Application from Hawaiian Turfgrass, Inc. (“HTI”). Over the years that I have worked as an attorney for HTI and its owners, Sean Aukanai‘i Fong and Joy Fong, I have gained an in-depth understanding and appreciation of their business operations and, perhaps more importantly, their personal character. Accordingly, I am well-positioned to provide input and support for HTI’s Application.

HTI is a Native Hawaiian and female-owned small business, with deep roots in the local community. Mr. Fong is a “local boy” who graduated from the University of Hawai‘i at Manoa with dual degrees in Hawaiian Studies and Tropical Plant & Soil Science. As such, he is knowledgeable and sensitive to the history of Hawai‘i and the use of its natural resources including, specifically, water. The Fongs have proven themselves to be honest, responsible, trustworthy, and committed to preserving and sustaining the unique heritage of the Hawaiian landscape

HTI has for years been reliant on receiving water from the Waiāhole Ditch through an irrigation system, which is now being operated and controlled, in part, by a competitor. As a Native Hawaiian, Mr. Fong feels that their unilateral attempts to control and restrict HTI’s access to Waiāhole Ditch water are oppressive and simply not “pono.”

Commission on Water Resource Management
March 13, 2022
Page 2

After suffering devastating crop losses in 2021 due to the limits placed on HTI's water supply, HTI's need for another water source is paramount.

There are numerous reasons why HTI should be permitted to obtain water through a well. HTI would have its own independent source of water, thus preventing any further issues with the other competitor users of the irrigation system. Moreover, HTI could be disconnected from the Waiāhole Ditch, thereby allowing the water to be allocated elsewhere and/or restored to its source. Also, the Commission would be supporting the growth of a Native Hawaiian and female owned small business and all the resulting benefits therefrom to Hawai'i's landscape, people, and economy.

Based on the foregoing, it is respectfully submitted that the Commission should approve HTI's Application. I sincerely appreciate your consideration of this letter. Thank you.

Very truly yours,

SCHLACK ITO LLLC



Regan M. Iwao



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Commission on Water Resource Management
Department of Land and Natural Resources
P.O. Box 621
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March 15, 2022
9 AM
Action Item #1

Hawaiian Turfgrass Inc. and Valley Well Drilling application for well construction, pump installation, and water use permits HTGI Well (Well No. 3-2501-002), TMK (1) 9-4-003:002, WUP No. 1101

Re: **Written testimony in support** of approval of these applications

Aloha Commissioners:

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

The Hawaii Farm Bureau supports the approval of the above-referenced requests. Without affordable and reliable water for irrigation, Hawaii cannot sustain its farms. Although our State goals and policies encourage agriculture, farming is a difficult business and water access continues to be a significant hurdle. The applicant, Hawaiian Turfgrass, Inc. (HTI), needs timely approval of its request in order to continue its agricultural operations on designated Important Agricultural Land (IAL) growing sod for soil erosion, runoff control, and beautification, in addition to growing food for the local community. HTI's owner is an educated, experienced, and accomplished agriculturalist who also contributes to the community by providing career opportunities for his employees.

HFB has read and supports the thorough review and recommendation by CWRM staff to approve the requests for the following reasons:

- The staff has determined that there is adequate water to accommodate the requested allocation.
- Approval of the requests will eliminate HTI's reliance on its access to the Waiāhole Ditch System which has become unreliable.
- Approval will allow more water to flow into Windward streams to support those ecosystem and cultural benefits.
- HTI's irrigation methods were reviewed and agreed to by staff, who will work with HTI to ensure that its use of water continues to be efficient.

- HTI has no feasible alternatives since other surface waters, municipal water sources, and wastewater reuse sources are not available. Desalinization is cost-prohibitive and brine disposal can be dangerous for the potable water aquifer.
- This land has predominantly been used for agriculture and that use is consistent with the zoning designation, especially its designation as IAL.

Thank you for this opportunity to testify in support of this measure.