

First, I wish to extend my prayers and condolences to the people of Hawaii with regards to the recent fires that destroyed Lahaina and communities surrounding. This tragedy in a matter of moments, killed over one hundred people (hundreds are still missing and presumed dead), injured thousands, as well as destroyed homes and businesses. Seven year old Tony Takafua, one of the youngest to die in the fire; fifteen year old Keyiro Fuentes died alone at home – instead of his mother planning his birthday party, she is planning his funeral; Narciso and Vanessa Baylosis, both sixty-seven were seen fleeing the fire in their vehicle but unable to outrun the fire in their car. These are just a few people among thousands devastated by the Lahaina fire. For most of us in Hawaii and those around the world, we sat glued to the tv, shocked by what had happened – heartbroken by the events. Tears rolled down our cheeks for the losses, for the pain of lost human lives. We wondered, could this have happened to any one of us? People had only seconds to flee, many could not, trapped alone – mothers trying to shield their children from the fires with their bodies, our kapuna...our ohana, gone within seconds.

Could their deaths as well as others been prevented? Possibly, had the concerns raised years ago and continuously throughout the years been addressed. But it seems that big developers of golf courses and resorts, following in the footsteps of the plantation owners before them, exploiting the people and resources of Hawaii. Even before the fires because of greedy businessmen, many people of Maui were denied water for basic day to day living (drinking, bathing, cleaning), being forced to bathe out of buckets of water, and unable to irrigate crops necessary to supplement their households.

Kaleo Manuel, it seems has been thrown to the wolves. Manuel – a graduate of University of Hawaii at Manoa in Hawaiian Studies with a masters in Urban and Regional Planning has worked for DHHL for approximately ten years and in 2019, became deputy

director. Kaleo Manuel who has spoken out over the years for the people of Hawaii, was temporarily removed from his position (possibly illegally) due to accusations by a landowner that Manuel delayed access to water to fight the fire. It was only recently that he was reinstated, but not without tarnishing his reputation. Suzanne Case, DLNR Chair spoke of Manuel in 2019, “Kaleo has a wealth of experience in the complicated field of water resource management and brings both western educational training and traditional Hawaiian values to the position... We are at a pivotal point of opportunity in Hawaii to bring balance to water resource use and protection – in stream, downstream and off stream – consistent with the public trust, including aquatic life restoration and traditional and customary practices such as taro farming, as well as diversified agriculture for food security.” But now, the reputation of Manuel has been questioned – instead of questioning Manuel, we should have been questioning why didn’t we tap into the millions of gallons of water that is available for county use on a daily basis. Manuel and the people of Hawaii deserve an explanation and an apology.

Staff Submittal from October 19, 2021 (Approve Amendment to Commission Order to Maui Land & Pineapple For Modification to Diversion 770 on Honokōhau Stream (Honokōhau Ditch Intake #1) Originally Approved on November 20, 2019 in Order to Meet the Instream Flow Standard for Honokōhau Stream, Surface Water Hydrologic Unit of Honokōhau (6014), Honokōhau, Maui) had stated that within ninety (90) days, MLP was to submit final engineering plans with modifications in report to be completed within one year. To date, this has not been completed.

Now is not the time to point fingers at who is to blame while Hawaii is healing. But we must ask ourselves, what was the cost to Hawaii and its people to allow for this corruption to go on for so long. How long do we allow corporate greed whose only interest is in themselves and

their stockholders. Who is accountable for the loss of lives – generations/entire families destroyed in a matter of moments. People so desperate they drowned in the ocean trying to escape the flames. How many more people must die before we start holding people accountable. The time is now that we get the answers we deserve. The time is now that the people of Hawaii take back what was taken from them by the plantation owners from long ago and now, by WML, Kaanapali Land Management, and Maui Land & Pineapple – water.

Kimber O'Connell



**From:** [Brandy Morris](#)  
**To:** [Kaaa, Iwalani HR](#)  
**Subject:** [EXTERNAL] Testimony to Commission of Water Resource Management  
**Date:** Saturday, October 21, 2023 1:44:34 PM

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Dear Council,

Please accept this email as my written testimony for the October 24, 2023 Commission on Water Resource Management meeting. My name is Brandy Mamo Haili Olsson-Morris. I am a resident of 'Ewa Beach, Oahu with family and ancestral ties to Hawai'i, O'ahu, Moloka'i and Maui Mokuupuni.

I write today in an effort to urge the Council and any state or federal agencies that may have greater authoritative decision making power regarding the state's water rights to fully restore the streams that feed Lahaina. There is no dispute that Lahaina was at one time verdant in vegetation that not only fed the people through fish ponds, lo'i and 'ulu forests, but also sustained a healthy watershed and therefor climate. There is also no disputing that the diversion of water, beginning with plantations and ending with large, private, nonresident entities is the reason for Lahaina's tinderbox circumstance, a situation that cost our citizens their homes and their lives. Please restore the streams, particularly those that feed Mokuhinia and Moku'ula with all haste.

I also urge the Council to prioritize issuing water-use permits to our regular, working class applicants over those applications submitted by corporate interests.

The time for the state to shift their priorities away from outside interests and back to the People came long before so many of our people were needlessly killed in the devastation of August 8th. Over decades the People have demonstrated the importance of sustainable practices and advocated for the reclamation of our autonomy and space to practice them. Unfortunately, the People have been met, over and over with what I can only describe as contempt. Every year the state is given opportunities to make some small bit of amends to the People, opportunities that if taken, would go so very far in the building of trust and true partnership between the citizenry and the government. Can the state reasonably claim to represent the interests of the People when it continues to decline small chances to make things right? I think not. Our people are homeless and dead from a fire that would have been avoided had the 'āina not been so greedily pillaged. The People across the state will not forget what has happened to our 'Ohana on Maui. Again- they are homeless. Again, they are dead.

Thank you for accepting my submission and considering my testimony,  
Brandy Mamo Haili Olsson-Morris

Sent from my iPhone

**From:** [Kainoa Wilson](#)  
**To:** [Kaaa, Iwalani HR](#); [DLNR.CW.DLNR.CWRM](#)  
**Subject:** [EXTERNAL] Re: Agenda Item B2, Update on Water Resources in the Lahaina Aquifer Sector  
**Date:** Saturday, October 21, 2023 7:38:33 PM

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Commission on Water Resource Management  
Hawai'i Department of Land and Natural Resources  
Kalanimoku Building  
1151 Punchbowl Street, Room 227  
Honolulu, Hawai'i 96813  
Email: [dlnr.cwrwm@hawaii.gov](mailto:dlnr.cwrwm@hawaii.gov)

Aloha Chair Chang and Commissioners,

My name is Kainoa Wilson, and I live in Honokohau Ahupa'a, Moku O Ka'anapali, Maui.

I would like to testify today to share my profound aloha for Maui Komohana and our Lahaina Lahui. As we continue to navigate this time of huihiahia, we need the Water Commission's leadership and kōkua now more than ever. We call on you to "ho'i ka nani," to return the glory to Maui Komohana!

As this Commission forges a path forward for Maui Komohana and the processing of our water use permits, we cannot ignore the ground that has already been trodden and the trust that has been broken. While we are grateful that the Water Code was reinstated, stream flow standards are back in place, and Deputy Director Manuel was reinstated, none of that should have been taken from our community in the first place. Before we can move forward, things must be made right.

Please endeavor to restore the public's trust. During a time when we should have been focusing on helping our 'ohana and community recover from the devastating wildfires and the losses suffered by many, we were preparing testimony, fielding press calls, and urging you to respect and uphold the law. Auwē. A necessary first step is to mihi and apologize to the community for dragging us through this and to reiterate to our Lahui the Water Commissions commitment to do what is right. Lahaina must be made green again, overdevelopment and the strain it is putting on our infrastructure and resources must be addressed, restore Moku'ula a me Mokuhinia as a cultural learning center so we can again call Lahaina the Capitol Of Hawaii with pride and the ability to teach our culture to everyone, visitor and local alike, allow our Kanaka to be able to rest easy knowing that they will have enough water to grow not only kalo but any crop that will help to feed not just his ohana but his Lahui as well. Deputy Director Manuel also deserves an apology. He has been vindicated by the national press, but that is not enough.

Once you ho'oponopono, we ask you to ho'i ka nani, return the glory to Maui Komohana by respecting and upholding the public trust, especially during the water use permitting process. We call on this Commission to restore streams, and prioritize kama'āina working class families, kalo farmers, and our 'āina and wai, over resorts and private water purveyors. Importantly, we ask you to uphold 21st-century water kuleana and be Kahuwai Pono: respect Native rights and other public trust purposes, fully utilize recycled water, and prioritize climate-appropriate water uses. This Commission has great kuleana during an important time of our history. Please do what is pono.

Mahalo for your time and service.

Ola i ka wai!  
Kainoa Wilson  
Ohana Pali/Naleieha

Testimony to the Commission on Water Resource Management (CWRM)  
Midterm assessment for HWST 107 Hawai'i: Center of the Pacific  
Andrew Hoang

**Explanatory note: the views in the essay below are written in the context of a midterm assessment for the course HWST 107 Hawai'i: Center of the Pacific at the University of Hawaii at Mānoa, instructed by Professor Holden Takahashi. Due to these circumstances, this essay may not represent the author's actual views on the political topics presented.**

Assessment description: Write a testimony to the Commission on Water Resource Management requesting/demanding a public apology to Kaleo Manuel and his entire family, community, and supporters, hold irrigators accountable for deliverables outlined in staff submittal from May 18, 2021 (“Approve Surface Water Reservation of 2.00 Million Gallons per Day For the Department of Hawaiian Home Lands and Amend Interim Instream Flow Standards for Honokōhau and Kaluanui Streams in the Surface Water Hydrologic Unit of Honokōhau (6014) and Honolua Stream in the Surface Water Hydrologic Unit of Honolua (6013), West Maui”), and demand that the Maui Land & Pineapple follow through with their installation of a restrictor plate on the new intake grates to keep the lowest flows in Honokōhau Stream from flowing into Honokōhau Ditch (Recommendation Item #3 in “Approve Amendment to Commission Order to Maui Land & Pineapple For Modification to Diversion 770 on Honokōhau Stream (Honokōhau Ditch Intake #1) Originally Approved on November 20, 2019 in Order to Meet the Instream Flow Standard for Honokōhau Stream, Surface Water Hydrologic Unit of Honokōhau (6014), Honokōhau, Maui”).

Before moving forward with my testimony, I want to express my condolences to those families and communities affected by the devastating Lahaina wildfires. Many of us kept close track of the news, even as much as we wanted to deny the facts out of shock and desperation, watching the impossible story slowly unfold before our very eyes. In one of the deadliest wildfires in history, over one hundred people departed from our world, left thousands displaced from their homes, and reduced their town to ashes. The Hawaiian community grieves alongside those left behind.

Unfortunate as the truth might be, this disastrous outcome was the result of past decisions. Permitted by our government officials and influenced by greedy corporations, they took advantage of our people and took our limited resources for themselves. Depriving them of their basic needs, the residents of West Maui didn't have enough water for their crops, let alone general hygiene, to the point of forcing residents like Lauren Palakiko to bathe their baby out of buckets after not enough water reached their home. With the lack of water present, towns like Lahaina ran dry, leaving them vulnerable to fires and its accelerated spread.

According to the Department of Land and Natural Resources, in the Lahaina area, less than 23% of water usage is from the public water system with the rest being used up by private companies or private use. As mentioned previously, this division of water originated from our decisions of the past, prioritizing plantation owners and now tourism and luxury resorts. Lahaina has the ability to supply enough water for its community, but it's severely stifled by private companies. Prioritizing these private companies sparks a question in our community: Do our lives matter less than these companies? Certain individuals' actions definitely reflect this story by throwing Kaleo Manuel, the Commission of Water Resource Management's deputy director, to the wolves as a scapegoat. West Maui Land Company (WML) and government officials are blaming Kaleo for the damages caused by not approving WML's request to divert more water into their reservoirs. However, according to an article written by Spectrum News, "none of the reservoirs are connected to fire hydrants and the fire department couldn't have picked up water from West Maui Land Company's reservoirs since helicopters weren't flying due to strong winds." If Manuel approved this action, it wouldn't have helped resolve the fires, but instead potentially caused more destruction by redirecting water to an inaccessible area. This is just one example of companies attempting disaster capitalism tactics to take advantage and profit on our pain and misfortune.

More than ever, Maui needs strong leaders like Manuel. From his major in Hawaiian Studies and Urban and Regional Planning coupled with his close connection with the culture, Manuel understands what his community needs and what the government can provide. Without his guidance and knowledge, Maui places itself in immediate danger from the greedy hands, misuse of resources, and putting even more of the community at risk. While Manuel is thankfully reinstated, he cannot perform his duties with prying eyes from the world glaring daggers at his back, misinformed about the reality of the situation and his wrongfully tarnished reputation. Those parties who sparked the flames of false information owe Manuel and Hawaii's community a public apology.

Looking towards the corporations trying to claim every ounce of Maui, this situation clearly outlines just how much they care about our community. In the October 19, 2021 Staff Submittal for the Modification of Diversion 770 (Approve Amendment to Commission Order to Maui Land & Pineapple For Modification to Diversion 770 on Honokōhau Stream (Honokōhau Ditch Intake #1) Originally Approved on November 20, 2019 in Order to Meet the Instream Flow Standard for Honokōhau Stream, Surface Water Hydrologic Unit of Honokōhau (6014), Honokōhau, Maui), recommendation item #3 states that, within 90 days, the MLP was required to submit the final engineering plans, regarding the installation of a restrictor plate on the new intake grates, for the next year. To this day, the MLP has not submitted their engineering plans, preventing the surrounding community and environment from restoring its past vigor.

Another avenue that Maui could start with its restoration efforts would be hold irrigators accountable for the deliverables present in the May 18, 2021 Staff Submittal on the DHHL Reservation and Interim IFS for Honokōhau and Honolua Hydrologic Units (Approve Surface Water Reservation of 2.00 Million Gallons per Day For the Department of Hawaiian Home Lands and Amend Interim Instream Flow Standards for Honokōhau and Kaluanui Streams in the Surface Water Hydrologic Unit of Honokōhau (6014) and Honolua Stream in the Surface Water Hydrologic Unit of Honolua (6013), West Maui). With this submittal in action, the DHHL can ensure that their future non-potable water needs will not be a looming threat to their development.

Maui is an important part of our community, especially when our community is so small and tightly knit. Right now, our family is in pain, burnt from the inferno, and shocked about the harsh reality that there is no longer a home for them to return to. Right now, there are corporations trying to turn our pain into profit, just to fatten their wallets in their hungry pockets. How much more do we have to give when the land and water beneath us isn't even ours anymore? How much more can they take from our empty hands before they are temporarily satisfied? By the time these questions are answered, Hawaii's future would've already been decided for us again, not by the people, but by predatory companies and those corrupted from power. As a part of their family, it is our responsibility to ensure history doesn't repeat itself again, so we aren't stuck in this endless cycle of pain, regret, and suffering. Hawai'i, we must come together to get the long-deserved justice after our years of mistreatment and dismissal!



**From:** [Brenda McCallum](#)  
**To:** [DLNR.CW.DLNR.CWRM](#); [Kaaa, Iwalani HR](#)  
**Subject:** [EXTERNAL] Agenda Item B2, Update on Water Resources in the Lahaina Aquifer Sector  
**Date:** Sunday, October 22, 2023 2:46:23 PM

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Commission on Water Resource Management  
Hawai'i Department of Land and Natural Resources  
Kalanimoku Building  
1151 Punchbowl Street, Room 227  
Honolulu, Hawai'i 96813  
Email: [dlnr.cwrn@hawaii.gov](mailto:dlnr.cwrn@hawaii.gov)

E ho'i ka nani!

Restore Moku'ula & Mokuhinia  
Restore Maui Komohana streams: restore natural stream and spring flow,  
highlight that this, and cultural practices (lo'i kalo, loko i'a),  
serve as fire mitigation

The way forward for Maui Komohana's wai is to rebuild public trust by providing an explanation and meaningful apology for Deputy Manuel's unfounded re-deployment, rebuild public trust by respecting the public trust, prioritize kama'āina working class, kalo farmers, and 'āina over resorts and private purveyors, and uphold 21st-century water kuleana as "Kahuwai pono": respect priority Native rights, fully utilize recycled water, and align with climate-appropriate water uses!!!

Mahalo,

Oriana McCallum  
2nd Year Law Student at Richardson School of Law.

10/22/2023

Aloha Chair Chang and Members of the Commission on Water Resource Management. Thank you for taking your time and for all that you do.

My name is Nicki Tedesco, I am an IT professional living on Maui in Kihei. I am testifying on Agenda Item B.2. Update on Water Resources in the Lahaina Aquifer Sector.

The importance of Wells in the fire-impacted areas of Lahaina, restoring the streams, general water management and water use permits is extremely important for so many aspects of life here on the island, and I would like to focus on 2 main issues outlined below.

1. I am urging you to prioritize the restoration of our streams in Lahaina, particularly the water that feeds both Mokuhinia and Moku'ula. Restoring this water to the area of Lahaina will not only lend itself to the history of Lahaina and Native Hawaiians, it is for the health of the aina and it's people. I am absolutely with the people of Lahaina and want to put the health of the people and perpetuating the health of the aina as #1 priority. Please work with the kanaka as they know best how to maintain the health of the land. I urge you to start with restoring the water that feeds these both Mokuhinia and Moku'ula.

2. I implore you to speak to the decision makers in regards to the commodity of Hawaii as a product which has been improperly managed and not been well taken care of.

The devastating events of August 8th will never be forgotten and have changed the landscape and the future of so many Ohana, it is heartbreaking. All of it, as you are well aware, is due to mismanagement of resources of the island and prioritization of everything BUT the locals who keep the aloha alive. Isn't "aloha" what is being touted as the commodity that is sold to tourists? Hawaii has been used as a product for financial corporate gains, and decision makers have not been stewarding their own product. Isn't tourism the main economic structure of the island? If one were to focus on that as a priority they would realize that keeping the land healthy is EVERYONES priority.

The islands have changed from being self-sustaining to now being a tourism focused economy. **It is imperative that we look to those that know best how to self-sustain the land in order to keep the land healthy and as a result: keep tourism flourishing.** The kanaka know best how to maintain the aina, let's rely on their input to determine how to best steward the land. It is imperative that we keep the land healthy and its people healthy. Let's start with water restoration in Lahaina.

I lived on the islands over 20 years ago. At that time, the health of the land was very different. From what I have seen coming back, I am devastated. The water is diverted leaving a once lush area now looking like a desert. Some areas of Maui that I drive through feel like I am on highway 5 going to Modesto in California, which I assure you, is not a tropical landscape. My point is this: if the "Product" for tourism is the beauty of the land and the aloha of its people, you must keep the land and the people healthy in order to deliver what you are selling to the tourists. Right now, the product subpar and as a part time traveling tourist myself, I would rather go to the Caribbean, Fiji or Bora Bora where the land is still somewhat pristine. What you are selling has diminished. Even if the decision makers are coming from a stance of ignoring the needs of the people over a corporate agenda, those decision makers need to look at the product they are selling. It's just common sense. If you keep the land and it's people healthy and happy, everyone can have their goals met. We can have an economy of flourishing land, flourishing people, and health tourism while maintaining the health of all and keeping the economy health. Please work with the kanaka, they know best.

Mahalo nui for your continued commitment to our natural precious resources,  
Nicki Tedesco



10/22/2023

Chair Chang and Members of the Commission on Water Resource Management,

My name is Pedro Martinez, I have lived on the island of Maui for the past 12 years. Mahalo for allowing me to testify on this important matter in regards to water in Maui Komohana.

I am writing in regards to Agenda Item B.2, Update on Water Resources in the Lahaina Aquifer Sector.

Even though the fires have been devastating to the community reaching far outside of Lahaina, we can find hope in events like the recent return of water to Mokuhinia and Moku'ula. In the absence of stream diversions that have drained our natural waterways for over a century, water is flowing once more and Mokuhinia is naturally healing itself, which is incredible! It is also a sign that this water is meant for this area. However, WE can do more. AS the commission looks to the future of water in Maui Komohana, I ask that you prioritize the restoration of our streams in Lahaina. In particular, please restore the water that feeds Mokuhinia and Moku'ula.

Returning the water to aid in the restoration of this sacred site, the home to Hawaii's first capital, would not only re-center the rich history of Lahaina and Native Hawaiians, but will also bring back this area as an ecological sanctuary for our native plants and animals. In addition, we know that allowing the waters to flow more freely will help to mitigate future forest by providing natural firebreaks and regreen the area in a natural way as Hawaiians did for centuries before Western contact.

Last, as the Commission moves forward, you must rebuild the trust with our community that was lost when Kaleo Manual was redeployed. You can do by issuing an apology clearing his name, and prioritizing the needs of the aina and the working class people of Lahaina over corporate interests. Now is the chance for us to reimagine the future of Lahaina while using what the Hawaiians always knew as sustainable maintenance of the land.

Mahalo for your time.

Sincerely,

Pedro Martinez

A handwritten signature in black ink, appearing to read 'Pedro Martinez', written in a cursive style.



# Kamehameha Schools®

State of Hawai‘i Department of Land and Natural Resources  
Commission on Water Resource Management

Time: 9:00 a.m.  
Date: October 24, 2023  
Place: J. Walter Cameron Center Auditorium (Hybrid), Maui

## TESTIMONY

by Jason Jeremiah

Natural and Cultural Ecosystems Division | ‘Āina Pauahi Group

RE: **NON-ACTION ITEM B.2** Update on Water Resources in the Lahaina Aquifer Sector Area, and **NON-ACTION ITEM B.3** Briefing on Site Visit to Lahaina Aquifer Sector, Water Resources and Systems of Kaua‘ula, Maui held on October 18, 2023, at request of Chairperson Dawn Chang, with Commission Staff, and Community Stakeholders

Aloha e Chair Chang and Members of the Commission:

I am providing testimony on behalf of Kamehameha Schools (“KS”) in connection with Action Item B.2 regarding the update on Water Resources in the Lahaina Aquifer Sector Area, and B.3 regarding the briefing on the Site Visit by Chairperson Chang on October 18.

KS approaches its real estate portfolio of ‘Āina Pauahi (KS Hawai‘i lands) through culturally-rooted stewardship. This includes stewardship of a diverse portfolio of approximately 371,000 acres of land on five islands. Through ‘ōiwi stewardship, our organization strives for outcomes such as *Waiwai* (wealth, prosperity), *Lawa Kūpono* (sustainability), and *Honua Ola* (well-being) in order to build resilient communities across Hawai‘i for the betterment of our Lāhui (Native Hawaiian community).

Water resources are inseparable from ‘āina and a source of life for our ‘āina and lāhui. Water is an integrated resource that is essential to healthy ecosystems from the uplands to near shore marine waters. Resilient, thriving communities depend on a holistic management approach that embraces water resource use in a reasonable, prudent, and sustainable manner that does not unduly compromise traditional and customary rights, dependent ecosystems and species, or future generations.

Surface water resources, while providing critical and substantial flows to ‘āina momona, suffer from dilapidated transmission and irrigation systems, degraded aquatic ecosystems and water quality, and challenging regulatory requirements.

Groundwater resources offer room for strategic source and infrastructure development, modernization and optimization of existing systems, and exploration of innovative treatment and reuse technology.

Long-term, sustainable allocation of water is ultimately tied to how effectively we *jointly* manage these two sources of water. Concurrent stewardship, conservation, education and research activities will further help ensure supply in perpetuity.

While KS supports the use of water and water infrastructure development for reasonable agricultural and related purposes, we also honor the cultural and ecological integrity of our natural streams, springs, wetlands, and other waterways. We do believe that a meaningful balance can be struck to satisfy both on and off-stream uses. This will, however, not be easy. With degraded landscapes, diminished recharge, climate change, sea level rise, and so many other challenges, landowners, government agencies and other stakeholders must have the courage to make hard decisions and necessary trade-offs.

KS is committed to good 'āina stewardship and in collaboration with our lessees, government leaders, and local communities, we seek to protect, manage, and restore the natural, cultural and water resources.

We continue to advocate for and actively engage in 'āina and watershed protection, restoration and improving water stewardship on 'Āina Pauahi by:

- Exploring the potential to use alternative sources of water;
- Encouraging conservation measures;
- Using water resources directly for educational purposes when possible and appropriate;
- Evaluating surface water diversions statewide to ensure that water resources are being used for beneficial cultural or agricultural purposes as defined by law; and
- Assessing the cumulative impacts of groundwater withdrawal.

#### **'Āina Pauahi in the Lahaina Aquifer Sector:**

KS is committed to the restoration of Lāhainā including our landholdings which can provide hope and resilience for a stronger system of ahupua'a management.

In the Lāhainā Aquifer Sector, KS owns 2,456 acres of legacy lands. These lands were part of our original endowment of lands that was passed down from Ruth Ke'elikōlani to Ke Ali'i Pauahi. KS owns 1,296 acres of land in Paunau ahupua'a consisting of the headwater of Kahoma Valley as well as parcels of land along Kahoma Stream. The lands of Ku'ia consists of 1,151 acres that sit directly ma uka of Lāhainā.

KS has two long-term tenants in Ku'ia that depend on surface water from Kaua'ula Stream. Maui Ku'ia Estate Chocolate operates a cacao farm, while Ku'ia Agricultural Education Center is an 'āina-based educational program focused on sustainable agriculture.

KS works closely with the Commission staff, community and others in addressing an improved management of the multiple users off of Kaua'ula stream. Our Ku'ia Pipeline Project is one such project that will help to improve the management and delivery of water resources. The project will improve the delivery of surface water to KS' agricultural tenants in Ku'ia while allowing water to pass through our system to a kuleana user for traditional and customary usage.

We also submitted Water Use Applications for existing and new uses in early August 2023. In the process of creating our permit requests we worked in conjunction with community and tenants to request a reasonable amount of water that could support our off-stream agricultural and traditional and customary practices while ensuring in-stream health for our species and ecosystems.

#### **Conclusion:**

Mahalo for the opportunity to provide our mana'o and experience in water resource management and especially in the 'āina of Lahaina. We remain committed to collaborating with communities, government agencies, our lessees, and other stakeholders to protect, manage and restore water resources on 'Āina Pauahi across Hawai'i and the broader landscapes of Hawai'i.

**Via Email**

October 24, 2023

Commission on Water Resource Management  
Hawai'i Department of Land and Natural Resources  
Kalanimoku Building  
1151 Punchbowl Street, Room 227  
Honolulu, Hawai'i 96813

RE: Agenda Item B2, Update on Water Resources in the Lahaina Aquifer Sector

Dear Chair Chang and Members of the Commission on Water Resource Management,

My name is De Andre Makakoa. Lahaina is my hometown and my roots in Lahaina go back many generations. I am a proud father to a one-year-old son who also calls Lahaina his hometown. My wife, who carries our second child, and I, recently felt the devastating blow of losing our home to the fire that ravaged our beloved community and it pains me to say that since we are displaced, my second son will not be able to call Lahaina his hometown for he will be born in our rental upcountry.

The community calls for the restoration of Moku'ula & Mokuhinia, symbols of our cultural heritage, and our connection to the land. Restoring these sacred sites is not just about preserving our past; it's about charting the path for our future. It's about restoring the relationship between people and 'āina, about reviving traditional practices that have sustained our ancestors for generations. This isn't just a movement to restore a historical sight. This is righting a wrong. We are seeing all over the world the effects of manipulating the earth for profit. The whole world is going to be on fire soon.

Our vision is to see natural streams and springs flowing freely once again, nourishing our land, feeding our lo'i kalo, and replenishing our loko i'a. We envision an ecosystem restored to its full glory, where culture and nature coexist and thrive. This is not just a dream; it's a necessity. Our lands, when respected and cared for, serve as natural fire mitigators, protectors of biodiversity, and providers of abundant food. They offer us a path to sustainability, resilience, and self-sufficiency.

As we stand at the crossroads of history, we must also consider the rising trend in eco-tourism. People pay to go to Thailand and scrub dirt off of elephants, people pay to make sure baby sea turtles make it to the ocean in Costa Rica, and people pay to help build schools in Africa. People would absolutely pay to be a part of the historic restoration of Ka Malu 'Ulu O Lele. This is a golden opportunity for us to reshape our tourism industry into one that is not only beneficial to the local economy but also provides an enriching experience for visitors. By aligning our tourism practices with our cultural values and environmental stewardship, we can attract a different type of tourist whose values align more with our Aloha Spirit and consequently create a mutually beneficial relationship between locals and visitors.

The irony of constructing mega resort pools next to the ocean is not lost on us. It's time to stop exploiting our natural resources for artificial attractions. Let's use our natural beauty respectfully and sustainably, showcasing the real charm that attracts people to our islands.

I stand before you today to say that if our pleas fall on deaf ears, if our vision for a better future is dismissed, then know this - the next generation is watching, learning, and preparing. They are ready to undo the wrongs, to right the injustices, and to fight for what is rightfully theirs.

Imagine, if you will, a restored Moku'ula, its boundaries defined and respected, its cultural significance recognized. A place where our children can play, learn, and connect with their roots. For you all, this isn't just about restoring a historic site. It's about leaving a legacy, a tangible marker of your commitment to right the wrongs of the past and ensure a sustainable future for our community. This is your chance to stand on the right side of history, to do something remarkable with the power and responsibility that you've been entrusted with.

Now, you have two options: to be remembered for pioneering change or perpetuating destructive practices while the world begged you to progress. To truly move forward, we must learn from our ancestors, who knew how to be true stewards of this land. The U.S. way of doing things has proven to be devastating to our communities across the islands. Hawai'i was one of the most beautiful and abundant places in the world. No predators, no poison, no disease. 130 years of American occupation and our waters are poisoned and contaminated, our reefs are dying, our landscape is drying up and our people are suffering. Our beloved town turned to ashes. With this undeniable evidence before you, can you not see the need for change?

The way forward for Maui Komohana wai lies in rebuilding public trust by honoring the public trust. It involves prioritizing our kama'aina working class, our kalo farmers, and the sacred 'aina over resorts and purveyors.

The 21st-century water kuleana calls for us to become guardians of our water. We must respect priority Native rights, fully utilize recycled water, and align our water uses with climate-appropriate norms. Our story is one of many, but together, we form a chorus that cannot be ignored. Together, we can transcend adversity, restore our lands, and ensure a sustainable future for our children.

I never envisioned myself getting involved in politics, but the flames that consumed Lahaina ignited a fire within me. I am committed to this fight for life because if we don't consistently stand up for our rights, we risk losing everything. As a father, I will not let my sons grow up in a matchbox. When you fly into Maui, take a look out your window down at Kahului. Central Maui is also dry and arid. How long until Central Maui burns to the ground too?

In conclusion, I implore you to imagine our pain, understand our plight and the dangers that still lie ahead, and join us in creating a future where our children can thrive in harmony with the land they call home. This is not just our fight; it's humanity's fight. E ho'i ka nani i Moku'ula a me Lahaina! Restore the glory of Moku'ula and Lahaina. Will you stand with us?

Mahalo nunui a ke aloha no,  
De Andre Makakoa

## Nā Alakaʻi o ʻAhahui o Hawaiʻi

Advocates for Native Hawaiian Justice

William S. Richardson School of Law | University of Hawaiʻi at Mānoa



**ʻAHAHUI  
O HAWAIʻI**  
Advocates for Native Hawaiian Justice

### **Testimony of Nā Alakaʻi o ʻAhahui o Hawaiʻi**

Before the Commission on Water Resource Management

Hawaiʻi Department of Land and Natural Resources

Tuesday, October 22, 2023, 9:00 a.m.

Kalanimoku Building, Room 227

1151 Punchbowl Street, Honolulu, Hawaiʻi 96813

### **Re: Agenda Item B2, Update on Water Resources in the Lahaina Aquifer Sector**

Aloha e Chair Chang and Commissioners,

We are the alakaʻi of ʻAhahui o Hawaiʻi (“the Hui”) at the William S. Richardson School of Law, the oldest student organization at the law school and the only one dedicated to advocating for Native Hawaiian justice and uplifting the Lāhui. Many of our fellow law students choose to focus their legal studies in areas most likely to affect Native Hawaiian communities, and develop their understanding of the laws governing traditional and customary practices, water management, and environmental protection. Additionally, many of us have spent time over the last year assisting community members with their water use permit applications and advocating for the restoration of streamflow in Maui Komohana, especially in light of the recent wildfires. Today, we submit this **testimony in strong support** of the following:

- a. E hoʻi ka nani! Restore Mokuʻula & Mokuhinia;
- b. Restore Maui Komohana streams: restore natural stream and spring flow, highlight that this, and cultural practices (loʻi kalo, loko iʻa), serve as fire mitigation;
- c. Rebuild public trust by providing an explanation and meaningful apology for Deputy Manuel's unfounded re-deployment;
- d. Rebuild public trust by respecting the public trust;
- e. Prioritize kamaʻāina working class, kalo farmers, and ʻāina over resorts and private purveyors;
- f. Uphold 21st-century water kuleana as “Kahuwai Pono”: respect priority Native rights, fully utilize recycled water, and align with climate-appropriate water uses.

As we continue to navigate this time of huluhia, we need the Water Commission’s leadership and kōkua now more than ever. **We call on you to “hoʻi ka nani,” to return the glory to Maui Komohana!**

As this Commission forges a path forward for Maui Komohana and processes our water use permits, we cannot ignore the ground that has already been trodden and the trust that has been broken. While we are grateful for the steps taken by this Commission since the last meeting, things must be made right. The reinstatement of the Water Code, the renewal of stream flow standards, and the



## Nā Alakaʻi o ʻAhahui o Hawaiʻi

Advocates for Native Hawaiian Justice

William S. Richardson School of Law | University of Hawaiʻi at Mānoa



ʻAHAHUI  
O HAWAII  
Advocates for Native Hawaiian Justice

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reinstatement of Deputy Director Manuel, are a good start, but before we can move forward, there is more to be done.

A necessary first step is to mihi and apologize to the community for dragging us through this. During a time when we should have been focusing on helping our ʻohana and community recover from the devastating wildfires, we were preparing testimony, fielding press calls, and urging you to respect and uphold the law. Auē. Deputy Director Manuel is also owed an apology. He has been vindicated by the national press, but that is not enough.

Once you hoʻoponopono, we implore you to hoʻi ka nani, return the glory to Maui Komohana by respecting and upholding the public trust, especially during the water use permitting process. We call on this Commission to restore streams, and prioritize kamaʻāina working class families, kalo farmers, and our ʻāina and wai, over resorts and private water purveyors. Importantly, we ask you to uphold 21st-century water kuleana and be Kahuwai Pono: respect Native rights and other public trust purposes, fully utilize recycled water, and prioritize climate-appropriate water uses. This Commission has great kuleana during an important time of our history. Please do what is pono.

Mahalo for the opportunity to provide this testimony.

E hoʻi ka wai!

Nā Alakaʻi o ʻAhahui o Hawaiʻi

Nā Alakaʻi:

Kawaiuluhonua Scanlan ('24)

Dru Hara ('24)

Andrea C. Leialoha Swain ('25)

B. Oriana McCallum ('25)

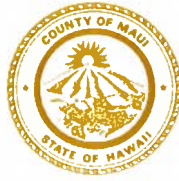
Kyle K. Moriguchi ('26)

**RICHARD T. BISSEN, JR.**  
Mayor

**KEKUHAUPIO R. AKANA**  
Managing Director

**JOHN STUFFLEBEAN, P.E.**  
Director

**JAMES A. LANDGRAF**  
Deputy Director



**DEPARTMENT OF WATER SUPPLY**  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
<http://www.mauicounty.gov/water>

October 20, 2023

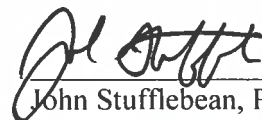
**COMMISSION ON WATER RESOURCE MANAGEMENT**  
**OCTOBER 24, 2023**  
**TESTIMONY ON NON-ACTION ITEM: Update on Water Resources in the Lahaina**  
**Aquifer Sector Area (B.2)**

The County of Maui, Department of Water Supply (DWS) timely submitted water use permit applications (WUPAs) for all sources serving DWS customers in West Maui. We are currently preparing new use WUPAs for water demand beyond the use at the time of designation from existing sources and for new wells that are in the process of being developed to supplement the DWS water systems in Lahaina. We await completion of the Ka Pa`akai Analyses for these sources and welcome community input on traditional and customary practices in the affected watersheds.

In the wake of the fires, water demand has changed radically on the DWS Lahaina systems and there is significant uncertainty in projecting the volume and timing of restored water use and future needs. However, we believe it's of outmost importance to secure reliable source to meet those needs as quickly as possible. Therefore, DWS continues development of new groundwater source, conservation programs and exploration of alternative resources including desalination.

We also believe that reviving the West Maui water working group, initiated by Ayrton Strauch in 2018, could benefit the Commission staff, water purveyors and water users to collaborate on comprehensive water resource strategies, supporting a post fire green belt corridor and in the best scenario, avoid a decade-long contested case for West Maui. DWS is willing to take the lead on this effort and would greatly appreciate the commission's support.

Sincerely,

  
John Stufflebean, P.E., Director

TESTIMONY FOR THE MEETING OF THE COMMISSION ON WATER RESOURCE  
MANAGEMENT ON OCTOBER 24, 2023  
Item B.2.c Lahaina Aquifer Sector Water Management Area and Water Use Permit Applications

My name is Michael Gronemeyer. I am a full-time resident of Maui Komohana since 2004. I am 74 years old. I am testifying on my own behalf.

I have participated in numerous community meetings including several CWRM meetings in the last 5 years

I am sure CWRM has a challenging task managing and administering the IIFS. Establishing a new large WMA is extremely difficult.

In 2021 I supported the interim instream flow standards for streams in the Honokōhau and Honolua hydrologic units provided water for fire protection was protected.

At the April 26, 2022 hearing in Lahaina, I supported the "SURFACE AND GROUND WATER MANAGEMENT AREA DESIGNATION" because West Maui water resources are important and need to be managed carefully and efficiently. However, I expressed the same concerns voiced by many others, that CWRM did not have sufficient resources to effectively manage/administer this designation or achieve the benefits intended.

Similar designations in Hawaii have a track record of massive delays in processing permits and unnecessary / excessive litigation. This is not in the best interest of the community. A carefully designed practical plan with appropriate resources, can go a long way to providing better management and accountability.

After observing the activities of the past 6 months it appears that CWRM is overwhelmed beyond my fears.

For example, the provisions of "HAR §13-171-17 Public notice" are not being met despite numerous requests. I have no doubt that there are numerous errors in the applications. Some of the data presented in staff presentations is inaccurate or incomplete. Much of the testimony is not supported by current facts or data. This is not the way to achieve fair decisions which the community can understand.

In addition, I have carefully read HRS CHAPTER 174C STATE WATER CODE and Hawaii Administrative Rules (HAR) § 13-167 to § 13-171. It alarms me that the use of water for fire prevention and or suppression finds only 2 references to fire and both are in the definition of "Municipal use". Once in HRS CHAPTER 174C and once in HAR § 13-170 Water Plan.

"Municipal use" means the domestic, industrial, and commercial use of water through public services available to persons of a county for the promotion and protection of their health, comfort, and safety, for the protection of property from fire, and for the purposes listed under the term "domestic use".

This is inadequate based on the large-scale wild fires in Maui Komohana which occur almost every year. As a result, this will likely result in failing to plan adequately for

such fires. In addition, if CWRM is going to controlling water use it will need protocols for emergency situations such as fires, hurricanes, tsunami, earth quakes, etc. These apparently do not exist currently.

I hope CWRM takes this testimony seriously or it will fail to achieve the expected benefits and disappoint everyone.

Michael Gronemeyer

Aloha Chair Chang and Commissioners,

My name is Jordan Ruidas, and I live in Lahaina Maui.

I give written testimony today for tomorrow's 10/24 meeting, to share my profound aloha for my home, Maui Komohana. In the wake of the wildfires and during this time of huluhia, we need the Water Commission's leadership and kōkua now more than ever.

In June 2022, this Commission unanimously designated Maui Komohana as ground and surface water management areas. In good faith, many of us on Maui invested the better part of a year putting together water use permit applications with the hope that our water rights would finally be recognized. We submitted those applications on August 7, 2023, a day before the wildfires ravaged Lahaina. While we grieved and struggled to recover, the Governor suspended the Water Code and Chair Chang "reassigned" Deputy Director Manuel. Chaos ensued as diverters filled their pools and reservoirs and our streams ran dry. On Monday 10/09 Dawn Chang & the commission did right by the people of not only Maui but Hawai'i and reinstated Kaleo Manuel. And I mahalo you for that. Taking that step was a big step in mending the broken trust between the water commission and the people of Lahaina. I implore you to keep taking the correct steps to not only mend the broken community trust but to gain the trust back and keep it. Be pono.

I ask that the commission starts to prioritize the kama'aina of Maui Komohana instead of the greedy private land owners and developers, over the hotels, and over the golf courses. We are the people of this land and we deserve the water first and foremost. I ask that the commission "e ho'i i ka nani" return the glory and restore the waters and ensure they flow freely from mauka to makai. This will not only help restore our beloved Moku'ula and Mokuhinia but it will also help create natural fire breaks, help the fish to flourish again, and help our whole ecosystem make a come back. We demand the restoration of streams and spring flow along with cultural practices as lo'i kalo and loko i'a to serve as natural firebreaks. I demand that the commission 21st century water kuleana by respecting priority native rights, by fully utilizing recycled water, and align with climate appropriate water uses. I demand the commission be kahuwai pono and to properly manage our most precious resource, our water! Enough is enough, it's time for positive change, it's time to do what is right by the people.

Mahalo for your consideration.

Ola i ka wai! E ho'i ka nani. Return the glory!

Mahalo,

Jordan Ruidas  
Lahaina Strong

**From:** [Roslyn Cummings](#)  
**To:** [DLNR.CW.DLNR.CWRM](#); [Kaaa, Iwalani HR](#)  
**Subject:** [EXTERNAL] Agenda (B-1, B-2, B-3)  
**Date:** Monday, October 23, 2023 8:52:05 AM

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## Memorandum of Roslyn Cummings

Private National of Hawaii

██████████ Kalaheo Ahupua'a  
Hawaii Nei, zip nearby [96741]

**ROSLYN CUMMINGS**; wahine maoli tm

Vessel Berthed CQV in Trust, a Nom de Guerre now at peace, Date of Live Birth **11/24/1983**

Fiduciary and the only signatory Officer

(non corporate entity, tertius interveniens) ALL RIGHTS RESERVED

Notice to Agent[s] is Notice to Principal[s], and Notice to Principal[s] is Notice to Agents

**COMES NOW**, Roslyn Cummings: Wahine Maoli, by this declaration, appearing by special divine appearance, declaring my *Innocence*, telling TRUTH a non-corporate, natural born, living breathing blood being, on the soil, *Jus Soli*, a living soul, *Sui Juris*, a *Fiduciary*, coming here in *Peace and Honor* with clean hands,

noho ao Kalaheo Ahupua'a, Kona Moku, Kaua'i Moku, Kupaehiwa, Hawaii Nei,

Mo'opuna O Kupuna Pae Aina Hawai'i

Wahine Maoli, Kanaka Maoli, Kanaka OIWI, Makuahine, He Aina Hawaii

On the record for the record, will be used as evidence

In support of Na Kanaka, Kanaka Maoli O Maui, Maui Komohana (West Maui)

Mo'opuna O Lahaina

Pule prayer

A'ole Loa Pilikia,

E ka Haku (Lord) e hoomalu mai i kou poe kanaka au i hana'i, na lakou e hana i na mea a pau ma kou oiaio, e kokua mai ia makou ke Akua e lawe mai i ka maluhia iwaena o Hawaii nei. No ka mālama 'ana a me ka pale 'ana i ko mākou mau pono i hā'awi 'ia. E mālama i ko mākou 'āina, e mālama i ko mākou wai. No hanauna e hiki mai ana. e wehewehe mākou i ka pono a me ka hewa a me ka holomua i ka 'oia'i'o. Ma kou inoa e ho'omaika'i mai ke Akua iā mākou a mau loa aku amene

1. WHEREAS, In law, ignorantia juris non excusat (Latin for "ignorance of the law excuses not"), or ignorantia legis neminem excusat ("ignorance of law excuses no one"), is a legal principle holding that a person who is unaware of a law may not escape liability for violating that law merely by being unaware of its content.

2. WHEREAS, **OATH OF OFFICE Section 4.** All eligible public officers, before entering upon the duties of their respective offices, shall take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States, and the Constitution of the State of Hawaii, and that I will faithfully discharge my duties as ..... to the best of my ability." As used in this section, "eligible public officers" means the governor, the lieutenant governor, the members of both houses of the legislature, the members of the board of education, the members of the national guard, State or county employees who possess police powers, district court judges, and all those whose appointment requires the consent of the senate. [Ren and am Const Con 1978 and election Nov 7, 1978; am SB 1440 (1992) and election Nov 3, 1992]

A reminder of the contract that was signed. Oath of Office, to support and defend the Constitution of the United States, and the Constitution of the State of Hawaii

Criminal Actions within the State of Hawai Commission on Water Resource Management?

3. WHEREAS, Under what superiority and whose authority? Ke Ku Nei Kanawai No Laila, The Law stands from then until now

The following can be found the department of state, United States of America, office of the historian- [history.state.gov](http://history.state.gov)

**Recognition U.S. Recognition of Hawaiian Independence, 1826.**

On December 23, 1826, the U.S. signed a treaty with the Kingdom of Hawaii thus indirectly recognizing Hawaiian independence.

**Port of Honolulu, September 19, 1820.**

John Coffin Jones, Jr. (also known in Hawaiian documents as John Aluli) was appointed Agent for Commerce and Seamen on September 19, 1820. He began to serve in October of

1820, at the port of Honolulu. The post of commercial agent was raised to consul effective July 5, 1844, and held by Peter A. Brinsmade, who had already been appointed commercial agent on April 13, 1838.

### **Lahaina (Rahaina).**

Earliest Date: April 22, 1850 (confirmation of appointment of consul) Latest Date: April 9, 1869 (confirmation of appointment of consul). Before 1845, Lahaina was the capital of Hawaii. Lahaina is located on the island of Maui.

## **Treaties and Agreements**

### **Treaty of Friendship, Commerce, and Navigation Between the United States and the Sandwich Islands (Hawaii), 1826.**

On December 23, 1826, the U.S. signed articles of arrangement in the typical form of a treaty of friendship, commerce, and navigation with the Kingdom of Hawaii in Honolulu, which confirmed the peace and friendship between the peoples of the two countries. The agreement was signed by the captain of the U.S. sloop of war Peacock Thomas ap Catesby Jones, who was appointed by the U.S., and Guardians of Kauikeaouli, King of the Sandwich Islands: Elisabeta Kaahumanu, the Queen Regent; Karaimoku, the Prime Minister; Boki, Governor of Oahu and personal guardian of the King; Howapili, guardian of Nahienaena, sister of the King; and Lidia Namahana, who was a dowager queen of Kamehameha I. This was the first treaty that the Kingdom of Hawaii signed with any foreign power. It was never ratified by Congress, although both countries acted in accordance with its articles.

### **Treaty of Friendship, Commerce, and Navigation and Extradition, 1849.**

On December 20, 1849, the U.S. and the Kingdom of Hawaii signed a Treaty of Friendship, Commerce, and Navigation and Extradition. The treaty, negotiated by U.S. Secretary of State [John M. Clayton](#) and the Hawaiian special Commissioner to the Government of the United States James Jackson Jarves, was signed in Washington, D.C.

### **Treaty of Reciprocity, 1875.**

On January 30, 1875, United States Secretary of State [Hamilton Fish](#) and the Kingdom of Hawaii's Envoy Extraordinary and Minister Plenipotentiary to the United States Elisha H. Allensigned a Treaty of Reciprocity. This treaty provided for duty-free import of Hawaiian agricultural products into the United States. Conversely, the Kingdom of Hawaii allowed U.S. agricultural products and manufactured goods to enter Hawaiian ports duty-free. This treaty was originally intended to last for a duration of seven years.

### **Reciprocity Convention, 1884.**

On December 6, 1884, the United States and the Kingdom of Hawaii signed a Reciprocity Convention, pertaining to commercial reciprocity, which was an extension of the 1875 Treaty of Reciprocity.



WHEREAS, Under what superiority and whose authority? [ags.hawaii.gov](http://ags.hawaii.gov)

The Declaration of Rights of 1839 recognized three classes of persons having vested rights in the lands; 1st, the Government; 2nd, the Chiefs; and 3rd, the native Tenants. It declared protection of these rights to both the Chiefly and native Tenant classes.

Kauikeaouli succeeded as King Kamehameha III upon the death of his brother, Kamehameha II. During his rule, the Hawaiian kingdom's first Constitution was granted in 1840, the laws codified and the government reorganized into Executive, Judicial and Legislative branches. It was also at this time that the system of fee simple land ownership was established in Hawai'i.

The māhele, or division of lands between Kamehameha III, the chiefs, and the konohiki was authorized by the Privy Council in December 1847. The māhele is a single transaction that commenced on January 28, 1848 and ended on March 7, 1848. The transaction is recorded in the *Buke Kakau Paa no ka mahele aina i Hooholoia i waena o Kamehameha III a me Na Lii a me na Konohiki ana*, commonly referred to as the Māhele Book.

4.

WHEREAS, Making all of Hawaii Private Property [capitol.hawaii.gov](http://capitol.hawaii.gov)

**§172-11 Land patents on land commission awards; to whom, for whose benefit.** Every land patent issued upon an award of the board of commissioners to quiet land titles, shall be in the name of the person to whom the original award was made, even though the person is deceased, or the title to the real estate thereby granted has been alienated; and all land patents so issued shall inure to the benefit of the heirs and assigns of the holder of the original award. [L 1872, c 21, §1; RL 1925, §568; RL 1935, §1587; RL 1945, §4641; RL 1955, §100-11; HRS §172-11]

### Case Notes

Land commission award held good against later royal patent. 1 H. 69; 1 H. 90. Award cannot be collaterally attacked. 1 H. 90.

Certificate of award of land commission, with its accompanying survey, are admissible in evidence. 2 H. 202.

Patents based as awards do not confer or confirm title of later holders. It is merely a quitclaim interest of the government in lands. 3 H. 783; 11 H. 587, 589.

Court is inclined not to disturb award of land commission long adjudicated. 5 H. 354.

Mahele of 1848 considered and defined. 6 H. 195.

Award may be to deceased person; heirs must determine their own respective rights. 15 H. 648.

Section does not authorize the issuance of grant to deceased person. 26 H. 382, 397.

Review of case law and effect of patent. 49 H. 429, 421 P.2d 570.

**§172-12 Land patents issued after boundary and commutation settled.** Upon presentation to the department of land and natural resources of a certificate of a commissioner of boundaries defining the boundaries of a portion of an ahupuaa, ili, or other denomination of land, the department shall cause an appraisal to be made of the

unimproved value of that portion of land; and upon payment to the department of the government commutation in that portion of land, upon the appraisalment as above provided, the department shall cause to be issued a land patent for that portion of land, which land patent shall define the boundaries of that portion of land. [L 1872, c 21, §3; RL 1925, §569; RL 1935, §1588; RL 1945, §4642; RL 1955, §100-12; am L Sp 1959 2d, c 1, §21; am L 1961, c 132, §2; HRS §172-12]

### Case Notes

Patent is merely quitclaim interest of government in lands. 3 H. 783; 11 H. 587, 589.

Patent is evidence that government right to commutation therein is extinguished. 6 H. 315.

Value of land at time of award is the basis of its appraisalment for commutation of government interest. 8 H. 125.

Patent, valid on its face, may be attacked and declared void in action at law provided evidence shows it to be void for want of authority for its issue. 25 H. 651.

Royal patent issued on land commission award, validity of reservation of mineral rights. 49 H. 429, 421 P.2d 570. Royal patent on land commission award, significance if award defective. 49 H. 456, 479, 421 P.2d 550. Royal patent issued on land commission award, whether schoolhouse site included or excluded. 49 H. 537, 425 P.2d 83.

Cited: 35 H. 608, 658.

senate.gov

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5.

WHEREAS, The United States Constitution provides that the president "shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur" ([Article II, section 2](#)). **Treaties are binding agreements between nations and become part of international law. Treaties to which the United States is a party also have the force of federal legislation, forming part of what the Constitution calls "the supreme Law of the Land." The Senate does not ratify treaties.**constitution.congress.gov

6.

Article VI Supreme Law.

### Clause 2 Supremacy Clause

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

On May 28, 1892, in her opening address to the last lawful Legislature, her Majesty Queen Liliuokalani declared her intentions and legislative agenda:

‘...I shall firmly endeavor to preserve the autonomy and absolute independence of this Kingdom and to assist in perpetuating the rights and privileges of all who are subject to our laws and in promoting their welfare and happiness...’

On November 25, 1892 ‘An Act, To Reorganize The Judiciary Department’ was enacted by the Hawaiian Kingdom Legislature, and became law on January 1, 1893:

‘The common law of England, as ascertained by English and American decisions, is hereby declared to be the common law of the Hawaiian Islands in all cases, except as otherwise expressly provided by the Hawaiian Constitution or laws, or fixed by Hawaiian judicial precedent, or established by Hawaiian national usage, provided however, that no person shall be subject to criminal proceedings except as provided by the Hawaiian laws’ [Section 5. Chapter LVII. An Act, To Reorganize The Judiciary Department, enacted on November 25, 1892, effect on January 1, 1893]

While this law was modified by the Territory of Hawaii in 1903, today it’s the first, and foundational Hawaii Revised Statute. HRS §1-1 Common law of the State; exceptions.

Contains the door to Hawaiian Kingdom Law:

‘...except as...fixed by Hawaiian judicial precedent, or established by Hawaiian usage...’

An interesting side note is the modern HRS §1-1 Common law of the State; exceptions.

Traces its legislative intent directly to the law to Queen Liliuokalani wanted to protect ‘the autonomy and absolute independence of this Kingdom’, in 1892.

The Supreme court in Hawaii indicated on June 22, 1977.that “Hawaiian usage” must predate November 25, 1892.’ (58 H. 106, 566 P.2d 725.)

Prior to November 25, 1892, the laws of the Hawaiian Islands included, but not limited to:

The Compiled Laws of the Hawaiian Kingdom (1884)

The Penal Codes of the Hawaiian Kingdom (1869)

The Civil Codes of the Hawaiian Kingdom (1859)

The Statute Laws of the Hawaiian Kingdom (1841)

s9

All of the English version of these laws can be found at <http://www.llmc.com>, click on “open access”, then search “Hawaiian Kingdom”, there get you will find virtually all of the laws mentioned above, including but not limited to legislative records, Supreme Court decisions “fixed by Hawaiian judicial precedent, or established by Hawaiian usage”.

Some of the more important laws that are “established by Hawaiian National usage”, included but are not limited to:

‘The laws are obligatory upon all persons, whether subjects of this kingdom, or citizens or subjects of any foreign State, while within the limits of this kingdom, except so far as exception is made by the laws of nations in respect to Ambassadors or others. The property of all such persons, while such property is within the territorial jurisdiction of this kingdom, is also subject to the laws. The Civil Codes of the Hawaiian Islands (1859), Chapter II OF THE EFFECTS OF LAWS, SECTION 6.

‘An alien, whether his native country be at war or at peace with this kingdom, owes allegiance to this kingdom during his residence therein, and during such residence, is capable of committing treason against this kingdom. [Penal Codes of the Hawaiian Islands (1869), Article VI. Treason, Section 3.

‘All laws now in force in this Kingdom, shall continue and remain in full effect, until altered or repealed by the Legislature; such parts only excepted as are repugnant to this

Constitution. All laws heretofore enacted or that may hereafter be enacted, which are contrary to this Constitution, shall be null and void.' ARTICLE 79. Constitution of the Hawaiian Kingdom. 1887.

I do not consent of any violations that is being made within this agency, by any agents of the STATE OF HAWAII and the UNITED STATES OF AMERICA  
Hawaii Nei is a Nation created by God.

7.

WHEREAS, Legal License Name WEST MAUI LAND COMPANY INC, License # CT-20528, Entity type: corporation, License Date August 26, 1996 expires on 09/30/2024, Business Address: 305 E Wākea Ave, Kahului, Maui 96732 Corporacion, from Latin corporatio ("assumption of a body"), from Latin corporatus, past participle of corporare ("to form into a body") Yet, a corporation can't speak for itself, it it is a dead body) is no compos mentis...James 2:26 A (body=corporation) without the sacred consecrated breath is dead. A legal "entity" created by or under the authority of the laws of a state.

8.

Title 12 Conservation and Resources 174C State Water Code 174C-7 Commission on Water Resource Management, Case Notes:

Adverse party's due process right to fair tribunal in a contested case hearing before commission not violated by land and natural resources department chairperson also serving as chairperson of commission under subsection (b) where legislature deemed it appropriate for one person to serve in both capacities and could override common law doctrine of incompatible offices which prohibited a person from serving in a dual capacity. 94 H. 97, 9 P.3d 409.

Department of land and natural resources chairperson's dual status as chairperson of the commission and the department did not constitute a reversible due process violation where, although chairperson should have been precluded from presiding over the hearing, objecting party did not seek chairperson's disqualification, and where chairperson's disqualification would have prevented commission from acting on the case for lack of quorum, the "rule of necessity" demanded that chairperson preside over the hearing. 94 H. 97, 9 P.3d 409.

In denying permit application, commission did not wrongfully ignore and abridge petitioner's "ali'i rights" where, to the extent that the ali'i exercised sovereign authority over water, they received such authority by delegation from the sovereign; pursuant to constitutional and statutory mandate, final delegated authority presently resides in the commission, to be exercised for the benefit of the people of the State. 94 H. 97, 9 P.3d 409.

Where department of land and natural resources was a party in a contested case proceeding before the commission, constitutional mandate that tribunal be impartial precluded chairperson of the commission, who was also chairperson of the department,

from presiding over the hearing. 94 H. 97, 9 P.3d 409.

## Law Journals and Reviews

Where Justice Flows Like Water: The Moon Court's Role in Illuminating Hawai'i Water Law. 33 UH L. Rev. 537 (2011).

9.

WHEREAS, Our Resources, Waiwai are: nutrients needed for our health and wealth of Kanaka Ko Hawaii Pae Āina, PART IX. NATIVE HAWAIIAN WATER RIGHTS §174C-101 Native Hawaiian water rights. (a) Provisions of this chapter shall not be construed to amend or modify rights or entitlements to water as provided for by the Hawaiian Homes Commission Act, 1920, as amended, and by chapters 167 and 168, relating to the Molokai irrigation system. 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.(b) No provision of this chapter shall diminish or extinguish trust revenues derived from existing water licenses unless compensation is made.(c) Traditional and customary rights of ahupua`a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778 shall not be abridged or denied by this chapter. Such traditional and customary rights shall include, but not be limited to, the cultivation or propagation of taro on one's own kuleana and the gathering of hihiwai, opae, o`opu, limu, thatch, ti leaf, aho cord, and medicinal plants for subsistence, cultural, and religious purposes.(d) The appurtenant water rights of kuleana and taro lands, along with those traditional and customary rights assured in this section, including access by the holder thereof to conduct activities necessary to assure the use, delivery, and quality of water including temperature and turbidity, that shall not be unreasonably withheld, shall not be diminished or extinguished by a failure to apply for or to receive a permit under this chapter. [L 1987, c 45, pt of §2; am L 1991, c 325, §8; am L 2022, c 27, §5 Cross ReferencesHand-pounded poi, see §321-4.7. Law Journals and Reviews Native Hawaiian Homestead Water Reservation Rights: Providing Good Living Conditions for Native Hawaiian Homesteaders. 25 UH L. Rev. 85 The Life of the Law is Perpetuated in Righteousness: The Jurisprudence of William S. Richardson. 33 UH L. Rev. 99 (2010). Where Justice Flows Like Water: The Moon Court's Role in Illuminating Hawai'i Water Law. 33 UH L. Rev. 537 (2011). Case Notes: Although the Hawaii administrative rules denominate aquifer-specific reservations of water to the department of Hawaiian home lands, such a limitation for purposes of water resource management does not divest the department of its right to protect its reservation interests from interfering water uses in adjacent aquifers. 103 H. 401, 83 P.3d 664.Insofar as the commission on water resource management, as the agency authorized to administer the state water code, determines the contents of the Hawaii water plan, which includes the designation of

hydrologic units and sustainable yields, and the commission's "interpretation of its own rules is entitled to deference unless it is plainly erroneous or inconsistent with the underlying legislative purpose", it is within the commission's authority to limit reservations of water to specific aquifers. 103 H. 401, 83 P.3d 664. Pursuant to article XI, §§1 and 7 of the Hawaii constitution, §220(d) of the Hawaiian Homes Commission Act, and subsection (a), a reservation of water constitutes a public trust purpose. 103 H. 401, 83 P.3d 664 Where commission on water resource management failed to render the requisite findings of fact and conclusions of law with respect to whether applicant had satisfied its burden as mandated by the state water code, it violated its public trust duty to protect the department of Hawaiian home lands' reservation rights under the Hawaiian Homes Commission Act, the state water code, the state constitution, and the public trust doctrine in balancing the various competing interests in the state water resources trust. 103 H. 401, 83 P.3d 664. Where commission on water resource management refused to permit cross examination of water use applicant's oceanography expert regarding the limu population along the shoreline, in effect precluding the commission from effectively balancing the applicant's proposed private commercial use of water against an enumerated public trust purpose, the commission failed adequately to discharge its public trust duty to protect native Hawaiians' traditional and customary gathering rights, as guaranteed by the Hawaiian Homes Commission Act, §220, article XII, §7 of the Hawaii constitution, and this section. 103 H. 401, 83 P.3d 664. Commission on water resource management's conclusion that "no evidence was presented" to suggest that the rights of native Hawaiians would be adversely affected by permit applicant's proposed use erroneously shifted the burden of proof to complainants; thus, commission failed to adhere to the proper burden of proof standard to maintain the protection of native Hawaiians' traditional and customary gathering rights in discharging its public trust obligations. 116 H. 481, 174 P.3d 320.

I Roslyn Manawaiakea, offer my support for the West Maui communities' for all their kuleana, hard work to restore wai, freshwater resources and establish management practices that ensure there is enough water for everyone. I also want to express my appreciation to the commission and your work to manage and uphold the public trust in our precious wai -

I ask that the commission uphold the law; ensure and urge staff to continue their efforts to implement Water Code, and manage and protect our most precious resource for our communities, 'āina, and future generations.

Ola i ka wai Ola

Roslyn Manawaiakea

**From:** [Courtney Lazo](#)  
**To:** [Kaaa, Iwalani HR](#)  
**Subject:** [EXTERNAL] Testimony Restoration and Preservation of Lahaina's Water Resources  
**Date:** Monday, October 23, 2023 8:57:06 AM

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Courtney Lazo

[REDACTED]  
Lahaina, HI, 96761  
808-[REDACTED]  
10/23/23

Commission on Water Resource Management  
Department of Land and Natural Resources

To the Honorable Members of the Commission on Water Resource Management,

I write to you today not just as a resident of Lahaina but as a voice of our community's collective hope and resilience. We stand at a pivotal moment in the history of our beloved Lahaina, seeking to restore the natural beauty and cultural significance of Moku'ula, Mokuhinia, and all streams in Maui Komohana.

The past has seen our waters mistreated, and our heritage eroded, but we refuse to allow this legacy of mismanagement to continue. As we stand amidst the devastating aftermath of the August 8th Lahaina fire, it becomes acutely evident that the restoration of our streams and spring flow is not just a cultural endeavor; it is an imperative measure for fire mitigation.

Herein lies the way forward for Maui Komohana's wai – a path that hinges on trust, community, and a responsible stewardship of our most precious resource.

**Restore the Beauty of Moku'ula, Mokuhinia, and All Streams:**

It is time to mend what has been broken. Restoring the natural beauty of our cherished Moku'ula and Mokuhinia is not just about aesthetics; it's about healing the soul of our community. The streams, once vibrant with life, can once again be the lifeblood of our 'āina and our cultural practices. Let us rise to this occasion and ensure the legacy of these sacred waters endures for generations to come.

**Rebuild Community Trust by Respecting the Public Trust:**

We, the people of Lahaina, beseech you to respect the Public Trust doctrine and the heritage it upholds. By prioritizing our kama'āina working class, kalo farmers, and 'āina over private commercial interests, we breathe life back into the values that make Lahaina a true community.

**Uphold 21st-Century Water Kuleana:**

Our 21st-century water kuleana is a commitment to progress that respects the rights of the Native people, harnesses the potential of recycled water, and adapts our water use to climate-appropriate practices. Let's embrace the future while staying true to our roots.

**Hold Commission Accountable as "Kahuwai Pono":**

The mantle of "kahuwai pono," or rightful water steward, falls upon your shoulders. The

Commission must be a beacon of accountability, ensuring the proper management of our most precious resources.

The solutions are clear; the path is before us. Lahaina is done being taken advantage of. We are a resilient community, and we stand united in our commitment to restore, protect, and cherish our water resources.

We implore you, esteemed members of the Commission on Water Resource Management, to make the choice that history will commend. It is not just a request; it is a call for justice, stewardship, and the preservation of our Lahaina legacy.

Mahalo,

**Courtney Lazo**

Phone: 808.633.3801

Email: [courtneylee.lazo@gmail.com](mailto:courtneylee.lazo@gmail.com)

This communication contains information from Courtney-Lee Lazo that may be confidential. Except for personal use by the intended recipient, or as expressly authorized by the sender, any person who receives this information is prohibited from disclosing, copying, distributing and/or using it. If you have received this communication in error, please immediately delete it and all copies, and promptly notify the sender. Nothing in this communication is intended to operate as an electronic signature under applicable law.



Commission on Water Resource Management  
Hawai‘i Department of Land and Natural Resources  
Tuesday, October 24, 2023, 9:00 a.m.  
Kalanimoku Building, Room 227  
1151 Punchbowl Street, Honolulu, Hawai‘i 96813  
Email: [dlnr.cwrn@hawaii.gov](mailto:dlnr.cwrn@hawaii.gov)

**RE: Agenda Item B2, Update on Water Resources in the Lahaina Aquifer Sector**

Aloha e Chair Chang and Commissioners,

My name is Kawaiuluhonua Scanlan, and I am from Pālolo, O‘ahu. I testify today to urge the Commission to **ho‘i ka nani** and to remind you of your duty as **kahuwai pono**.

As a third-year law student at the William S. Richardson School of Law pursuing a certificate in Native Hawaiian Law, a lot of my coursework has focused on the public trust doctrine (Art. XI, §§ 1, 7) and water rights in particular. Through my classes, I have had the opportunity to help community members with their water use permit applications as well as provide trainings on Native Hawaiian water rights. While I am thankful that this Commission has taken important steps to remedy some mistakes since the last meeting, there is much more to be done. More specifically, I am requesting that the Commission do the following:

**1. E ho‘i ka nani:**

- a. Restore Moku‘ula & Mokuhinia;
- b. Restore Maui Komohana streams: restore natural stream and spring flow, highlight that this, and cultural practices (lo‘i kalo, loko i‘a), serve as fire mitigation;

**2. Be Kahuwai Pono:**

- a. Rebuild public trust by providing an explanation and meaningful apology for Deputy Manuel's unfounded re-deployment;
- b. Rebuild public trust by respecting the public trust;
- c. Prioritize kama‘āina working class, kalo farmers, and ‘āina over resorts and private purveyors;
- d. Uphold 21st-century water kuleana as “Kahuwai pono”: respect priority Native rights, fully utilize recycled water, and align with climate-appropriate water uses.

This Commission hurt the Maui Komohana community and has consequently lost the trust of kānaka maoli. In order to mend your relationship with the community, you need to start with an apology. Apologize to Deputy Director Manuel for endangering his life when you used him in

your political games. Apologize to the Native Hawaiian people for once making a scapegoat of another kanaka and pitting our traditions against economic interests. Finally, apologize to the Lahaina community for letting them down. They need to be home with their ‘ohana and focus on recovering from the wildfires, but because of your failure to protect wai, they have to spend time preparing testimony.

Once you adequately apologize, I ask that you **ho‘i ka nani**, return the glory to Maui Komohana by upholding the public trust. When you review the SWUPAs, **remember the importance of mauka to makai stream flow, prioritize kama‘āina families and kalo farmers over legacy diverters, and protect Hawai‘i’s water for the benefit of present and future generations.** Just because it is your motto, doesn’t mean the public trust is magically upheld. You have to take action to **actually be Kahawai Pono: restore Moku‘ula, respect Native rights and other public trust purposes, fully utilize recycled water, and prioritize climate-appropriate water uses.**

It is simple: do what is pono. Mahalo for the opportunity to provide this testimony.

E ho‘i ka wai!

A handwritten signature in black ink, appearing to read 'K. Scanlan', with a stylized flourish at the end.

Kawaiuluhonua Scanlan

The recent traumatic and devastating events that took place in Lahaina, Maui on August 8th left countless families not even able to grieve or to take care of themselves after they have already had everything taken away from them by a horrendous disaster that could have been prevented. The natural resources of Hawai'i's land have been continuously stripped away from native hands and have evolved into large corporate and industry run resources. Resources such as land, food, housing, cars and possibly the *most* vital resource being water. While tourism has completely taken over taking water away from all the local citizens in order to keep the golf courses green and the hotel pools filled. How is it possible that the water was completely shut off in the Lahaina area so that victims of the fires were left to fend for themselves with zero available water? Imagine how many lives would have been spared if the citizens of Lahaina and other affected areas were prepared with the water they need when an emergency takes place like this. Residents trying to escape the town in cars were stopped and redirected, also leading to so many unnecessary deaths. Why are there real estate agents cold calling victims and victims families in their darkest times and prodding them to sell their sacred land on Maui? There is such a lack of empathy and lack of humanity within the treatment of the victims and families of these fires. There needs to be an immense amount of respect and despair when helping the victims after something this traumatic. The lack of help, resources and respect after these tragic events has been extremely disappointing to the victims and victims families who are currently trying to rebuild their lives as well as take care of themselves while battling unimaginable grief for their families, friends, community, sacred land, all their belongings and all of their memories and history in Lahaina. Instead there has been an

overwhelming sense that the government cares more about tourism and money than about the real lives that are being affected. Maui needs time to heal and repair the immense amount of damage done to the community and the island as a whole. Yet Maui was reopened by the governor to tourism just one month after the fires happened. Meanwhile there are native people affected by the fires who have nowhere to live and nothing to their name and yet the hotel rooms in Maui are full of tourists. The people of Hawai'i demand a public apology to Kaleo Manuel and his entire family, community and supporters. Irrigators need to be held accountable for deliverables outlined in staff submittal from October 19, 2021. We demand the approval of the Amendment to Commission Order to Maui Land & Pineapple For Modification to Diversion 770 on Honokōhau Stream (Honokōhau Ditch Intake #1) which was originally approved on November 20, 2019 in Order to Meet the in-stream flow standard for Honokōhau stream, surface water hydrologic unit of Honokōhau (6014), Honokōhau, Maui. We also request the urgency to install restrictor plates on the new intake grates to keep the lowest flows possible from Honokōhau stream flowing into Honokōhau Ditch. Considering that in the Staff Submittal Recommendations Item 3 states, 'Within 90 days, MLP will submit final engineering plans for all plans for approval by staff and modifications to be completed within 1 year.' It has been well over a year and there is still no record of modifications or installation of the plates as outlined in the submittal. It is crucial for MLP to be held accountable and do what is right and what should have already been done. I ask that you feel compassion for the affected local Hawaiian people and join together as a community to ensure they have all of the help they need with relocation and the restoration of all their belongings and everything they have lost.

Unless you've been living under a rock, the chances are that you've heard about the Lahaina wildfires. The fires in Lahaina first began on the morning of August 8 and were fully contained a little less than a month later. However, although the fire was contained, it still caused a lot of damage to the town of Lahaina. Flames from the fire killed and injured hundreds of people, as well as destroyed countless amounts of homes and businesses. Lahaina Jewelry, a small, family owned and operated jewelry store that's been open since 1989, was one of the small businesses that were impacted by the fires. The founder of the business, Victoria Doan, ran that store from 1989 till the present day. One of Doan's grandchildren took his first steps in the shop. Lahaina Jewelry, the shop in which Victoria Doan ran for over 30 years and watched her grandchildren grow up in, was burned and destroyed instantly. This is just one of the many small local businesses that faced tragedy from the Lahaina wildfires. What's sad about these fires is that they possibly could've been prevented.

It's no secret that there is a water issue in Maui. For over one hundred years plantation owners and capitalist private developers have been trying to steal Maui's natural water resources and use them to their benefit. Originally, Maui was known for its vast, natural water resources; these corporations have taken advantage of it by using the water to make mansions, golf courses, and other luxuries. The problem with this is that these big corporations have nearly sucked Maui dry. For instance, some Native Hawaiians have even lost accessibility to their basic human right of water. Lauren Palakiko, a local, had to give her child a bath in a bucket because water wasn't reaching their home. The water that was supposed to flow to their home was instead redirected to private developers, leaving families like Palakiko's, waterless. The water issues in Lahaina didn't start on August 8 with the wildfires, it has been slowly brewing for decades. If anything, the

wildfires only brought national attention to a problem that the island of Maui has been having for many years.

One example in particular has been in the national spotlight because of these fires. When the fires first began on August 8, Kaleo Manuel, the deputy to the chair of Water Resource Management, “delayed” access to water. Kaleo Manuel was removed from his position and was transferred to another position in the DLNR (Department of Land and Natural Resources). However, just saying Manuel “delayed” giving access to water to help combat the fire is not giving the whole story. In fact, it’s leaving out a lot of details. What actually happened is that Manuel was asked if water from streams could be redirected to fill WML’s reservoir’s (West Maui Land Company) to help combat the fire. Manuel replied by telling WML to ask a farmer downstream if the water reduction would at all impact his lo’i. About five hours later Manuel allowed the water to be taken, but by then the damage was already done. Many people blamed Manuel for this saying that if he just gave WML access to water from the beginning, the spread of the fire could’ve been prevented. But would it really have? None of WML reservoirs are connected to fire hydrants and helicopters wouldn’t be able to get the water because of the high winds. Although it was said that Manuel was transferred from his position for no underlying reason, there is tons of controversy. It’s blatantly obvious that DLNR caved at the constant backlash they were receiving and transferred Manuel. Hawaiians stand with Manuel and for good reason, as he didn’t do anything wrong. Manuel just wanted to make sure that the lo’i would be okay before he did anything hasty. Kaleo Manuel as well as his family and supporters DESERVE a public apology for the possibly illegal transferring of his position as well as the backlash faced.

These water issues should’ve been solved a long time ago, but that hasn’t been the case. In fact, Maui Land and Pineapple were supposed to play a huge part in fixing these problems.

According to *Staff Submittal Commission on Water Resource Management October 19, 2021*, MLP (Maui Land Pineapple) were supposed to “install a restrictor plate on the new intake grates to keep the lowest flows in Honokōhau Stream from flowing into Honokōhau Ditch.” Also, according to that same document, within 90 days, MLP was supposed to submit final engineering plans for approval by staff and modifications to be completed within 1 year. This document was released in 2021. As we are now nearing the end of 2023, this task has still not been completed. MLP needs to complete this task and deliver on what they said they were going to do.

While the Lahaina wildfires will go down as one of the worst events in history, the only positive thing is that these problems are coming into the national spotlight. The Kaleo Manuel incident shed light on the corrupt corporations in Maui, such as the West Maui Land Company. The MLP incident shed light on problems that should’ve been taken care of a long time ago, but never were. The people of Maui deserve to have what was taken from them centuries ago. Hopefully, this will be a turning point in the history of Maui and the Hawaiian islands.

## Sources

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[spectrumlocalnews.com/hi/hawaii/news/2023/08/24/battles-brew-over-maui-water-grabs-in-wake-of-wildfires](https://spectrumlocalnews.com/hi/hawaii/news/2023/08/24/battles-brew-over-maui-water-grabs-in-wake-of-wildfires).

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**From:** [Barbara Barry](#)  
**To:** [Kaaa, Iwalani HR](#)  
**Subject:** [EXTERNAL] Agenda item B2.  
**Date:** Monday, October 23, 2023 3:52:34 PM

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## ***Update on Water Resources in the Lahaina Aquifer Sector***

*Aloha Chair Chang and Commissioners,*

*My name is Barbara and I live in Ha'ikū.*

*I testify today to share my profound aloha for Maui Komohana. As we continue to navigate this time of huluhia, we need the Water Commission's leadership and kōkua now more than ever. We call on you to "ho'i ka nani," to return the glory to Maui Komohana!*

*As this Commission forges a path forward for Maui Komohana and processes our water use permits, we cannot ignore the ground that has already been trodden. And the trust that has been broken. While we are grateful that the Water Code was reinstated, stream flow standards are back in place, and Deputy Director Manuel was reinstated, none of that should have been taken from our community in the first place. Before we can move forward, things must be made right.*

*Please restore the public's trust. A necessary first step is to mihi and apologize to the community for dragging us through this. During a time when we should have been focusing on helping our 'ohana and community recover from the devastating wildfires, we were preparing testimony, fielding press calls, and urging you to respect and uphold the law. Auē. Deputy Director Manuel also deserves an apology. He has been vindicated by the national press, but that is not enough.*

*Once you ho'oponopono, we ask you to ho'i ka nani, return the glory to Maui Komohana by respecting and upholding the public trust, especially during the water use permitting process. We call on this Commission to restore streams, and prioritize kama'āina working class families, kalo farmers, and our 'āina and wai, over resorts and private water purveyors. Importantly, we ask you to uphold 21st-century water kuleana and be Kahuwai Pono: respect Native rights and other public trust purposes, fully utilize recycled water, and prioritize climate-appropriate water uses. This Commission has great kuleana during an important time of our history. Please do what is pono.*

*Mahalo for your time and service.*

*Ola i ka wai!!  
Barbara Barry*

**From:** [Tanya Gabriel](#)  
**To:** [DLNR.CW.DLNR.CWRM](#)  
**Subject:** [EXTERNAL] Re: Agenda Item B2, Update on water resources in the Lahaina Aquifer Sector  
**Date:** Monday, October 23, 2023 4:20:32 PM

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*Aloha Chair Chang and Commissioners,*

*My name is Tanya Gabriel, and I live in Kihei*

*I testify to share my profound aloha for Maui Komohana. As we continue to navigate this time of huluhia, we need the Water Commission's leadership and kōkua now more than ever. We call on you to "ho'i ka nani," to return the glory to Maui Komohana!*

*As this Commission forges a path forward for Maui Komohana and processes our water use permits, we cannot ignore what has already happened nor the trust that has been broken. While we are grateful that the Water Code was reinstated, stream flow standards are back in place, and Deputy Director Manuel was reinstated, none of that should have been taken from our community in the first place. Before we can move forward, things must be made right.*

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*Mahalo for your time and service.*

*Ola i ka wai!*

Aloha,

Tanya Gabriel, MA, LMHC, NCC  
Mental Health Counselor and Mindfulness Instructor  
C: 808-██████████

**From:** [John Naylor](#)  
**To:** [DLNR.CW.DLNR.CWRM](#)  
**Subject:** [EXTERNAL] Re: Agenda Item B2, Update on Water Resources in the Lahaina Aquifer Sector  
**Date:** Monday, October 23, 2023 4:22:44 PM

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*Aloha Chair Chang and Commissioners,*

*My name is John Naylor, and I live in Makawao.*

*I believe the below represents my thoughts, feeling and recommendations quite well !*

*Mahalo for your consideration,*

*JN Makawao*

*I testify today to share my profound aloha for Maui Komohana. As we continue to navigate this time of huluhia, we need the Water Commission's leadership and kōkua now more than ever. We call on you to "ho 'i ka nani," to return the glory to Maui Komohana!*

*As this Commission forges a path forward for Maui Komohana and processes our water use permits, we cannot ignore the ground that has already been trodden. And the trust that has been broken. While we are grateful that the Water Code was reinstated, stream flow standards are back in place, and Deputy Director Manuel was reinstated, none of that should have been taken from our community in the first place. Before we can move forward, things must be made right.*

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*Mahalo for your time and service.*

*Ola i ka wai!*

## Testimony

Uwe ka lani; ola ka honua. When the heaven weeps; the earth lives. This 'olelo no'eau emphasizes the importance of wai (freshwater) in making and sustaining life on earth. The controversial topic of there being no water to fight the fires in Maui have not just come to light due to the fires but have brought a little more attention to a dire situation. This can be traced back to the water rights of Native Hawaiians. The same rights that have been overlooked by plantations, real estate developers, and luxury resorts for nearly two centuries (The Guardian, 2023)

Kaleo Manuel is the Deputy Director of the State of Hawaii Commission on Water Resource Management. He was criticized for delaying a request to divert stream water to West Maui Land Co. reservoirs during the Maui fires, and by the time the request was granted, Lahaina was already destroyed. This caused Manuel to lose his position for a period, although Native Hawaiians and Maui residents say that the government removing Manuel from his position was unfair and possibly an ulterior motive. I believe that Kaleo Manuel was falsely accused and stripped of his position for the selfish gain of the government. In reference to an article written by Paula Dobbyn, a reporter for the Civil Beat based on the Big Island, she mentions that testifiers said that Manuel was made a scapegoat (Dobbyn, 2023). Looking at the Maui County's public water system, it only accounts for less than 23% of the total amount of water in Lahaina. The rest of it is controlled by private companies which is very a contradiction to the struggle over water management in Maui. Kekai Keahi, a Hawaiian activist said, "Once sugar is gone and pineapple is gone, what was that next crop they were going to keep us tied to? Was tourism." (Keahi, 2023). This supports that the government and private companies have the power to change the narrative and go through certain efforts so that the outcome works to their

benefit. In relation to Manuel, I believe that he fell victim to this and deserves an apology from Chang, the DLNR, and the community that villainized him.

While there are many rumors and blame being placed on multiple organizations and parts of the government, we can specifically say that the irrigators of Lahaina should be held accountable. Irrigators play a significant role in managing and distributing water for a plethora of purposes. In a letter written on behalf of West Maui Land Company to Kaleo Manuel, the deputy director of the State of Hawaii Commission on Water Resource Management, the management company explains how there were various factors like connection being “spotty” and a lot of “phone tag” occurring. They said that the “Hawaii National Guard, and federal responders, including the U.S. Coast Guard, Navy, and Marines,” (Company, 2023) have taken what little water they had in their reservoirs but then go on to say that they tried to get into contact with a downstream user and he had not responded. During a dire situation like this, there is no excuse. They should have been able to send someone to get into contact with the downstream user instead of letting the fires spread and sit there saying they did their best by “trying” to get into contact with the person.

MLP installing a restrictor plate on the new intake grates will help keep the lowest flows in Honokohau. This device is used to control and reduce the flow of water with the primary purpose of regulating water pressure, conserving water, matching flow to demand, reducing energy consumption, and preventing erosion. (Kobold, n.d.) Installing this will allow for water to be regulated in times of need. Specifically, in this case, there was no water, and no one can give a good reason as to why that was the case. Additionally, installing restrictor plates on the intake grates will help with matching the flow of water to demand. Being able to regulate the

water pressure and have control of it will leave no room for excuses and unjustifiable reasons as to why there is no water.

Thank you for your time and I hope you consider everything that was shared. In summation, everything that was explained was said to benefit Lahaina and nothing more. The power struggle and placing blame is not going to help resolve an issue that is already ongoing, but I hope it brings to light the truth of the entire situation.

**VIA ELECTRONIC DELIVERY**

October 23, 2023

Commission on Water Resource Management  
J. Walter Cameron Center Auditorium  
95 Mahalani Street  
Wailuku, Maui 96793  
E: [iwalani.hr.kaaa@hawaii.gov](mailto:iwalani.hr.kaaa@hawaii.gov)

**Re: Agenda Item B2, Update on Water Resources in the Lahaina Aquifer Sector**

Aloha mai e Chair Chang and Members of the Commission on Water Resource Management,

My name is Karyn Kanekoa and I am a kupa of Honokōhau. I am also the kahu of Pūnana Leo o Lahaina, which, as many of you know, we lost in the fire. I also serve on several community boards all dedicated to the betterment of this ‘āina and its natural resources. Our ‘ohana also cultivates lo‘i kalo and stewards the ‘āina that continues to sustain us in Honokōhau. I mention all of these things not to uplift myself as an individual, but to illustrate that our community is filled with experts about this place and its resources. This is our home. Please work with us to restore our ‘āina.

I write to you today to ask you to “e ho‘i ka nani,” or return the glory to Maui Komohana! Prioritize us, the kama‘āina and working class, who have generational ties to this place, over private purveyors. We are at a critical juncture in our history where you have the choice to chart a better path for our ‘āina, or to continue to uphold the injustices that have been cemented in our streambeds.

E ho‘i ka nani means fundamentally re-examining the way wai has been managed in Maui Komohana for decades, maybe even a century. It means restoring wai to our streams across Maui Komohana and holding large developers and water purveyors accountable for what they do. Too often, the kuleana to police these foreign entities falls upon us the community. We have been fighting and advocating for pono use of wai for years. Take Honokōhau, for example. I am deeply concerned about Honokōhau Stream. I urge this commission to watch Honokōhau carefully and make sure that Maui Land and Pine (MLP) fulfills their kuleana to implement ditch upgrades. To date, we are not aware of *any* of the upgrades that they are required to do. We have also noticed that Honokōwai ditch has had water in it the past few weeks. This means that MLP has been dumping unused Honokōhau wai. Time and time again, these private companies fail to do with this very Commission requires. And then our community has to come back to this Commission to field ongoing issues. Enough is enough.

As this Commission works to forge a path forward, I urge you to work with us, the community, who intimately knows and is dedicated to this place. We have to manage our resources together. But, we *need* to be able to trust you. For starters, we need you to mihi; apologize to the community for dragging us through the last few weeks of confusion and hewa – especially

around Deputy Manuel. Instead of focusing on helping our ‘ohana and community recover from these fires, we were preparing testimony, flying to O‘ahu, and encouraging you to do your job. Deputy Manuel deserves an apology and you should be SO grateful to have him back. We are. But we deserve an explanation and mihi to have a chance at ho‘oponopono. This is the only way we can go forward together.

Finally, I ask that this Commission move forward with processing our water use permit applications and restoring our streams in line with the law. Our community and our ‘ohana worked so hard to complete the permitting process as this Commission set out. We trusted you and need you to fulfill your kuleana now more than ever. We have seen that the centuries-old plantations systems do not benefit our community, our small hard-working ‘ohana, and most importantly, our ‘āina. Please work with us, the kama‘āina, to do what is right for this place. Uphold your kuleana as kahuwai pono and return wai and life to our ‘āina. Mahalo for your time and work.

Me ka ha‘aha‘a,

Karyn Kanekoa



**From:** [Katiana Abad](#)  
**To:** [DLNR.CW.DLNRCWRM](#)  
**Subject:** [EXTERNAL] Maui Wildfire and Water Management Testimony  
**Date:** Monday, October 23, 2023 8:26:06 PM

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First and foremost, I would like to extend my thoughts and prayers to the people of Lahaina who have been affected by the recent fires as well as the issues that have resurfaced from the past. Many lives have been lost and so many families have lost their homes and everything that belonged to them. As a resident of Hawai'i on the island of O'ahu, all I could do was watch in despair as the flames of the wildfire engulfed the beautiful town of Lahaina. The town of Lahaina and the whole island of Maui has been at the hands of tragedy even before the wildfires. The issue of water management has been around for so many years and has yet to receive any type of resolution. The water in Maui has been controlled by major corporations and their greed allows them to exploit the natural resources as well as the people of Maui. I would like to continue by requesting a public apology to Kaleo Manuel along with his family and supporters. Kaleo Manuel was removed from his position as deputy to the chair of the water resource management commission in the Department of Land and Natural Resources unrightfully and deserves a public apology for the scrutiny that he was placed under after the events of the Maui wildfires. Manuel was blamed for stalling the requests made to divert stream water into reservoirs south of Lahaina to potentially help with putting out the fires. Manuel is a known advocate for water management in Hawaii, so why would he purposely delay releasing the water? Instead of blaming and scrutinizing Manuel for the decision made, why not look at the bigger picture and figure out why the request was not immediately satisfied or how this issue could have been avoided in the first place. It all starts with the water management on the island of Maui. Majority of the water in the western region of Maui has been intercepted by outside interest, thus draining the moisture from Lahaina making it vulnerable to fires. For one, if Lahaina was still enriched with its natural waters, these fires

could have been prevented. Secondly, if Maui County had access to these waters instead of it being controlled by major businesses the water would have already been at their disposal and ready for use.

As mentioned above, the water management issue on the island of Maui has been around for many years. On October 19, 2021, a staff submittal requested that the Order of Maui Land & Pineapple to install a new control gate on the intake of Diversion 770 on Honokōhau Stream to Honokōhau Ditch originally made on November 20, 2019 be amended. The original Order stated that within 90 days Maui Land & Pineapple was to submit final engineering plans for approval and modifications to be completed within a year. As of right now it has been over a year, in fact almost four years since the Order was made, and no developments have been made. Maui Land & Pineapple should be held accountable for not meeting any of the plans stated within the order. It is not fair to the people of Maui that Maui Land & Pineapple hold off on what they have been asked to do. The entire island of Maui has fought for water management and they deserve to be heard.

The island and people of Maui have suffered greatly over the past few months due to the wildfires. We must learn from this tragedy and do better for all the people in Hawai'i. We can take this tragedy and potentially come out with a positive by holding all those accountable who have played a part in the water management issue. It is time that the people of Hawai'i be heard in order to prevent tragedies as we have experienced a few months ago.

**From:** [Sharde Freitas](#)  
**To:** [Kaaa, Iwalani HR](#); [DLNR.CW.DLNRCWRM](#)  
**Subject:** [EXTERNAL] Agenda Item B2 - Update on Water Resources in the Lahaina Aquifer Sector  
**Date:** Monday, October 23, 2023 8:30:14 PM

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Aloha Chair Chang and Commissioners,

My name is Sharde Mersberg Freitas, and I live in Hilo, Hawai'i.

I testify today to share my profound aloha for Maui Komohana. As we continue to navigate this time of huluhia, we need the Water Commission's leadership and kōkua now more than ever. We call on you to "e ho'i i ka nani," to return the glory to Maui Komohana!

As this Commission forges a path forward for Maui Komohana and processes our water use permits, we cannot ignore the ground that has already been trodden. And the trust that has been broken. While we are grateful that the Water Code was reinstated, stream flow standards are back in place, and Deputy Director Manuel was reinstated, none of that should have been taken from our community in the first place. Before we can move forward, things must be made right.

**Please restore the public's trust.** A necessary first step is to mihi and apologize to the community for dragging us through this. During a time when we should have been focusing on helping our 'ohana and community recover from the devastating wildfires, we were preparing testimony, fielding press calls, and urging you to respect and uphold the law. Auē. Deputy Director Manuel also deserves an apology. He has been vindicated by the national press, but that is not enough.

Once you ho'oponopono, we ask you to e ho'i i ka nani, return the glory to Maui Komohana, by respecting and upholding the public trust, especially during the water use permitting process. **We call on this Commission to restore streams, and prioritize kama'āina working class families, kalo farmers, and our 'āina and wai, over resorts and private water purveyors. Importantly, we ask you to uphold 21st-century water kuleana and be Kahuwai Pono: respect Native rights and other public trust purposes, fully utilize recycled water, and prioritize climate-appropriate water uses. This Commission carries great kuleana during this critical and important time of our history. Please do what is pono; our future generations are depending on your pono action.**

Mahalo for your time and service.

E Ola i ka Wai!

Sharde Mersberg Freitas, Esq., MPH

**From:** [Natasha Latta](#)  
**To:** [Kaaa, Iwalani HR](#)  
**Subject:** [EXTERNAL] Maui Water Testimony  
**Date:** Monday, October 23, 2023 9:10:19 PM

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*Aloha and mahalo for your work to protect the Aina and Kanaka.*

*My name is Natasha Latta and I live on the Big Island; thank you for the opportunity to testify in support of our neighbor island.*

*I testify today to share my profound aloha for Maui Komohana. As we continue to navigate this time of huluhia, we need the Water Commission's leadership and kōkua now more than ever. We call on you to "ho'i ka nani," to return the glory to Maui Komohana!*

*As this Commission forges a path forward for Maui Komohana and processes our water use permits, we cannot ignore the ground that has already been trodden. And the trust that has been broken. While we are grateful that the Water Code was reinstated, stream flow standards are back in place, and Deputy Director Manuel was reinstated, none of that should have been taken from our community in the first place. Before we can move forward, things must be made right.*

*Please restore the public's trust. A necessary first step is to mihi and apologize to the community for dragging us through this. During a time when we should have been focusing on helping our 'ohana and community recover from the devastating wildfires, we were preparing testimony, fielding press calls, and urging you to respect and uphold the law. Auē. Deputy Director Manuel also deserves an apology. He has been vindicated by the national press, but that is not enough.*

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*Mahalo for your time and service.*

*Ola i ka wai!*



*Paauilo, HI 96776*

**From:** [Melissa Rupert](#)  
**To:** [DLNR.CW.DLNR.CWRM](#)  
**Subject:** [EXTERNAL] Agenda Item B2, Update on Water Resources in the Lahaina Aquifer Sector  
**Date:** Monday, October 23, 2023 9:23:51 PM

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Commission on Water Resource Management  
Hawai'i Department of Land and Natural Resources  
Kalanimoku Building  
1151 Punchbowl Street, Room 227  
Honolulu, Hawai'i 96813  
Email: [dlnr.cwrm@hawaii.gov](mailto:dlnr.cwrm@hawaii.gov)

Re:

Aloha Chair Chang and Commissioners,

My name is Melissa Rupert, and I live in Makawao

I testify today to share my profound aloha for Maui Komohana. As we continue to navigate this time of huluhia, we need the Water Commission's leadership and kōkua now more than ever. We call on you to "ho'i ka nani," to return the glory to Maui Komohana!

As this Commission forges a path forward for Maui Komohana and processes our water use permits, we cannot ignore the ground that has already been trodden. And the trust that has been broken. While we are grateful that the Water Code was reinstated, stream flow standards are back in place, and Deputy Director Manuel was reinstated, none of that should have been taken from our community in the first place. Before we can move forward, things must be made right.

Please restore the public's trust. A necessary first step is to mihi and apologize to the community for dragging us through this. During a time when we should have been focusing on helping our 'ohana and community recover from the devastating wildfires, we were preparing testimony, fielding press calls, and urging you to respect and uphold the law. Auē. Deputy Director Manuel also deserves an apology. He has been vindicated by the national press, but that is not enough.

Once you ho'oponopono, we ask you to ho'i ka nani, return the glory to Maui Komohana by respecting and upholding the public trust, especially during the water use permitting process. We call on this Commission to restore streams, and prioritize kama'āina working class families, kalo farmers, and our 'āina and wai, over resorts and private water purveyors. Importantly, we ask you to uphold 21st-century water kuleana and be Kahuwai Pono: respect Native rights and other public trust purposes, fully utilize recycled water, and prioritize climate-appropriate water uses. This Commission has great kuleana during an important time of our history. Please do what is pono.

Mahalo for your time and service.

Ola i ka wai!

Melissa Rupert

Lefam Huynh

HWST 107

23 October 2023

### Midterm

It is unfortunate of what has happened and the effects of the community in Maui. Over a hundred people have been reported to be killed and many people are still missing. Those who have survived the fire have lost their home and are trying to get back what they have lost. Many families have no access to water for drinking or washing, even though this has been an issue even before the fires. This situation was very unexpected and led to a heartfelt goodbye to family, friends, and the land that many called home. Though the government is trying to build new homes, it is hard to get back everything that everyone has lost.

Kaleo Manuel is an important person who was wronged by many people. He is a graduate student from UH Manoa, holding a master's in urban and regional planning and a certificate in Historic Preservation. He has been working for the DHHL for the past ten years, focusing on the knowledge of fields of water advocacy and management. Since 2019, he has served as the deputy director but was accused of being the reason as to why the water in Maui was delayed. Since he was accused of that, he was wrongfully removed from his position and moved to another position where nobody had stated he did anything wrong. It was only up until recently that he was reinstated into his deputy position, but no one cannot forget the wrongful decision that took place. It is terrible that Kaleo had to be accused of something he didn't do and was removed from his position after working so hard. Kaleo Manuel and his family, including the community and everyone who supported him through this time needs a formal apology as this has ruined his reputation.

In the staff submittal from October 19, 2021 (Approve Amendment to Commission Order to Maui Land % Pineapple for Modification to Diversion 770 on Honokohau Stream, Surface Water Hydrologic Unit of Honokohau (6014), Honokohau, Maui), it was stated “Within 90-days, MLP will submit final engineering plans for all plans for approval by staff add modifications to be completed within one year.” (p. 7). It has been more than a year yet there is no record of this this action being recorded. MLP needs to act as this was promised since 2021. It is as if as they want to brush this off when there is record of this sentence. It is disappointing that our community must wait for more than a year and not be told on what is happening right now.

In the same staff submittal, MLP will need to install a restrictor plate on the new intake grates to keep the lowest flows in Honokohau Stream from flowing into the Honokohau Ditch. It seems like this will be delayed as in the earlier paragraph, the MLP has delayed submitting the final engineering plans. That submission has delayed the restrictor plates. There was formal complaint that was filed in April 2019 yet two years after, was once again brought up as the intake was not changed. It was suggested that within six months from November 2021, that MLP should have installed an intake, yet no action was done. It is very difficult to process this information as it has been more than one year that this complaint was filed yet there is nothing done, the MLP needs to take this action more serious as it affects many people.

It is still a difficult time for many as this is one of the biggest tragedies that has happened in a while. Though we cannot be angry, we all need to heal and support one another from this time. From this situation, we need to think of what we need to do for ourselves and our community as we to live on. We have learned, seen, and heard so much from this situation that we need to think about what really matters. We cannot let these big corporations try to take the

land and use it however they want for their own greed. We need to stop this before everyone gets hurt.



# Testimony for Agenda Item B2, Update on Water Resources in the Lahaina Aquifer Sector

Aloha Chair Chang and Commissioners,

My name is John Carty and I am testifying on behalf of the Save Honolua Coalition, and I live in Honolua Valley.



We ask you to please:

- Make it a priority to restore Moku'ula & Mokuhinia
- Restore Maui Komohana streams: restore natural stream and spring flow, and cultural practices (lo'i kalo, loko i'a), serve as fire mitigation
- Provide an explanation and meaningful apology for Deputy Manuel's unfounded re-deployment
- Prioritize kama'āina working class, kalo farmers, and 'āina over resorts and private purveyors. It is our turn to control 75% of the water and let the private sector have 25%
- Uphold 21st-century water kuleana as "Kahuwai pono": respect priority Native rights, fully utilize recycled water, and align with climate-appropriate water uses
- Process the water applications turned in August 7 and approve the farmer's applications

Mahalo,

A handwritten signature in black ink, appearing to read "John Carty", is positioned below the "Mahalo," text.

John Carty  
Save Honolua Coalition  
808-276-8733 cell/txt

Kaelyn Hartigan-Go

Midterm F23

Since the rampaging fires in Maui, many citizens have been displaced and affected. Most had to pick up and evacuate with very little notice. While fleeing their homes and leaving all their personal belongings to the fires, the last thing they should have been worried about was not being able to receive basic needs after evacuating. Apparently, the water rights of Native Hawaiians have been getting lessened and drained by plantations, commercial realtors, and luxury resorts. It's extremely worrying that they have a chance to capitalize on the calamity and take advantage to fully suck the land dry while the citizens of Maui are recovering from the disaster and worrying about their loved ones.

As a result of the aftermath of the wildfires, chaos has ensued over the water rights on the island. An attorney contested changes to the stream flows in West Maui, while at the same time, there was a lawsuit at the Hawaii State Supreme Court for changes to the stream flows in East Maui. They both attempt to excuse these acts as needing water to fight the fires. When the fires raged across Lahaina, West Maui Land Co. executive Glenn Tremble wrote to the CRMW Deputy Kaleo Manuel and asked to divert water from streams and fill the company's stocks with water to deal with the fires. Manuel, in turn, replied to ask a farmer downstream whether the change in stream would affect his plantation. After a while, they did fulfill the request to divert the water flow, but the fires burned throughout Lahaina anyway. Several Hawaiians and environmental activists stated that changing the flow of water would not have helped with the fires anyway. None of the company water stocks are linked to fire hydrants,

and the fire departments did not have access to these stocks at the time. Tremble wrote to the Commission a little while after, making three requests: the CWRM grant authorization to fill their company stocks when a fire was reported, that they suspend stream flow minimums until the emergency period has ended, and to start proceedings to amend instream flow standards to provide more water against fires.

Dawn Chang, the chair of CRMW, granted the three requests. An attorney who represented Kuleana families in West Maui, wrote to her, reminding her that she does not have the authority to grant such requests. He also asserted that the removal of Kaleo Manuel from his position was illegal. He was moved from his position around a week after the wildfires. He has many supporters standing behind him, as he earned a bachelor's in Hawaiian Studies and brought that culture with him in his work. It is implied that his shift in position was caused by his five hour delay in response to diverting stream water to company-owned stocks back in early August. His supporters have been outraged by this, as Chang refuses to elaborate or explain their motivations for this act. Some have stated that Maui's Native Hawaiian community has lost trust in the government due to this. Manuel was made a scapegoat, he was the one who understood the importance of the water culturally, and how dependent the community is on it. He deserves an apology, a public one, that also acknowledges his family and supporters who have persisted through the tough times.

So what now? Who's responsible for this? For one, the Maui Land & Pineapple company. There was a staff submittal in 2021 for Modification to Diversion 770 on Honokōhau Stream originally approved on November 20, 2019 to meet the instream flow standard for Honokōhau Stream, surface water Hydrologic Unit of Honokōhau.

Item 3 states that “Within 90 days, MLP will submit final engineering plans for all plans for approval by staff and modifications to be completed within 1 year.” The year is 2023. Where are the changes? What progress have they made? Why have they not done anything? There have been no modifications or plate installations as they promised. What can they do? To start, they can fulfill their written statements and install a restrictor plate on the new intake grates to keep the Honokōhau Stream flows from flowing into Honokōhau Ditch. While late, it is still better than their current progress of nothing.

Hawaii needs help. The drastic fire that has unfortunately burned through so many homes and lands, and has affected the lives of thousands of people on the island of Maui is still in need of assistance. The survivors of this incident, left with no home, few personal belongings if any, missing family members—they have been struggling through this agonizing ordeal in order to restore their life as to how it was before the incident. They know they have to do all they can do, put in all their effort, in order to somehow bring back what was lost. Amidst all these changes and always in the background, the battle for Maui's water continues.

The struggle for water is not a recent happening. This has been an ongoing concern since the late 1800s and this fight has not yet been won. Native Hawaiian people are being pushed behind and minoritized when they should be the ones with the most support right now. It doesn't help that one of the island's biggest Hawaiian authorities and supporter—Kaleo Manuel—has been forced to withdraw from his position as Deputy Director of the Commission on Water Resource Management. Manuel knew what he was doing; he knew that he could change things for the better and he had the community's support. The only reason he was being wrongfully accused is because they needed a scapegoat. The government allowed newscasts from the mainland to influence and oust Manuel. We, the community, demand a public apology be made to Kaleo Manuel, his family, supporters, and community members. As deputy director, Manuel was a staunch advocate for native Hawaiian rights and water usage. Stripping him of his position (possibly illegally) not only proved to have no benefits, but also removed influential indigenous voices. Although he has been recently reinstated, his reputation has been hampered with and it will never be the same. He deserves to have respect given to him as he tried his best to do all that he could and maintain his integrity. Focus should instead be on the manipulation of big name companies over Maui's water supply.

As outlined in the staff submittal from October 19, 2021, irrigators must be held accountable to complete the recommendations made by the commission on water and resource management to Diversion 770. By allowing the Maui Land & Pineapple (MLP) to delay action on installation of a restrictor plate on the new intake grates to keep the lowest flows in Honokōhau Stream from flowing into Honokōhau Ditch, we are essentially giving them permission to continue leaving the place in despair. There has been no record of any final modifications to this day, which needs to be addressed. It has been over 2 years since the modifications were originally approved as well as a given timeline for completion within 90 days. Pressure and disciplinary actions need to be enforced or at least placed to get MLP motivated.

The article ‘Why was there no water to fight the fires in Maui?’ states that “As Hawaii’s poet laureate, Brandy Nālani McDougall, explained, if “water was allowed to flow, where it was allowed to be created and continued to feed and nurture everyone it should, this wouldn’t have happened” (Klein & Sproat 2023). The distribution of water would have never been this complicated if it was never put into the wrong hands in the first place. The water belongs to the land and the land should be shared between the people. People must be held accountable. People must live through the decisions greedy corporations have made which may have hindered the rest of their lives. We need support—we need mana—we needed water.

[Ki'inani Rosario]

[REDACTED]

[Wai'anae, HI, 96792]

[REDACTED]

[REDACTED]

[10/23/23]

Department of Land and Natural Resources  
State of Hawai'i Commission on Water Resource Management  
[1151 Punchbowl St Kalanimoku Bldg RM 227]  
[Honolulu, HI, 96813]  
Subject: Testimony Demanding Accountability and Apology

Aloha kākou, I wan't to begin this testimony with some personal context. My name is Ki'inani Rosario and I am a Native Hawaiian student at UHM from Wai'anae Valley. In part by my studies at Hawai'inuiākea and also through connecting with family friends across the paē'āina, I have seen what you at the Commission of Land and Resource Management have tried to shake off and onto Kaleo Manuel and Native Hawaiian cultural practitioners. To state that blame should be placed onto the shoulders of Mr. Manuel and Kalo Farmers is, in my assertion, a twisted and deplorable weaponization of these tragic fires against Native practitioners, many of whom lost their livelihood in said tragedies.

Furthermore, it ignores the fact that "Only 37,000 gallons were used to fight the Upcountry fire over five days, even though 7.5 million gallons is diverted for county use DAILY." (Star Advertiser 2023.) This is yet another example of capitalistic ends being

justified through fatal means for Native and Local people, and **I demand a public apology** to Kaleo Manuel, his family and community, as well as the kalo farmers/cultural practitioners whom you attempted to shunt guilt onto. Anything else would be enabling and contributing to a dangerous narrative that places blame on the oppressed rather than the oppressor.

Not just that, **I also demand irrigators be held accountable** for the delivery of the staff request for the Commission on Water Resource Management to consider amending the Order to Maui Land & Pineapple made on November 20, 2019, and begin installation of a new, remotely-operated, control gate on the intake of Diversion 770 on Honokōhau Stream to Honokōhau Ditch. With this, **I am calling for the approval of the staff subliminal** of May 18, 2021 to **1.)** approve the request for a surface water reservation of 2.00 million gallons per day for the Department of Hawaiian Home Lands to meet their future non-potable water needs in Honokōwai serviced by the Honokōhau Ditch from the Honokōhau Stream; and **2.** Amend the interim instream flow standards (interim IFS) for two streams in the Honokōhau surface water hydrologic unit and one stream in the Honolua surface water hydrologic unit, in West Maui.

Staff Submittal Recommendations Item 3 states “Within 90 days, MLP will submit final engineering plans for all plans for approval by staff and modifications to be completed within 1 year.” I want it to be noted that it has been over a year and there has been no recorded modifications or installation of plates as outlined in submittal. I am sick and tired of empty promises being made to our people and **I’m demanding MLP be held**



**accountable and required to take action on these items.** How many more lives must be lost for us to see Ola i Ka Wai?

October 24, 2023

Commission on Water Resource Management  
J. Walter Cameron Center Auditorium  
95 Mahalani Street  
Wailuku, Maui 96793  
E: [iwalani.hr.kaaa@hawaii.gov](mailto:iwalani.hr.kaaa@hawaii.gov)

**Re: Agenda Item B2, Update on Water Resources in the Lahaina Aquifer**

**Sector**

Kalamaehu Takahashi, resident of Kaanapali and Lahaina moku,

- We demand a public apology to Kaleo Manuel and his entire family, community, and supporters.
- Hold irrigators (Hawaii Water Service) accountable for deliverables outlined in staff submittal from October 19, 2021 (Approve Amendment to Commission Order to Maui Land & Pineapple For Modification to Diversion 770 on Honokōhau Stream (Honokōhau Ditch Intake #1) Originally Approved on November 20, 2019 in Order to Meet the Instream Flow Standard for Honokōhau Stream, Surface Water Hydrologic Unit of Honokōhau (6014), Honokōhau, Maui.
  - MLP will install a restrictor plate on the new intake grates to keep the lowest flows in Honokōhau Stream from flowing into Honokōhau Ditch
  - MLP will install a restrictor plate on the new intake grates to keep the lowest flows in Honokōhau Stream from flowing into Honokōhau Ditch
- Note: Staff Submittal Recommendations Item 3 states “Within 90 days, MLP will submit final engineering plans for all plans for approval by staff and modifications to be completed within 1 year.” It has been over a year and there has been no recorded modifications or installation of plates as outlined in submittal. Hold MLP accountable and require them to take action on these items.
- Across Hawaii, we hear of the continual disenfranchisement of our people, while state, county, and private entities drill, own, and operate systems that extract water from our aina whether kuleana, state, county, land company or dhhl with no reciprocation. We refuse to maintain the status quo of private purveyors exerting control over our public trust resource. Control of all wells, systems, resources within the inventoried lands of all trusts and especially corporate descendants of the plantation era should be renegotiated to include access, control, and benefits for the Native Hawaiian stakeholders and beneficiaries of the trust in which these lands are held.

- Paper water cant maintain the forests and recharge the aquifers, fight fires, water crops, provide the basic means that we need as a people to survive and truly assert our birth right, our kuleana to this place. Paper water burns, wet water dont.
- Throughout the world we face injustice, disenfranchisement, and in places like Palestine, extermination. We demand this commission report back to the governor to enlist the help of our senators and representatives to demand an order for a ceasefire and for the Israeli and American governments to be held accountable for their atrocious war crimes committed against an extremely disenfranchised people whose strength and resilience are second only to their courage. Our struggles are all related, as the systems that oppress us are intertwined, so too are we, the oppressed, in this fight for liberation.
- We are here to reclaim our landbase, resources, and collective power establishing Lahaina as one of many places in which Ea Hawai'i equally thrives and is needed most. One of the prominent issues throughout our colonial history is the replacement of the minority governing class of ali'i, descendants of the akua and kahu of wai, aina, and other resources charged with the broader society's well being and balance of Pono and Mauiola.
- We have witnessed and battled this political injustice for generations and we find ourselves here at a crossroads, an unprecedented disaster in which the State has failed us in respects to the negligence of governance and leadership with regard to the collective healing and wellbeing of the people to entertain foreigners, fraudulent mismanagement of our resources leveraged by the interests of private purveyors, and absence of genuine support in areas that seriously compromise the longevity of our future, where our keiki, staff, and administration have been coerced into returning to a campus that triggers us on all levels, traps us in zones that we have been and will be exposed to extremely dangerous contaminants in the air and soil. After numerous meetings, countless hours organizing, strategizing, and preparing, the only responses are "no, and do it yourself," wrapped in red tape, frozen in inaction. Resorting to using personal time and jeporadizing our standings in our respective careers and disciplines for the benefit of our ohana. And finally, when someone finally listens, the only option is for us to be gagged with apologist strategies after the administration's failure to act collapsed the last remaining belief of our people in this system and its policies while they stand to take the credit and none of the accountability. Im tired of waiting and im tired of sitting idly while you maintain this political facade of kuleana and aloha while selfishly looking to save face.
- Our collective 'ohana are the authority, the builders, the organizers, the educators, the healers, the farmers and fishermen, the lahui. Our kuleana is clear, even in the cloudiest of titles, at the depths of the ocean of paper water, when our aloha is continually mistaken for weakness we stand tall, we stand together, in our hands are the tools, the seeds for the future, at our feet, the aina that feeds us, in our naau the knowledge of how to best malama that aina aloha and ourselves, and in front of us, we have a series of decisions to

be made, and whether you side with us today, in the future, or never again, we have the capacity to decide and materialize for ourselves.

- Process the Water Use Applications for Maui Komohana within a timely manner and enforce accountability of private purveyors and the government officials that attempted to roll back the protections that our communities and ohana fought tirelessly for for years, decades, a century for.
  - Streamflow standards enforced
  - Continued advocacy at the commission and the legislature to uphold water justice and public trust
  - Commit to truly empowering 'ohana that have been denied the right to water for agriculture and self sustenance in lieu of perpetuating the same policies and practices that have truly disenfranchised us through the developer mentality. .
  - Heavily penalize the utility, construction, real estate, and other related industry companies that are responsible for the theft and mismanagement of the public's resources.
  - Empower elected community members/leaders with decision making power, call all government entities, offices, and stakeholders to negotiate the real needs of the people and immediate action to organize around our needs, strategies, and culture.
- E hoi ka wai, e hoi ke ea, e hoi ka pono, e hoi ka nani

**Via Hand Delivery**

October 24, 2023

Commission on Water Resource Management  
J. Walter Cameron Center Auditorium  
95 Mahalani Street  
Wailuku, Maui 96793

**Re: Agenda Item B2, Update on Water Resources in the Lahaina Aquifer Sector**

Aloha Chair Chang and Fellow Water Commissioners,

I'm Ke'eaumoku Kapu, a kupa of Kaua'ula and a kia'i and kahu of Moku'ula and Mokuhinia. I'd like to begin with a mahalo to the Water Commission staff and Chair Chang for coming to Maui Komohana last Wednesday, including Moku'ula, Mokuhinia, Kaua'ula, and other important areas. It is unwise to make decisions that will affect the future of our resources and larger community without actually having touched that 'āina and wai. So, mahalo for making the time.

To say that things have been difficult since the August 2023 wildfires is an understatement. Our community is still struggling on so many levels. When we should have been focused on healing and recovery, we were also tasked with seeking the restoration of basic protections – such as our Water Code and IIFs – as well as the reinstatement of Deputy Director Kaleo Manuel. While some balance has been restored, that required a major investment of mana, which left our community even more depleted.

As we move forward, we urge you to be Ke Kahuwai Pono, consistent with your motto. To be pono, there is a clear path forward: e ho'i ka nani i Moku'ula a me Mokuhinia! May the glory return to Moku'ula and Mokuhinia!

In September 2023, Nā 'Aikāne o Maui filed a water use permit application for the restoration of Moku'ula Island and Loko o Mokuhinia. Words cannot explain how sacred and important these wahi pana are. They were the historic seat of power for our Hawaiian Kingdom, home of our revered mo'ō Kihawahine, and where Maui's highest ranking ali'i were laid to rest. Like many of our sacred spaces they were drained dry when Pioneer Mill began taking water from area streams, including Kaua'ula, and pumping its skimming wells in particular. We objected when Wainee Land and Homes LLC changed the pumps and reactivated the skimming wells, but this Commission did nothing. Today, Moku'ula and Mokuhinia are entombed by three feet of sediment and an abandoned baseball field within Malu'ulu o Lele Park.

But, as you saw when you visited last week, even in this time of huluhia, e ho'i ka nani. The glory returns and the springs at 505 are flowing and Pahumanamana 'auwai, which is in front of what was Nā 'Aikāne's Cultural Center, also flows again. The surface of the wetland around Moku'ula is damp once more. You have seen with your own eyes that the restoration of Moku'ula and Mokuhinia is not only possible, it is already underway. Please kōkua by moving

forward with our water use permits and prioritizing public trust purposes, including Moku‘ula and Mokuhinia.

To be Kahuwai Pono, this Commission must revitalize the glory and mana of this wahi pana that was once the political, religious, and cultural center of Maui and our pae ‘āina. This is just one example of the fundamental re-examination of water distribution that is necessary in Maui Komohana that will help to support the continued exercise or reemergence of cultural practices, which are also excellent for fire suppression. We understand that this process is complex and will take creativity and patience as we navigate a way forward in our new climate reality. But we are here for it, and are hopeful that together we will find a way. E ho‘i ka nani!

Ke Aloha ‘Āina,

Ke‘eaumoku Kapu

**From:** [Pete Wilson](#)  
**To:** [DLNR.CW.DLNR.CWRM](#)  
**Subject:** [EXTERNAL] Re: Agenda Item B2, Update on Water Resources in the Lahaina Aquifer Sect  
**Date:** Tuesday, October 24, 2023 6:11:03 AM

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*Aloha Chair Chang and Commissioners,*

*My name is Pete Wilson , and I live in Pahoa.*

*I testify today to share my profound aloha for Maui Komohana. As we continue to navigate this time of huluhia, we need the Water Commission's leadership and kōkua now more than ever. We call on you to "ho 'i ka nani," to return the glory to Maui Komohana!*

*As this Commission forges a path forward for Maui Komohana and processes our water use permits, we cannot ignore the ground that has already been trodden. And the trust that has been broken. While we are grateful that the Water Code was reinstated, stream flow standards are back in place, and Deputy Director Manuel was reinstated, none of that should have been taken from our community in the first place. Before we can move forward, things must be made right.*

*Please restore the public's trust. A necessary first step is to mihi and apologize to the community for dragging us through this. During a time when we should have been focusing on helping our 'ohana and community recover from the devastating wildfires, we were preparing testimony, fielding press calls, and urging you to respect and uphold the law. Auē. Deputy Director Manuel also deserves an apology. He has been vindicated by the national press, but that is not enough.*

*Once you ho 'oponopono, we ask you to ho 'i ka nani, return the glory to Maui Komohana by respecting and upholding the public trust, especially during the water use permitting process. We call on this Commission to restore streams, and prioritize kama 'āina working class families, kalo farmers, and our 'āina and wai, over resorts and private water purveyors. Importantly, we ask you to uphold 21st-century water kuleana and be Kahuwai Pono: respect Native rights and other public trust purposes, fully utilize recycled water, and prioritize climate-appropriate water uses. This Commission has great kuleana during an important time of our history. Please do what is pono.*

*Mahalo for your time and service.*

*Ola i ka wai!*

Pete Wilson

  
Pahoa HI 96778

**From:** [Cheryl Hendrickson](#)  
**To:** [DLNR.CW.DLNR.CWRM](#)  
**Subject:** [EXTERNAL] Agenda Item B2, Water Resources in the Lahaina Aquifer Sector  
**Date:** Tuesday, October 24, 2023 6:20:40 AM

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Aloha Chair Chang and Commissioners-

I moved to West Maui in the mid 1980's. The fields were full of flowing green sugar cane. Although a toxic industry, the land felt lush and healthy. Then the fields were transitioned to pineapple which visually started the decay.

At the end of cane and pineapple cultivation, those fields were sold or given to the state. At this point, the water should have gone back to the public trust and been release back to the natural flow. To right the wrongs of the past. Not to private interests. Proved by barren fields, more diversions from greed and ultimately led to the burn of Lahaina town.

Hawaiian culture is about respect and working with the natural world. It has been ignored. You have an opportunity and a duty to restore this public resource. Bring back respect of the land and its people.

Declare eminent domain over the lands surrounding Lahaina. Restore the natural flow of water mauka to makai. Let Lahaina grow lush and green. Be a model for the world in these inevitable dry times of climate change.

Regenerate to rejuvenate to make Lahaina sustainable for future generations. Establish the former Ahupua'a system.

Climate change has made this a mandatory. This is the only way to truly preserve the Hawaiian culture and these islands.

Many Mahalos,  
Cheryl Hendrickson  
37 year Maui resident



**From:** [Ashley Galacgac](#)  
**To:** [Kaaa, Iwalani HR](#); [DLNR.CW.DLNR.CWRM](#)  
**Subject:** [EXTERNAL] Testimony - Agenda Item B.2  
**Date:** Tuesday, October 24, 2023 7:50:39 AM

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Aloha Commission on Water Resource Management,

I stand in solidarity with our Maui ‘ohana and urge the Commission to prioritize the needs of ‘āina and Lāhainā’s working class over corporate interests. The West Maui community has endured so much loss, devastation, and suffering for far too long. The historical exploitation of water needs to be addressed and for the health and healing to happen, prioritizing stream restoration in Lāhainā, especially the ones feeding Mokuhinia and Moku’ula.

I have the blessing to be born and raised here in Hawai‘i. I come from a family of farmers who immigrated to Hawai‘i from the Philippines. I see how corporate greed exploits water and land resources that should be used to better the quality of life of people and our home. We demand that political systems do better and look to Kānaka Maoli with ancestral lineage to West Maui. They have been stewards and hold the vision and solutions to build a Hawai‘i that is sustainable and regenerative to take care of land, water, and people for future generations.

We need the collective commitment to steward the land, water, and people with sustainable culturally rooted practices to feed, nourish, and take care of one another. The Commission on Water Resource Management must be bold to do its part in our collective commitment. I implore that all decision-making processes center the Lāhainā community. In light of the wildfire devastation, trust and transparency are crucial in the long-term recovery and healing. Thank you for the opportunity to provide my testimony of support.

Sincerely,  
Ashley Ancheta Galacgac  
Resident of Pālolo, O‘ahu

**From:** [Nanea Lo](#)  
**To:** [Kaaa, Iwalani HR](#); [DLNR.CW.DLNRCWRM](#)  
**Subject:** [EXTERNAL] Testimony for Agenda Item C-2  
**Date:** Tuesday, October 24, 2023 8:00:58 AM

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Hello Chair and Commissioners,

My name is Nanea Lo, and I reside in Mo‘ili‘ili, O‘ahu in the Hawaiian Kingdom.

I am testifying in support of the following:

E ho'i ka nani:

- Restore the beauty of Moku'ula, Mokuhinia, and all streams in Maui Komohana
- Restoration of streams/spring flow and cultural practices (lo'i kalo, loko i'a) serve as fire mitigation

The way forward for Maui Komohana wai:

- Rebuild community trust by respecting the Public Trust
- Prioritize kama'āina working class, kalo farmers, and 'āina over private commercial uses
- Uphold 21st-century water kuleana: respect priority
- Native rights, fully utilize recycled water, and align with climate-appropriate water uses
- Hold Commission accountable to be "kahuwai pono" and properly manage our precious resources

me ke aloha 'āina,

--

**Nanea Lo** (*she/they/o ia*)  
Admin & Programs Coordinator | [HAPA](#)  
(808) 212-9616 | [nanea@hapahi.org](mailto:nanea@hapahi.org)



**"To catalyze community empowerment and systemic change towards valuing people and 'āina ahead of corporate profits."** - The HAPA Mission

**From:** [Nanialoha Bee](#)  
**To:** [Kaaa, Iwalani HR](#)  
**Subject:** [EXTERNAL] Testimony on Meeting 10/24/2023- DLNR Water Commission meeting  
**Date:** Tuesday, October 24, 2023 8:25:39 AM

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Aloha Chair and commission members,

I would like to submit my testimony regarding water diversion and water use not only for Maui but for Oahu & Kauai as well.

As our government does not do its due diligence over proper use of water resources I am against the diversions of our natural streams. I am also against the over utilizations of water resources for our tourist industries and profiteering groups that come to Hawaii only to use our Island as a commodity for sale for their own profits that give no consideration for the future of Hawai'i and its culture. This issue rings true in the fast tracking of housing for our unaffordable housing crisis. We cannot keep building luxury or affordable lots without proper consideration for Hawaii's future with its natural resources.

Imagine just having to go through 1 day without water! If the Government allows for the politics & wealthy to continue to rape Hawaii of its natural resources, this would be a travesty not only to Hawaii, but the survival of our culture. Please protect our land & Water!

Sincerely,  
Nanialoha Bee

**From:** [Hideki Kimukai](#)  
**To:** [Kaaa, Iwalani HR](#)  
**Cc:** [DLNR.CW.DLNR.CWRM](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item B2, Update on Water Resources in the Lahaina Aquifer Sector  
**Date:** Tuesday, October 24, 2023 8:57:24 AM

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*Aloha Chair Chang and Commissioners,*

*My name is Hideki Kimukai, and I live in Oahu.*

*I testify today to share my profound aloha for Maui Komohana. As we continue to navigate this time of huluhia, we need the Water Commission's leadership and kōkua now more than ever. We call on you to "ho'i ka nani," to return the glory to Maui Komohana!*

*As this Commission forges a path forward for Maui Komohana and processes our water use permits, we cannot ignore the ground that has already been trodden. And the trust that has been broken. While we are grateful that the Water Code was reinstated, stream flow standards are back in place, and Deputy Director Manuel was reinstated, none of that should have been taken from our community in the first place. Before we can move forward, things must be made right.*

*Please restore the public's trust. A necessary first step is to mihi and apologize to the community for dragging us through this. During a time when we should have been focusing on helping our 'ohana and community recover from the devastating wildfires, we were preparing testimony, fielding press calls, and urging you to respect and uphold the law. Auē. Deputy Director Manuel also deserves an apology. He has been vindicated by the national press, but that is not enough.*

*Once you ho'oponopono, we ask you to ho'i ka nani, return the glory to Maui Komohana by respecting and upholding the public trust, especially during the water use permitting process. We call on this Commission to restore streams, and prioritize kama'āina working class families, kalo farmers, and our 'āina and wai, over resorts and private water purveyors. Importantly, we ask you to uphold 21st-century water kuleana and be Kahuwai Pono: respect Native rights and other public trust purposes, fully utilize recycled water, and prioritize climate-appropriate water uses. This Commission has great kuleana during an important time of our history. Please do what is pono.*

*Mahalo for your time and service.*

*Ola i ka wai!*

*Hideki Kimukai*

--

Best regards,

Hideki Kimukai (来迎秀紀)  
Global Educator/国際講師  
[Sustainable Coastlines Hawaii](#)

[Redacted]

Honolulu HI 96816

Tel: +1 (321) [Redacted]

[Redacted]



On August 8, 2023, the Lahaina fire, the most terrible and tragic disaster to occur in Hawaii, stormed on all news outlets. From my house in Oahu, I watch the sad news of hundreds of Lahaina residents either dead or missing. Hearing the stories of Lahaina residents only having a few minutes to evacuate, and seeing the names of innocent elderly and a young child who are confirmed dead is absolutely gut wrenching. As the residents of Lahaina try to recover from the effects of the fire, more unsolved problems from years prior have resurfaced and need to be addressed. Hearing about the devastation and the new issues, I would like to speak out in hopes change will be made to prevent any devastation like the fire from occurring again.

To begin I would like to request a public apology to Kaleo Manue who was illegally removed from his position as deputy to the chair of the water resource management commission. His position was unjustly taken from him due to being wrongly accused of delaying a request by the West Maui Land Company to divert stream water to their reservoirs. No matter if the request was not delayed, many Maui residents including native Hawaiian farmers believe that the stream water that would have been diverted would not have had an impact on the fires because the reservoirs do not supply five of Maui county fire hydrants. The West Maui Company is only using the Lahaina fires and this situation for their benefit, and sadly Kaleo Manuel is being blamed for the situation. At this time, everyone is looking for someone to blame and someone to gain money off of due to their losses, and that is not right. Kaleo Manuel did what he could in this situation and should not be at all to blame. Matters involving water must be dealt with correctly which takes time; and if not dealt with correctly, more problems will ensue. Although his position has been reinstated, his reputation has been tarnished due to all the backlash and false accusations, and he needs support at this time.

Next, I would like to hold irrigators accountable to make sure they complete the task of installing low flow and high flow restrictor plates on the intake grating at Honokōhau Stream to keep high stream flows to be remotely operated to maintain the standards of Honokōhau Stream, Surface Water Hydrologic Unit of Honokōhau (6014). A staff submittal from October 9,

2021, was made calling for the Commission on Water Resource Management to consider the Order to Maui Land & Pineapple originally created on November 20, 2019 to install a control gate on the intake of Diversion 770 on Honokōhau Stream to Honokōhau Ditch. This request was made, and nothing has been done about this issue. If this situation had been fixed, the stream could have been more efficiently and remotely controlled to help bring in more water to fight the flames during the Lahaina fire. This brings the question: why was this situation not fixed earlier, considering that this issue was brought up in 2019 and again in 2021? In the staff submission it says that “within 90 days, MLP will submit final engineering plans for all plans for approval by staff and modifications to be completed within 1 year” but it has been over a year. What has MLP done to fix this problem in the last year? Everyone involved in this situation needs to be held accountable and they need to set priorities to fix the controlled gate on the Honokōhau Stream to ensure that there is a water supply from the stream to help fight any fire disasters in the future. I hope that as we move on, the Commission on Water Resource Management approves the requests for 2.00 million gallons of surface water per day so that nobody has to worry about a water shortage during disasters.

I believe that we should look forward to the future and begin making changes so that we can prevent any more tragic disaster from happening once again. We need to look out for the future generations after us to make sure they do not have to face the hardships of what many Lahaina residents had to go through. The water issues that Maui faces need to be addressed and fixed. We should not be looking for who to blame, but we should be trying to figure out how we can do better and how we can ensure the safety of our state and all those who live in it.

Mahalo,  
Abigail Ng

October 23, 2023

Commission on Water Resource Management  
Hawai'i Department of Land and Natural Resources  
Kalanimoku Building  
1151 Punchbowl Street, Room 227  
Honolulu, Hawai'i 96813

RE: Agenda Item B2, Updated on Water Resources in the Lahaina Aquifer Sector

Aloha e Chair Chang & Members of the Commission on Water Resource Management,

My name is Jackie Keefe. I am a transplant from the mainland who has lived in Lahaina for the entirety of the seven years that I have been on Maui. Lahaina is the first place that I've lived that I truly consider my home. I fell in love with the people, the place, and the lifestyle. Over those past seven years, I've seen a lot change on this island. Tourism has gotten out of control! What I mean by that is that you can see and feel a difference in the type of tourist who visits our 'aina... As if at once, flights became more affordable and condos all sold to mainlanders who want to make as much profit as possible off of what was once housing for our local people. Our resources became more stressed, and now all of our Lahaina aquifers are stressed to or have surpassed their capacity. This is not sustainable. It is time to prioritize the people of Lahaina over profit. You have an opportunity to not only change the trajectory for Maui and all of Hawai'i, but to be an example for our entire global society.

Water scarcity is a global issue and one that is triggering for the people of Maui. When steps were finally taken to control our wai a few decades ago, the new rules and regulations were setup to maintain that status quo. There was no regard for the fact that the water had been diverted for a century or how it was affecting the 'aina. There have already been countless more fires since the August 8<sup>th</sup>, 2023 fire that burned down Lahaina town. This is going to keep happening if we don't do something. Maui is dehydrated, and she is crying out for us to restore her water table.

I sat in a meeting in Lahaina for 11 hours when the Maui County Council hosted a meeting at the Westin Maui on September 27, 2023. I took notes for the entirety of the meeting. There was much that I did *not* write down, because there were many recurring themes in what the people had to say. It wasn't just Native Hawaiians who called out to restore Moku'ula and Mokuhinia, but the whole community. Historically, Lahaina was a wetland. The people and the place both deserve for Lahaina's wetland to be brought back... and it is time to remember the proper order of importance: People > Place > Profit. For far too long, it has been the opposite. Prioritizing profit has come before being stewards for the place, and the people are an afterthought. We have residents who remember west side waterfalls, and their keiki deserve to know that authentic version Maui.

I'm not sure why you decided not to have this meeting about Lahaina's aquifers in central Maui, but I thank you for having it on Maui. It shows that you listened to the people, and for that we are grateful. I hope that you understand the importance and urgency of our plight. The people of Lahaina are



traumatized, and you owe it to us to show that you care... You care that this water diversion was the root of drying out Lahaina's wetlands. You care that this diversion has killed our 'aina. You care that we need you to take action to prevent another disaster like this from happening again. Please show us that you understand what this water diversion has done. Until this injustice has been addressed, fires will continue to devastate not only Maui but all of Hawai'i's islands.

I'd also like to point out that the health of our reefs depends upon the restoration of our water table. Without water in the ground, we don't have soil – we have dirt. This means that when it rains, we get brown water warnings because the dirt runs into the ocean. This sediment runoff is devastating for our reefs! We must work to replenish our ground and stream waters. To do that, we should use our wealth of R1 water for the establishment of green belts to restore the wetlands. The diversion of our wai is a historic injustice, and you have the opportunity to right that wrong.

The people of Lahaina and all of Maui share a vision for a better, more equitable future. One where multiple members of their families don't have to work two or three jobs just to keep their head above water. One where the tourists who come to our islands are doing so to learn or appreciate our 'aina and how to be a better global citizen... Not just to get drunk and take perfect Instagram photos or think they're a savior because the Governor begged them to come back here. It is time to court a different type of tourist, who will come to help us plant trees and learn about sustainability. Maui can not sustain the status quo, and she deserves better.

Historically, our instream flow standards are based on that status quo, rather than science. We should not be forced to allow our wai to continue to be diverted to the gentlemen estates pretending to make good use of our agricultural lands. We need to prioritize restoring Maui's natural stream and spring flows while letting ancient cultural practices lead the way. This will help to restore our water table, which will serve as fire mitigation and begin to restore our ecosystem. The people of Maui deserve to see Moku'ula and Mokuhinia return. It is past time to bring back Lahaina's wetlands, canopy of vegetation, and reputation for abundance. It is *not* too late!

Moving forward there are a few things that we need to do. First, we must use available technologies to uphold 21<sup>st</sup> century water kuleana. We must respect priority Native rights, fully utilize recycled water, and align with climate-appropriate water uses. Next, we must prioritize the kama'aina working class, kalo farmers, and 'aina over resorts and gentlemen estates. The people of Lahaina must no longer feel the burden of tourism and luxury developments. Finally, you must rebuild the public trust by respecting the public trust. You must issue an apology clearing Kaleo Manuel's name. You have a once-in-a-lifetime opportunity to reverse the damage that has been done to Maui by turning away from the status quo and listening to the people.

Mahalo for your time and commitment to our most precious resource. E ho'i ka nani i Moku'ula! Restore the glory of Moku'ula!

Jackie Keefe

# Lānaʻi Agroforestry Resource Park

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The Lānaʻi Agroforestry Resource Park llc comes from the collaboration of partners' George Purdy, Negus Manna, and David Embery's combined and diverse experience. Additionally with their willingness to advance this project with excitement and joy for the betterment of Lānaʻi. It is believed by them that humans with a plan, and that have access to land in any condition will have the ability to grow a new beginning for their communities.



Photo of Lānaʻi's 2020 High School Graduation Ceremonial Celebration which was held in proximity to the proposed agricultural lands for Lānaʻi Agroforestry Resource Park.

## **What is this document?**

The purpose of this document is to elaborate in detail, the Lānaʻi Agroforestry Resource Park llc & the Dry Land/Water Harvesting model and implementation phases of this dry land enterprise. The business plan is a living document and as such is continuously revised and updated as we learn and grow with regenerative agriculture operations here at the Lānaʻi Agroforestry Resource Park. We have prepared this guide and designed it to assist interested parties with supporting information on an optimized agroforestry design that can contribute to our community's development as we seek access to land on Lānaʻi.

## **Executive Summary:**

The Lānaʻi Agroforestry Resource Park process will include both traditional and modern land-use approaches in which select trees are managed together with opportunities for additional crop production systems to be created in the setting. Agroforestry is practised in different regions of Hawaiʻi and Polynesia, where it produces food and value added products. This helps by contributing to communities nutritional security, sustained livelihoods, and in developing productive and resilient cropping and grassland environments. Agroforestry systems may also enhance ecosystems by storing carbon, preventing deforestation, increasing biodiversity, protecting water resources and reducing erosion. In addition, when applied strategically, agroforestry enables agricultural lands to withstand events, such as drought, and climate change effects.

The work schedule we are proposing will take three years to bring the landscape to full agroforestry use. The goal is 1-inch of biomass per year, 30 to 40 ton CO2 capture per acre. After this the landscape can be self-sustaining and no water will be needed from Lānaʻi water infrastructure. To start we will only need 200,000 gallons of water for the first three years if no water catchment with a tank or ground pond is built. A water truck will be used to fill water boxes for the trees and plants with 5-gallons three times per year.

You will find that the plan is laid out with solutions to dryland farming in very simple details that are achievable and measurable in actions that can be taken. There is no failure if not given the opportunity to break ground and implement this action plan. It comes from many resources we have researched and the final piece is the people who live here on Lānaʻi that love this land. The love of giving hope to what is possible is priceless. This team and the community members that are willing to work for such a plan to succeed makes this plan worth taking a chance on because the science and data will guide the way!

## **Concept overview:**

Our Lānaʻi community is looking for leaders with vision to create an alliance to build a fair and diverse economy that is less dependent on imported goods. All while finding a way to restore our island at the same time in a way that is pono (harmonious). Lānaʻi Agroforestry Resource Park Management understands cooperation with ownership's vision for Lānaʻi is vital and would like to display to the community and youth of Lānaʻi that they have a future at home here. The Lānaʻi Agroforestry Park will serve as a model for Lānaʻi about Dryland/Water Harvesting and Regenerative Agriculture. This will showcase the different principles and techniques that could reduce costs, improve nutritional security, and have an increase in the land's biomass. We aspire to educate people that vocational job training in regenerative agriculture is not just environmentally viable but also economically profitable.

Insert: Impact Statement and financial overview.

By moving forwards with these sustainable agricultural practices, we estimate that this land can easily support numerous employees, while generating multiple benefits for our local economy.

### **Management Team Members:**

**George K. Purdy**-Partner and Co-Owner

Functions overseeing: Chief Technology Officer (CTO)

Previous industry:-Owner, Drone Service Hawaii llc and Co-Owner and Project manager for Drone Design Hawaii.

# (808) 559-0175 ; [worldcat30@gmail.com](mailto:worldcat30@gmail.com)

**Negus M. Manna**-Partner and Co-Owner

Functions overseeing: Chief Operating Officer (COO)

Education/ Certifications:-Interdisciplinary Sustainability Studies graduate from University of Hawaii.

# (808) 367-6319 ; [negus.m.manna@gmail.com](mailto:negus.m.manna@gmail.com)

**David Embrey**-Partner and Co-Owner

Functions overseeing: Chief Executive Officer (CEO)

Related experience:-Owner and Operator of Kumu Ola Farms llc on Lānaʻi.

# (808) 640-7129 ; [lanaiaquaponics@gmail.com](mailto:lanaiaquaponics@gmail.com)

## Current AG Land condition:



Photos of the black plastic from the pineapple plantation days and of the invasive fire weed.

[Hawaii Invasive Species Council | Fireweed - Hawaii.gov](#) ; <https://dlnr.hawaii.gov/hisc/info/fireweed>

Current conditions have been barriers in bringing back agricultural ventures and in creating food security for the community residents. In the case of the introduction of microplastics in the soil on Lānaʻi, pineapples were grown on nearly every inch of cultivable land and unfortunately left black plastic embedded as a result threatening wildlife and spreading toxins. According to the Hawaii Invasive Species Council on fireweed it was first discovered on the Big Island in the 1900's and is now too widespread for control there. This invasive pest can also be found on Maui and Lānaʻi. Fireweed's preferred habitat is to invade pastures, disturbed grassland areas, and roadsides. It is very toxic to livestock when ingested, causing illness, and even death in severe cases.



To confront and halt these barriers we intend to grow topsoil and over time leave it underground by implementing the following phases; Earth works, water harvesting, and cover cropping.

These phases are the initial building blocks for carbon farming. Thus offering an opportunity in offsetting climate change instead of contributing to it. These tools improve the rate at which CO<sub>2</sub> is removed from the atmosphere and converted into plant material and organic matter for regeneration of Lānaʻi's landscape.

## Earth works:



This phase is identifying the contour lines on the landscape and creating swales or dragging a yeomans plow on this line. This

will allow the water to slow down and percolate in the soil over time and be stored for later use. This method can often be seen utilized in permaculture designed agroforests throughout Hawai'i and Polynesia.

## Water Harvesting:



Using the landscape and placing structures within the topography to slow and spread water over the terrain is how we will harvest water in this phase. Any extra rain water is to be collected and stored. We will launch a community project inviting home owners to join in on our **Rain gutter to farm land project**. We will install gutters, piping and a 500gal tank to capture the water - then we will come by and collect and store it at our farm from each home. We can expect 20 homes will give us adequate water supply to start the first year.

## Cover Crops:



Photos of cover crop cocktail and common tractor method of maintaining biomass.

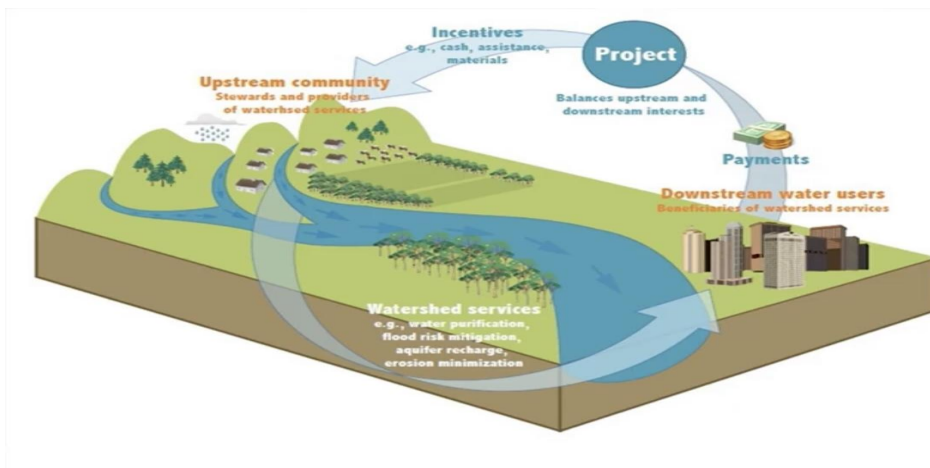
A diverse cocktail of cover crop seeds are planted in this phase to build biomass and trap CO<sub>2</sub> in the ground, this starts creating a sponge to hold water for later use. Commonly used in Hawaii include sesame and marigold. Other legumes commonly used in Hawaii include lablab, pigeon pea, and cowpea. Other grass cover crops commonly-used on Hawaii include sorghum-sudan grass, black oats, pearl millet, and rye. The second picture is how we manage the cover crop. It is a roller crimper and no till drill for planting seeds to regrow. This is how we will achieve creating biomass and healthier soil.

## Healthy Soil Soaks up Water:

To help the community better understand the environmental benefits of the soil acting as a sponge, a demonstration can be made by poking holes in a cup and filling it with water, then “raining” onto two very different visual landscapes. Consider what happens when a cup rains water down onto bread (as a proxy for healthy soil), versus a cup that drains onto flour (which functions like degraded soil). The bread (soil sponge) will effectively absorb and hold the water without falling apart, whereas the flour will erode as the water beads up and spills off of it (degraded soil). Regeneration of Lanai landscape enables agricultural lands to withstand events, such as drought, and climate change effects.



**Carbon Farming:** By implementing these practices mentioned, Earth works, water harvesting, and cover cropping we set up ourselves to become carbon farmers. Carbon farming seeks to reduce emissions in its production processes while increasing production and sequestering carbon in the landscape. This is a simple process accomplished by farming in a way that reduces Greenhouse Gas emissions and captures and holds carbon in vegetation and soils. It is managing land, water, and plants to meet the Triple Challenge of Landscape Restoration, Climate Change and Food Security.

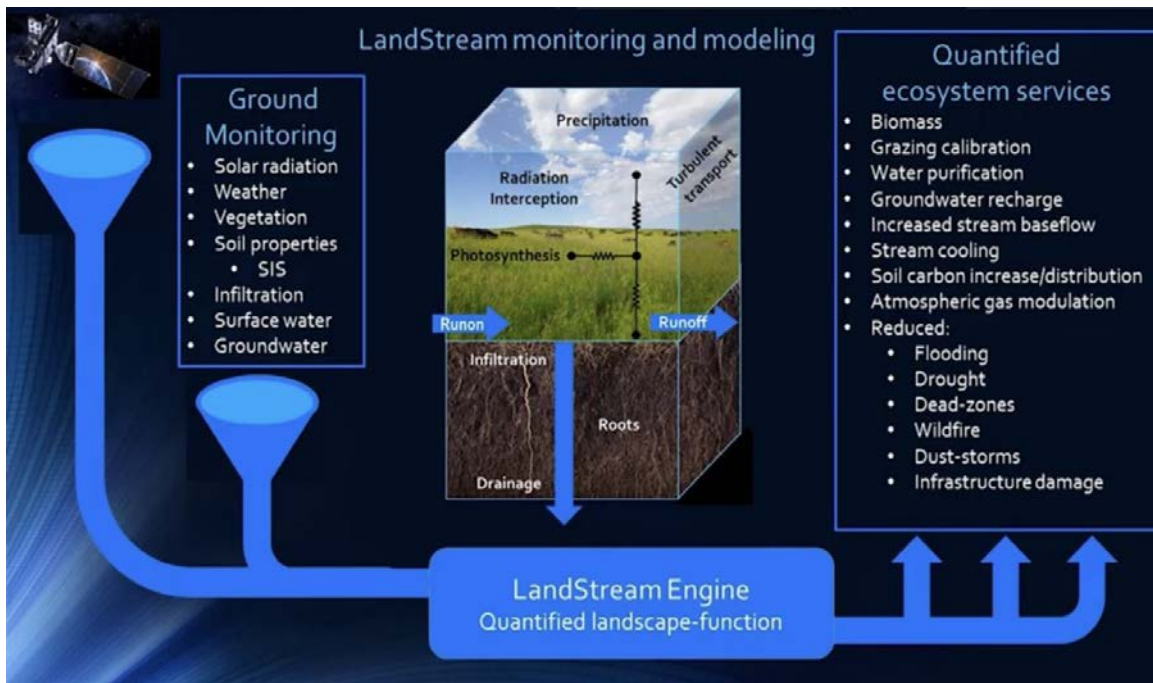
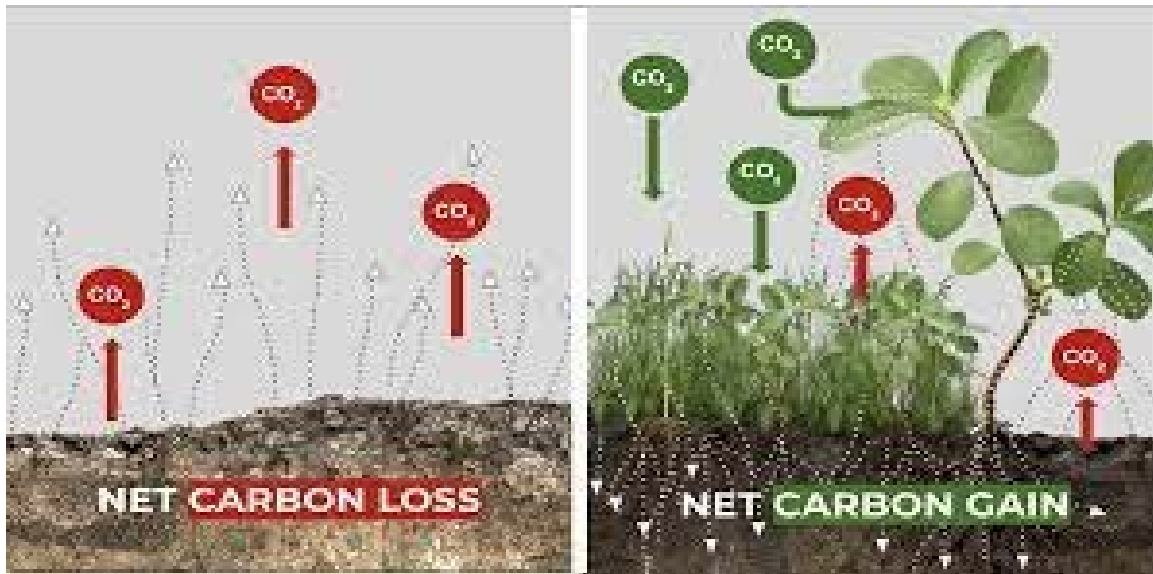


**Regenerative economics**

- Forbes: The \$8 Billion Bargain: How Watershed Payments Save Cities, Support Farms And Combat Climate Change



# Regenerative Economics



**Carbon Credit payments:** To collect this payment we will have to prove Carbon capture in the ground. To achieve this careful documentation by using technology as in soil sampling, moisture sensors, and infrared imaging to capture the progress over time.



MUSK FOUNDATION

### **Elon Musk, X Prize launch \$100 million carbon-removal competition**

The Carbon Removal X Prize challenges entrants to demonstrate ways to remove large amounts of heat-trapping carbon dioxide from the air or oceans and lock it safely away for long stretches. The competition is open to anyone around the globe, and it will run through 2025.

Lāna‘i has a team in this competition lead by George Purdy Team Name: **Ike Hou Lāna‘i (Rediscover Lāna‘i)** below is our information on how to execute our physical action to solve this problem.

The most recent data from the Environmental Protection Agency’s Greenhouse Gas Inventory Data Explorer reveals U.S. greenhouse gas emissions in 2018 totaled 6.7 billion metric tons in CO2 equivalents, up 2%, or 188 million metric tons, from the previous year ([Agriculture’s Greenhouse Gas Emissions and Sinks](#)). Compared to 1990, U.S. GHG emissions have increased by 4%, or 240 million metric tons.

To offset GHG emissions and reduce atmospheric CO2, carbon can be trapped in soils through various carbon sink activities such as the growth of trees, forestry management that reduces forest fires and forest degradation, increasing below-ground plant matter and sequestering carbon in soils through cropland, wetland or grassland management. A variety of carbon-capturing practices are used on agricultural lands, including but not limited to conservation cover crops, no-till or reduced tillage, anaerobic digesters and nutrient management, e.g., [GHG and Carbon Sequestration Ranking Tool](#).

EPA data reveals that during 2018 carbon sequestration efforts resulted in an increase in CO2 stocks, i.e., carbon removed from the atmosphere, of 764 million metric tons. CO2 removals in 2018 represented 12% of the total GHG emissions and resulted in reducing net GHG emissions to 5.7 billion metric tons. Since 1990, the ability to reduce carbon stocks through land and forestry management practices has decreased by approximately 9%, or 80 million metric tons of CO2 equivalent. Today’s article reviews trends in carbon offsets achieved through forestry, grassland, cropland and wetland management.

<https://www.fb.org/market-intel/reviewing-u.s.-carbon-sequestration>

According to data analyzed by carbon farming expert Eric Toensmeier, farmers who convert to no-till practices and start using cover crops may achieve a net carbon gain of only one or two tons per hectare each year, however the more diverse agroforestry systems in the tropics may achieve improvements of 30 or 40 tons per hectare. For example, if a farmer with a 100-hectare farm (250 acres) was able to sequester 2 metric tons of carbon per hectare and sell the credits for \$15 each (100 hectare × 2 tons × \$15), they would net \$3,000. Depending on the practice, that income might accrue yearly, or it might be a one-shot opportunity.

<https://modernfarmer.com/2016/04/carbon-sequestration/>

## Action Plan

Insert Cash Flow Projection, a timeline Year 1 shows a monthly breakdown and then a yearly summary for years 2-5.

### Operational Needs:

Below can only happen when we receive funds and everything is on island prior to start. This start window will be one month before the wet season starts on Lānaʻi. It will continue through until the end of spring - at this point we will play the weather forecast and take advantage of any rainfall for the summer months. Then we roll the fields and start the process all over again for the next two years. Data will drive quick decision making through the year to gain as much advantage nature will allow.

When we receive more funding or generate our own capital we are looking at our equipment to be all electric. This will get us close to carbon neutral and or negative. We are starting with fleet trucks, the F150 all electric. First year land rehab fuel base equipment is a must, second year and beyond electric equipment is all that will be needed. Cost per acre will be \$250 or less, 88% savings from the first year. Data analyst will be 75% of the work to collect on the carbon credit payment, as the farm matures diversity of economic benefits start to emerge and will carry it for the long haul.

### Equipment:

1. 2 track skid steers with impliments \$200K
2. 2 X F150 Electric truck with a trailer 1000 gal tank \$140K
3. Farm tractor with no till drill seeder and roller crimper \$100K
4. Farm building for equipment, office and water catchment \$200K
5. Water storage tank 10,000 gal \$12,000
6. Groasis water box 10,000 units \$75K
7. Fencing 100 acres \$200K
8. UAS, weather station and ground moisture sensors. \$100K
9. Rain gutter to farm land community project 500gal, 20 homes \$60K
10. Miscellaneous \$113,000 (cushion for shipping cost variations due to rural location and increase cost to materials and building supplies).

Total: \$1,000,000.00- **Maui County Grant in Cash Flow**

- \$3,333.33 to rehab 1 acre of land for the first year.

### Operational Tasking First Year:

1. Mow 100 acre perimeter only and start fencing. 2 weeks
2. Mow landscape 25 acres block 7 days
3. Earth works for water harvesting 10 days per 25 acre block
4. No till seed drill 1 day
5. Weather report, plant cover crop seeds 5 days from rainfall.
6. Fencing 10 days per 25 acre block
7. Plant trees with Groasis water box 100 trees per day, goal 10,000. 100 days
8. Observe work completed Make adjustments to monitor cover crop life cycle. ongoing
9. All 100 acres in six months.
10. Review data and monitor the weather. On going
11. Rain gutter to farm land community project 20 homes until goal is met.

### Operational Task Second Year:

1. Water Collection top off farm tank.
  2. **Hawaiian Moon Calendar**
  3. Crimp roll cover crops and replant for the wet season.
  4. Review Data and monitor weather.
  5. Create ponds and more water storage on the landscape.
  6. Fence maintenance.
- Maintenance per acre cost \$250

### Operational Task Third Year:

7. Water Collection top off farm tank.
  8. **Hawaiian Moon Calendar**
  9. Crimp roll cover crops and replant for the wet season.
  10. Review Data and monitor weather.
  11. Create ponds and more water storage on the landscape.
  12. Fence maintenance.
- Maintenance per acre cost \$250

At this point we review how to move forward, this plan has laid out the possible future of this project only mother nature may change this outcome. With our partners' fire department training in restoring a community after a disaster and experience in agriculture and the military helps us to readily execute this work plan with excitement and joy of a better Lāna'ī .

## Solving the water Issue:

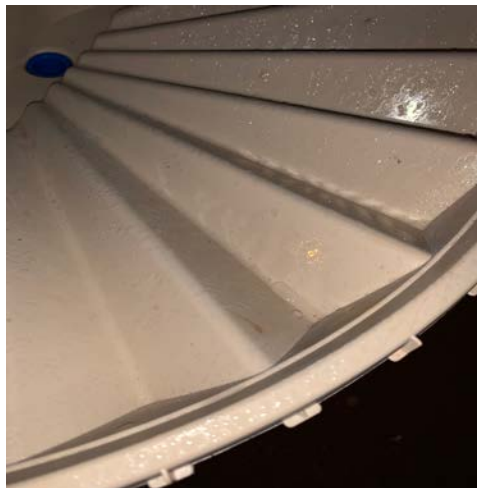
### 1. *Groasis Waterboxx reversing desertification*

The *Groasis Waterboxx* is an instrument that collects water by catching rainwater and collects water produced from condensation within the box. The Waterboxx then distributes the collected water over an extended period of time to the tree growing in the center of the Waterboxx.

Furthermore, it stimulates the capillary formation of the soil; prevents the evaporation of groundwater; steadies the temperature around the roots; fights competitive weeds near the planted tree; and can even prevent damage caused by rodents. Waterboxx is one of our tools to reverse desertification combined with biomass weed mats to start addressing accessible areas here on Lānaʻi. Product is from Europe and will take 4 months to get here at a cost of \$75K, traditional irrigation will cost \$200K for the 100 acres, this does not include getting a water main to the site. We don't need it because we are going for a micro climate change for sustainability.



Photos: The Groasis boxes are in use at properties on Maui and Lānaʻi by George Purdy, who is a pioneer in bringing this technology to Hawaiʻi.



## Community Involvement

### Project 1 Rain gutter to Farmland Project:

Community support for the farm we would use \$60K for 20 homes to help support our water needs. Below is a 500gal system, farm investment \$3,000 per home. The RainFlo 500 Gallon Complete Above Ground Rainwater Collection System is designed with premium components for optimal performance in residential or commercial applications.

After a rain event we will go to our sponsor homes, empty the tank with our water tanker, and deposit the water at our storage tank at our location. Lānaʻi is unique because of the short distance to the farm and with the future of electric trucks there will be no fuel dependency.



## Project 2 Cardboard Recycling:

Lāna‘i Cardboard Box recycling for mulch and earthworm cultivation. Here is an example from my Costco order, the second picture is shredded cardboard 20lb for \$70.

Great for pet bedding, making fire starters, padding packages, adding structure to your compost, we've got as much shredded cardboard packaging as you could possibly need.

This will be another opportunity for the community to participate in this ag project and reduce landfill waste for something we can use.



### **Project 3 - The 10,000 Tree project fundraising: Milo and Ulu \$2,990,000.00 (Carbon Credit payment)**

We are going to promote an opportunity to crowdfund capital for people to sponsor a tree planting for \$299.00. Because of our imagery collection we will be able to GPS locate where their tree is planted and be able to check in on that tree for the life of this area and can be passed on to their families in the future what their kupuna made as a contribution.

The Hawaiian name milo means to twist, curl or spin and may be a reference to the tree's growth habit, especially in windy locations at the seaside. Though it is known that milo was brought to Hawaii by early Polynesian settlers, it is also possible that it was already growing in the islands. The bark of milo was used for cordage fiber, similarly to hau, but it is inferior in quality to hau and to olona. The **tree** also yields tannin, dye, oil, medicine and gum, from various parts of the plant. The **milo wood** was skillfully crafted into poi bowls called `umeke `ai, and into plates, too.

Milo is usable within how long?

#### **Meet Hawaiian 'Ulu, the Protein-Rich Tropical Superfruit**

An ancient example of modern-day sustainable agriculture, the life of an 'ulu tree spans decades. As legend has it, the god Ku transformed himself into an 'ulu tree to feed his human family and spread the fruit trees throughout the Hawaiian Islands.

"Breadfruit embodies sustainability and food security more than any other food crop in Hawaii." Lots of value added products. E.g. Pono Pies- Maui Breadfruit Company's John Cadman. Cite ULU Co-op success in Big Island and are coordinating with their advisors.





**Long term management:** Once the landscape is working the **Hawaiian Moon Calendar** will guide operations on what needs to be done for example: harvesting and replanting.



**Products Developed on island:** Biomass, food, woodworking, water and recycled cardboard products for Lāna‘i restoration projects. For example, grass bail, also known as biomass weed mats, can be used as a base to reverse desertification, Ulu Fruit, Milo wood, shredded Cardboard and surplus water.





*If we think small we will make small changes,  
but if we think big we can make big changes.*

**For more information:**

**Lāna‘i Agroforestry Resource Park llc: # (808) 559-0175**

George K. Purdy, Negus M. Manna, & David Embery.

**From:** [joseph kaakua](#)  
**To:** [Kaaa, Iwalani HR](#); [Laura Kaakua](#)  
**Subject:** [EXTERNAL] 10/24/24 Monthly WCM  
**Date:** Tuesday, October 24, 2023 3:40:05 PM

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I am Joseph Kaakua, retired engineer from the Honolulu Board of Water Supply.

Here's comments regarding water for Lāhainā, Maui, and Hawaii: and these are controlled by the State CWRM:

1. Potable water from wells or treated NP water. For domestic use, and the least available water.
2. Non Potable Water, also known as surface water. Usually used for irrigation and agriculture use.
3. R-1 Water: Recycle water used for irrigation/agr.

All of these types of water are subject to climate and seasonal fluctuations which directly affect the purveyor and the customer/user.

From HBWS water commitments are made for residential/commercial use when they install their meter. Commitments to ag developments are also based on meter, but the amount of water to each lot is based on an ag feasibility report addressing crops and economic feasibility of the enterprise.

We, HBWS, do not make future water commitments to developers. Water commitments are given to those who need water now. Otherwise, a moratorium is evident.

So, when sugar industry shut down, the required irrigation requirement should be reduced

Infrastructure to efficiently move water is another cost item.

Joseph Kaakua

Sent from my iPhone