

*Commission on Water Resource Management Meeting – Item B.1.
April 21, 2026, 9:00 AM HST*

Good morning. My name is Gary Grube. I'm a petitioner in this matter and I own Hua Momona Farms in Kapalua.

I am here today to oppose the staff's recommendation to deny our petition requesting a public hearing on the Maui Land & Pineapple Company Notice of Alleged Violations as moot.

I feel frustrated with the Commission's lack of transparency. According to the staff report, MLP claimed they completed improvements to Diversion 770 on October 18, 2025, and notified staff on November 10, 2025. Yet, at the December 2025 meeting, the Commission only discussed MLP's Interim Instream Flow Standards violation—not its failure to comply with the 2019 order.

At the Commission's suggestion, we filed our petition on January 20, 2026, without knowledge that the Commission was already considering resolving the NOAV. Why encourage us to file a petition only to call it moot if the Commission knew it intended to let MLP off the hook?

I feel calling this petition moot sends a dangerous and absurd message—that Commission orders have no teeth. Or, worse yet, that the largest landowners do not need to play by the rules.

MLP was ordered to make improvements in November 2019 and took nearly six years to start. During those six years, the consequences of MLP's mismanagement fell on the community.

Due to water shortages associated with this mismanagement, my farm lost about \$25,000 per month and crops suffered forcing me to reduce community food donations by 25 percent. Others have lost jobs or have been forced to cut back hours.

Finally, I want the Commission to consider the absurdity of the penalty the Commission imposed on MLP—\$140,000 toward installing a stream gage, which is essentially an expected capital investment in its own system to meet its responsibilities.

Compare that to the damage suffered by the community, including over \$300,000 in losses by my farm alone, \$50 million in lost economic activity from the cancelled Sentry tournament, and a community without reliable water. I may be forced to close my farm.

The Staff recommendation feels like the opposite of justice, accountability, and duty to protect the public trust water asset.

Please deny the staff's recommendation and hold MLP accountable.

Thank you

/s/ Gary W. Grube

April 20, 2026

Acting Chair Kanaka‘ole and Members of the Commission
Commission on Water Resource Management
P.O. Box 621
Honolulu, Hawai‘i 96809

Re: Item B-1 - Opposition to Staff Recommendation to Deny Petition as Moot

Dear Acting Chair Kanaka‘ole and Commissioners:

I am a co-owner of Taverna, a restaurant located at the Kapalua Bay Golf Course clubhouse, and a petitioner in this matter. I write to oppose the staff’s recommendation to deny our petition as moot and to urge the Commission to hold MLP responsible for its failure to abide by its orders in a timely fashion.

Taverna is a small, locally owned restaurant that primarily serves golfers and visitors who come to play the Kapalua courses. Our busiest time of the year is usually during the PGA Sentry Tournament of Champions, which brings tournament participants and attendees from all over the world to Kapalua.

As stated in our petition, the water curtailments caused by MLP’s mismanagement of the Honokōhau Ditch System forced the closure of the Kapalua courses and led to the cancellation of the 2026 PGA Sentry tournament, causing an estimated \$50 million in lost revenue for Maui. As my business partner Punahelu Ladera Dapitan previously testified in front of this Commission, the news of the cancellation was “gut wrenching.” The Bay Course, where our restaurant is located, remains closed today. Without golfers coming in, our revenue has dropped sharply, and we have had to reduce staff hours for employees who count on those wages to support their families.

The staff’s recommendation to render our petition moot and absolve MLP for its failure to complete repairs to the Ditch System in a timely manner is insulting to the community who has suffered the consequences of this mismanagement. It sets a dangerous precedent for any future orders, and degrades the community’s trust in the Commission that is supposed to ensure that public trust water resources are properly managed.

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I respectfully request that the Commission deny the staff's recommendation and schedule a public hearing. MLP must be held accountable.

Mahalo for your time and consideration.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized 'S' shape with a long horizontal stroke extending to the right and a small loop at the top.

Cooper Pitts

TY MANAGEMENT CORPORATION
711 KAPIOLANI BLVD STE 1000 HONOLULU HAWAII 96813

April 21, 2026

Acting Chair Kanaka'ole and Members of the Commission
Commission on Water Resource Management
P.O. Box 621
Honolulu, Hawai'i 96809

Re: Item B.1.c - OPPOSITION to Staff Recommendation to Deny Petition as Moot

Dear Acting Chair and Commissioners,

My name is Kenji Yui, and I am the General Manager of TY Management Corporation, the owner of the Kapalua Golf Courses and a petitioner in this matter. I am writing to urge the Commission to reject the staff's recommendation to deny our petition as moot.

Yesterday, PGA announced that there is no PGA tournament in Maui for 2027. This is a very sad and very tough decision for Maui and Hawaii. Although there were many rains from the Kona Low Storm in this month and last month, we are still under the Tier 2 water restriction in Kapalua. We cannot guarantee the best condition of the golf course under the current situation.

In November 2019, this Commission ordered Maui Land and Pineapple ("MLP") to upgrade Diversion 770. Construction was supposed to begin within one year. It took MLP nearly six years to even start, and it is unclear whether everything is complete.

It is clear from emails between MLP and Commission staff that MLP had been intentionally pushing off these repairs for years. For example, in 2021, MLP declined to provide Commission staff access to Diversion 770 via helicopter despite repeated requests. It is puzzling why the staff have now excused this clear inaction.

The truth is that MLP only acted after 2025, which is six years later from the original Order. Most of the repairs mentioned in the Staff Report did not begin until after the site visit to Diversion 770 that I attended with MLP and County representatives in May 2025, which revealed the extent of MLP's neglect.

If this Commission declares our petition moot simply because MLP eventually started to do what it was ordered to do over six years ago, who takes responsibility for the almost six years of non-compliance.

MLP's failure to honor the Commission's authority for almost six years was not harmless foot-dragging. It created victims. It hurt farmers and homeowners. It cost Maui businesses and the government a \$50 million sporting event. MLP's non-compliance hurt real people in Maui, and the Commission should not sweep that history under the rug by denying our petition.

Our petition asks this Commission to assess a sufficient fine to incentivize MLP and other violators to follow the Commission's orders.

I urge the Commission deny the staff's recommendation and schedule a public hearing on MLP's violations.

Sincerely,

Kenji Yui
General Manager
TY MANAGEMENT CORPORATION