

From: [Archie Kalepa](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Testimony regarding item B9
Date: Sunday, November 13, 2022 9:14:04 PM

We are lineal and cultural descendants of the native tenants of this land, the Kānaka Maoli of Kahoma and Kanahā

- We have seen the traditional 'auwai dug up along the road near the Guths and are concerned about the impacts to these historic properties and cultural resources. Was a permit received through SHPD? This is the risk when people who are not from an area attempt to restore Native Hawaiian practices in isolation -- not in consultation with those from that place.
- We understand the natural flow of water in Kahoma and support water use for traditional and customary Native Hawaiian practices
- We do not support those seeking water in the name of traditional and customary rights, which have higher priority under the law, as a front for other water uses
- We have serious disputes over water use in our community, and we are concerned that people using water for commercial purposes will limit water available for traditional and customary Native Hawaiian practices*
- We ask that any fines imposed on Guth Farms be limited as other Kānaka Maoli may also need after the fact Stream Diversion Works Permits, but we ask that the Commission hold these water users accountable for the water they withdraw and the impacts they have on surrounding residents and cultural practices.

Sent from my iPhone

From: [Kaipo Kekona](#)
To: [Hyatt, RaeAnn P](#)
Subject: [EXTERNAL] Agenda item B9 Kahoma illegal diversion.
Date: Monday, November 14, 2022 10:16:10 AM

Aloha Chair and Commissions I am written today in absolute rebuttal of the issuance of an after the fact permit of stream diversion to the applicants named "Guth". The following is my reasons.

Existing Diversion was done only after the designation of stream flow standards.

Multiple users are capable and in place to depend on this illegal diversion with commercial enterprises in plans.

Guths are not traditional or customary users. They were well aware of the illegal action of diversion and planned to use this loop hole in the system to circumnavigate the process with the dual designation.

The location of the diversion is above KULEANA parcels currently farming Kalo and various other native crop. This diversion has negative impacts to Kanaka actively restoring their ancestral lands.

There is zero return of water to the stream making the farming efforts of applicant dryland farming not traditional Lo'i methodology.

The streams current volume at the Muliwai/river mouth is minimal for stream life to be successful from Mauka to Makai. If dryland farming is established at the applicants claim it will be detrimental to the native fauna and Flora.

Please consider not approving the permit. If you wish to not issue fines I do not object, however continual diverting shall not continue without further details, restrictions, and assessment of negative impacts to the ecosystems and environment.

Mahalo nui Kaipo Kekona