

September 9, 2022

Commission on Water Resource Management (CWRM)
1151 Punchbowl Street, Room 227
Honolulu, Hawai'i 96813
Telephone: (808) 587-0214
Fax: (808) 587-0219
Email: dlnr.cwrn@hawaii.gov

Aloha mai kakou,

I am advocating for CWRM approval of the full water reservation request by the Department of Hawaiian Home Lands (DHHL) for 11,177,500 gallons per day from East Maui streams diverted by the East Maui Irrigation system for non-potable water use in the Pūlehunui (**1,327,500 gallons per day**) and Kēōkea-Waiohuli Hawaiian homelands (**9,850,000 gallons per day**). Upon buildout, Upcountry will succeed the Wai`anae Coast as the largest native Hawaiian homestead community. Water is essential for such buildout, which will help mitigate the dire housing shortage on Maui, where median home prices exceed \$1 million. Most importantly, Native Hawaiians hold preeminent standing with regard to water allocation under the State Water Code.

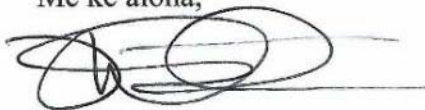
I am among 10,660 Maui Hawaiian Homes Commission Act beneficiaries, including 1,264 residential, 64 agricultural, 75 pastoral and 9,257 waitlist beneficiaries for the Valley Isle.

The current Upcountry buildout includes 432 residential and agricultural homestead lots. The anticipated future Upcountry buildout will equal 1,807 total parcels on 6,112 acres, according to the 2010 Maui Regional Plan for Kēōkea-Waiohuli. Upon complete buildout, Upcountry Maui will encompass the largest Hawaiian homestead community statewide, DHHL officials have said.

Chapter 174C-101 of the State Water Code on Native Hawaiian Water Rights states that, "Decisions of the commission on water resource management relating to the planning for, regulation, management, and conservation of water resources in the State shall, to the extent applicable and consistent with other legal requirements and authority, incorporate and protect adequate reserves of water for current and foreseeable development and use of Hawaiian home lands as set forth in section 221 of the Hawaiian Homes Commission Act."

Mindful of this mandate to CWRM, I firmly support DHHL's request for an 11.17 MGD water allotment for Maui homelands in Upcountry and Pūlehunui, and seek CWRM approval of such request.

Me ke aloha,



Tema Watson
Waiohuli Undivided Lessee

From: [William Greenleaf](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Agenda Item C-1
Date: Friday, September 16, 2022 10:31:08 AM

Aloha:

My name is Bill Greenleaf

Email is: [REDACTED]

Agenda Item: C-1

I have followed the conversations and actions on the subject of returning water to streams. I've been heartened to see judicial decisions that require specific water return to streams. The Hawaii Constitution gives water and stream rights to flow in support of all life dependent on the stream and to the stream itself...

The Rights granted to Nature in the Hawaii Constitution are an inheritance of future generations as they use Hawaiian farming practices that share the water by creating a system that allows the water to flow freely through farms, back into the stream and ultimately to the Ocean.

All of the life supported in this process is precious and has rights. Furthermore, the fish in the Ocean come to the stream to forage for food washed down the stream. Hawaiians, forever have used throw net at the mouth of streams to provide fish for the village.

The decision to uphold the rights and the decision by the courts is another step in returning living rights to the land, the water and the people.

Mahalo,
Bill Greenleaf
Greenleaf Farm

From: [Jennifer Valentine](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] please reduce the control and rampant waste of East Maui's water
Date: Sunday, September 18, 2022 11:29:15 AM

we are counting on you to do right by East Maui's streams, and the Public Trust Doctrine they have taken an oath to uphold.

Kōlea, Punalu'u, Ka'aiea, 'O'opuola, Puehu, Na'ili'ilihale, Kailua, Hanawana, Hoalua, Waipi'o, Mokupapa, and Ho'olawa - four decades after the State Water Code was enacted, these and too many other streams throughout our islands continue to suffer from a lack of meaningful minimum stream flows necessary to provide for the native plants, animals, aquifers, and communities that depend on them.

thank you

Commission on Water Resources Management

Me ke aloha pumehana, Commissioners:

September 20, 2022

Item C-1: Returning Water to Huelo Streams

The Stream Protection and Management Branch has done its excellent work in determining minimum instream flows to “East Maui” streams, but there is no automatic process to trigger more appropriate levels of flow to Public Trust downstream uses, other than a formal application or compliant. Thus we have the obsolete, plantation-days mentality written into law allowing the wrong governmental board (Land Board) to make decisions for economic profits elsewhere on the island.

It should not be necessary for downstream users to yet again file for extraordinary action to achieve a resumption of natural conditions upon which downstream uses depend. The minimum instream flow standards must be augmented by an affirmative decision by the Commission to meet the Public Trust (traditional & customary, reasonable-beneficial) needs of downstream uses. Please issue a direction to staff to implement necessary actions to honor the Public Trust.

The Land Board does not have proper expertise regarding water use. It may well be necessary to direct staff to initiate statutory changes to correct this situation.

Mahalo no kāu lawelawe 'ana,
Charley Ice, former senior hydrologist at the Water Commission, 25 years, retired

The current Upcountry homelands buildout includes 432 residential and ag lots. The anticipated future Upcountry buildout will comprise 1,807 total parcels on 6,112 acres, according to the 2010 Maui Regional Plan for Kēōkea-Waiohuli. Upon complete buildout, Upcountry Maui will be the largest Hawaiian homestead community statewide, DHHL officials have said.

Chapter 174C-101 of the State Water Code on Native Hawaiian Water Rights states that, “Decisions of the commission on water resource management relating to the planning for, regulation, management, and conservation of water resources in the State shall, to the extent applicable and consistent with other legal requirements and authority, incorporate and protect adequate reserves of water for current and foreseeable development and use of Hawaiian home lands as set forth in section 221 of the Hawaiian Homes Commission Act.”

Mindful of this mandate to CWRM, I firmly support DHHL’s full water-allotment request for 11.17 million gallons per day for Maui homelands in Upcountry and Pūlehunui, and seek CWRM approval of such request.

Me ke aloha nui,

A handwritten signature in black ink, appearing to be 'Kekoa Enomoto', with a long horizontal stroke extending to the right.

Kekoa Enomoto

September 20, 2022



PĀ'UPENA
Community
Development
Corporation

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Kula, HI 96790
(808) 276-2713
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Aloha mai kakou e na Commissioners,

On behalf of more than 10,600 Maui native Hawaiian homesteaders, I am advocating on agenda item C-1 of today's CWRM meeting, for commission approval of the Department of Hawaiian Home Lands' full water-reservation request for 11,177,500 gallons per day. This East Maui stream water would be diverted by the East Maui Irrigation system for non-potable water use on Hawaiian homelands at Kēōkea-Waiohuli (**9,850,000 gallons per day**) and Pūlehunui (**1,327,500 gallons per day**).

I am a 37-year Hawaiian homesteader, and a veteran homelands leader and advocate. I serve as chairwoman of the board of Pa'upena Community Development Inc.; as 2019-23 president of the Maui/Lana'i Mokupuni Council, a consortium of 18 homelands entities, and as 2019-23 secretary of the Sovereign Council of Hawaiian Homestead Associations. The latter 35-year-old coalition is the oldest and largest statewide assemblage of homestead associations.

In the context of water, my 'ohana operates an aquaponics system at our 1-acre Waiohuli homestead. Besides tilapia fish, the system grows kalo, 'olena, ong choi, basil, Mexican oregano, chard, lettuces, purple sweet potato and pohekula, or memory plant.

The Pa'upena nonprofit that I chair operates an Office of Hawaiian Affairs-funded Project MAHI'AI e-commerce platform promoting native-grown produce. At website projectmahiai.net, my 'ohana sells homegrown avocados, papaya, liliko'i, rosemary and watercress. We also cultivate bananas, guavas, mangoes, apples, dragon fruit, kalamansi limes, kumquats and Satsuma tangerines. And we plan to establish a citrus orchard with an irrigation system on our Upcountry homestead.

I am among 10,660 Maui Hawaiian Homes Commission Act beneficiaries, who include 1,264 residential, 64 agricultural, 75 pastoral and 9,257 waitlist beneficiaries.

Upon buildout, Upcountry Maui will succeed the Wai'anae Coast as the largest native Hawaiian homestead community. Water is essential for such buildout, which will help mitigate the dire housing shortage on the Valley Isle, where median home prices exceed \$1 million. Most importantly, Native Hawaiians hold preeminent standing with regard to water allocation under the State Water Code.

From: [Jill Richards](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Submit testimony for agenda C-1, water commission meeting on Sept 20, 2022
Date: Monday, September 19, 2022 7:13:10 AM

My name is Jill Richards, my e mail address is 700 Honopou Rd, Haiku, Hi, 96708.

I want water commission to know I support restoration for stream flow in all of Hawaii, and also support new recognized LAWS to keep stream water in the streams from Mauka to Makai.

Thank you,
Jill

September 20, 2022

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Me ke aloha,
Robin Pikake Newhouse
Keokea Homestead Farmlots Association
President

From: [Mahinamalamalama Poepoe](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Testimony for 9/20 Meeting
Date: Monday, September 19, 2022 12:10:48 PM

Aloha Rae-ann, please accept the below as a submission of written testimony for the 9/20 CWRM meeting. Mahalo, Mahina

RE: Testimony 9/20/22 CWRM Meeting
C.1: Proposed Interim Instream Flow Standard for Huelo Streams & Department of Hawaiian Home Lands Reservation, East Maui

Aloha e Commissioners -

I want to thank the Commission for taking an active interest in restoring water to streams across the state. I strongly and urgently encourage you to expedite the return of mauka to makai water flow to East Maui streams and to all streams that are being so devastatingly dewatered. Entire ecosystems, numerous species, and traditional and cultural continuity depend on healthy and flowing streams. As we continue to experience and project a normality of prolonged drought seasons coupled with an increasing demand for water, we can also project a very foreseeable path of water insecurity and scarcity. Drought and climate related water issues exist and are growing in regions all over the world, and we are not exempt. We are tiny little islands, we have very finite resources, we don't have the security of continental water storage capacity. Restoring water to streams helps to ensure that there will be not only water resources but nearshore resources, riparian resources, forest resources, cultural and subsistence resources, biodiversity, and sustainability for our future generations. Allowing streams to be completely dewatered and desiccated was wrong from the day it started. We know better now. I urge you to set IIFS for Huelo Streams and to prioritize bringing life back to these streams.

Mahalo, Mahina Poepoe
Molokai Resident

From: [Kacyn Figueira](#) [REDACTED]
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Please do right by Huelo's streams - testimony regarding agenda item C-1
Date: Monday, September 19, 2022 2:17:28 PM

Dear Chair Case and members of the Commission on Water Resource Management,

Water is sacred and one of our most valuable resources at native kanaka's to this aina. We value and cherish and use it so preciously.

Our streams and watersheds are too important, and too precious, for us to continue to deny them the water they need and rightfully deserve. No stream should run dry - yet despite the public trust doctrine and the Water Code's mandates, this is just what is allowed to happen to the 12 Huelo streams covered by this agenda item.

Native plants and animals, estuaries, aquifers, and watersheds all depend on streams flowing mauka to makai. These in turn give life to the nearby communities, cultural and subsistence practices, local farms, and recreational activities that contribute to a thriving, abundant, and resilient Hawai'i nei.

Unfortunately, unlike the corporations that have diverted them for over a century, our streams cannot speak for themselves, much less lobby policymakers, influence elections, or buy media exposure. They - and we - must rely upon your authority to uphold the public trust, and implement and enforce the laws that ensure the public interest is not compromised for corporate convenience.

Please consider this as you make your decision, and please be generous in the flow standards you set for these streams. Remember that a large percentage of the water diverted from these Huelo streams has been regularly wasted, and that minimum stream flows can finally lead to water-saving investments in waste-prevention upgrades and best practices. Our ecosystems and communities depend on you!

Mahalo nui for the opportunity to testify on agenda item C-1, and for the vital work that you are doing.

E ola i ka wai.

Sincerely,

Kacyn Figueira

[REDACTED]
Kihei, HI 96753

[REDACTED]
(808) [REDACTED]

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club of Hawaii. If you need more information, please contact Wayne Tanaka at Sierra Club of Hawaii at wayne.tanaka@sierraclub.org or (808) 538-6616.