
APPENDIX K:

Scoping Meeting For the Water Lease for the Nāhiku,
Ke'ānae, Honomanū, and Huelo License Areas EISPN
Transcript of Proceedings Wednesday, February 22, 2017

1 SCOPING MEETING FOR THE

2 WATER LEASE FOR THE

3 NAHIKU, KEANAE, HONOWANU, AND HUELO

4 LICENSE AREAS EISP

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7 APPLICANT: ALEXANDER & BALDWIN INC./

8 MAUI IRRIGATION COMPANY, LIMITED

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11 TRANSCRIPT OF PROCEEDINGS

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13 February 22nd, 2017

14 5:00 p.m. - 7:30 p.m.

15 Maui Electric Company Community Meeting Room,

16 210 W. Kamehameha Avenue, Kahului, Hawaii 96732

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19 BEFORE: SANDRA J. GRAN, CSR NO. 424

20 Registered Professional Reporter

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1 SPEAKERS

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Berna Cabacungan Senelly, Facilitator
 Father John Tomoso
 Earl Matsukawa, Wilson Okamoto Corporation
 Joe Chesledon
 Brenden Balthazar
 James Coon
 Nalani Kaninai
 Darrell Tanaka
 Lloyd Fischel
 John Gelert
 Darren Strand
 Martha Martin
 Edwin Young
 Michael Pasco
 Moke Kahiamoe
 Kahikina Kahiamoe
 Alex Franco
 Brian Wittman
 Alice Lee
 Dianne Shimizu
 Albert Perez
 Cody Nemet
 Frank Caprioni
 Adriane Raff Corwin
 Tiare Lawrence
 Diane Hakamaku
 Justin Tombe
 Zack Williams
 Kamalani Pahukia
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 Elaine Wender
 Tom Blackburn-Rodriguez
 Larry Koss
 Stacey Sills
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P R O C E E D I N G S :

FACILITATOR SENELLY: Aloha, everybody, and welcome to our meeting on the proposed lease for the Nahiku, Keanae, Huelo, and Honomanu lease areas. And this is a scoping meeting for the environmental impact statement that's being done. Okay? Before -- my name is Berna Cabacungan Senelly and I'm -- I'll be helping to facilitate the meeting.

And Earl Matsukawa here from Wilson Okamoto is -- he's going to be doing a presentation and it's going to be short, not that long.

And two people that you saw when you came in, Rebecca and Keola, they're still working back there. So that's us.

I am privileged to also introduce Father Tomoso, Father John Tomoso, and he will be doing our pule tonight.

FATHER TOMOSO: Just so you know, Berna and I went to Catholic school, so we figured it out that we come from the same strain.

(Statement in Hawaiian.)

Almighty God, in your hands is everything that we see, in your care and blessing for us, all that we see comes from you. Almighty God, we know that you gift us with many things. First of all, the gift of life and within that abundant life, you give us water, an abundance of water, the abundance of water that reflects the perfection that we

journey to, which is your perfection. As an island people, you know our needs of and for water. As an island people, you have surrounded us with water, water that is reflective of life that comes from you. Therefore, Almighty God, we know that water is you, literally water breaths you, literally water feeds us with your life-giving breath, with your life-giving presence, with your life-giving abundance.

Almighty God, it is within this abundance that we gather as community. It is within this abundance that we are thankful for the gift of water, for the gift of who we are with and in and through that water. And we thank you most, most graciously, most thankfully for today, for this meeting, and for all that will come out of it.

We ask this in the name of (Hawaiian word), Jesus, your Son, our Lord and Savior. Amen.

AUDIENCE: Amen.

FACILITATOR SENELLY: All right. Everybody got an agenda? The meeting is going to be in five parts. Most of the meeting is going to be you folks talking. Okay? So the purpose of the meeting is -- I'm sorry.

Okay. The purpose of the meeting is pretty -- like we have three: One is we're going to talk about the environmental impact statement, the purpose and kind of an overview of the process.

Second is we're going to talk -- you're going to see

1 "EISPN" all the time and that's what this meeting is about,
 2 it's about the environmental impact statement preparation
 3 notice, and so we're going to talk about that and what's in
 4 it. And that has already been released and we'll talk about
 5 what's in it.
 6 And third, we're going to ask you for scoping
 7 comments -- and I'll explain what that is -- that will be
 8 included in the draft EIS and that will actually guide the
 9 draft environmental impact statement.
 10 Okay. So the proposed action was published over
 11 here in the "Environmental Notice," in the -- from the Office
 12 of Economic -- Office of Environmental Quality Control. And
 13 they put out bulletins and so this project was -- notice was
 14 in the bulletin, published in the bulletin on February 8th.
 15 So it -- what scoping is, scoping starts once the
 16 public -- the preparation notice is released, okay, or is
 17 published and what scoping is it's -- it determines the scope
 18 or the content or what's inside the environmental impact
 19 statement. So the meeting tonight is for you to guide us and
 20 to tell us and to share with us what you think the
 21 environmental impact statement should -- should address. Now,
 22 the law, actually, Chapter 343 HRS really does require scoping
 23 in every process; however, it does not -- the meetings
 24 themselves are optional. And in this project we have two
 25 meetings so -- because we want to sort of optimize

1 opportunities for folks to provide input.
 2 Okay. So we've got 30 days from when the -- it was
 3 published and so it was published February 8th, we have until
 4 March 10th to provide comments. And all of the scoping
 5 comments will be documented in the draft environmental impact
 6 study. So there's going to be a draft EIS that's going to be
 7 done and the comments that come out of the scoping process
 8 will be included in that. Okay? There's three ways to
 9 provide comments: First is oral testimony, so you can do that
 10 tonight or this afternoon and, you know, plenty of you guys,
 11 when we asked if you wanted to speak, a lot of people went
 12 kind of (inaudible), yeah. So if you have time, you want to
 13 sign up to speak tonight, you can, okay, or this afternoon.
 14 The second way is everybody has a paper for their
 15 comments, okay, you can turn this in tonight if you want. You
 16 can also mail it, because it's a mailer, so you have to put a
 17 stamp on it and send it in.
 18 And the third way you can do it is by emailing it.
 19 Now, I have to say this: If you're going to email it, you
 20 really need to -- we're going to let you know that we received
 21 it by email. If you do not receive an email, you've got to
 22 call, there's a number up here, you have to let us know so
 23 that we can make sure we have your comments.
 24 So now I'm going to turn it over to Earl Matsukawa
 25 from --

1 Yes.

2 UNIDENTIFIED SPEAKER: I don't see the email address

3 on this.

4 FACILITATOR SENELLY: It's on the bottom.

5 UNIDENTIFIED SPEAKER: Thank you.

6 FACILITATOR SENELLY: You're welcome.

7 Okay. I'm going to -- oh, you know what -- oh,

8 yeah. Okay, okay. We -- Maui Electric was gracious enough to

9 let us use this room because we needed a place to meet, but

10 they are in no way connected to what we're doing, so just to

11 let everybody know.

12 And you know what we're going to do, Earl is gonna

13 speak for about 15 minutes, he's going to present what we're

14 here about today. I'm going to ask you to really hold your

15 comments and questions until he's pau, because after that,

16 that's when we're going to open it up. Okay? So if you let

17 him speak, then you kind of get the whole picture of the kind

18 of stuff that's in the EISPEN and then after --

19 FACILITATOR SENELLY: About 15 minutes, yeah?

20 MR. MATSUKAWA: Yeah.

21 FACILITATOR SENELLY: Yeah. And so when he's pau --

22 and he's going to have -- you know, he's going to show you all

23 kinds of maps and stuff, when he's pau, then you -- we'll open

24 it up. However, I'm going to --

25 Do you mind waiting just a couple minutes? We have

1 some folks coming in, so we're going to wait just a couple

2 minutes. Okay?

3 UNIDENTIFIED SPEAKER: You know, they may not know

4 that there's seats up front.

5 FACILITATOR SENELLY: Oh, I've got seats up here.

6 MR. MATSUKAWA: By the way, there is water back

7 there and cookies, so help yourself. And the restrooms are

8 out this door and turn left and then it'll be on your right.

9 (Short pause in proceedings.)

10 FACILITATOR SENELLY: Okay. So as I said, so I'm

11 just going to repeat some things for the people who came in

12 real quick. This is a meeting for the environmental impact

13 statement, it's a scoping meeting that -- and what we're doing

14 is trying to get your comments on what should be included in

15 the EIS or the environmental impact statement. Okay? And we

16 have until March 10th to provide comments and we have three

17 ways: You can email it, you can give us a paper or mail it

18 back, or you can talk tonight.

19 MR. MATSUKAWA: Thank you, Berna.

20 Okay. I'm just going to overview the EIS, what it

21 is and how it's processed, and then talk about the EIS

22 preparation notice which is part of the entire process. So

23 first I want to emphasize that the EIS is an information

24 disclosure document that documents the impacts of a proposed

25 action. So in this case the proposed action is the issuance

1 of a water lease by the Board of Land and Natural Resources.
 2 The EIS is not a permit, it is an information document, and it
 3 is not an approval to go ahead and do something. It allows
 4 the -- it is the information document that will be used for
 5 the processing -- for the decision on the water lease.
 6 So acceptance of the final EIS, the last thing
 7 that's done, the acceptance of the final EIS by the Board of
 8 Land and Natural Resources means that the content, and I'll be
 9 talking about content today, and the processing, and I'll be
 10 talking about the processing today, that the content and
 11 processing requirements that are set forth in state law and
 12 the administrative rules have been met and now they can be
 13 accepted and used for the -- making that decision on the water
 14 permit.
 15 And I also want to make clear, although we are hired
 16 by Alexander & Baldwin to prepare this EIS, the documents that
 17 we prepare are turned in to the Department of Land and Natural
 18 Resources and they need to find that it is acceptable and they
 19 need to -- this is the DLNR, they need to file it in order to
 20 continue the processing of these documents.
 21 So let me briefly go over the -- some of the items
 22 that are in the EIS. This is the content part that I'm
 23 talking about and, again, this is the content part which this
 24 scoping speaks to, so this -- whatever comments we get in
 25 here, we will look at it in terms of how it can fit in the

1 EIS, if it's appropriate.
 2 So some of the content of the EIS includes the
 3 general description of the proposed actions: technical,
 4 economic, social, cultural, and environmental characteristics.
 5 So we do talk about what is the proposed action in the
 6 concept -- context of these things and we state what the
 7 purpose and need for the action is and then what are the goals
 8 and objectives.
 9 We also have in there, and this is the -- the bigger
 10 part of the EIS, it's a description of the existing
 11 environment. And there are a number of topics and the next
 12 slide will kind of show the number of topics that will be
 13 covered by the EIS, so we will talk about the existing
 14 environment in these topic areas, the impacts of the proposed
 15 action, as well as some of the alternatives, and then
 16 potential mitigation measures that can be implemented so that
 17 it can reduce the significance of impact.
 18 There's also a section relating to the -- how the
 19 project relates to land use plans and plans in general, like
 20 the state plans, as well as other policies and controls. It
 21 will also describe and discuss alternatives to the proposed
 22 action -- and I will be discussing this a little later what
 23 the alternatives are -- and it will document the consultation
 24 process for the EIS, which includes this meeting.
 25 So I was talking about the topic areas, these are

1 the topic areas that will be covered by the EIS in terms of
 2 the existing environment impacts and mitigation measures.
 3 Okay. So the EIS preparation notice has been
 4 formally published, so the purpose of that is to notify
 5 interested parties that an EIS will be prepared for the
 6 proposed action and, again, the proposed action is the
 7 issuance of a water lease. It -- the EIS preparation also
 8 begins the scoping process for receiving comments on the
 9 contents of the draft EIS, as Berna mentioned, so the next
 10 document to be prepared is the draft EIS and the comments
 11 received here will aid us in scoping that document. And it
 12 also includes a general discussion of impacts and it discusses
 13 potential technical studies that may be prepared for the draft
 14 EIS.
 15 Okay. Now, this is the process part of the EIS. It
 16 began with early consultation and this is -- this actually was
 17 not required for the type of EIS preparation notice that we
 18 prepared, but it provides an opportunity to notify potentially
 19 interested parties that the process has started and to allow
 20 early comments on the process and the EIS preparation notice.
 21 Then we -- then we prepared the EIS preparation notice, which
 22 was published, like Berna said, on February 8th, and we're now
 23 in the 30-day comment period which ends on March 10th.
 24 Now, in taking into consideration comments that we
 25 receive during scoping, we will begin to prepare the draft

1 EIS, but there's another critical thing that we need before we
 2 can actually finish the draft EIS and this is the interim
 3 instream flow standards and these will be issued by the
 4 Commission on Water Resources Management. The IIFS is going
 5 to determine how much water actually can be diverted through
 6 the East Maui Irrigation system, aqueduct system. So that
 7 decision is a separate decision and is actually not tied to
 8 the EIS process, but we need to know what those standards are
 9 so we need to know what's going to be flowing in the streams,
 10 what's going to be flowing in the aqueduct system, so that
 11 information is needed so that we can determine what kind of
 12 impacts are going to occur. So the maximum amount of water is
 13 what the IIFS decision is going to be and then the technical
 14 studies will be conducted based on the IIFS decision and then
 15 they'll be incorporated in the draft EIS.
 16 So once the -- once we're completed with the draft
 17 EIS, it'll be up to the Department of Land and Natural
 18 Resources to publish it in the "Environmental Notice" that we
 19 showed you earlier. And once it's published, it starts a
 20 45-day comment period where people may review it and comment
 21 on draft EIS. And then we will take in those comments and at
 22 that stage we will do a point-by-point response to all the
 23 comments that are received and then we'll prepare a final EIS.
 24 And that will be turned into the Department of Land and
 25 Natural Resources and they will review it and if they accept

1 it, then they will publish it in the "Environmental Notice"
 2 again. And once that's done, then it can be taken before the
 3 Board of Land and Natural Resources to formally accept the
 4 final EIS. And once that's done, it can be used as a basis
 5 for the issuance of the decision on the water lease.
 6 Okay. So the EIS preparation notice is in the
 7 public now, you can download it from the OEPC website. I'll
 8 just give a brief summary of that, what that document
 9 contains.
 10 So this was published on February 8th and some of
 11 the main parts that I think it includes is the proposed action
 12 and in this case the proposed action is the issuance of a
 13 water lease. The maximum amount available through that water
 14 lease will be determined by the IIFS. It also includes the
 15 right to access state land in order to maintain the aqueduct
 16 system and the service roads.
 17 And there's two key points, really, with regard to
 18 the proposed action: The amount of water that the Board of
 19 Land and Natural Resources can put in the water lease, the
 20 amount that's in the water lease doesn't have to be the full
 21 amount available through the IIFS decision. The board can
 22 say -- give less than what is in the IIFS.
 23 Another part of this is that once that permit is
 24 issued -- well, once they -- this permit, once it's
 25 determined, will go before public auction. So even A&B is the

1 very much involved in this, through the public auction process
 2 it is possible that it is not awarded to Alexander & Baldwin.
 3 So two points on that.
 4 Okay. This is the map of the four license areas:
 5 Huelo, Honomanu, Keanae, and Nahiku. It covers about 33,000
 6 square miles of state owned land. 33,000 acres, sorry.
 7 (Inaudible.)
 8 UNIDENTIFIED SPEAKER: Yeah. I was gonna say, is
 9 Maui that big?
 10 MR. MATSUKAWA: And this is the overlay with the
 11 four license areas and it shows the aqueduct system through
 12 the area as well as land owned by East Maui Irrigation Company
 13 which is shown in the green. The water that is presently
 14 collected through the aqueduct system goes to several user
 15 groups. One is the County of Maui DWS which receives the
 16 water at their Kamaole treatment facility, the water is then
 17 treated and becomes potable water and is distributed through
 18 their system to Upcountry Maui. The DWS also treats that
 19 water and services portions of the Nahiku community, the
 20 portion that lies below the Hana Highway. And then untreated
 21 water goes directly to the Kula Agricultural Park for
 22 irrigation purposes. And then there is about 30,000 acres of
 23 former sugar land that will receive that water, that is
 24 presently receiving that water although sugar has now ceased.
 25 This is a map basically of the users. The black

1 line, the black dotted line is basically the transmission
 2 mains that DWS operates to provide potable water to the
 3 Upcountry Maui area. This is the lower portion of Nahiku that
 4 is served also by the DWS. This is the Kula Ag. Park and this
 5 is the 30,000 acres of former sugar land in Central Maui.
 6 Again, the maximum amount of water that can be
 7 provided through the water lease will be determined by the
 8 IIFS and, again, the amount could be reduced by the Board of
 9 Land and Natural Resources and, again, the permit will go
 10 before public auction. But for whatever amount of water that
 11 is made available through the water lease, there will be a
 12 reservation of that amount that will be dedicated to the
 13 Department of Hawaiian Home Lands, although the amount of that
 14 reservation has yet to be determined.
 15 Okay. The objectives as stated in the EIS
 16 preparation notice, the reason for the water lease will be to
 17 continue to meet the domestic and agricultural water needs for
 18 Upcountry Maui, similarly for the portion of the Nahiku
 19 community below Hana Highway, and to continue to provide water
 20 for agricultural purposes, likely diversified ag, in Central
 21 Maui and to protect -- preserve and maintain the EMI aqueduct
 22 system.
 23 So this is a map of the license area, the streams in
 24 the license area, and there are 39 identified streams. Forty
 25 by some count, but my understanding is that 40th one is

1 actually a waterfall within a stream, so 39 or 40, most of
 2 which are subject to the IIFS. And of these 39 or 40 streams,
 3 A&B has historically diverted 37 streams. Then in nineteen --
 4 in 2007 Alexander & Baldwin abandoned all diversions in one
 5 stream and they have plans to remove all diversions from
 6 another five streams. These are streams that have been
 7 identified as so-called taro streams because they are used in
 8 the lower reaches to irrigate taro and other crops.
 9 Okay. So we also identified in the EIS preparation
 10 notice what we think will be the alternatives that will be
 11 assessed in the draft EIS. And the first one is the amount of
 12 water that can be available if they award the full amount
 13 given by the IIFS, so whatever the IIFS decision, the water
 14 that becomes available with that decision.
 15 The second is the no action decision, no action
 16 alternative, where the Board of Land and Natural Resources
 17 issues no water lease, so no state waters would be part of
 18 that license.
 19 And the final option is a situation where, we had
 20 mentioned before, the board could provide less water than
 21 allowed by the IIFS. And so we haven't determined exactly
 22 what that point is at this time, we will need that IIFS
 23 decision, but it's sort of the middle between the first two.
 24 Okay. That summarizes the EIS. Now I'll turn it
 25 back to Berna.

1 FACILITATOR SENELLY: Thanks, Parl.

2 Okay. So now we're part -- we're part of the --
 3 we're in the section and we have an hour and a half for this
 4 next section, or hour and mostly and a half and the purpose of
 5 this is to receive your oral comments. And as I said earlier,
 6 the oral comments will be included in the EIS, in the draft
 7 EIS. And Sandra here is our transcribing, so when we speak,
 8 I'm going to ask you to speak really clearly and stuff.
 9 Okay. So we're going to spend -- can you change
 10 the -- yeah. Sorry.

11 All right. We have -- I'm asking you to follow some
 12 protocol, okay, because we have a lot of people here and stuff
 13 and I -- people are -- feel strongly about this, I know, so
 14 what we'd like to do is really make sure we have safe haven.
 15 So what that means is you feel safe in coming up and speaking
 16 your mind and what you think and that people will listen.

17 Okay. So -- oh, and especially because Sandra is taking
 18 notes, one person at a time, okay, and also we respect each
 19 other. Now, I know sometimes I go to meetings and you clap
 20 for each other, which is cool, but, please, no booing, okay,
 21 so --

22 And so that we can have everybody speak, if you can
 23 summarize your comments and try not -- okay. Because we
 24 want -- we really want a wide range of input, so if you heard
 25 somebody or if you heard a couple people say what you were

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1 gonna say and if you can think of something else, then bring
 2 that other stuff up. Okay. But there's no holds on what you
 3 can say either, so it's up to you.

4 Okay. The meeting is scheduled for two hours, it is
 5 now about 5:35, 5:33, the way -- what I will do is -- we want
 6 as much as possible for everyone to stay at the meeting so you
 7 can hear everybody else's manao, yeah. So if it looks like
 8 we're going towards the end and still have a lot of people
 9 that want to talk or some people or a couple people that want
 10 to talk, I will ask you, "Is it okay if we go ten more
 11 minutes?" And we will do that for maybe about a half an hour.
 12 Okay? But just so that -- it kind of respects your time too,
 13 because if you came here expecting it to be a certain amount
 14 and it goes on too long, then, you know, some people, they
 15 just want to go home and they won't get to hear the whole
 16 thing. Okay.

17 Okay. So we had a sign-in order --

18 I need the comment sheet.

19 So we're going to take it in the order that you
 20 signed up and so everybody who signed up gets to speak first.

21 Now, let's say we have some more time and you have some

22 thoughts you really want to share, we'll ask you to sign up,
 23 somebody will bring you the sign-up sheet, and then, you know,
 24 we'll just keep going. Okay. As I said, though, when we

25 reach the time, I will ask you guys if we can keep going. And

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1 remember, the other thing is you can always submit written
 2 comments too if you don't speak at the meeting.
 3 UNIDENTIFIED SPEAKER: If we submitted a written
 4 comment already and signed up to speak, not to be redundant,
 5 should we just give up our spot to speak since we already have
 6 written comments in?
 7 FACILITATOR SENELLY: It's up to you.
 8 UNIDENTIFIED SPEAKER: Okay.
 9 FACILITATOR SENELLY: We will bring -- now, I don't
 10 know if you noticed, but I really am asking us as a group
 11 to -- there is no time limit because part of it is if you give
 12 a time limit, then you feel rushed or you kind of feel -- so
 13 I'm going to ask everybody at some point to summarize if you
 14 can, so it'll give everybody a chance. And you can still come
 15 back if there's time. Okay.
 16 We're going to bring you the microphone because the
 17 place is kind of crowded, so rather than having to move chairs
 18 and everything, we will -- Rachel -- Rebecca, sorry, Rebecca
 19 and Keala will come by, okay, so be patient with us, please.
 20 And when you come up, if you can speak your name, tell us your
 21 name very -- really clearly.
 22 All right. So remember, now, scoping is telling us
 23 what should be covered in the environmental impact statement.
 24 Earl showed you a list of all the topics that are going to be
 25 covered -- that are going to be discussed, but what they

1 actually discuss is what we're asking you here. So this is a
 2 sentence: "The EIS should address..." You can say what you
 3 want, but every now and then I'm going to ask you or maybe all
 4 the time I may ask you, "Can you please clarify? Is this what
 5 you want in the EIS?"
 6 Okay. So first person, who has been here a long
 7 time, Joe. What's your last name?
 8 MR. CHESLEDON: Chesledon.
 9 FACILITATOR SENELLY: Okay. Joe Chesledon.
 10 Chesledon.
 11 MR. CHESLEDON: Hello, my name is Joe Chesledon, but
 12 I am here presenting this statement on behalf of many
 13 generation Hawaiian neighbor, Alvin Kalehuawehe. Alvin cannot
 14 miss work to be here tonight, but sends this statement as a
 15 message.
 16 "As a Native Hawaiian from both family sides, I say
 17 to you aloha. Generations ago big sugar and pineapple
 18 companies including Alexander & Baldwin of the mainland
 19 imposed upon Hawaiians a valuable and irreplaceable water
 20 takeaway which has deprived Hawaiians of water and land to use
 21 for subsistence farming to feed our ohana and greatly improve
 22 our lives and restore what we once enjoyed: stream flow, fish
 23 populations, and our agriculture. As a result we have gone
 24 from a subsistence ohana to a dependent ohana.
 25 "In sharing our water resources to big sugar by

1 means of what I understand to be 165 million gallons of water
 2 per day to 33,000 acres, Hawaiians have been shared out of the
 3 ability and right to a self-sustaining way of life. It is my
 4 understanding that Maui currently imports more than 90 percent
 5 of its food; meanwhile, the Hawaiian farmer, at the expense of
 6 big sugar, is deprived of rights to work with the land, to
 7 sustain and feed our ohana. We have lost the right to teach
 8 our young that we can love our Mother Island and she will take
 9 care of us. We need a return of the water rights to us and
 10 our ohana. We do not need another theft of water by big
 11 sugar, Alexander & Baldwin.
 12 "Mahalo nui loa, Alvin Kalehuawehe."
 13 (Applause.)
 14 FACILITATOR SENELLY: Okay. So what -- what my
 15 understanding is, is he wants to see the cultural impact study
 16 in terms of just the water, what happened with the water. He
 17 wants to see it from a cultural standpoint, but he -- I also
 18 heard that he wants to make sure it's available for
 19 sustainable agriculture.
 20 MR. CHESLEDON: Like the concept of -- on the -- on
 21 the mainland there's a concept in cities where they share
 22 little pea patches and stuff, but larger maybe on a larger
 23 scale for the locals to have places to have gardens in that
 24 farmlands using the agricultural water.
 25 FACILITATOR SENELLY: Okay. Thank you.

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1 Brendan Balthazar. Mr. Balthazar, you've been here
 2 a long time.
 3 MR. BALTHAZAR: I know. I've gotta go back and pump
 4 water yet, like everybody else.
 5 I just wanted to say, you know, my father said that
 6 we all need water. I've been in several of these hearings and
 7 testimonies. I believe that nobody can have it all, I think
 8 it's a shared thing. We really need to know how much water is
 9 needed by the people who want to plant taro. As a kid I used
 10 to stand by the pine fields and granted, yes, things were done
 11 150 years ago that none of us in this room is accountable for;
 12 however, I believe everybody needs the water. Like myself, I
 13 live Upcountry and I depend on that water coming up out of my
 14 pipe, so does my animals, so does my lifestyle. I'm retired
 15 from the fire department, I ranch, and I'm also on the board
 16 of the Farm Bureau and the Cattleman's Association. And to
 17 just (inaudible) what the last gentleman said about us being
 18 able to be sustainable, with all of that land available for
 19 ag. and I -- and I emphasize the word "ag."
 20 At the last testimony I did before DLNR, one of my
 21 things that I think was the wrong place, but I did say that if
 22 this water is earmarked for ag, that amount that is now used
 23 for potable water, like Upcountry, should be kept. I don't
 24 think any future subdivision should be coming up and tap into
 25 that ag. water and that's really my concern. I'm here

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1 representing ag. and the fact -- the part of ag. that I
 2 represent is the livestock industry.
 3 I know some of the things that I heard some of the
 4 people from Sierra Club and some of the friends that I have
 5 from Keanae say, "Yeah, I mean, they want all this water, what
 6 for?" I don't know how much sorghum will take, how much corn
 7 will take, I can tell you how much if -- if we need to
 8 irrigate the pastures, right now the grasses that works down
 9 in that area would take about 4100 gallons per day per acre,
 10 that's what it takes to keep that thing in grass. Pending no
 11 rain now, I'm just saying just on the bottom line. Of course,
 12 it will be less with the rain and, of course, more with
 13 evaporation. Cattle drink 15 to 20 gallons per day, that's
 14 20,000 gallons on a thousand acre pasture. A thousand acres
 15 of irrigated pasture, you can probably a head per acre.
 16 So I can only speak from the livestock side, I, on
 17 my end Upcountry, a lot of the kids now that should be in
 18 ranching and farming are not. I'd like to see that land stay
 19 in ag. and I believe the water really should be shared. And
 20 like he was saying, I think once they found out what the
 21 stream flows is, then it should be adjusted as to what
 22 everybody can have so everybody can share the water. I mean,
 23 without water, there's no ag, I mean, nobody can disagree with
 24 that.
 25 So I'm saying also that if EMI -- and I'm not

1 partial to them, but if EMI, who has been taking care of the
 2 ditch system for all these years, gets out of it, the county
 3 has no way in hell to take care of that ditch, they don't have
 4 the resources nor the funding. So it is essential for us, for
 5 our environment to have this water come out and have somebody
 6 take care of it.
 7 FACILITATOR SENELLY: Okay. So my understanding is
 8 I did hear you say that you wanted to see some quantification
 9 of what the taro, the kalo needs are for water.
 10 MR. BALTHAZAR: Exactly.
 11 FACILITATOR SENELLY: You want to see the impact of
 12 the proposed action on the agricultural lands from your
 13 perspective, it's from ranching. And you also -- oh, you also
 14 want to see -- to make sure, you want the EIS to show what
 15 some of the future uses might be if it's not ag., because you
 16 don't want to see it developed.
 17 MR. BALTHAZAR: I'm really concerned that this water
 18 that is earmarked for ag. stay as ag.
 19 FACILITATOR SENELLY: Okay. You want it ag. Okay.
 20 (Applause.)
 21 FACILITATOR SENELLY: Thank you, Mr. Balthazar.
 22 James Coon. Okay, Mr. Coon.
 23 MR. COON: Aloha kakou. My name is Jim Coon
 24 and I'm speaking as a concerned citizen. I've lived on Maui
 25 for almost 45 years and I've lived in Kula for over three

1 decades. My home's on ag. land and I maintain a small orchard
 2 on my land. I believe as time goes on, more and more
 3 individuals need to plant edible crops to help Maui be more
 4 food sustainable. I do believe that EMI is the best entity to
 5 manage the EMI ditch system. In my opinion, it'd be a
 6 nightmare to turn this valuable resource over to the county or
 7 state.

8 I also want to see A&B have enough water to ensure
 9 that diversified agriculture can be viable on their vast
 10 lands. What will happen to Maui if there's no agricultural
 11 there? Not enough water means less ag. How can we ever meet
 12 our needs of energy and food sustainability if there's not
 13 enough water? Will it go to development? What about us
 14 Upcountry residents if EMI somehow gets taken out of the
 15 picture? How will we get our water? EMI must have a lease
 16 from the state that ensures that the rest of us continue to
 17 receive the water we need.

18 As you prepare this EIS, please ensure that all
 19 parties that need water have an adequate supply, keep EMI as
 20 the managing entity, make sure A&B has enough to continue
 21 farming instead of massive development.

22 FACILITATOR SENELLY: Thank you. Thank you.
 23 (Applause.)

24 FACILITATOR SENELLY: Nalani Kaninau.

25 MS. KANINAU: Okay. Aloha kakou. My name is Nalani

1 Kaninau. Mahalo for everyone to have my voice heard today.
 2 For me, it is no coincidence that today, a day water
 3 protectors from Standing Rock are being forcibly removed from
 4 the Oceti Camp trying to protect the water, that I, a Native
 5 Hawaiian, am here to testify to protect water. And this is my
 6 first time, so (inaudible).

7 I would like the EIS to address agricultural needs
 8 and that sustainable crops are found with any combination of
 9 co-op farmers. I would love A&B to be transparent in their
 10 plans for whatever mass farming that they're wanting to get
 11 into. I'd also like that there is no action until actual
 12 stream data -- stream flow data is gathered for all of the
 13 streams proposed to be diverted and that the repair and
 14 maintenance of the diversion system is cared for, cared for by
 15 charging of market rates for water to generate sufficient
 16 funds to keep that repair and maintenance going.

17 I'd like the EIS, EIS statement to look at impacts
 18 on aquatic life, native plant species, and traditional and
 19 customary Hawaiian practices, kalo farming, gathering native
 20 plants, and kahua dancers, recreation, et cetera. I believe
 21 we need real farmers, not rich gentleman farmers. If you go
 22 to the A&B website, there's -- you can become an investor of
 23 their gentleman farmers. I need to know that A&B truly has
 24 the interests of Maui at heart. I need A&B to honor the
 25 tradition of taking only what you need and not taking all that

1 you can. Mahalo.

2 FACILITATOR SENELLY: Thank you very much.

3 (Applause.)

4 FACILITATOR SENELLY: Darrell Tanaka.

5 MR. TANAKA: My name is Darrell Tanaka. As far as

6 the EIS goes, I'd like to -- them to include if there --

7 there's no water coming from EMI, if EMI is to shut down, if

8 the existing wells can handle supplying the Upcountry with

9 water. And in the long term, you know, 10, 15, 20, 30 years

10 from now, can those wells sustain us? I don't think so.

11 As a fishermen, you know, I'd like to see the water

12 returned to the ocean, yes, but I would be wholeheartedly

13 against all the streams being restored, too much has changed

14 in our climate in the past 150 years. Stream flow needs to be

15 constant, more or less. So I support the taro streams being

16 given water, but if the stream is not being used for taro, I

17 cannot see returning water to that stream when we need it in

18 Central Maui. In order for diversified ag. to happen, there

19 has to be water present or no farmer is going to want to his

20 invest his time, effort, and money into trying to make a farm

21 when there's no guarantee that there's enough water,

22 especially if there is a drought.

23 I come from a farming family, I -- ever since my

24 great grandfather came here we raised vegetables in Happy

25 Valley. My grandfather was a farmer up in Kula and I can tell

1 you if there's no water, there is no farm. So the water

2 coming through EMI has to reach Central Maui or we're not

3 going to see diversified ag. But I can tell you one thing is

4 that the only people that have money to drill wells and

5 maintain them are developers and the last crop, in farming

6 termination, is always called a subdivision.

7 Okay. So bring the water here, keep EMI in place

8 because our county can't even run our parks, our beach parks,

9 they can't even run that properly, how are they gonna run the

10 ditch system? So we need EMI. Thank you.

11 FACILITATOR SENELLY: Okay, sir. I heard to keep

12 the EMI system and part of it is also that efficiency of the

13 system in terms of what it's doing now and also getting it to

14 agriculture. And you said something in the very beginning

15 about Upcountry and I just --

16 MR. TANAKA: The wells.

17 FACILITATOR SENELLY: Yes. Whether or not the wells

18 could sustain needs in the future without this -- the system?

19 MR. TANAKA: Yeah.

20 FACILITATOR SENELLY: Okay. So thank you.

21 (Applause.)

22 FACILITATOR SENELLY: Mahealani Wendel.

23 MS. WENDEL: I'm going to waive my time.

24 FACILITATOR SENELLY: Okay. Mahalo.

25 Lloyd Fischel. Lloyd.

1 MR. FISCHEL: Thank you. Thank you, ma'am.

2 Just a few, a few things I'd like to see the EIS

3 address. Of course, I'm a farmer and we all have to recognize

4 that most of the food that we eat, maybe even more than 90

5 percent is imported. And being where we are, given the

6 problems in the world today, given what could happen to the

7 cost of petroleum, of oil, of energy, this decision must

8 reflect an understanding of the importance of small farms

9 growing food for Maui.

10 (Applause.)

11 MR. FISCHEL: It's insanity to think of giving all

12 that water to one company, one company that has not been a

13 good partner with small farmers over the years, one company

14 that has spewed lots and lots of chemicals into the air, into

15 the ground. One company that's in partnership with who?

16 Monsanto. It's insanity to think that they would get this

17 water and that we would call it the people's water, that we

18 would think that the water then would be used for growing

19 crops. As Mr. Balthazar said, it's so important that this

20 water must be used for agriculture and not developments.

21 And the second thing I want to mention is in the --

22 in the documents that have been put forward up to this point,

23 as in the screen presentation earlier, the word "state owned

24 land" was used. The EIS should address: What does that mean,

25 state owned land? Who is the state? And where are the

1 Hawaiian rights within that concept of state owned land? And

2 any of you working on this EIS that can talk about having

3 Hawaiian friends and loving Hawaiian people and loving

4 Hawaiian culture that don't then address this issue, it's

5 really a (inaudible).

6 And the second thing is in this -- words that have

7 been used here in these papers and in the screen as well,

8 "government owned waters." It said government owned waters.

9 I'd like the EIS to define what does that mean, government

10 owned waters? Thank you.

11 (Applause.)

12 FACILITATOR SENEELLY: Okay. You had two things.

13 The first one was -- the first one was make sure that the --

14 you want the EIS to address having the water go to small

15 farmers or, you know, like diversified and small farmers and

16 not just industrial type; right?

17 And the second thing is define what state owned

18 lands means and also define what state owned water means.

19 Okay.

20 MR. FISCHEL: I'd like to add one more thing to

21 that, please.

22 FACILITATOR SENEELLY: Okay.

23 MR. FISCHEL: And I think it should address what is

24 happening to the water today? From the time that the farming

25 of sugar cane stopped to today, what is happening to that

1 water? Is it being dumped? In a world where water -- people
2 die for water, is it being dumped? We should know.

3 FACILITATOR SENNELLY: Okay. Thank you.

4 John Gelert. Yes. Yes, sir.

5 MR. GELERT: Hello. My name is John Gelert and I'm
6 a resident of Kihei. I've been a Maui resident for seven
7 years.

8 I would like the IIFS to address the needs of Native
9 Hawaiian farmers and also the environmental concerns. So I
10 believe that every stream should allow at least some water to
11 go to the ocean to take care of the needs of these -- so that
12 the environment is healthy and that the Hawaiians have more
13 than enough for taro and other needs. As far as the rest of
14 the water that is diverted, I fully support use for only
15 agriculture with the exception of what is needed already for
16 Upcountry.

17 And also the court did say that -- that the water is
18 not allowed to be diverted any more, but then A&B and their
19 lobbyist got the legislature to overturn that, so that is --
20 that is wrong and this water should not be going to A&B. This
21 is the people's water and we need to have more sustainable
22 agriculture here in Hawaii, so I would say whatever amount
23 that is determined by the IIFS, it should be subject to review
24 as more and more farming is actually done, but never to
25 totally divert all of the water from any stream.

1 FACILITATOR SENNELLY: Thank you. And just for
2 clarification, the EIS and the IIFS process are parallel
3 processes. So there's things that found in the EIS, the --
4 actually, the IIFS will be -- that decision is not going to
5 depend on what the EIS is.
6 Am I correct?
7 But we also understand the things that you said you
8 want to see studied in the -- we'll just make sure it's in the
9 EIS, that portion of it.

10 MR. GELERT: Thank you.

11 FACILITATOR SENNELLY: Okay. Darren Strand.

12 MR. STRAND: Okay. Thank you.

13 I'm Darren Strand. I'm one of the owners and
14 operators of Maui Gold Pineapple Company in a farm of about a
15 thousand acres below Makawao Town and above Halliimaille. All
16 of our property, the ditch borders -- the upper ditch borders
17 every single acre that we farm and we use absolutely none of
18 the water from the ditch and we haven't since the very first
19 instream flow standard was set and I guess that's been several
20 years.

21 And, you know, I worry mostly about the farmers at
22 the end of the system that are in Kula Ag. Park. And I see
23 the ditch every day, there's not much water running through
24 it, it's already in a state of disrepair and it needs to be
25 maintained already or we're going to lose the capacity to get

1 water to the last reservoir at the end of that that the
2 farmers in the ag. park use.

3 I -- before I moved to Maui I was -- I worked at
4 Del Monte Pineapple on Oahu in 2004 and 2005 when the Waiahole
5 Ditch situation was going on and it was -- I was new to Hawaii
6 at that time, I'd just finished at UH, and it was a
7 contentious issue, but they were able to come to an
8 understanding or some kind of agreement, a compromise. And
9 there were -- at that time Del Monte closed and there was
10 Larry Jeff, Saloon Farm, a seed corn company, and no other
11 farmers using the system, but there was a cooperative that
12 maintained it. And if you go to that area now, it's been, you
13 know, maybe 10, 12, 15 years, it's amazing how many farmers
14 are on that land and using that system. And so I'd like to,
15 you know, see us come to a balance, a compromise, and have the
16 foresight to think about what that area might look like in 10
17 or 15 years and not make a decision that's just based on what
18 we think we want today.

19 FACILITATOR SENELLY: Thank you.
20 (Applause.)

21 FACILITATOR SENELLY: Martha Martin. Yes, ma'am.
22 MS. MARTIN: Thank you. I appreciate all of the
23 work that is being done on the EIS. I think it's going to be
24 a very interesting document. And some of my comments that I
25 have I think go -- should be directed to the Department of

Land and Natural Resources, not to the EIS.

2 I have -- I've lived on Maui for 50 years and I see
3 that agriculture is changing on Maui. We're not going to have
4 a big mono crop cultivation of sugar that we -- and pineapple
5 that we used to have. And so what I would like added to the
6 EIS is for the EIS to address the condition of the ditches and
7 the amount of water leases that exists today. It may be in
8 there, but in my hurried look at it on the computer, I didn't
9 see anything that reported that, the condition of the ditches
10 and the amount of leakage in the ditches.

11 Also I would like the EIS to recognize what the
12 priority is for water use. To me, that land that they're
13 drawing water from is watershed and the primary use of the
14 water should first be watershed and stream protection and
15 forest preserve.

16 And the -- for me, the second priority should be the
17 farmer taro users of the streams and restoring flow of the
18 water in the streams which maintains animal and reef life in
19 the ocean.

20 And then I think the third user that should have
21 priority should be the county.

22 And then No. 4, I think the small farmers, both old
23 and new, should get priority because we don't produce enough
24 of our food locally. And when sugar and pineapple were grown,
25 they didn't support our state with enough diversity.

1 And then No. 5, the last bidder allow -- the last
 2 bidders allowed to bid I think should be corporations and I
 3 think they should get only short-term leases, not -- not
 4 30-year leases.
 5 (Applause.)
 6 MS. MARTIN: And I think bidders who are working to
 7 make Hawaii more self-sustaining in food and energy should be
 8 given priority over private profit.
 9 And so thank you for this chance to speak and I hope
 10 we're going to make a good decision on this.
 11 FACILITATOR SENNELLY: Thank you.
 12 (Applause.)
 13 FACILITATOR SENNELLY: Those five things will be
 14 addressed in the EA.
 15 Edwin Young. Hi, Mr. Young.
 16 MR. YOUNG: Hi. My name is Edwin Young and I agree
 17 with that EMI should have some water, but they cannot take all
 18 of the water. Because I'm a uni fisherman, yeah, and from
 19 1990 is when EMI started taking all the water from all the
 20 ditches. I mean, Makapipi -- I live in Hana. Makapipi was
 21 bone-dry for years all the way up until when the sugar cane
 22 closed and then they let go a little bit of water. And
 23 Honomanu was bone-dry and no akule came inside those bays.
 24 Hana Bay, Honomanu, we used to fish all the way, all the way
 25 to Kaupo. And when EMI took all the water, then the akule

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1 would come inside Hana Bay maybe about once every three
 2 months, once every four months. And before that, akule used
 3 to come inside Hana Bay every week when all the rivers were
 4 flowing prior to 1990. And since they let go of the water,
 5 like when EMI -- HC&S closed, when they let go of the water,
 6 we would -- right now we're catching akule like pretty much
 7 every other week in Hana and Honomanu too. Because I used to
 8 fish Honomanu all the way to Kaupo to Nuu.
 9 And I went to Honolulu Institute of Marine Biology
 10 for one year as a biologist technician for Makai Pacific,
 11 yeah, and wherever the fresh water enters the ocean, it's
 12 known as an estuary. These are all estuaries and estuaries
 13 are all nurseries for all your baby fishes and all your baby
 14 fishes lives on phytoplankton and zooplankton. Phytoplankton
 15 is one-cell vegetables and zooplankton is one-cell animal.
 16 And that's what the akule like to eat and all your baby
 17 fishes, they come inside to eat that. And since EMI started
 18 taking all the water, about 90 percent of our fish in Hana has
 19 disappeared, 90 percent. And, you know, I can tell you
 20 because plenty people in Hana notice this too, I hardly see
 21 any uu anymore.
 22 And the HRS -- the HRS on the water code, yeah, the
 23 water code for the HRS -- and I asked my cousin, who's a judge
 24 in Honolulu, and I said, "What does HRS stand for, Greg?"
 25 And he goes, "Hawaii Revised Statute."

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1 I said, "Is that law?"

2 He said, "Yeah, that's the law."

3 And I forgot the -- the code for HRS, you know,
4 which law it is, but it says you can take water from the
5 stream, yeah, but you cannot take all the water from the
6 stream, you have to leave water in the stream for hihiwi,
7 opae, oopu, and stuff like that. But the water commission
8 gave EMI permission to take all the water from Honomanu
9 bone-dry and from Makapipi bone-dry and to me that's -- the
10 law is the law. But the water commission make excuses to
11 bypass that law to give A&B all the water, to me that's
12 totally wrong and how can a big corporation with all the money
13 and everything like that -- well, for one thing, what's her
14 name, Meredith Ching was on the water commission, that's --
15 and she's an employee.

16 And then last, but not least, you guys should have
17 this meeting in Hana for people that (inaudible) --
18 (Audience response.)

19 MR. YOUNG: You know, 'cause the Hana people can't
20 come out here and -- you know, I was out here, so I was
21 fortunate to come over here and talk.

22 And one, the -- you know, your EMI man over there,
23 yeah, first thing he should do is make sure that there is
24 water in all the rivers and, secondly, to help protect our
25 environment, you know. I -- the taro farmers, I agree with

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1 all what the taro farmers are doing, but nobody's speaking up
2 for the fishermen. And the people in Hana, we live off the
3 fish, yeah. When we catch akule, we invite everybody to come
4 down and help take the fish out of the net, because I'm not
5 gonna take 5,000, 6,000 fish out of the net, I'll be there for
6 two days. But the people come down and they take the fish out
7 of the net and we give the fish away, we don't sell any fish
8 in Hana, we just give it away to the people. Like you, maybe
9 for a pretty average size catch, you're gonna get eight, your
10 husband gonna get eight, you got two kids, they get half
11 share, they're gonna four each, so that's eight, that's 24
12 fish you're taking home, that's like about 20 pounds of fish.
13 And when you don't -- when you don't have this, then that's
14 why we -- we don't have our supply of fish, yeah, and we gotta
15 go store. Okay. Anyway, that's all I have to say.

16 FACILITATOR SENEELLY: Okay. No, no, no. So my
17 understanding would be --
18 (Applause.)

19 FACILITATOR SENEELLY: What I heard was two -- and
20 you gave a lot, but the two main things I heard that you want
21 to see in the FIS is the impact of the stream diversion on the
22 shoreline, the shoreline environment, and the second thing I
23 heard was you -- how much water is being taken out of the
24 stream. Because you said a couple things and so kind of like
25 having a better idea of how much water is being taken out of

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1 each stream or the streams. Is that correct?

2 MR. YOUNG: They take all the water.

3 FACILITATOR SENNELLY: Okay.

4 MR. YOUNG: Not leaving any water.

5 FACILITATOR SENNELLY: Okay.

6 MR. YOUNG: Only when there's rain, it overflows.

7 When the dams overflow, I've seen the dams, that's the only
8 time we have water. But now we have water all the time
9 because -- since HC&S closed, then I guess they opened up some
10 of the dams, yeah.

11 FACILITATOR SENNELLY: Thank you, Mr. Young.

12 MR. YOUNG: Okay. Thank you very much.

13 FACILITATOR SENNELLY: Michael Pasco.

14 MR. PASCO: Aloha mai kakou.

15 AUDIENCE: Aloha.

16 MR. PASCO: I'm Michael Pasco. I want to save some
17 of the comments about the taro farmers and about the
18 agriculture, those -- those remarks were spoken for it seems
19 like well today. But touching on a little bit the minimum
20 flow standards, I know that's part of the CWRM process, but I
21 just want to make sure that when we're looking at the
22 ecosystems here, the CWRM process, that it's ecosystem based
23 and not the needs of A&B based about what can be taken from
24 the -- taken from the streams.

25 And I echo those comments about maintaining mauka to

1 makai connectivity not just for the health of the fishes for
2 the fishermen, but, you know, I just want people to make sure
3 we're keeping track of the fact that the fishes that are
4 produced on East Maui side, they don't just stay and effect
5 East Maui, you know, that affects the entire island and even
6 neighbor islands. And especially when we have like 80 percent
7 or so of our modern economy based on visitor industry and
8 stuff like that, a lot of us here have jobs that are connected
9 to the visitor industry and we need to make sure that we're
10 protecting those resources also for our economy.

11 The other thing I want to talk about is the
12 ecosystem-based flow standards, I want to make sure that we're
13 also keeping enough movement in the water to keep the mosquito
14 populations down because the mosquitos, when the -- when the
15 stream flow gets too low, the mosquito populations come up and
16 that affects the native birds. And we need to make sure we're
17 protecting all of the native resources, the native plants, the
18 native birds, you know, with the -- without those native
19 animals or plants, you have no Native Hawaiian culture and we
20 need to sure to be protecting those things.

21 The other thing that we're talking about with the --
22 with the water is we're talking about this being such a --
23 such a cherished resource, so I want to make sure the EIS is
24 addressing the management of that resource. We're seeing, you
25 know, like 20 percent or so leakage and seepage and that

1 doesn't sound like treating this resource like the valuable
 2 resource that it is.
 3 And the last thing I want to say, the -- when we're
 4 talking about sustainable local agricultural for food
 5 production, I want to make sure that we're looking at it with
 6 the -- with the aspect of what's happening in the other parts
 7 of the world. Like the other gentleman was saying, there's --
 8 particularly California, you know, we're looking at the
 9 Oroville dam situation and I know that impacts so much of the
 10 food that is produced in Southern California. And they're
 11 talking about -- worrying about that dam failing and what
 12 that's gonna do to all of the food prices that all of us pay
 13 since we're not producing enough food on island. So I hope
 14 that that's factored into this decision-making process about
 15 where we're going to be getting our food if events in the
 16 world make it so that we were not getting as much from across
 17 the ocean.
 18 And I guess lastly I just want to state that, you
 19 know, because over the years we've seen that A&B has been such
 20 poor stewards of the -- of the resource, flushing stuff out to
 21 sea when they're not use it, I want to make sure that we have
 22 public access to the -- to the ditches so that way some
 23 verification can take place, because we haven't been able to
 24 count on the words and actions of A&B over time to manage our
 25 resources. So that's all I want to say.

1 (Applause.)
 2 FACILITATOR SENEELLY: So that last point actually is
 3 related to the -- your second point where you talked about the
 4 condition of the system itself, yeah?
 5 MR. PASCO: Yeah, yeah.
 6 FACILITATOR SENEELLY: Thank you.
 7 UNIDENTIFIED SPEAKER: But be more transparent;
 8 right? You got that point?
 9 FACILITATOR SENEELLY: Okay. More transparent.
 10 Okay.
 11 UNIDENTIFIED SPEAKER: Because they have not been.
 12 FACILITATOR SENEELLY: Thank you.
 13 Moke Kahiamopu.
 14 MR. KAHIAMOE: Kahiamoe.
 15 FACILITATOR SENEELLY: Kahiamoe. Moke Kahiamoe.
 16 MR. KAHIAMOE: My name is Moke Kahiamoe. I come
 17 from Huelo. I live by the stream. My family all from there
 18 from way back when they started doing the ditches.
 19 The thing I like you guys to remember when you
 20 looking at all this, everybody, the county (inaudible). I --
 21 for right now, the -- you trying to take care of your --
 22 there's so much to take care of this world going on, but I
 23 only can take care so much and the first thing is my ohana.
 24 So because now your parents getting older, sick, this, that,
 25 you get pulled away from the actual water situation going on.

1 So the thing that I want to address is that this 30-day
 2 window, we gotta come in and make one decision, you know,
 3 that's pretty quick, yeah.
 4 FACILITATOR SENNELLY: Actually, it's not to make a
 5 decision, what --
 6 MR. KAHIAMOE: But either way --
 7 FACILITATOR SENNELLY: Yeah, yeah, yeah.
 8 MR. KAHIAMOE: We pick out points because what we
 9 talking about, 30 days is nothing, yeah.
 10 FACILITATOR SENNELLY: So what's going to happen is
 11 what you guys tell us during these 30 days is what they have
 12 to study, which will probably take months. So the things you
 13 bring up, that is the basis for the studies that they're going
 14 to look at. Your comments will be in the EIS and it'll help
 15 frame what is in the EIS.
 16 MR. KAHIAMOE: Okay.
 17 FACILITATOR SENNELLY: Yeah.
 18 MR. KAHIAMOE: Okay. That's what I was --
 19 FACILITATOR SENNELLY: Okay.
 20 MR. KAHIAMOE: -- gonna bring you back to here.
 21 Because we've been going through this problem for way hell a
 22 long time. And probably me, I'm gonna (inaudible) before this
 23 thing get done, because there's other people, our parents,
 24 going, my grandparents going. Our cousins, they leave Keanae.
 25 They (inaudible) started all this stuff. We're talking about

1 the same kind of things going on. But you know what, the
 2 water has been going. I live by 'em, I go up, I check all the
 3 time, yeah.
 4 Things are changing, the environment change, the
 5 trees not growing because they took the water away, you know,
 6 and something else that stay inside the land right now that we
 7 found out -- I went up and I seen something that is -- that
 8 is -- I have never seen in my -- since I was born stay in the
 9 stream. Now, whether or not it came -- if people threw it and
 10 it went in the water or the water wasn't there, that's why it
 11 grew up, I don't know. It's lot of stuff. So one we need to
 12 look at is that not only the streams that carry the water, but
 13 the places where the water do reach, but it's through spring,
 14 not necessarily on that water -- I mean that river itself,
 15 need to look at.
 16 And then the next thing is when we dam stuff --
 17 because I see the water come, go, come and goes, so I don't
 18 know where the thing going. I think -- I don't see 'em
 19 coming, yeah.
 20 FACILITATOR SENNELLY: So we've heard this before
 21 too, you want to know what the flows are and that -- how it's
 22 managed and stuff, yeah, where the flow goes.
 23 Are you signed up?
 24 MS. KAHIAMOE: No, but I'm his daughter. Can I say
 25 something really quickly?

1 FACILITATOR SENELLY: You gotta talk like him then.
 2 (Laughter.)
 3 FACILITATOR SENELLY: No, no, no. Tell us your
 4 name. Tell us your name.
 5 MS. KAHIAMOE: I can talk like him.
 6 FACILITATOR SENELLY: Okay.
 7 MS. KAHIAMOE: My name is Kahikina Kahiamoe. I live
 8 in Huelo. And I think the EIS should address the people that
 9 actually gets the water.
 10 FACILITATOR SENELLY: Okay.
 11 MS. KAHIAMOE: As far as -- I see the environmental
 12 issues as far as the fishermen and the farmers, but I'm
 13 talking about the people like myself, because I -- these
 14 clothes that I'm wearing, I wash them from that water that
 15 comes from that stream. We bathe in that water, you know, we
 16 wash our dishes, everyday use comes from that water. So I
 17 would like them to address the people and their normal daily
 18 lives that they need to do and that water that comes to their
 19 house.
 20 FACILITATOR SENELLY: The social part.
 21 MS. KAHIAMOE: Exactly. The modern day living.
 22 FACILITATOR SENELLY: Okay. Everybody, I diverted,
 23 'cause I let her talk, but we will still try to stay in order.
 24 Okay?
 25 MS. KAHIAMOE: Okay. Thank you.

1 FACILITATOR SENELLY: Thank you.
 2 (Applause.)
 3 FACILITATOR SENELLY: Alex Franco.
 4 MR. FRANCO: Right here.
 5 FACILITATOR SENELLY: In the back.
 6 MR. FRANCO: Thank you.
 7 My name is Alex Franco. I'm with Maui Cattle
 8 Company. A number of years ago a group of ranchers got
 9 together to form the company in an effort to try and keep our
 10 cattle home for the local marketplace. For a number of years
 11 our cattle has been shipped to the mainland to supply the
 12 markets there and the local ranchers felt that, gees, we
 13 should try and keep our cattle home to try and develop a local
 14 market. And we were very fortunate that as we got into the
 15 local market, there was quite a bit of demand for our product
 16 and people sought after our local products. Unfortunately,
 17 one of the things that happened five years into our company is
 18 we hit a six-year drought that really impacted the ranching
 19 community here on Maui as well as the rest of the state. And
 20 what that did is it pretty much diverted the market share of
 21 cattle coming into the marketplace back to the mainland again
 22 because we couldn't sustain those animals here.
 23 And with water being available to come to the
 24 central valley, it does provide an opportunity for the
 25 potential of irrigated pasture that we could keep more of

1 these cattle here at home. But at the same time, we feel it
 2 is very important to have a shared use for the water and
 3 realize the importance of what the taro farmers need, but,
 4 again, just here expressing the concerns of the drought for
 5 our industry and the need to supply water for all of us that's
 6 in agriculture here in Hawaii. Whether we're small farmers or
 7 larger farmers, we all need the water, so I'm here to try and,
 8 you know, ask for support for water being supplied to bona
 9 fide farming.

10 FACILITATOR SENNELLY: Okay. So -- and you want to
 11 see the impacts of the proposed action on the Central Maui
 12 side?

13 MR. FRANCO: That's correct.

14 FACILITATOR SENNELLY: Okay. Thank you.

15 MR. FRANCO: Thank you.

16 FACILITATOR SENNELLY: Brian Wittman.

17 MR. WITTMAN: That's me.

18 As I'm talking if -- I'm Brian Wittman. I live in
 19 HueLo on Hanehoi Stream near Moke.

20 Earl, could you put up a map that says "Use Area"?

21 It's about, I don't know, ten slides back.

22 I notice almost all of these comments are about
 23 socioeconomic because we're people and we have to make a
 24 living and we have families. And we care about the individual
 25 species, but we're pretty much all talking about ourselves and

1 our family and our history.

2 FACILITATOR SENNELLY: Is this the map?

3 MR. WITTMAN: That's a good map.

4 FACILITATOR SENNELLY: Okay.

5 MR. WITTMAN: That's a good map. Thank you.

6 I think that A&B is asking for too much and they're
 7 too big. So I think when you guys are making the EIS, you
 8 should make it with a more reasonable request in mind, not the
 9 request for all that water for 30 years. I think they're
 10 asking for too long a time and I think also, unfortunately,
 11 they're not giving back enough.

12 And I think one of the things that maybe all of us
 13 should realize, all these ditches are up here, right, these
 14 were built by steam shovels back before diesels. Right? They
 15 were built by Chinese labor, German engineers. We still have
 16 German Hawaiians, Chinese Hawaiians. Right? HueLo is a
 17 community that actually came from EMI development, it was a
 18 fringe area in Hawaiian times, but it became kind of a central
 19 part of EMI and it's in Kailua where they maintain the
 20 ditches.

21 And I know some of those ditches, I don't know all
 22 of them, but they go around here, right, and they come over
 23 here and this is all A&B's land. Now, me, I just have about
 24 four acres there, so I'm not even talking about me. I'm on
 25 rain catch, so I'm talking about all you guys, the whole

1 island. I think if A&B wants to make a reasonable request,
 2 they should think about, first of all, where are we gonna put
 3 the water we're asking for? As it is, what they're doing is
 4 they're asking to just have the water, have the water, have
 5 the water, put it in the field and let it run down in the
 6 ocean.

7 Now, wouldn't it be smarter for them to take some of
 8 their 30,000 acres -- that's a lot. I've got four, they've
 9 got 30,000, okay, 30,000 acres. Why not build a reservoir?
 10 Okay? I drive around here like below Haliimaile, it looks
 11 like there's kind of a scoop, below Pukalani there's a kind of
 12 a scoop. I think that they -- if they were smart, they would
 13 say, Okay, we have a lot of land, we should build a reservoir
 14 and we should just ask for the overflow.

15 FACILITATOR SENNELLY: Okay.

16 MR. WITTMAN: Instead of asking for the main flow,
 17 we should say, You guys can have all the main flow and when
 18 you get storms in East Maui, when there's too much water,
 19 that's when we take ours and we put our water in a reservoir
 20 and then we can have what we need and you guys can still have
 21 everything you need.

22 FACILITATOR SENNELLY: Okay. So it's a matter of
 23 distributing, of storing and distributing differently than
 24 what is -- so it's another --

25 MR. WITTMAN: A&B needs to invest. They haven't

1 invested since the 19th Century.

2 FACILITATOR SENNELLY: Okay.

3 Alice Lee. Hi.

4 MS. LEE: Thank you.

5 Good afternoon. Aloha, everyone. My name is Alice
 6 Lee and I'm a lifelong resident and community volunteer in
 7 Maui County.

8 I think it is of the utmost importance that the EIS
 9 be fair, balanced, and representative of a wide range of
 10 interests that will benefit the community as a whole. These
 11 are my concerns.

12 What will be the impact on the over 35,000 residents
 13 in Upcountry who rely on EMI for water? Will Upcountry water
 14 rates be raised if the county cannot get water from EMI? How
 15 will the county be able to provide additional water to
 16 Upcountry due to normal population growth?

17 With Nahiku, will Nahiku water rates go up if the
 18 streams are restored?

19 Flood control is a significant problem now that the
 20 Iao Stream or Wailuku River has been substantially restored.
 21 With water constantly running in the stream, it is difficult,
 22 almost impossible to maintain the streambeds and control
 23 vegetation which allows the water to rise in the stream and
 24 increasingly pose a threat to human lives and property damage
 25 especially in times of heavy rains as we experienced in

1 September. Will the restoration of East Maui streams cause
 2 the same problems?
 3 For over 100 years the stream diversions have
 4 contributed to the recharge of Maui's aquifers. What will be
 5 the impact of reducing recharge? What will happen to A&B
 6 land, over 30,000 acres, with and without stream diversion?
 7 If the central plains no longer receive surface water from
 8 East Maui, will this not cause an environmental catastrophe in
 9 Central Maui, such as serious erosion problems, dust storms,
 10 fire hazards? Native birds and animals who thrive in the cane
 11 fields, what will become of them?
 12 How will our largest economic driver, the visitor
 13 industry, be impacted if much of the land becomes arid and a
 14 blight on the formerly lush slopes of Haleakala?
 15 Finally, I strongly believe diversified ag. is the
 16 best use of the former cane lands.
 17 Thank you for your consideration.
 18 FACILITATOR SENELLY: Okay. You said a lot, so I
 19 want to make sure I understand. A lot of it was what happens
 20 to the users, the communities, if it's not -- if they don't
 21 have that water, yeah? And what happens to water rates and
 22 things like that?
 23 The other thing I heard was if it -- if you don't
 24 irrigate the Central Maui part, is it going to be dry, you
 25 know, and arid?

1 And the third thing I heard -- I mean, you said a
 2 lot of things, but I'm trying to like put it in my head.
 3 Okay? One of them was also flood control, that if -- can we
 4 handle flood control with -- if all the streams were the other
 5 way?
 6 Okay. Thank you.
 7 Dianne Shimizu.
 8 MS. SHIMIZU: Good -evening. My name is Dianne
 9 Shimizu and I'm a concerned citizen and also a member of O
 10 Maui, Inc., a nonprofit organization that advocates for
 11 affordable workforce housing, water, good-paying jobs, and a
 12 healthy economy for Maui County's residents.
 13 I've lived on Maui for 66 years. For over 35 years
 14 my husband and I and my two boys lived in Upcountry Maui. We
 15 were able to build our home and raise our family because we
 16 had water for our domestic water needs. The EMI system
 17 supplied water for Nahiku and irrigation water for ag. users
 18 at the Kula Ag. Park. The possibility that these users will
 19 not continue to have that water is frightening. What will
 20 happen to the families, farmers, businesses, and schools in
 21 Upcountry Maui and in the Nahiku if EMI is not allowed to
 22 continue to deliver water? EMI needs enough water to continue
 23 to meet the domestic and agricultural needs of our Upcountry
 24 and Central Maui residents.
 25 I would like to see the EIS assess the impacts on

1 housing and on our families who are struggling to find homes
 2 if there's no water, on farmers and ranches in Upcountry and
 3 Central Maui who depend on the EMI system for their
 4 livelihood, on HC&S's lands without the sugarcane, and on our
 5 hopes of food sustainability if the Central Maui lands cannot
 6 be cultivated? Please consider these factors in your
 7 preparation of a well-balanced EIS.

8 FACILITATOR SENNELLY: Thank you.
 9 Albert Perez. Albert Perez? Oh, okay.
 10 MR. PEREZ: Aloha, Albert Perez.
 11 FACILITATOR SENNELLY: Aloha.
 12 MR. PEREZ: I have a lot of comments and I'm not
 13 going to read them all because I'm going to submit written
 14 testimony, but I did want to talk about what I consider to be
 15 A major flaw in the initial premise of the EIS preparation
 16 notice. So there are many places where it says the proposed
 17 action will maintain existing conditions subject to the
 18 pending stream flow decision and those significant impacts are
 19 anticipated for various topic areas of like geology and things
 20 like that. To me, that is a flawed premise, you are -- sorry.
 21 Currently HC&S is using very little water and it may be years
 22 before they use much more. In terms of the environmental
 23 impacts of the proposed action, it does not matter what their
 24 stated future intent is, we have to evaluate from the existing
 25 situation, which is that opae and other stream life are

1 currently using habitat that currently exists. The proposed
 2 action will reduce or eliminate this habitat and that is an
 3 impact that must be analyzed. Kalo farmers currently have
 4 water available that will be reduced or eliminated by the
 5 proposed action and this is an impact that must be analyzed.
 6 So your -- I think if you -- if you go ahead on this basis,
 7 that the entire EIS will be flawed.

8 I also wanted to say that no one is talking about
 9 either/or, you know, it's not either Central Maui gets water
 10 or East Maui gets water, it could be both. There's plenty of
 11 water, but it should be used wisely. I'm hopeful that some of
 12 the people here today will share what positive impacts they've
 13 already seen from the increased water flow, and we have heard
 14 some of that.

15 We need to insist that this EIS has real information
 16 about real impacts and not just gloss over what has happened
 17 in the past, because we can learn from that and incorporate
 18 that into the EIS. And then I'm not going to go into detail
 19 about what should be discussed, I'm going to leave that out,
 20 but I did want to talk about some alternative actions that
 21 could reduce harm to the environment and to cultural users
 22 such as:

23 Leaving more water in the streams than A&B has
 24 requested, using other water sources like wells or streams
 25 that A&B already diverts outside of this lease area. Maybe

1 they have enough already, maybe they don't need this, this
2 lease.

3 Making sure that the water is used for agriculture.
4 A&B does not have clear plans for agriculture. They keep
5 changing it and the land is being sold, so what assurance do
6 we have that leasing this thing for 30 years, that the water
7 is going to be used?

8 How about growing crops that are appropriate for the
9 environment out there in Central Maui that -- I mean, you
10 don't have to grow mangos in the middle of the arid part of
11 the island. Using less thirsty crops that would use less
12 water.

13 Currently 42 million gallons per day is lost from
14 the ditch system and the reservoirs. How about the
15 alternative of reducing ditch system and reservoir losses?
16 How about allowing more access to public lands so that we can
17 see what's actually going on there?

18 Do you want stop me?

19 FACILITATOR SENNELLY: I'm going to -- you said that
20 you were going to turn something in?

21 MR. PEREZ: I am.

22 FACILITATOR SENNELLY: Because it's still gonna be on
23 record. Is that okay?

24 MR. PEREZ: That's fine.

25 FACILITATOR SENNELLY: All right. And here's what

1 I'm saying, here's what I'm saying, we do have limited time
2 and --

3 MR. PEREZ: I'm almost pau.
4 FACILITATOR SENNELLY: Okay.

5 MR. PEREZ: I think it would be very important that
6 we get actual stream flow data. We just participated in
7 the --

8 FACILITATOR SENNELLY: No, no. I'm acknowledging
9 that.

10 MR. PEREZ: Okay. I'm just watching that finger.
11 (Laughter.)

12 FACILITATOR SENNELLY: No, no, no. Because I --
13 we've heard that and I'm just acknowledging.

14 MR. PEREZ: Okay. We don't have stream flow data
15 for each stream that's proposed to be diverted and we should
16 have.

17 We should explore alternatives and shorter lease
18 terms, an alternative of just leasing the ditches and roads
19 instead of the entire 30,000 acres.

20 What about the possibility of state acquisition and
21 repair and maintenance of the diversion system and charging of
22 market rates for water to generate enough money for that
23 repair and maintenance?

24 (Applause.)

25 MR. PEREZ: And then it can be administered in

1 accordance with the public trust instead of -- I mean, let's
 2 face it, the county relying on a private corporation for its
 3 Upcountry water system is really, really risky. What if they
 4 change their minds, what are we going to do Upcountry?
 5 And then, finally, I'd like to ask about if the EIS
 6 could analyze -- and I don't know if this is appropriate or
 7 not because A&B is applying for a lease, DLNR is evaluating
 8 the impact of that lease to them, but what about the
 9 possibility of having other bidders for a lease on these
 10 waters?
 11 FACILITATOR SENNELLY: There -- actually, that is
 12 going to be happen.
 13 MR. PEREZ: Okay, Good. And I'll wrap up here.
 14 There's also a problem with the analysis in the EIS
 15 preparation notice. It says that the -- the no action
 16 alternative says that no entity, including A&B, would have the
 17 right to use waters derived from state lands if they don't get
 18 the lease, but this is not true. Downstream riparian and
 19 appurtenant users would have that right. The water's gonna
 20 flow and people can use it, so its incorrect to say that
 21 nobody would have the right to use that water.
 22 The other thing that I found odd was that the
 23 preparation notice raises the possibility that continued
 24 maintenance of the ditch system outside of the leased areas
 25 might not be economically feasible. I don't understand why

1 that would be true outside, but not inside the leased area.
 2 FACILITATOR SENNELLY: Okay. I'm going to -- and
 3 we'll make -- we have your oral and you're going to turn in
 4 your written and I -- is that okay?
 5 MR. PEREZ: I am actually done.
 6 FACILITATOR SENNELLY: Mahalo.
 7 (Applause.)
 8 FACILITATOR SENNELLY: Okay. Here's why -- I know
 9 I'm acting of antsy, so here's why. Okay? We have 15 people
 10 who signed up and I'd really like to get through them. And
 11 we're going to try and pau at 7:00. And as I said, what
 12 happens is as we get closer to the time, I'm gonna ask you for
 13 permission to extend, 'cause I really want everybody to hear
 14 each other. Okay?
 15 Cody Nemet. Nemet.
 16 MR. NEMET: Aloha kakou. I'm born and raised here
 17 and I've been a resident and active member of our community.
 18 I'm here today to express my views and to inquire that we make
 19 sure we are provided with a thorough and proper EIS survey.
 20 I do believe in restoring our rivers from mauka to
 21 makai and sustainability for the future of our native and
 22 local farmers. It is also important to me that we revitalize
 23 the life that connects mauka to makai as well for our
 24 sustainable future. We, as a community, have concerns. The
 25 EIS should address full disclosure to see all diversions,

1 roadways, public access areas pertaining to the East Maui
 2 Irrigation, including maps representing the names of streams
 3 and diversion amounts being taken for each licensed area, the
 4 average, maximum, and minimum amount. It is important that
 5 the community has access to this information and that we are
 6 given facts, not generalized ideas.

7 With such a valuable resource at stake, I feel we
 8 need to explore all options besides those proposed. But
 9 alternatives may be using -- uses including one that involves
 10 the use of water from less than all four license areas, a
 11 proposal to look to shorter term leases how much -- as a much
 12 safer way to monitor and manage compared to the proposed
 13 30-year lease. There needs to be access for cultural and
 14 gathering purposes, access for restoration and maintenance,
 15 including what the future impacts will be for the future of
 16 these purposes.

17 I see a window of opportunity to make a great change
 18 to benefit the number one provider, not the corporations, not
 19 the employers, but the aihā. Action and reaction is the key
 20 when dealing with so much disturbance and change. Let us be
 21 mindful for the future and learn from our past. Mahalo.

22 FACILITATOR SENELLY: Mahalo.
 23 (Applause.)

24 FACILITATOR SENELLY: Frank. Frank Caprioni.

25 Frank.

1 MR. CAPRIONI: Aloha mai kakou. My name is Frank
 2 Caprioni.

3 FACILITATOR SENELLY: Aloha.

4 MR. CAPRIONI: I'll try to keep it pretty simple,
 5 but a couple things I think this EIS should definitely address
 6 is all the history of Alexander & Baldwin and their connection
 7 with the native taro farmers. And I've been fortunate enough
 8 to be out in (inaudible) and work in the fields and hear the
 9 frustration directly from the farmers and to see it and to see
 10 all of these promises that Alexander & Baldwin says that
 11 they're going to do and they never, ever do. I think that
 12 that's crazy, craziness, you know. I can feel the frustration
 13 from them.

14 I also think the EIS should also address alternative
 15 measures to have somebody else maintain that ditch. I mean,
 16 God, East Maui Irrigation, how many times are we gonna let
 17 these guys get away with what they're done? You know, they're
 18 obviously not good stewards, why give -- why are we gonna give
 19 it to them? Why can't the state -- I mean, there needs to be
 20 other options that need to be looked into, you know. And
 21 again, I completely understand that water is life, everybody
 22 needs water. I don't -- I'm pretty sure, I don't think any of
 23 the kalo farmers (inaudible) are asking for all of the water.
 24 I'm pretty sure that they've made that pretty clear, you know,
 25 and so to throw that out there is kind of crazy. I'm pretty

1 positive they're not asking for all the water.

2 And another thing is the uncle talked about, you
3 know, with the akule and stuff and, you know, the hihiwi and
4 that's where all the fish spawn and stuff like that, you know.
5 And I was fortunate enough to go down to the Wailuaiki, it's
6 the bay east of Wailuanui, that one has two rivers that flow
7 inside there, one of them on the far side is diverted, the
8 other one isn't. I mean, it's night and day difference, night
9 and day difference, the one side there has got hihiwi, which
10 you rarely see around Maui, all the way up to the shoreline,
11 the other one has got nothing, no reef right in front, nothing
12 on the one. It's common sense, it doesn't take a rocket
13 scientist, you know.

14 Another thing I'd like to say too, I think there
15 needs to be mediation between East Maui Irrigation and the
16 Hawaiian community, 'cause, again, there is a lot of -- a lot
17 of lies that have been told, a lot of things, a lot of
18 promises that haven't been up kept. And I think in order to
19 be able to move forward, that stuff needs to be sealed up. I
20 mean, it's just -- it's crazy. So I really hope that you guys
21 will look into the history and really go and talk. I know
22 there is some of the East Maui taro farmers in here and go and
23 talk to them because they have a lot of manao to share.

24 So thank you guys for your time.

25 FACILITATOR SENNELLY: Okay.

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(Applause.)

2 FACILITATOR SENNELLY: You know, I want to say the
3 EIS will cover those topics, but the mediation effort in and
4 of itself is -- is parallel.

5 MR. CAPRIONI: Oh, one more thing.

6 FACILITATOR SENNELLY: Yeah, yeah.

7 MR. CAPRIONI: What I'd like to say too is that

8 there's no -- like who -- who oversees East Maui Irrigation?
9 You know, we -- on the west side where I'm from, we're dealing
10 with some stuff up in streams and it's -- it's incredible to
11 try and talk to somebody.

12 FACILITATOR SENNELLY: Okay.

13 MR. CAPRIONI: I mean, so really quickly I want to
14 say there needs to be some oversight. You know, East Maui
15 Irrigation is kind of -- and, you know, one last thing too
16 that kind of blew my mind, sorry, is that the East Maui taro
17 farmers that have gotta get -- they've gotta get permission to
18 go drive up and they only get the key one day of the month,
19 this is (inaudible) and they've been there forever. Like how
20 is East Maui Irrigation able to go up there all the time, but
21 the local people who are from there, they've gotta ask
22 permission and they only got a certain window period to go up
23 there. I think that's ridiculous. I think that is
24 ridiculous.

25 FACILITATOR SENNELLY: Sir, access has been brought

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1 up before.

2 (Applause.)

3 FACILITATOR SENEELLY: Okay. Adriane Raff Corwin.

4 MS. RAFF CORWIN: Here.

5 FACILITATOR SENEELLY: Thank you.

6 MS. RAFF CORWIN: Aloha kakou.

7 AUDIENCE: Aloha.

8 MS. RAFF CORWIN: My name is Adriane Raff Corwin.

9 I'm with Sierra Club Maui Group. We will also be submitting

10 written comments, but I'll just provide a little bit of what

11 we want to say here.

12 I'd like to say I agree with Albert Perez's comments

13 that spoke earlier.

14 One of the main things we want to bring up is that

15 the community has been asking for this EIS for decades and we

16 know that that's not your fault as the consulting company that

17 this hasn't been done, but just that there's a lot in here to

18 address. Because the EIS should have been done so long ago,

19 we don't have a track record, an official record of the

20 environmental impacts that have already happened and so we

21 need an accounting of that as to the damage that has been done

22 by the previous diversions over all these years and so we

23 would like to have that history and that understanding in this

24 document.

25 Another thing is that, as Albert mentioned, that

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1 there's a lot of things that are in the preparation notice

2 that claims that there aren't environmental impacts, but I

3 would like to just draw attention and lot of our comments will

4 come from at the end of the preparation notice -- and I

5 recommend everyone look at this -- the United States

6 Department of Interior's Fish and Wildlife Service submitted

7 comments on this preparation notice that has many, many, many

8 excellent points as to things that this EIS needs to address,

9 one of them being currently A&B is only taking 25 million

10 gallons per day from the diversions when, in fact, they could

11 take up four hundred something and in the past they took about

12 170 per day, 170 million gallons per day during sugarcane

13 growth. So they're only taking 25 right now and we are seeing

14 many of the streams come back and the wildlife in those

15 streams. And we need to have an understanding of if we -- if

16 they start taking more than just 25 and those streams start

17 disappearing again, that's a major environmental impact

18 because we've gotten some restoration and we -- so we need

19 that addressed.

20 There's a lot of other great points and, again, I

21 recommend everyone read this document that's at the end of the

22 preparation notice including, yes, different --

23 FACILITATOR SENEELLY: You mean the letters?

24 MS. RAFF CORWIN: Yes, the letters. So the letter

25 from U.S. Department of the Interior, Fish and Wildlife

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1 Service.

2 Different lengths of the lease is another thing we'd

3 love you to address. There's a lot in here, but, yeah, I

4 would say, again, my major points, because I know everyone

5 else needs to speak, is we need to have a full understanding,

6 a true full environmental impact statement with primary,

7 secondary, tertiary, etc., impacts, cultural impacts,

8 environmental impact, social impacts, and the current

9 preparation notice as written is not addressing much. It is

10 skirting over the majority of these issues and so we would

11 like you to completely readdress this and look at what your

12 preparation notice is missing on these factors.

13 FACILITATOR SENELLY: Okay. Just a couple of

14 clarifications.

15 MS. RAFF CORWIN: Sure.

16 FACILITATOR SENELLY: The prep notice really cannot

17 come to conclusions about significance.

18 MS. RAFF CORWIN: Oh, I don't mean -- I don't mean

19 conclusions, but there's many things in the preparation notice

20 that it looks like you're not even going to address because

21 you claim there's no significance.

22 FACILITATOR SENELLY: Oh, that's why we're here.

23 MS. RAFF CORWIN: Right. So that's what we're

24 saying, we want to make sure that doesn't happen.

25 FACILITATOR SENELLY: Yeah. And my only point is

1 that the level or whatever of significance has not been

2 determined because the studies have -- are not being -- have

3 not been done. So I take -- I get your point, though, you

4 want it -- you want it -- I think the gentleman here says you

5 want it to be transparent and put a lot of stuff in.

6 MS. RAFF CORWIN: Well, for time reasons, I will

7 leave it at that, but it's a lot more complicated than that.

8 FACILITATOR SENELLY: I know, I know. Okay. Thank

9 you.

10 Tiare Lawrence. Okay. Are you --

11 MS. LAWRENCE: Aloha. Tiare. Over here. I'll

12 stand up.

13 FACILITATOR SENELLY: I'm sorry. No, no, no. I'm

14 the one who -- I'm short too. Sorry.

15 MS. LAWRENCE: Aloha. My name is Tiare Lawrence.

16 FACILITATOR SENELLY: Aloha.

17 MS. LAWRENCE: I'm here from. I'm a lineal

18 descendant of Keanae. My tutu wahine was from there.

19 I enjoy the bountiful akule that come in when my

20 friend Healoha gives me bags of akule, so I know that since

21 the -- since the restoration of some of the streams, that

22 akule have been coming in more frequently. And it's been mind

23 blowing for a lot of the residents out there that they get to

24 experience that. A lot of them thought they wouldn't be able

25 to experience this bounty that's been happening over the past

1 few months.

2 I'll go into details. I'd definitely like the EIS
3 to include interviews of kapuna makua and opio from East Maui,
4 their moku. I'm pretty sure many people in this room are
5 willing to participate in that.

6 I would also like to request an additional meeting
7 be held in Keanae and Hana. The kapuna go to work so they
8 couldn't drive the two hours to be here. I believe that their
9 voices are being left out and they should be given the
10 opportunity to speak.

11 I would like the EIS to provide the benefits of
12 short-term versus long-term leases.

13 The EIS should detail the impacts of the diversion
14 of each stream, not a generalized view of the entire
15 watershed.

16 The EIS should consider a range of alternatives.
17 Besides the no diversions at all alternative it should reveal
18 the impact of just diverting enough for existing county needs
19 and the alternative of leaving enough water in every single
20 stream so that they each receive enough to support 90 percent
21 of stream life.

22 The EIS should disclose those areas that are pumping
23 from A&B lands.

24 The EIS should include all past impacts such as
25 kuleana land titles, quiet titles, and a clear explanation on

1 how A&B acquired these lands with records.
2 (Applause.)

3 MS. LAWRENCE: And present impacts to the streams
4 (inaudible) they have more water than normal which helped
5 increase habitat right now. If they are given the lease, the
6 stream habitat will be killed, that is a fact.

7 As well as the impacts of the various broken
8 infrastructure and leaks along the system.

9 Also I would like the EIS to include a map of
10 potential lohi that can be restored. This will provide an
11 opportunity for more kalo cultivation. Kalo farmers are
12 unable to keep up with the current demand and the kalo
13 industry is a multimillion dollar industry with so much more
14 potential.

15 I would also like the draft EIS to include the
16 following: past and present impacts on aquatic life, native
17 plant species, invasive plant species, recreational
18 activities, aesthetic value such as waterfalls and scenic
19 waterways, traditional and customary practices such as kalo
20 cultivation and gathering of oopu, hihiki, and opae.

21 I personally believe that no future subdivisions or
22 gentleman estates should have access to surface water for
23 development.

24 I also believe the EIS should explore policy, if
25 passed at the county level, such as allowing gray water use

1 that would allow less use from potable sources.

2 At the very least before any lease is given they
3 should be required to fix the ditch system and reservoirs
4 adequately to stop wasting 41 million gallons a day.

5 And I would also like East Maui to get a dedicated
6 water management area. Mahalo.

7 FACILITATOR SENELLY: Thank you.

8 Diane Hakamatsu. Diane? Oh, over here, over here.

9 MS. HAKAMATSU: Aloha and good evening, everyone.

10 FACILITATOR SENELLY: Good evening.

11 MS. HAKAMATSU: As a lifelong resident of Maui, a
12 mother of two children, and a member of the Go Maui board, I'm
13 very concerned about the issue of water for the development of
14 future affordable housing because we all know that water is a
15 critical component to providing any future housing. I'd like
16 to emphasize that what I mean by affordable housing are small-
17 scale projects that are sold at truly affordable prices, and I
18 mean all units within the project, so our residents,
19 particularly those in need, can benefit from home ownership
20 opportunities.

21 FACILITATOR SENELLY: May I ask you, you're talking
22 about areas that are already being served by the water?

23 MS. HAKAMATSU: That's correct.

24 FACILITATOR SENELLY: Okay. Thank you.

25 MS. HAKAMATSU: That's correct. And I'd just like

1 to thank you for your favorable consideration of this request.

2 FACILITATOR SENELLY: Thank you.

3 Justin Time. Is that -- Justin Time, is that really
4 your name?

5 MR. TOMBE: People remember that one.

6 FACILITATOR SENELLY: Okay. Just checking.

7 MR. TOMBE: Okay.

8 FACILITATOR SENELLY: Just checking.

9 MR. TOMBE: Justin Tombe. (Inaudible.)

10 FACILITATOR SENELLY: Okay.

11 MR. TOMBE: Water is life and when we're talking
12 about it here like a lease and we're making agreements, we're
13 reviewing ones that have been made like it's an economic
14 commodity and that's okay, but that process is incomplete if
15 we don't remember, right, that it's more than that. So this
16 process, I want to invite everybody participating in this
17 process here all the way through to remember to stretch
18 further than just the legal considerations; otherwise, we're
19 failing our responsibility to the generations. Okay? That's
20 how I feel it in my heart.

21 The vision of how you steward the land and the water
22 together has to be considered in this process. Right? So
23 it's not just water goes to someone for 30 years, they get a
24 sign off and an agreement and a fee. It's like what's the
25 land use that it's going to be used for? Specifically how is

1 that vision articulated? I think 30 years, again to echo, is
 2 too long of a process. Five years, one year at a time if
 3 that's what it takes to figure it out. And you can't do that
 4 without accountability of the past, what has happened. Now
 5 someone step away from the awaas in the shape that they're in
 6 and now that it's kind of falling apart and they've made their
 7 money and they've exported all these crops with the water
 8 embodied in it and all that wealth off the island, and now
 9 they're gonna step away, no responsibility to take care of
 10 what's behind? No. That should be addressed, that should be
 11 a part of this as well. Okay? So accountability.
 12 And then for me, like I got a little chance living
 13 over in Huelo on the Hoolawa to do a little pilot project, an
 14 eco village in an ahupuaa kind of style. Right? And so what
 15 that was, what is that, it's a vision of how the land should
 16 be organized and used, how to steward the water all the way
 17 through. Okay? So if it's going to end up being in a golf
 18 course and there's nitrate fertilizers being dumped on there
 19 and there's organophosphate pesticides sprayed on it and
 20 they're gonna end up in the ocean and the fish, is that --
 21 like if we can't address that here in the use process, then
 22 we're not really doing the job.
 23 And so I want to know from A&B what's their 30-year
 24 vision, what do they see, where is this going, how is this
 25 going to get used much more articulated. And I love

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1 hearing -- thank you so much -- like stream-by-stream impact.
 2 That's the kind of granularity, that's the kind of attention
 3 to detail, that's the kind of responsibility that this EIS
 4 process really needs to try and address even though it's
 5 beyond its scope a little bit.
 6 FACILITATOR SENEELLY: Okay. Future uses, you
 7 mentioned, to my -- there is no golf course. I mean, you
 8 mentioned that and it's just I kind of want for the record
 9 that, you know, we're talking about existing uses in the
 10 central plains and all that kind of stuff.
 11 MR. TOMBE: So diversified agriculture.
 12 FACILITATOR SENEELLY: And diversified agriculture.
 13 MR. TOMBE: Right. So that's poly-culture, no more
 14 mono-crop, monolithic institution. I'd like to see some
 15 addressing of what the land use looks like that makes room for
 16 small-time agriculture producers. I'd like to echo that
 17 again.
 18 FACILITATOR SENEELLY: Okay.
 19 MR. TOMBE: For sure. Yep. And put a plug in also,
 20 you know, if there is a place for a pilot project for
 21 industrial hemp to find its place on Maui here as a medicine,
 22 as a food source, as an industrial product, then that's
 23 something that really ought to be part of that looking forward
 24 too.

FACILITATOR SENEELLY: So different types of

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1 agriculture, not monolithic. Okay.

2 MR. TOMBE: Yeah. Absolutely.

3 FACILITATOR SENNELLY: You pau?

4 MR. TOMBE: Absolutely. Mahalo.

5 FACILITATOR SENNELLY: Okay. Zach Williams. Sir.

6 MR. WILLIAMS: Hi, everyone. Aloha. I'm Zach

7 Williams. I'm from Lower Nahiku. I'm just here to say a

8 couple of things really quick about the EMI and what I would
9 like in the EIS.

10 So starting from the beginning, A&B, their
11 subsidiaries HC&S and East Maui Irrigation Company have been
12 very deceitful in what they're saying their uses are. They
13 said right now they've restored 100 percent of Makapipi
14 Stream. I walked up, because we cannot drive and I'm a
15 residence of Nahiku, I walked up to their diversion yesterday,
16 their eastern boundary diversion because they have multiple
17 diversion at different layers of each stream so they can take
18 not water from one place, but multiple places in each stream
19 and they have pumps as well, they can pump water out of the
20 streams.

21 So on their eastern most diversion, they said they'd
22 give us 100 percent stream flow, but I have a video showing
23 they've opened a little door and it's about four or six inches
24 deep where the water flows out the door and then their flume,
25 which is right on the inside of their diversion, has as much

1 water as they could be possibly taking still flowing into
2 their diversion. And I have video evidence of this from
3 yesterday. And that's what they call 100 percent stream flow,
4 they get more than 50 percent of our water. Well, I'm a new
5 kalo farmer, but I'm a lifelong resident of Lower Nahiku. I'm
6 struggling to get my rhodes going, but that's just wind, Kona
7 winds for the last two weeks. And for the first time since
8 July we've lost mauka to makai connectivity. We've had that
9 since July of this year. So yesterday I went up to the
10 diversion, then I went down to the bridge at the bottom of the
11 road and into the ocean to check the mauka to makai
12 connectivity.

13 My neighbors, the (Hawaiian name), were getting opae
14 and because the water stopped flowing at Wahine Mo, which is
15 about -- a pond 300 yards up from the ocean, they had to go
16 above there to even get opae in their ponds because it was all
17 neko, because HC&S and EMI are not giving us our fair share
18 and they're saying they're giving us 100 percent. So I want,
19 I guess, the definitions of 100 percent water restored to
20 actually be 100 percent. They're like falsifying this to
21 everybody in Maui County and the State of Hawaii saying
22 they're giving us our water and I still no more water.

23 And as far as Auntie saying, "Oh, we're worried
24 about (inaudible) guys paying for the water," hey, don't worry
25 us, we'll take care, so --

1 And one more thing too about the opae, the hihiwi,
 2 the pipiwai, the (Hawaiian word), the moi, all these things
 3 are all interdependent on that fresh water connectivity into
 4 the ocean. But we also need accountability, we need (audible)
 5 to come down and count the opae, count the hihiwi, count the
 6 pipiwai, the oopu. And we need this above and below the
 7 diversions on every single river and then we can decide who
 8 gets to take what. But until we have a precedent to preserve
 9 our animals and our people and everybody who lives in Maui
 10 (Hawaiian word), then I don't -- I don't see -- I don't know
 11 where the future is going with EMI, but they need to come
 12 forward and be way more transparent.

13 And also their water lines are all bust, they call
 14 them broken water lines, they're just leaking water yesterday,
 15 buried under gingers. And the EMI guys are driving by in
 16 their trucks, there's no way they would hear that. I'm
 17 walking by, I heard the thing, I un- -- dug under gingers and
 18 ahui for like ten to fifteen feet with my cane knife to find a
 19 four-inch water line completely ruptured, just busting water
 20 they've diverted from Makapipi Stream straight into the
 21 bushes. Where's the accountability? How long has this been
 22 busted? I just found it yesterday, it was buried a foot
 23 underground. If I wasn't walking, I wouldn't have heard it.
 24 And lastly, I talked to Uncle Frank James, who is a
 25 lineal descendent of (Hawaiian name) in East Maui. And I

1 think Kuihewa, Maui Land and Pine, they used to have on
 2 Kuihewa, but they don't take surface water from Kuihewa, but
 3 they do take water, they pump it, because it's one of the
 4 largest aquifers we have in East Maui. And since 1990 when
 5 they put in that pump, Uncle Frank told me that the pond, what
 6 they call Blue Pond, is actually only running for two or three
 7 weeks after a big storm and then it dries up completely dry.
 8 His whole life that never happened, but since 1990 when they
 9 put in that pump, that's been happening. And what effect did
 10 that -- these pumps and these pumps stations have an effect on
 11 other ahupuaas? What about the next ahupuaa in Koolau? But
 12 we're all connected and there's been no scientific study or
 13 research to see how our aquifers are connected. When you take
 14 from one place, people are affected somewhere else. So they
 15 cannot just say, Oh, this and that. We need way more, way
 16 more scientific impact statements and, I don't know, research.
 17 Anyway, that's all I have to say.

18 FACILITATOR SENELLY: You want more data.

19 Okay. It's seven o'clock. We have, I think, 11
 20 more people, so can we go on to 7:10?

21 AUDIENCE: Yeah.

22 FACILITATOR SENELLY: Is that okay?

23 All right. Kamalani Pahukoa. Kamalani.

24 MS. PAHUKOA: Aloha.

25 AUDIENCE: Aloha.

1 MS. PAHUKOA: My name is Kamalani Pahukoa. Mahalo
 2 for everyone for coming and I respect everyone's comments from
 3 our country farmers to, you know, our residents and commercial
 4 users and everybody. I'm from East Maui, I'm from Keanae. I
 5 mainly come here today to give specifics on what I think the
 6 EIS should address, so I'll get to it.

7 So East Maui streams holds one of the worlds most
 8 diverse ecosystems and native species, mollusks to arthropods
 9 and vertebra. I ask that you honor the recommendations of our
 10 state biologists, scientists, Hawaiian practitioners, and Maui
 11 community. It is crucial that habitat mapping would be
 12 incorporated into the environmental study.

13 I'd like to see the estimated amount of water that
 14 is wasted from the diversions. The leakage of the water from
 15 diversions have proven to contribute to landslides in some
 16 areas of the Hana Highway. Without these studies it's hard to
 17 explain to our highways engineer the detrimental effects of
 18 waste water from these diversion pipes, the effects it can
 19 cause to erosion and landslides and whatnot. The erosions of
 20 some areas along the Hana Highway are from natural material
 21 like water; however, they are caused by unnatural waterways
 22 also known as EMI's diversions. Maintaining the natural
 23 patterns of water flow and streams is the single most
 24 important requirement for protection of native Hawaiian stream
 25 animals. So I guess what I'm saying is I'd like you to be

1 very specific and broad in your habitat mapping for the EIS.
 2 I'd like --

3 FACILITATOR SENNELLY: What do you mean, "specific
 4 and broad"?

5 MS. PAHUKOA: Everything.
 6 FACILITATOR SENNELLY: Okay.

7 MS. PAHUKOA: I'd like to see that -- I know there's
 8 random -- it's called random --

9 FACILITATOR SENNELLY: Sampling?

10 MS. PAHUKOA: -- sampling, yeah, and random insect
 11 monitoring and whatnot, but I'd also like you to consider our
 12 ecosystems, the forests, oopu, hihiwi, and everything that
 13 flows upstream. I'd like you to conduct the EIS not just
 14 below the water diversions, but above.

15 FACILITATOR SENNELLY: Okay.

16 MS. PAHUKOA: And so to wrap it up, I hope that
 17 everyone can come out to tomorrow's meeting because I know
 18 there's a lot more East Maui residents that will be able to
 19 attend tomorrow's meeting as opposed to today 'cause it's kind
 20 of far and (inaudible) and whatnot.

21 But I ask that all records of the EIS and data
 22 collection regarding East Maui streams be made public and
 23 updated weekly as important data collection become available.
 24 So if that's something that can be done, I'd like that to be
 25 done, you know, as soon as that data becomes available, as

1 soon as possible.

2 Other than that, I just wanted to state that I don't

3 support EMI obtaining this lease. I think that the county has

4 the resources to manage these diversions on our own. I think

5 that the community has the power to manage the diversions on

6 our own. And for people to be relying on A&B and EMI is kind

7 of a -- you know, we should just have more -- we should have

8 more -- we should more respect to those who have been managing

9 these ahupuaas since -- for several generations. I mean,

10 sustainability has been out there since the beginning and in

11 these streams from Koolau, from Hana to Haiku and Huelo. So

12 for people to say that we have to only rely on A&B is kind

13 of -- it's not right, yeah, because Hawaiians have been

14 managing our water resources since the beginning.

15 So I just wanted to say that and thank you guys for

16 your time. Thank you, everyone, for coming.

17 FACILITATOR SENELLY: Thank you.

18 (Applause.)

19 FACILITATOR SENELLY: Alohalani Smith.

20 MS. SMITH: Aloha, everybody. I'm Alohalani Smith.

21 I live out in Kaupo and I have also lineal descendancy in the

22 (Hawaiian name) side, we grew up outside there. I am the Aha

23 Moku Kaupo representative. I've worked in the national parks

24 and DOFA in the natural resources management, but as well as

25 it goes with that, development is needed, you know, I'm not

1 against it. I support it, I was a carpenter too and that, I'm

2 looking for smart development. But before we even start with

3 development, we need water and we need to settle the water

4 issue.

5 Now, it was mentioned on the state owned land in the

6 40 license areas the EIS study alternative, okay, I want to

7 them to study, which I'm going to propose a solution: To

8 cancel the lease, okay, because the DLNR and the state can

9 take back the water system from A&B. The restoration to the

10 irrigation system too can be worked on. Now, they can also

11 work with partnerships. Just like what Kamalani was saying,

12 is that the people can do it. We have a lot of partnerships

13 right before us. Also the ohanas, okay, the ohanas can help.

14 And by doing this we can save money for the state by having

15 stewardship which was number one in the beginning.

16 Now, for example, we have this aha moku system and

17 it is every ahupuaa that we take care of our kuleana from

18 mauka to makai, even to the (Hawaiian word) where fishermen

19 can also benefit. Now, all of this will benefit everybody,

20 especially the communities that can take better care of our

21 own, yeah, resources, our kuleana. So the state in the

22 meantime will save money and make money back. Now, this would

23 support our water system as Maui grows, it's that simple. But

24 if A&B will really wants to take care of Maui, A&B should

25 donate the restoration of the irrigation system and train the

1 state workers or the partners as a tax write-off for the
 2 deduction and give back to the people. There's nothing wrong,
 3 it's that simple.
 4 So thank you very much for your time.
 5 FACILITATOR SENELLY: Thank you, Alohalani.
 6 Elaine Wender.
 7 MS. WENDER: Wender.
 8 FACILITATOR SENELLY: Wender. I'm sorry.
 9 MS. WENDER: My name is Elaine Wender. My
 10 involvement in this issue began over 35 years ago.
 11 Figure 1-1 of the EISPN shows in green what are
 12 deceptively called EMI lands. In fact, many of these lands
 13 have multiple owners. For instance, many people, including
 14 myself, have interests in TMK-1-8-11 by in Waiokamilo Stream
 15 in Keanae. These maps should be labeled accurately.
 16 I submitted timely substantive comments for the
 17 early consultation phase for the preparation of the EISPN and
 18 received a letter from Earl stating, quote, Your comments will
 19 be considered and a copy of your comment letter will be
 20 appended to the EISPN, unquote. However, they were not
 21 appended. I have not even received a reply to my written
 22 request made a week ago that an amended EISPN be published
 23 including my comments as well as others that were excluded and
 24 that my comments immediately be sent to all those from whom
 25 you originally solicited comments as well as those who made

1 unsolicited comments. I still have not received a reply. I'm
 2 renewing that request. It is not an adequate remedy to
 3 include in the draft EIS my comments made in the consultation
 4 phase.
 5 It's taken us over 35 years to get here. In
 6 November of 1981 residents of Keanae and Hana through their
 7 counsel Isaac Hall first petitioned DLNR to prepare an EIS in
 8 this case. For 35 years A&B has fought tooth and nail to defy
 9 this legal requirement. It took citizen activism and court
 10 action to finally require them to adhere to the law and
 11 prepare an EIS. So here we are, 35 years later. In that time
 12 we've lost two generations of kupuna who fought for water
 13 restoration and our watershed has continued to be degraded by
 14 EMI's failure to exercise proper stewardship.
 15 A&B apparently no longer utilizes water from
 16 Waiokamilo, but this is not the same as restoration. EMI
 17 formerly diverted water not only from the main flume at
 18 Kukahiko, but also from numerous tributaries of various sizes
 19 which, before the existence of the ditch, eventually found
 20 their way into Waiokamilo Stream. This water was collected
 21 via over two dozen diversions consisting primarily of concrete
 22 catchment basins with pipes. EMI has cut these pipes so that
 23 the water no longer goes into the ditch, instead it now drips
 24 or flows onto the ditch road, creating a muddy mess and
 25 additional habitat for invasive plants. Most of the water

1 never makes its way off the road, much less back into the
 2 stream. When they built, the ditch and the ditch road cut
 3 into and altered the natural terrain. Nothing has been done
 4 to return this terrain to its original condition or to ensure
 5 that the water not diverted actually gets into the stream.
 6 In addition, EMI has abandoned and no longer
 7 maintains the ditch road in the Waiokamilo area, resulting in
 8 its present hazardous condition. They also no longer monitor
 9 the area for miconia which I have frequently encountered there
 10 in recent years. EMI has abandoned any responsibility for
 11 stewardship of the watershed areas they longer utilize. Even
 12 in the areas they still use, banyan trees, pyaemia, and other
 13 invasive plants grow unfettered. These conditions must be
 14 addressed in the EIS.

15 FACILITATOR SENELLY: Okay.

16 MS. WENDER: No. I'd like to finish.

17 FACILITATOR SENELLY: No, no, no. That's what I was
 18 going to ask you and you just said it, so I'm fine. I was
 19 going to ask you what of that you wanted in the EIS.

20 MS. WENDER: Could I please finish?

21 FACILITATOR SENELLY: Please.

22 MS. WENDER: The EIS require rules require, quote, a
 23 description of the environmental setting including a
 24 description of the environment in the vicinity of the action
 25 as it exists before commencement of the action, unquote.

1 Throughout the EISPEN the phrase, quote, maintain existing
 2 conditions, unquote, is repeated. This cannot be the starting
 3 point. We have experienced what EMI's lack of stewardship
 4 over these past 35 years while they illegitimately held this
 5 land without an EIS and without a valid lease, not to mention
 6 the previous decades has gotten us a seriously degraded
 7 watershed. There has to be some accountability and discussion
 8 of alternative what true restoration would mean which means
 9 that the condition of the watershed before these diversions
 10 existed has to be considered.

11 On some streams which EMI no longer uses a
 12 continuous mauka-makai flow has still not been reestablished.
 13 For instance, at West Waiiuaiki, the water is diverted and
 14 then put back into the stream so that the flow is directed at
 15 the ditch road. None of the massive ugly concrete
 16 infrastructure has been removed. In short, the streams and
 17 their surroundings have not truly been restored.

18 The EIS should discuss the alternative solutions.
 19 One could be to restore the area to its prediversion landscape
 20 without causing additional environmental damage. If that is
 21 not feasible, an alternative could be to allow the ditch road
 22 to remain and to require that it be maintained and also that
 23 means be provided to ensure that the previously diverted water
 24 finds its way to the stream.

25 Since EMI is no longer using the water from the

1 Nahiku or Keanae areas and since A&B has more than enough well
 2 water and water arising from their own lands to serve their
 3 needs, there's no justification to include all of these areas
 4 in the new license application; however, the EISPEN includes
 5 all 388 diversion points. If any new lease is considered,
 6 first restoration of the abandoned areas should actually be
 7 completed and the lease should contain strict provisions
 8 requiring true watershed restoration, not simply cessation of
 9 water diversion at the end of the lease period. There should
 10 also be a requirement that a bond be posted in sufficient
 11 amount to carry out this work.

12 I also endorse the comments made by Forestry and
 13 Wildlife and Na Ala Hele Divisions of DLMR, the Native
 14 Hawaiian Legal Corporation, and the U.S. Fish and Wildlife
 15 Service. And I encourage people here to read the EISPEN and
 16 submit written comments. Thank you.

17 FACILITATOR SENELLY: Thank you, Elaine.

18 (Applause.)

19 FACILITATOR SENELLY: Okay. We have eight more
 20 people. You want to go ten more minutes?

21 AUDIENCE: Yes.

22 FACILITATOR SENELLY: Okay. Let's go.

23 Tom Blackburn-Rodriguez. Are you here? Oh, okay.
 24 Thank you.

25 MR. BLACKBURN-RODRIGUEZ: Hello. Thank you very

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1 much for the opportunity to speak to you tonight and also to
 2 see so many of my friends and neighbors that I haven't had a
 3 chance to see in a while, so aloha, everyone.

4 My name is Tom Blackburn-Rodriguez. I live in
 5 Kihei. My family has lived in Hawaii since 1870, that's the
 6 Blackburn side of the family, the Rodriguez family got here
 7 before the wall was built and we were refugees from the
 8 revolution in Mexico and it wasn't a pretty process to be a
 9 refugee.

10 I'm representing Go Maui, Incorporated. Go Maui is
 11 a nonpartisan, nonprofit organization with a focus on
 12 affordable workforce housing, water, and a healthy economy
 13 with good-paying jobs and benefits, among other issues.

14 There are many issues to consider in the development
 15 of this EIS and it is a challenging task. There are five
 16 questions I would like to highlight for your consideration and
 17 which should be answered in the EIS.

18 Briefly, first: Will the EIS cover and assess what
 19 would happen to Central Maui if there were no agriculture
 20 there because there's not enough water.

21 Number two, second: Will the EIS cover what can
 22 happen to our hopes of energy and food sustainability on Maui
 23 if the Central Maui lands cannot be cultivated?

24 Third: What about Upcountry residents? The EIS --
 25 farmers, ranches, etc. The EIS should address where they will

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1 get their water if there's no state lease.

2 Fourth: I have many friends who are in business
3 Upcountry. Will the EIS address what will happen to them and
4 the other businesses in Upcountry Maui if there's no more East
5 Maui stream water?

6 Finally and perhaps most important: Will the EIS
7 cover what development might occur if there's no agriculture
8 in Central Maui?

9 These and other questions you will hear and have
10 heard tonight are important and the answers will have real
11 consequences for our community which we all love.

12 And, finally, I would just like to endorse the
13 concept of having a meeting in Hana. Although the Maui County
14 Council has facilities where you can do remote meetings as
15 well, I think it's very important for the people of Hana to be
16 able to participate fully in a meeting of this nature and
17 strongly endorse that. Thank you.

18 FACILITATOR SENELLY: Thank you very much.
19 (Applause.)

20 FACILITATOR SENELLY: Larry Koss. Sir.

21 MR. KOSS: Thank you for doing this and for the
22 manner which you're doing it. It's very supportive.

23 My name is Larry Koss. I live in Wailuku. I'm a
24 member of the Maui Farmers Union -- the Hawaii Farmers Union,
25 although I'm not a big farmer. I'm a backyard bachelor

1 farmer. My -- I don't have all the details, the specifics
2 that some of the people here have, but I would like to draw a
3 distinction between a couple of things that I think would be
4 helpful in the process. One is a distinction between
5 systematic remediation and shifting of context.

6 FACILITATOR SENELLY: Say that again.

7 MR. KOSS: Systematic remediation, which we're doing
8 here --

9 FACILITATOR SENELLY: Right.

10 MR. KOSS: -- dealing with water. Right? And
11 addressing the underlying context that's driving this in the
12 first place.

13 FACILITATOR SENELLY: Okay.

14 MR. KOSS: Because we could be -- we could be
15 addressing this issue now in February 2017, if we don't deal
16 with the underlying context, we could be addressing it again
17 and again and again on the diversions. Right?

18 The other is the notion of sustainability. And when
19 that concept first came out, I was on Orcas Island in '96 and
20 I published a journal, a 60-page journal that we delivered to
21 the entire San Juan Islands of 14,000 people and it draws a
22 distinction between -- I don't use the word sustainability
23 anymore. Most people don't know what it means, it's been
24 manipulated and abused, and truth is: Who gets to be
25 sustainable? Is it the top 1 percent of 1 percent? And do

1 sustain all the people that are -- all the people that are
 2 homeless or without food, does that number sustain itself and
 3 keep on going? So the term that I use is whole community
 4 well-being.

5 FACILITATOR SENEELLY: Whole?

6 MR. KOSS: Whole community well-being.

7 FACILITATOR SENEELLY: Thank you.

8 MR. KOSS: There's no wiggle room with that. Either
 9 everybody is cared for and it's all in the funnel, or it's
 10 not.

11 So I have -- there's a couple of things that come to
 12 mind for me. Number one, I think water and electricity ought
 13 to be public trust, period, that handles a lot of issues. I
 14 think that's a good thing.

15 And the other is -- this may sound really
 16 outrageous, but I -- and I might get choked up doing it. But
 17 I have an invitation for A&B that I would like to have it step
 18 up to or be compelled to, to step up to, and that is given its
 19 history and given what it's done, it's time to clean up its
 20 karma and I would like to see that 36,000 acres dedicated to
 21 public trust for the local farming, organic farming, and for
 22 affordable housing. And that may sound too wild and crazy,
 23 but I just need to think that we do one more -- you know, a
 24 whole continuing series of these kinds of things across a
 25 number of issues 'cause we're not dealing with the underlying

1 context that drives it, so --

2 FACILITATOR SENEELLY: What do you want to see in the
 3 EIS?

4 MR. KOSS: Pardon?

5 FACILITATOR SENEELLY: What do you want to see
 6 addressed in the EIS of all the things you said?

7 MR. KOSS: Well, I don't know if -- any way that
 8 that could fit in there, you know.

9 FACILITATOR SENEELLY: Okay. I appreciate --

10 MR. KOSS: I just throw it out as a possibility.

11 FACILITATOR SENEELLY: Thank you.

12 MR. KOSS: Thank you very much.

13 FACILITATOR SENEELLY: Stacey Sills.

14 MS. SILLS: My name is Stacey Sills and I have been
 15 on Maui for 25 years. And there was -- the two issues that I
 16 think I'd like to address is the six-year drought for the
 17 Upcountry cattle farmers was noted as well as you notice
 18 California had a ten-year drought. The issue I think that you
 19 need to be looking at and that needs to be studied are the
 20 actual particles tested in the water, in the people. I think
 21 the people need to be tested as well because there is a thing
 22 and it is called geoengineering and it's being done over Maui.
 23 It's shut down the Iao Valley. I am the only person in the
 24 world who documented the bombing of Iao Valley and also the
 25 bombing of protest -- of the protesters on the Big Island

1 Hawaii. They drop aerosol down bursts, they're filled with
 2 aluminum, barium, and strontium. I'm sure you're gonna pick
 3 up those particles in the environment. And I think that needs
 4 to be studied because they can create six-year droughts,
 5 ten-years droughts, and now they're creating a flood.
 6 I just watched the same down bursts that are
 7 happening right now in Orville that happened in Iao Valley.
 8 They're doing the same thing. They're -- that dam's gonna
 9 blow. Trust me, I know it, because I'm watching them.
 10 They're exploding the same aerosols that they did here in Iao
 11 and this is an issue, it needs to be addressed, and you need
 12 to look at that factor in your environmental impact study.

13 It's not a joke. I know it's top secret, we can't
 14 talk about it, but, you know what, I'm gonna talk about it,
 15 because it affects each and every one of you. It's global, it
 16 happens here, it happens all around the globe. I don't
 17 know --

18 How many people know about global engineering?

19 Anyone.

20 (Audience response.)

21 MS. SILLS: Okay. That is very few. You're just
 22 ignorant. Please educate yourself. It affects you, you're
 23 breathing it. It happened today. It happens every single
 24 day. They're whitening out the planet. You'll never see a
 25 light blue sky again. Please check the particles, that's what

1 I'd like you to do on your environmental impact statement, is
 2 protect the health of these Hawaiian people because they're
 3 being attacked.

4 FACILITATOR SENEELLY: Thank you.

5 (Applause.)

6 FACILITATOR SENEELLY: Joyclynn Costa.

7 MS. COSTA: Hi. My name is Joyclynn Costa. I'm the
 8 moku representative for Hamakualoa, but I'm a descendant of
 9 Nahiku Mokuula on Makapipi. And my father, I'm sure you're
 10 going to meet him tomorrow, he's 81, he was from Nahiku, his
 11 mother was born and raised in Nahiku, her father was born and
 12 raised in Nahiku, his father was born and raised in Nahiku, he
 13 was taken to Kalaupapa.

14 I would like to see the original lease, I'm talking
 15 from the 1800s, if there even is a legitimate lease, before we
 16 even move forward. I would like to see critical data not of
 17 today, because we've already had too much damage and
 18 dewatering of a lot of the streams for you to even begin to
 19 measure it. So it needs to be from the beginning, not from
 20 the middle, not from the current, but from the beginning so
 21 you get accurate data.

22 I have to disagree a little bit with my good friend
 23 Darrell Tanaka that not every stream should be restored
 24 because there was a reason in Alexander & Baldwin he found it
 25 to be a waste which is why he decided he needed to capture all

1 of this water and send it central.

2 And if you go with the rule of nature, with the law
3 of nature, it is essential when we worry about if we're
4 underground springs and catchments underground that feeds
5 wells are going to be able to hold the carrying capacity for
6 elsewhere, the percolation that will be created through the
7 restoration, you know, has anybody done a study on that? Can
8 we -- can we restore the lands again to a more healthy
9 environment? It's missing.

10 I find it really ironic that we don't have money, we
11 don't have the resources for something more critical than a
12 rapid transit rail, but we can find billions to put a piece of
13 steel and concrete not even halfway around an island. So we
14 need to reevaluate what is important. Economically, the water
15 restored to the taro patches will be better for the state.

16 My father equates a bag of rice, a lot of people in
17 here eat a bag rice, it'll last you maybe -- depending on the
18 size of your family, a week, week and a half, cost you ten
19 bucks. Buy a bowl of poi for the same amount, can't even feed
20 the whole family. So multiply that to feed the family for a
21 week and a half equivalent to that bag of rice, you've got a
22 major economic rally, but nobody talks about it. The fish,
23 the ocean is key if we look at -- 'cause everyone stops at the
24 taro patch, that's okay, but if you go all the way to the end
25 user, then at least you have a more thorough assessment.

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1 Nobody talks about that.

2 And as far as environmentally conscious, you look at
3 endangered species, the state considers a Hawaiian person to
4 be 50 percent. My father is an endangered species, there's
5 not many left, so you guys need to protect him too. That
6 needs to be included in the EIS.

7 I love what this young lady said, you need to put
8 the people, the sense of place, of the people of this place in
9 that EIS considered, not just -- not just the river, not just
10 the stream, not just the pohaku, not just the trees, not just
11 the birds, but the actual human that cohabitates here.

12 FACILITATOR SENELLY: Thank you very much.

13 (Applause.)

14 FACILITATOR SENELLY: Okay. We have three more, so
15 let's try it. Okay. Kaleikoa Kaeo.

16 UNIDENTIFIED SPEAKER: He left.

17 FACILITATOR SENELLY: All pau? He left. Okay.

18 Mikiala Puaa. Is that you? Okay.

19 MS. PUA--FREITAS: Aloha.

20 FACILITATOR SENELLY: Aloha.

21 MS. PUA--FREITAS: Mahalo, you guys, for holding
22 this meeting and mahalo, you folks, for holding --

23 UNIDENTIFIED SPEAKER: Louder.

24 MS. PUA--FREITAS: Mahalo, you guys, for holding
25 this meeting and, you know, hearing our concerns and ideas.

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1 My name is Mikiala Puaa-Freitas. I'm a Native Hawaiian and my
2 ohana has been on Maui for many generations.

3 You know, this meeting should be held in East Maui
4 so that, you know, everyone here and you folks as well can
5 look the people of East Maui in the eye and talk about their
6 resource that we're trying to do all these other things with,
7 first and foremost. Maybe consider doing an environmental
8 impact study on the generations of East Mauians that have lost
9 of a way of life and continue to be oppressed by these
10 diversions, so let's start there, you know.

11 After 120 years of diverting the water, it's great
12 that they're doing an environmental impact statement, but
13 maybe look a little deeper and really look at what's been
14 going on out in East Maui and not just argue and bicker about
15 the water that should be out there and the uses that everybody
16 wants to use their water with, you know. The people -- the
17 things that don't have voices, you know, the -- like the
18 natural environment out there that doesn't have voices, you
19 know, who's going to be speaking for them? So we need to
20 consider an environmental impact study to be done on, you
21 know, these people that have been effected, the people and
22 environment that have been affected for 120 plus years.

23 Secondly, I think, you know, are you guys adequate
24 enough to do this study for a 30-year lease, you know? I
25 mean, is that a recommendation that you folks feel comfortable

1 with, doing a study that's potentially going to influence a
2 lease for 30 years. Maybe you recommend doing year to year
3 if -- you know, if you can have any kind of input along the
4 lines of that, you know. Thirty years is a long time and, you
5 know, will your study be adequate enough for that?

6 More public involvement, oversight, and transparency
7 and less privatization, you know, I understand the need for
8 existing homes and businesses and, you know, ranchers and
9 everybody that's using the water right now, but, you know, why
10 does the people of East Maui and, you know, the environment of
11 East Maui have to put future developments and future business
12 ideas and expenditures on their shoulders? You should be
13 looking at, you know, alternative water resource -- I mean
14 alternative water uses, you know, A&B should be looking at
15 alternative water uses, you know, whether it be catchments or
16 swales. Yeah, like uphold their end of the bargain and --

17 You know, as a kalo farmer, you know, the reason you
18 hear so much about kalo farming and whatnot, is, you know, as
19 a kalo farmer you use the water and then the water continues
20 to be used. It's not you take the water, use it for one crop,
21 and it replenishes a different aquifer from where it came
22 from. So, you know, that's why you hear about the kalo
23 farmers and the water is they still have that system of
24 sharing and using the water for, you know, the things that
25 don't have voices. So, you know, let's really -- yeah, I

1 don't know how to end it, but that's basically my concerns and
 2 you want to follow up with. You got it?
 3 FACILITATOR SENNELLY: I got it. Thank you. And
 4 actually, yeah, he's writing it down too. And somebody -- you
 5 remember we have a transcriber too.
 6 MS. PUA--FREITAS: Oh, yeah, I guess you got it.
 7 FACILITATOR SENNELLY: Are you Sesame?
 8 MS. SHIM: Yes.
 9 FACILITATOR SENNELLY: All right.
 10 MS. SHIM: Okay. Aloha. My name is Sesame Shim.
 11 FACILITATOR SENNELLY: Aloha.
 12 MS. SHIM: And pretty much the current state of EMI
 13 is take all and use all, that is not a resource management.
 14 And it has been this way since the ditches were (inaudible).
 15 Resource management is so alien to A&B and there's so much
 16 water being wasted and unaccounted for, we are truly starting
 17 from square one. There's so much to account for to consider
 18 and it affects all the people of East Maui. We shouldn't be
 19 giving all the power to EMI to determine what happens to all
 20 this water. This is a public resource and A&B is a private
 21 entity.
 22 There needs to be more transparency and involvement
 23 from the Native Hawaiian community, especially the community
 24 that lives there. The Native Hawaiian community were there
 25 maintaining a communal relationship with the water prior to

1 these ditches. Their lives and future generations have and
 2 continue to be affected by the actions of a private entity to
 3 control the water. The water usage from A&B is the last
 4 priority to any water usage. If there is not enough after
 5 meeting all the kalo farmers needs, the environmental needs,
 6 the current community needs, they should get none. The lands
 7 currently used for sugarcane was never intended to use so much
 8 water. Cultivation farming should return to where it is
 9 naturally intended to be.
 10 FACILITATOR SENNELLY: Sesame, I must ask you, what
 11 do you want to see the EIS address about that? How do you
 12 want that, what you just say, how do you want --
 13 MS. SHIM: To prioritize.
 14 FACILITATOR SENNELLY: Okay. Thank you.
 15 Okay, everybody, we're on the next agenda item. I
 16 really want to thank everybody. I know a lot of you have been
 17 here very early, you've been very patient. You've also been,
 18 I think -- I really appreciate everybody's aloha. I mean, you
 19 folks really did kind of -- we did it. All pau. So I
 20 appreciate that very much. Thank you.
 21 And Father Tomoso is going to --
 22 Oh, one more thing, you know, if you're gonna email
 23 your comments, just like we said before, make sure that you
 24 get a receipt back in the email, an email receipt; otherwise,
 25 you use the comment sheet and you call us and you let us know.

1 Okay?

2 Father.

3 FATHER TOMOSO: (Hawaiian statement.) Almighty God,

4 we have heard and you have been with us all night as we've

5 talked about the gifts that we see all around us, that what is

6 reflected in those gifts is the abundance we have that is

7 surrounding all of us. Call us now into true stewardship of

8 this abundance as we go forth as an island community, as an

9 island people surrounded by water which is reflective of your

10 own perfection as the Almighty God. Help us to understand

11 that abundance is for everyone. Bless this island, bless the

12 land, bless the waters, bless the sky, bless everything around

13 us, because we are true stewards in that abundance.

14 (Hawaiian statement.) Amen.

15 AUDIENCE: Amen.

16 FACILITATOR SENELLY: Thank you, Father.

17 (The proceedings were adjourned at 7:32 p.m.)

1 C E R T I F I C A T E

2 STATE OF HAWAII)

3 CITY AND COUNTY OF MAUI) SS.

4
5 I, Sandra J. Gran, Certified Shorthand Reporter for
6 the State of Hawaii, hereby certify that on February 22nd,
7 2017, at 5:00 p.m. the proceedings was taken down by me in
8 machine shorthand and was thereafter reduced to typewritten
9 form under my supervision; that the foregoing represents, to
10 the best of my ability, a true and correct transcript of the
11 proceedings had in the foregoing matter.

12
13 I further certify that I am not an attorney for any
14 of the parties hereto, nor in any way concerned with the
15 cause.

16
17 DATED this 13th day of March, 2017, in Maui, Hawaii.

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19
20
21
22 

23 Sandra J. Gran, RPR
24 Hawaii CSR 424