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## **APPENDIX L:**

Scoping Meeting For the Water Lease for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas EISPN Transcript of Proceedings Thursday, February 23, 2017

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SCOPING MEETING FOR THE  
WATER LEASE FOR THE  
NAHIKU, KEANAE, HONOMANU, AND HUELO  
LICENSE AREAS EIS/SPN

APPLICANT: ALEXANDER & BALDWIN, INC./  
MAUI IRRIGATION COMPANY, LIMITED

TRANSCRIPT OF PROCEEDINGS

Thursday, February 23rd, 2017  
5:08 p.m. - 8:56 p.m.  
Haiku Community Center  
137 Hana Highway, Paia, Hawaii

BEFORE: DARC Y J. BROKAW, CSR #371  
Registered Professional Reporter  
Certified Realtime Reporter

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SPEAKERS:  
Berna Cabacungan Senelly, Moderator/facilitator  
Father John Tomoso  
Earl Matsukawa, Wilson Okamoto Corporation

1 PAIA, HAWAII; 5:08 P.M.

2 -oOo-

3 MODERATOR SENNELLY: Aloha, everyone.

4 Thank you for coming. So good to see you all here.

5 You are here for a scoping meeting for the

6 proposed Keanae, Nahiku, Honomanu, Huelo License

7 Areas for the proposed water lease.

8 An Environmental Impact Statement is being

9 done. It has not been done yet. This is the first

10 step for it. Because there was a Preparation

11 Notice, and this is called scoping, what we're doing

12 here.

13 My name is Berna Cabacungan Senelly. I'll

14 be the facilitator tonight.

15 This is Earl Matsukawa from Wilson

16 Okamoto. Wilson Okamoto & Associates is doing the

17 Environmental Impact Statement.

18 This is Keola. You'll see him running

19 around.

20 And you met Rebecca when you came in.

21 And I also have the privilege of

22 introducing Father John Tomoso, and he will be doing

23 our pue tonight.

24 FATHER TOMOSO: Thank you, Berna.

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1 (Whereupon, the opening prayer was given  
2 by Father Tomoso.)

3 MODERATOR SENNELLY: Thank you, Father.

4 Okay. So here's the purpose of the  
5 meeting. As I said, my name is Berna Cabacungan  
6 Senelly, and there's basically three things we're  
7 doing.

8 Okay. We're going to talk about the  
9 Environmental Impact Statement, about what it's for  
10 and how it's going to go, the process for it.

11 We're going to talk about the Preparation  
12 Notice, which actually starts this whole process,  
13 and what that's for and then what's in it. So  
14 you're going to hear some of that tonight.

15 And then you'll also hear -- the main  
16 thing we're here is we're asking for input on what  
17 should be in the draft EIS.

18 So the Preparation Notice was published in  
19 the Office of Environmental Quality Control  
20 publication on February 8th. And what that does  
21 is when it's published, it starts the EIS process.

22 Essentially what scoping is -- and you're  
23 going to hear me ask you sometimes when you talk,  
24 I'm really going to try and clarify.

25 What scoping does is it tells what should

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1 be in the Environment-- what should be studied or  
2 addressed in the Draft Environmental Impact  
3 Statement.

4 The law actually requires it. Chapter 343  
5 of Title 11 requires scoping as a process where you  
6 go out and you ask the community what do you think  
7 should be in this document, should be addressed in  
8 the document.

9 However, the meetings themselves are  
10 optional. And in this one, we have two just to kind  
11 of optimize what people -- to give people  
12 opportunities to provide the input.

13 So once it was published, we have -- you  
14 have 30 days to provide comments, and that will end  
15 on March 10th. There's three ways.

16 All the comments that we get will be  
17 documented in the Draft EIS. So Darcy here is  
18 patiently transcribing; so that's why, you know,  
19 when you speak and when we speak, we're going to ask  
20 you to go one at a time and speak so that she can  
21 take all the notes.

22 And at one point, by the way, we're going  
23 to break for the -- I'm just saying this to  
24 remember.

25 At one point, we're going to break from

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1 the agenda, probably about 6:15 or so, between 6:00  
2 and 6:15, for about five minutes so that she can  
3 rest her fingers.

4 So one is that you provide oral comments  
5 tonight. And as we've told you, you know, people,  
6 when you came in, we said if you want to speak, you  
7 sign another paper.

8 The other thing is we gave you -- when you  
9 came in, you had a -- you got a comment sheet. So  
10 you can turn this in tonight or you can mail it. If  
11 you look in the back, you can mail it or turn it in  
12 tonight. And the third way is you can e-mail it.  
13 You can e-mail us your comments, and the e-mail  
14 address is on the bottom.

15 The one thing we ask, and I will stress  
16 this, if you do e-mail it, you're supposed to  
17 receive something back in the e-mail that says we  
18 got it. So if you don't get it, you need to call  
19 us, and the number is at the top of this page.

20 So now I'm going to turn it over to Earl.  
21 He's going to spend about 15 minutes describing,  
22 doing the EIS and the EISPN description, as I was  
23 talking about.

24 I will ask you to hold your comments while  
25 he's speaking, because once he's pau, we're going to

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1 open it up to everyone. Okay?  
2 MR. MATSUKAWA: Good afternoon. I'm Earl  
3 Matsukawa with Wilson Okamoto Corporation, and we've  
4 been contracted to prepare the Draft EIS or the EIS.  
5 So first question is what is an EIS. And  
6 the purpose of the EIS is to disclose impacts for a  
7 subsequent decision, and that decision is the water  
8 lease permit that is going to be made by the Board  
9 of Land and Natural Resources.  
10 It is an information document. The EIS is  
11 not a permit, and it is not an approval to allow  
12 something to go forward. It is always used in  
13 conjunction with decisions to go forward with the  
14 project so that there is good information on which  
15 to base the decision.  
16 And again, this is for the water lease  
17 permit. And although we were hired to prepare the  
18 Draft EIS by Alexander & Baldwin, the documents we  
19 prepare are actually all submitted to the Department  
20 of Land and Natural Resources; and the Department  
21 has to accept those documents and has to file it  
22 with the OEGC for those publication requirements.  
23 So they will actually process the EIS.  
24 And in the end, the Board of Land and  
25 Natural Resources must accept that final EIS before

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1 they can take the deliberations for the water  
2 permit.  
3 The EIS content. So there's two things to  
4 this. So when an EIS is finally accepted, there are  
5 two things that have to be met. It is the content  
6 and processing requirements, and those have to meet  
7 State law. Berna mentioned chapter 343. And then  
8 the administrative rules under Title 11.  
9 So the EIS has to meet both content and  
10 purpose. And I'll be talking a little bit about  
11 both.  
12 So this is the content part. And this is  
13 what this meeting is about. It's to add scope, to  
14 determine scope for the content of an EIS.  
15 Listed here are some of the major topics  
16 that are covered in an EIS. It is not all of it,  
17 because there are other things that we need to put  
18 in the EIS, but these are the major ones that relate  
19 to impact, including the general description of the  
20 proposed action's various technical components,  
21 including social, cultural and environmental.  
22 It has to state the purpose and need of  
23 the proposed action, which is the issuance of the  
24 water lease, and the objectives.  
25 There's also a description of existing

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1 environment impacts and mitigation measures.  
2 And not yet, but on the next slide, I'll  
3 show you all the topics that are covered under this  
4 section of the existing environment.  
5 There needs to be a discussion of the  
6 action's relationship to the plans, policies and  
7 controls, whether they are consistent and where they  
8 may not be.  
9 And in the case of EIS, it doesn't have to  
10 say everything meets those plans because there could  
11 be some discrepancies.  
12 The purpose of the EIS is to bring up all  
13 the information, positive, negative. So it doesn't  
14 matter. As long as it does, then it meets the  
15 requirements for content.  
16 It also talks about the alternatives that  
17 can achieve the objectives. Are there alternative  
18 ways we can achieve the objective.  
19 And then it documents the consultation  
20 process, including this meeting today, that we dem-  
21 -- we document that this input was received on the  
22 scoping.  
23 And then there's steps that I'll go  
24 through later.  
25 Next slide. And these are the resource

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1 topics that are generally covered in an EIS. And  
2 we'll be going through all of these to see how they  
3 fit in with this particular proposed action.  
4 Next slide. Okay. The EIS preparation  
5 that was published on February 8th is the first  
6 thing that's published, and that was actually filed  
7 by the Department of Land and Natural Resources, and  
8 it basically gives notice that -- to interested  
9 parties that an EIS will be prepared for the  
10 proposed action.  
11 And again, I keep repeating this, it's the  
12 issuance of the water lease.  
13 The Preparation Notice begins this scoping  
14 process that we are in the midst of right here, to  
15 receive comments on scoping the Draft EIS, which is  
16 the next document that's prepared.  
17 It also includes a general discussion of  
18 impacts, but much less than what would be in the  
19 Draft EIS.  
20 It also discusses some of the technical  
21 studies that will be done for the Draft EIS, and  
22 we're still working on trying to figure all that out  
23 and how we approach the technical studies. So that  
24 is also what we are receiving is input on.  
25 Okay. This is the process. So we went

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1 over content. This is the process.  
2 So early consultation, the process began  
3 with early consultation. And this actually is not  
4 required for the type of EIS Preparation Notice  
5 we've prepared, but it is basically to give the  
6 opportunity for potentially interested parties to  
7 learn that we are starting the process and to allow  
8 anybody to give early comments.

9 Then we prepared the EIS Preparation  
10 Notice, which was published on February 8th, and  
11 we are receiving comments on until March 10th.  
12 When we get all of that information, then  
13 we have to figure out, with all that scoping  
14 information, how we approach what will be included  
15 in terms of what will be covered by the EIS. And  
16 again, we are looking back at the law, what is  
17 required to be in the EIS.

18 So we will start that process and then --  
19 but before we can actually finish the Draft EIS, we  
20 need a separate decision to be made, because the  
21 Commission on Water Resources Management will need  
22 to make a decision on the interim instream flow  
23 standard. That will determine how much water can be  
24 diverted through the East Maui irrigation system,  
25 aqueduct system, that can be diverted out of the

1 streams.  
2 So we need to know how much that water is  
3 before we can figure out how much water might be  
4 available through the permits. So that decision has  
5 to be made.

6 And then based on that decision, technical  
7 studies have to be prepared using that information  
8 so that we can prepare the Draft EIS.

9 So once we complete that process and we  
10 finish the Draft EIS, we'll turn it into the  
11 Department of Land and Natural Resources. They will  
12 review that document. If they feel that the  
13 document meets the standards for the contents, then  
14 they will file it with the Offices of Environmental  
15 Quality Control; it will be published in the  
16 Environmental Notice, and that starts the 45-day  
17 comment period where we will be soliciting comments  
18 on the Draft EIS.

19 And then for those comments, too, we will  
20 do a written response to each of the comments and  
21 each of the points raised by comment letters. And  
22 that, we will all document, and we will revise the  
23 final EIS accordingly, and then submit that to the  
24 Department of Land and Natural Resources for  
25 acceptance.

1 And when we file that, they will then  
2 publish that document. Before it is accepted, they  
3 will publish that final EIS, and that will be  
4 available for public review.  
5 And after that, the Board of Land and  
6 Natural Resources can then accept the document. And  
7 once they accept the document, then it is to be used  
8 for the basis for issuing the water lease.  
9 Make sure I've covered everything here.  
10 Okay. Now I'll just kind of go over the  
11 --summarize what was in the -- what is in the Draft  
12 EIS.  
13 First of all, there is a proposed action.  
14 The proposed action is the issuance of the water  
15 lease. The maximum amount that will be available  
16 through the water lease will be determined by the  
17 interim instream flow standard, the IIFS. The  
18 maximum that they can award through the permit will  
19 be determined by the decision made by the Commission  
20 on Water Resources Management.  
21 The proposed action also allows access  
22 through the State land in order to maintain the  
23 aqueduct system and to service roads and other  
24 pertinent things that relate to maintaining the  
25 aqueduct system.

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1 Now there's two key points regarding the  
2 proposed action. First of all, although the maximum  
3 amount that can be awarded through the lease is  
4 determined by the IIFS, the Board does have the --  
5 you know, that's part of the deliberation. They can  
6 change the terms of that permit.  
7 So if the board feels they want to award  
8 less, that's a separate decision. So that's a  
9 possibility also.  
10 And once the permit is determined, the  
11 actual issuance will be done through public auction.  
12 So, you know, technically, I guess whoever bids on  
13 that and wins that bid will get the permit. So it  
14 will not necessarily be Alexander & Baldwin. It's  
15 just a point to be cleared. It'll be auctioned,  
16 offered by public auction, awarded by public  
17 auction.  
18 Okay. So this is the -- these are the  
19 license areas. There are four license areas:  
20 Huelo, Honomanu, Keanae and Nahiku. So for  
21 33,000 acres of State land that's covered by the  
22 license area.  
23 And this is another map that shows the  
24 license area, the four license areas. This one also  
25 shows the ditches that are part of the aqueduct

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1 system. There are several ditches and several  
2 elevations capturing water from the streams.  
3 And then these green areas are EMI lands,  
4 which the -- and so the aqueduct system passes  
5 through the EMI land as well as the State land. So  
6 the permit would be for the portions in the State  
7 land.  
8 Okay. What is the water currently used  
9 for?  
10 So these are the four areas that use the  
11 water. One is the Maui Department of Water Supply.  
12 DWS gets water, receives water from the aqueduct  
13 system at their Kamole treatment facility. And it  
14 is treated there so that it becomes potable water;  
15 and then they distribute it to upcountry Maui for  
16 both domestic and agricultural use.  
17 They also supply, similarly -- the  
18 Department of Water Supply takes water, treats it,  
19 and supplies water to the portion of the Nahiku  
20 community below Hana Highway.  
21 And then there's a direct draw that is  
22 nonpotable water, untreated water, that is delivered  
23 to the Kula Agricultural Park.  
24 And then the rest of it would go to the  
25 approximately 30,000 acres of former sugar land that

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1 was in sugar cultivation.  
2 So this is just a map of these user areas.  
3 This dark line shows the distribution of the water  
4 by DWS. Nahiku is over here and would receive  
5 water. And then this is the Kula Agricultural Park.  
6 And then this is the roughly 30,000 acres of former  
7 sugar land.  
8 Again the maximum amount of water that can  
9 be awarded through the lease would be determined by  
10 the IIFS, and it is issued by public auction. And  
11 it could be less than the amount that's determined  
12 by the IIFS.  
13 But there's a normal provision, and that's  
14 whatever amount of water that is finally issued  
15 through the water lease, there is a reservation for  
16 the Department of Hawaiian Homelands that they are  
17 entitled to, and they will get that reservation,  
18 although that actual amount hasn't been determined  
19 yet.  
20 Okay. So we developed these objectives of  
21 the proposed action, the objectives of issuing the  
22 lease, the lease for the purposes of the EIS. And  
23 there are four objectives.  
24 The first is to supply the water that the  
25 upcountry Maui relies on for domestic and

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1 agricultural water. So continuance of that would be  
2 very important.  
3 Similarly for the Nahiku community, that  
4 we continue to serve Nahiku.  
5 And then to provide sufficient water to  
6 the approximately 30,000 acres of sugar land to  
7 develop diversified agricultural to perpetuate  
8 Maui's agricultural economy and lifestyle.  
9 Finally, an objective is to continue  
10 operating and preserve and maintain the EMI aqueduct  
11 system.  
12 Okay. This is a map of the license area  
13 streams. There are 39 or 40 streams, depending on  
14 how you count. Apparently one of the streams, the  
15 40th stream, is actually a waterfall within a  
16 stream.  
17 And out of these -- and most of these  
18 streams are regulated by the IIFS. And of these 39  
19 or 40 streams, Alexander & Baldwin has historically  
20 diverted 37 of those streams. And then in 2007, A &  
21 B abandoned diversions on one of the streams and is  
22 committed to removing all diversions from five more  
23 streams. And these are the so-called taro streams  
24 that in the lower reaches of the stream are used for  
25 taro cultivation and other agriculture.

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1 Okay. Moving to the alternatives to be  
2 considered. So these are the main alternatives that  
3 we'll be considering for the Draft EIS. And these,  
4 in this initial phase, after scoping, this could  
5 change.  
6 But the first would be to assume that the  
7 permit, the water lease permit will allow the full  
8 use of the amount available through the IIFS  
9 decision.  
10 The second, second alternative is no  
11 action. So if there is nothing awarded through the  
12 water lease, meaning no state water will be awarded  
13 through the water lease, what will happen as a  
14 result of that.  
15 And then the third one, like I said, the  
16 Board of Land and Natural Resources can award less  
17 than the full IIFS amount. What would be the impact  
18 of that. So that's sort of the middle ground  
19 between 1 and 2.  
20 So that basically summarizes what the EIS  
21 Preparation Notice contains.  
22 And I'll turn it back to Berna.  
23 MODERATOR SENEELLY: Thanks, Earl.  
24 Okay. So now we're in the part where this  
25 is yours. Okay. And so we will basically -- as I

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1 said earlier, the purpose of this meeting is to look  
2 at what should be covered in the -- or addressed in  
3 the Draft EIS.

4 We are -- your oral comments -- you can --  
5 as I said, you can do paper comments, e-mail  
6 comments, but your oral comments also will be  
7 documented, and so just to keep that in mind as you  
8 speak.

9 Before we go on to the actual comments,  
10 okay, this should be a safe haven for everybody. So  
11 everybody should feel comfortable to speak and to  
12 speak in a way that they know others will be hearing  
13 them.

14 One person at a time, please. It's also  
15 very practical so that Darcy can, you know, catch  
16 all of the stuff.

17 And please respect each other. You know,  
18 I know last night we had clapping, but I always tell  
19 people you can clap but don't boo, okay?

20 And help us get every -- help us so that  
21 everybody can speak. So summarize as much as you  
22 can.

23 If you want to turn in written to  
24 supplement, you can, but I'm just saying summarize  
25 to give time.

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1 And also try not to repeat. Now people  
2 have different -- they look at the same things and  
3 they see it in different ways. That's cool, too.  
4 But try not to repeat, because the more people speak  
5 about different things, the more different things we  
6 have to look at.

7 We have two hours scheduled for the  
8 meeting, okay? So that means -- I think we started  
9 like ten minutes late or something. So, you know,  
10 technically, we should go to 7:10.

11 As I said earlier, we're going to take a  
12 short five-minute break at around 6:15.

13 But we really would like everybody to stay  
14 as much as possible. I think last night most people  
15 stayed.

16 And so if we need to extend, when it comes  
17 to like 7:05, 7:10, I will ask you if it's okay.  
18 And we're going to do that every ten minutes, up to  
19 30 minutes, okay? So we're going to really try and  
20 get as many people to speak.

21 We're going to provide -- you're going to  
22 speak in the order you signed up. And we have the  
23 sign-in sheets. I mean, you know, that one special  
24 paper.

25 And so I would ask that everybody who did

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1 sign up, to let them speak first; and if you have  
2 stuff you want to add afterwards, if we have time,  
3 you can.  
4 We will bring you the microphones. So  
5 there's two people. Keola and Rebecca will bring  
6 the microphones to you.  
7 So you guys are going to divide up the  
8 room, yeah?  
9 Okay. And before you speak, please tell  
10 us your name. So two things before we start your  
11 comments.  
12 One: The bathrooms are out the door over  
13 there, you know, right over there.  
14 And two, I really want to thank you guys.  
15 I should have said it earlier. I realized -- as I'm  
16 sitting here, I realized this room came up -- the  
17 room was put together like "poof" because everybody  
18 helped. So thank you very much.  
19 Oh, okay. So this is a question. When  
20 you talk, after you -- you know, if I don't -- I'll  
21 always ask you, if it's not really clear, what  
22 should the EIS. So you're going to talk about  
23 something and you're going to have feelings and  
24 stuff, but the end part really is: So this means  
25 that the EIS should cover this.

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1 I'm sorry, yes?  
2 UNIDENTIFIED SPEAKER: I have a general  
3 question about the presentation.  
4 MODERATOR SENNELLY: Yes.  
5 UNIDENTIFIED SPEAKER: My main question  
6 is -- as the presenter said, that after the EIS  
7 process is done, there will be a public auction  
8 process.  
9 So my main question is: If A & B might  
10 not win that public auction process, why is A & B  
11 the one that is in charge of commissioning you to do  
12 this EIS versus having DLNR, Department of Land and  
13 Natural Resources, to actually hire the consultant  
14 company to do this?  
15 MR. MATSUKAWA: Okay. Again, I did not  
16 read all of the court-ordered documents and how this  
17 was set up.  
18 But my understanding is that because they  
19 needed to get an EIS prepared, they asked A & B to  
20 commission the preparation of the EIS.  
21 Now, my understanding is that if somebody  
22 else wins the permit through the auction, they will  
23 need to reimburse A & B the amount of this EIS. I  
24 don't know exactly if it's a hundred percent. I'm  
25 not really familiar. But there is a reimbursement

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1 that will go on if they do not win it.

2 MODERATOR SENELLY: All right. First  
3 speaker, Dr. Pang.

4 DR. PANG: Thank you.

5 There's nothing special about speaking

6 first. I was -- there was a glitch. I wasn't

7 speaking last night. Not their fault, not my fault.

8 So I'm really last from last night, I'm not first  
9 from tonight.

10 MODERATOR SENELLY: It actually was my  
11 fault.

12 DR. PANG: Okay. That's all right.

13 The EIS, you know, I think they should  
14 address some real, how shall we say, radical things,  
15 things that we think are impossible, for a couple  
16 reasons that really are good and they're a little  
17 bit far out.

18 But we shouldn't just look at what we do  
19 now and say, well, you know, these ten guys, let's  
20 give more to him, he'll be happier, he'll be mad,  
21 and throw a bone to the fighting dogs. You  
22 shouldn't look at your status quo and argue about  
23 the money and the water right now.

24 And to put this in perspective, you know,  
25 I have to give you my background. I'm not from this

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23

1 side. I'm not fighting for East water. I fought  
2 for the Na Wai 'Eha water.

3 So this -- I have no conflict of interest  
4 in here. So sometimes people will say, well, then  
5 shut up, you're not a stakeholder. Sometimes the  
6 best people are those who have no conflict of  
7 interest and are interested enough to give a fair  
8 assessment.

9 You don't think that's true? I have  
10 reports from Big Island people, Kauai people, who  
11 look at this and say, we have no stake in this game,  
12 so let us give an opinion.

13 My background opinion is, already last  
14 night, they said "share the water," "share the  
15 water," "share the water." You want to know what  
16 share is? Really? To the Big Island people, the  
17 Kauai people and the Na Wai 'Eha impacted people,  
18 they said here's what share is, somebody took our  
19 water for 120 years, they took 95 percent at some  
20 cheap cost. So that's your time. Now it's time to  
21 share. The East Maui guys get it for 120 years, and  
22 then when it's 120 versus 120, let's --  
23 (Audience clapping.)

24 DR. PANG: Stop that clapping, because  
25 people who don't get clapped for feel bad.

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1 So now when it's 120 versus 120, then we  
2 talk about sharing.

3 But with that in the background, let me  
4 give something kind of practical, some far-out  
5 things which you think are impossible because we  
6 haven't done them for so long, it must be  
7 impossible.

8 First of all, can we feed ourselves? And  
9 I don't mean ag, ag, ag. I mean food, food, food.

10 Now if you want to say Maui, Maui. If you  
11 want to say can we kind of feed Oahu, ship some  
12 stuff over there, fine. But Hawaii has to be food  
13 self-sufficient. Okay? That means chemical --  
14 (Incomprehensible due to clapping.)

15 DR. PANG: The minute we say, oh, look, I  
16 made so much, I shipped it out, and I'm on the world  
17 market; and then the world market gets undercut,  
18 then all the macadamia nuts get buried, et cetera,  
19 et cetera. So feed ourselves first.

20 Now I know you're going to go through the  
21 details, and, oh, that's so expensive. Well, food  
22 security, security costs a little more money.

23 Okay. So that's what I wanted to address.

24 Next thing -- there's only three things.

25 Next thing I want to say is when we feed

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1 ourselves, can we do it based on smaller farmers,  
2 startup, diversified, no spray.

3 And if you say, well, gee, I just saw the  
4 report where that's just unfeasible, well, I'm  
5 sorry, I've prepared a report, I'll give it to you.

6 2011, I visited the Big Island guys called  
7 Wild Tomatoes. That was just a practice to show  
8 that homestead land guys had a terrific operation.  
9 It was published in the on-flight magazine. And  
10 that was just a test to show they could do tomatoes.

11 They're going to convert to taro,  
12 high-fiber carbs. The guy's wife is off insulin  
13 because she helps a little bit in the garden. They  
14 can do it. The financial is sound. They're hiring  
15 their own family to distribute on Oahu. It can be  
16 done. The technical part is in the report, four  
17 pages.

18 So look at that. Don't just say, well,  
19 we're going to feed ourselves and the big corporate  
20 guys say we can't do it, so we can't do it. There  
21 are alternatives. We used to. We used to do this.

22 And the final thing is -- I really have to  
23 say this. And here's something, you say, well,  
24 that's impossible, we never did that before, here's  
25 one we never did before. But outside of Hawaii,

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1 water, fresh water, potable water, water for ag, is  
2 like gold, it's like liquid gold.

3 And people look at Hawaii, and they say,  
4 oh, look, every time it rains here, the muddy water  
5 chokes the reef, the muddy water chokes the reef.

6 Why don't you guys catch it. So the

7 Na Wai 'Eha -- that's the other side, right. The Na  
8 Wai 'Eha report said you catch the 17 rainiest day  
9 of Wai 'Eha -- I'm not talking about just the water  
10 on the east side -- you put it in a big -- I call it  
11 the dam, and my wife said call it the reservoirs.  
12 You put it in three big reservoirs. You don't let  
13 the water dirty the reef.

14 I checked this with the Sierra Club.

15 Maybe we should go natural. The water is so muddy  
16 and dirty, it's hurting the reef. Hold it, and  
17 that's more than enough water for everything you can  
18 imagine for the near future.

19 But you have the 800-pound gorilla. You  
20 got that much water? There's no fighting? I'm  
21 going to move in. I cannot solve the 800-pound  
22 gorilla, but this has some beautiful concepts to it.

23 Locate the reservoirs where you want, near  
24 the ocean, so when they break, like, you know, the  
25 California dams, you don't flood out people. Put it

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1 low, pump up the water with solar energy. No  
2 battery. Just pump it. When the sun shines, you  
3 pump it up. And you control the damage to our reef.  
4 And what happens to this? How we talking  
5 about the east side water? Technically, now it  
6 comes into play. Now to share your chance to get  
7 it, I feel bad about diverting clear water. Clear  
8 water should flow in the streams when it's driest  
9 and needed.

10 But if your side here generates dirty  
11 water -- say Haiku is developing, every time they  
12 flood, wow, look at that, look at what we did to the  
13 reef in Haiku.

14 Divert that. Maintain enough EMI system  
15 so that all the dirty waters about to choke the  
16 reefs, whatever, goes into these holding reservoirs,  
17 settle it, pump the water high to the Kula when you  
18 need it.

19 Now all this stuff is like, yeah, great  
20 pie in the sky. But, you know, that's how things  
21 get started.

22 I'm not asking for tomorrow, where the  
23 Kula guys say, well, no water. Give them the status  
24 quo. But I want to see some progress moving to some  
25 things that are worthwhile.

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1 For 35 years, all we do is fighting and,  
2 oh, that's your stream, that's your stream, and we  
3 never move at all.

4 I can guarantee you to fund the  
5 reservoirs, I think there's \$350 million per  
6 billion-gallon reservoir. You can float a bond. If  
7 you can float a bond for the Super Whale that's  
8 never going to be self-supporting, you can surely  
9 float a bond out of state, because fresh water  
10 that's potable, that's usable for ag, is like gold.

11 But I only like this if your EIS says  
12 long-range plan. I want to see every three years,  
13 we're moving forward, moving forward a little bit  
14 more towards the idea that we choose. Otherwise,  
15 it's so frustrating. And I'm a patient guy, but I  
16 like to see a little progress, sincere progress.

17 Thank you.

18 MODERATOR SENNELLY: Thank you, Dr. Pang.

19 Edward Wendt.

20 Oh, can you go, Keola?

21 Mr. Wendt. Thank you.

22 MR. WENDT: Aloha.

23 MODERATOR SENNELLY: Aloha.

24 MR. WENDT: My name is Ed Wendt. I am  
25 president of Na Moku.

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1 Our community has been involved with this  
2 water contested case for many years.

3 In these years, DLNR and (inaudible) have  
4 never displayed their leadership in enforcing the  
5 laws, protecting our native rights and the public  
6 trust doctrine, which are our constitutional rights.

7 Who will enforce these laws? Each stream  
8 and river that is diverted has a major impact on our  
9 environment and our constitutional rights, when we  
10 have never had accurate measurements of the volume  
11 of water that is being transferred out of the  
12 watershed.

13 We need gauges in the ditch systems and  
14 regular intervals to determine how much water is  
15 actually being diverted.

16 We are also concerned about invasive  
17 species, such as Miconia, Gardenia, and African  
18 tulips, which are overtaking the watershed and  
19 claiming our native plants.

20 From Maliko to Honopou, which are outside  
21 the permitting areas, streams and rivers are  
22 diverted by East Maui Irrigation for free. The  
23 State has allowed them to take this water also.  
24 This should be accounted for. It is in the public  
25 trusts interests.

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1 Well water. A & B has 15 wells on its  
2 property. The amount of water available to A & B  
3 from these wells needs to be accountable.  
4 Gray water. We need to know if gray water  
5 from the treatment plant can be used for Alexander &  
6 Baldwin irrigation needs.  
7 USGS studies were done on the streams and  
8 rivers, it took three years to do this, specifically  
9 for East Maui watershed. Their recommendations  
10 should be considered. Water needs to flow  
11 uninterrupted into the ocean. It is critical for  
12 our health, a healthy environment.  
13 Based on USGS studies, we have noticed  
14 since the recent release of water that our native  
15 species, such as the Koloa bird, Hawaiian stilt and  
16 species of the dragonfly, found only in East Maui  
17 and Halawa Valley, are returning.  
18 OHA should have a say in the wording of  
19 the 30-year lease. Honomanu, Keanae, Nahiku are on  
20 so-called ceded lands. We'd also like to know how  
21 much water Hawaiian Homes is entitled to.  
22 My last comment, for the people of  
23 upcountry, Kula Farms and Alexander & Baldwin, you  
24 have enjoyed the privilege of receiving water from  
25 these four areas. As Father Tomoso stated, water is

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1 for life and water is for everybody. And we agree.  
2 While you all were enjoying this  
3 privilege, we in the four areas went dry. Dewatered  
4 completely. This does not match (Hawaiian). This  
5 is called sacrifice and culture genocide.  
6 Mahalo.  
7 MODERATOR SENELLY: Next speaker,  
8 Mahealani Wendt.  
9 MS. WENDT: Mahalo.  
10 Before I give my testimony, I'd like to  
11 ask if the facilitator would consider allowing our  
12 East Maui ohana to go earlier on the agenda because  
13 the drive home is very far. It's like two hours.  
14 Just something to think about.  
15 I was also going to ask if there was any  
16 possibility of convening a third consultation in  
17 Hana. Many of our people want to come, want to  
18 participate, but are unable to. It's really a  
19 hardship for them, especially with big families.  
20 So you don't have to answer now. Just  
21 something to consider.  
22 MODERATOR SENELLY: Regarding -- how's  
23 about this, we were going to take a break between  
24 6:00 and 6:15.  
25 So why don't we take -- if it's okay, take

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1 the speakers up until then. And then after the  
2 break, whoever is -- whoever from East Maui who  
3 wants -- if that's okay with everybody. Yeah?  
4 Okay.  
5 So during the break, you come and tell me,  
6 and we'll make sure that we put you on. So I'll  
7 make the break sooner than later.  
8 MS. WENDT: Thank you.  
9 My name is Mahealani Wendt. I'm a board  
10 member, I'm also a board member of Na Moku Aupuni 'O  
11 Ko'olau Hui.  
12 As a founder and executive director of the  
13 Native Hawaiian Legal Corporation for 32 years, I  
14 filed the petitions to set interim instream flow  
15 standards for all the streams within Koolau on  
16 behalf of Na Moku. This was in 2001.  
17 In a free and Democratic society, we  
18 should all have a reasonable expectation that the  
19 rule of law will apply and result in a fair and --  
20 fair outcome, a fair and just outcome for all  
21 disputants. This is how we have been taught things  
22 operate in a free and Democratic society.  
23 A & B's last long-term lease expired in  
24 1986. From 1986 until 2016, when the legislation  
25 passed, when the legislation passed the so-called

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1 permit, A & B operated outside the law for 31 years.  
2 From 1986 until 2016, it had no valid permit.  
3 And you know, it's, you know, kind of an  
4 outrage. But more than that, I think when things  
5 like that happen, as people, as citizens, we lose  
6 respect for the law. They lose heart. They feel  
7 like they cannot trust.  
8 So, you know, as yourself, as consultants  
9 and other decision-makers go through this process,  
10 please consider this. Because, you know, honestly,  
11 I feel like we're being herded into another process  
12 with a predetermined outcome. A lot of us feel that  
13 way.  
14 You know, you tell us that, you know, it's  
15 going to open bid and all of that, but there is  
16 every appearance, especially given the history,  
17 that, you know, A & B is going to get the lease and  
18 that the politicians and the people at DLNR Board  
19 are inclined to push it through, the same way they  
20 did at the legislature.  
21 So this is kind of like editorializing a  
22 little bit, but I think these are things that we're  
23 all feeling.  
24 Nevertheless, operating outside the law, A  
25 & B siphoned every drop of water from the East Maui

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1 watershed, while A & B, HC&S, upcountry and other  
2 county users enjoyed water, our families went  
3 without.

4 You have no idea. We never did not want  
5 to share. We always wanted to share. Nobody shared  
6 with us. And it was really, really, really, really  
7 hurtful, because the origin was right there. We  
8 could look at the water, we could look up mauka and  
9 see the water, but we couldn't use it. It wasn't  
10 for us.

11 And so, you know, it was really, really  
12 hurtful. And we went through these processes, and  
13 we would hear, you know, the other people who have  
14 access to this water accuse us of being selfish and  
15 not wanting to share. That was not the case. We  
16 didn't have anything.

17 So, you know, so this was the situation  
18 and, you know, we were for so many generations, the  
19 taro from -- you know, generationally, traditional  
20 taro farming went out. There was no water to farm  
21 taro. The fishing grounds were depleted.

22 The doctor probably knows, Dr. Lorrin Pang  
23 probably knows that in our area, the empty  
24 streambeds were nesting places for mosquitoes. It  
25 was a very unhealthy situation that we lived with

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1 every day.

2 Several speakers from East Maui did know  
3 that the EMI ratcheting up is a diversion. So that  
4 you took everything in 1990, just happened to  
5 coincide with a water conference that was held at  
6 Keanae around the same time.

7 And it seemed like on EMI's part, it was  
8 maybe perhaps a preemptive move or something to send  
9 a signal to the people over there don't try  
10 anything.

11 You know, the water conference was  
12 attended by a lot of attorneys from both sides. The  
13 attorneys who were sympathetic to the East Maui  
14 farmers were saying you have rights, you really do  
15 have rights. They don't have a right to come in  
16 here and take everything. And these are what your  
17 rights are.

18 And I think it came to a shock and  
19 surprise to some of the EMI operatives on the ground  
20 who were accustomed to behaving in the old way, you  
21 know, where, you know, like an Imperial, somebody  
22 from outside that comes in and tells you: This is  
23 how it's going to come down, and you have nothing to  
24 say about it.

25 This is how they treated the people, very

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1       disrespectful, very condescending.

2               So the EMI process should actually have  
3       started a long time ago.

4               A lawsuit was filed. And in 2005, EMI and  
5       A & B were ordered to do an EIS, and they did not.  
6       They fiddle-farted around, you know.

7               And actually, in the interim 30 years  
8       since they -- since the other long-term lease  
9       expired, they have what amount to a de-facto  
10       long-term lease, because it's been 30 years, and  
11       they have had continuing access to the water.  
12       That's exactly what happened.

13               So there is this -- I mean, I know you're  
14       only interested in knowing what's supposed to go  
15       into the EIS, but this is a really important  
16       historical framework for people to understand.

17               So I actually do have some comments on the  
18       Environmental Impact Statement, but I just have  
19       another point about that, that all of this would not  
20       have been possible but for the collusion of DLNR.

21               The DLNR attorneys with the A & B  
22       attorneys were working together and came up with  
23       these wonderful legal strategies to issue these  
24       so-called temporary interim leases, I mean temporary  
25       permits, which did not exist, which were false, and

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1       which were finally declared to be illegal.

2               So given that framework, it's really hard  
3       to trust that this process is going to go, you know,  
4       in any other way but in A & B's direction.

5               But here are some comments for the EIS.

6               The degraded watershed, which has resulted  
7       from decades of A & B's unlawful occupation, should  
8       not be the standard. You know, that point was made  
9       last night, that they have, you know, all of these  
10       many, many, many decades to go out there and wreck  
11       the watershed.

12               And that is not the starting point or, you  
13       know, the standard toward which we should aspire in  
14       terms of the EIS.

15               Never again must aina be transformed into  
16       killed areas, disturbed so severely that the people  
17       are deprived of their constitutional rights and  
18       human rights to live the subsistence traditions of  
19       their kupuna, including growing taro, fishing and  
20       gathering from the streams and shoreline areas  
21       nourished by fresh water. These also include rights  
22       of access to these areas.

23               We have had to humble ourselves and beg  
24       and go through a monthly permitting process just to  
25       be able to go up mauka and clean the streams so that

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1 the water can flow.  
2 Streams must flow continuously and  
3 uninterrupted from the mountain to the ocean shores  
4 so that aquatic animals can live.  
5 Gauges to collect accurate water, transfer  
6 and collect, collection data are critical.  
7 Regulatory oversight and enforcement are  
8 also critical.  
9 Without enforcement, EMI has run roughshod  
10 over the people, you know.  
11 The public can say whatever they want, but  
12 EMI really does whatever they want. You know, they  
13 think whatever they want, we go up there, we say,  
14 hey, you know, we're supposed to be getting water,  
15 but you've completely closed, you know, closed your  
16 gate and nothing is coming to us.  
17 And they say, oh, well, you know, take it  
18 up with our attorney. And then their attorney calls  
19 our attorney, and their attorney says, oh, well, my  
20 client is in full compliance.  
21 And that's the kind of BS our people have  
22 been going through for decades.  
23 I have one last point. DLNR should  
24 seriously consider alternatives to awarding A & B a  
25 30-year lease. I'm totally opposed to A & B

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1 receiving the 30-year lease.  
2 MODERATOR SENELLY: Thank you very much.  
3 Michelle Waikiki? Michelle Waikiki.  
4 We have a lot of people speaking tonight  
5 that signed up, and so we're going to try to change  
6 the order a little bit. So as I asked earlier, if  
7 you can summarize as much as you can. Thank you.  
8 MS. WAIKIKI: My name is Michelle Waikiki.  
9 And this is a message from my husband to the EIMS --  
10 or EIS tonight.  
11 The Department of Water Supply, County of  
12 Maui, released their statements of cash flow audits  
13 done by M & K CPAs. In their audit, cash received  
14 from the public trust and others, from 2013 to 2017,  
15 equal \$200 million.  
16 Payments to suppliers, A & B, HC&S, EMI  
17 and Wailuku Water Company from 2013 to 2017  
18 surpassed \$100 million. All suppliers are ditch  
19 operators. They are all selling state-owned water  
20 to the County and charging the public trust at a  
21 33 percent or more increase.  
22 The public trust pays water bills to the  
23 County, who then pays A & B, EMI, HC&S and Wailuku  
24 Water Company to transport the water to the County  
25 grid.

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1 The public trust doctrine simply has no  
2 representation. This is theft and fraud and other  
3 crimes because these operators are in violation of  
4 expired water licenses, expired leases, EIS audit  
5 violations, violation of HRS 167, failure to public  
6 auction, year to year revocable permits, violation  
7 of HRS 271G, Hawaii Water Carriers Act, violation of  
8 HRS 271G-10, violation of 271.12, under the PUC,  
9 PUCC, PCN. And the County of Maui is an accessory  
10 to these violations.  
11 Only a federally regulated public water  
12 utility company, publicly traded stock corporation,  
13 bonded and insured, providing water, can meet all of  
14 these requirements and lawful demands by  
15 representing and enforcing the public trust  
16 doctrine.  
17 Maui Electric Company is a public utility  
18 company, providing electricity to the public trust.  
19 In final, all of you, meaning the board,  
20 should be arrested for fraud, plundering and  
21 pillaging.  
22 And then I would like to also say for  
23 myself, like, I would like to propose that the  
24 Hawaiians get together and we figure out how we can  
25 figure you guys out through blood quantum.

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1 I know my husband is 100 percent Hawaiian.  
2 They threw him in prison for 20 years over this  
3 water, over \$141,000. So I hope -- before he went  
4 to prison, he put videos out, which are on my  
5 Facebook page.  
6 The 1863 water course agreement, with my  
7 husband's two grandfathers' names on it, he created  
8 an EIN for Maui water utility company. So we need  
9 is the public to come together, and we use this Maui  
10 water utility company to put the water in the  
11 public's hands, not HC&S, EMI.  
12 And then we also have a document that is a  
13 Supreme Court order right here for -- from 1914 to  
14 present, the American government owes the Kingdom of  
15 Hawaii, it's 74 billion on this paper, but it's  
16 about 125 billion now.  
17 And in court, Judge Nishimura ruled that A  
18 & B water permits are invalid.  
19 I have 11 file boxes full of information.  
20 I've proved my husband innocent beyond a reasonable  
21 doubt and this state guilty of fraud. And I want my  
22 husband out of prison. He don't belong in prison.  
23 Thank you.  
24 MODERATOR SENEELLY: Okay. Here's what  
25 we're going to do.

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1 Wait. We're going to take a break. Can  
2 we, please? I want to take a break.  
3 The folks -- Mahealani suggested that the  
4 people who are like -- live far away, a couple hours  
5 away, if you have signed up to speak, will you come  
6 and see me, and I will change the order around. And  
7 I'd like to do this.  
8 So we have a five-minute break. Thank  
9 you.  
10 (A brief recess was taken.)  
11 MODERATOR SENELLY: We're going to have  
12 the East Maui people talk first. Okay. Just like  
13 we said, we're going to have Isaac talk before them  
14 because they said that it was okay.  
15 I'm going to do something real quick  
16 before we go. Everybody sit down, please.  
17 Come on, you guys. Come on.  
18 Okay. Here's what we're going to do. I'm  
19 going to go over the protocol again, because we  
20 really do want to let everybody stay here for a  
21 reasonable amount of time. And so we want to -- we  
22 really want to be pau about 7:30. We've got a lot  
23 of speakers.  
24 So again, safe haven; okay? So we all  
25 respect. You guys are doing really good at that.

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1 One person at a time. You're doing good  
2 at that.  
3 You guys are clapping, but don't clap as  
4 loud. It's good. I like it, but, you know.  
5 Summarize, summarize, summarize, please,  
6 so that your fellow -- so the rest of the folks can  
7 talk, please. Try not to repeat.  
8 Okay. So that's it.  
9 Actually, hold on.  
10 MR. HALL: Isaac Hall.  
11 MODERATOR SENELLY: Wait. Actually, you  
12 know what happened, when he was here talking to me,  
13 the other Hana people, the East Maui people said  
14 it's okay. So they said it's okay.  
15 MR. HALL: I want to thank the East Maui  
16 people for letting me speak now.  
17 My name is Isaac Hall. I live in Haiku.  
18 I'm an attorney, and I've been working on this case  
19 for 40 years.  
20 The preliminary comments on the EISPN have  
21 been submitted. I want to cover some points that  
22 may not be addressed by others.  
23 One, the proposed leases of public lands  
24 must be disposed of at a public auction. I know  
25 this point is being made. The assumption is being

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1 made, unfortunately, that the ultimate lessee is  
2 going to be A & B.

3 Even though it's been stated by Wilson  
4 people that it's not, they're still talking about  
5 what we're going to examine in this is the  
6 30,000 acres and that we should address the impacts  
7 of those 30,000 acres.

8 That would render this EIS inadequate.  
9 You have to address other alternative lessees.

10 Let's, you know, think about who else might be  
11 interested in getting this land and address those  
12 impacts. Those are alternatives that have to be  
13 addressed in this EIS.

14 Two, when A & B applied for this lease  
15 many, many years ago, it was for a fully functioning  
16 sugar cane plantation. The plantation closed, the  
17 lands are mostly fallow. There's no need for --  
18 there's no current need for anything like 115  
19 million gallons a day.

20 The current application is stale and  
21 should be withdrawn and replaced by an up-to-date  
22 application.

23 Three, the lease is for all four license  
24 areas. This is an antiquated concept designed to  
25 provide all of the water to one prospective lessee,

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A & B.

DLNR is required by law to lease lands in  
economic units, minimum-sized areas that could be  
served by the water. That's HRS 171-33.3 in the Big  
Island Small Ranchers case.

The alternative of separate leased license  
areas. Let's say for the Keanae-Wailua community,  
carving off an area that could be leased to them  
alone, for their purposes alone, is an alternative  
that has to be addressed.

The alternative of a separate leased  
license area for the Huelo area. Carve that off.  
Let them go in and bid for it.

And likewise, a separate leased license  
area for say the Haiku area. Let the Haiku  
community go in and bid for a lease.

These are smaller units that by the  
statute that applies to DLNR have to be discussed as  
alternatives. If they are not, this EIS is going to  
be inadequate again.

Again, as others have said, No. 4, these  
are 5(f) lands. They're part of the public lands  
trust and part of the seed lands trust. Native  
Hawaiians are the beneficiaries of these trusts.

Now there are three aspects of this. One

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1 is that the first priority to this water belongs to  
2 the native Hawaiian homes. That means the current  
3 and future needs of Hawaiian, of people on Hawaiian  
4 home lands must be carved out first. That has never  
5 been done, it's never been studied, and that has to  
6 be done in this EIS or it again is going to be  
7 inadequate.  
8 Also, 30 percent of the revenues from the  
9 leases must go to Hawaiian homes to be spent for the  
10 benefit of native Hawaiians.  
11 20 percent of the revenues from the leases  
12 must go to OHA to be spent for the benefit of native  
13 Hawaiians.  
14 That's 50 percent of the revenues from  
15 these leases is owed to native Hawaiians.  
16 DLNR, BLNR has never paid -- well, they  
17 have paid attention to it, but they've paid tiny  
18 amounts in lease amount -- in leases, for the  
19 leases.  
20 BLNR has never appraised the value of the  
21 water that it has provided to EMI and HCTS.  
22 HRS 17133.5 requires that before any  
23 notice of an intended disposition is given, BLNR  
24 must determine an upset price for that lease based  
25 upon the fair market value of the resource being

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1 leased.  
2 BLNR has never done that. It's leased  
3 everything from way below the fair market value.  
4 So in this EIS, as part of it, a study  
5 must be done, studies must be done, and one of those  
6 studies must be an appraisal of the fair market  
7 value of these lease lands. They cannot possibly  
8 satisfy their trust obligations to native Hawaiians  
9 unless they do this.  
10 This is a point that other people have  
11 touched on tangentially. This is 6. Any lease of  
12 water rights requires a watershed management plan.  
13 That's in their statute 17158-E and F. That's being  
14 done to prevent degradation of surface water,  
15 prevent degradation of ground water quality.  
16 So what has to happen here in an EIS is  
17 that the EIS must address the current conditions of  
18 the watershed and address steps that are required to  
19 restore the condition of the watershed to an  
20 adequate level. That's never been done.  
21 As everybody's said, they've essentially  
22 had the equivalent of a 30-year lease but they've  
23 never done a watershed management plan. And you've  
24 heard testimony about what the condition of the  
25 watershed is. That has to be addressed in the EIS

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1 or it's inadequate.

2 Number 7, I was disappointed to see the  
3 list of water users and that the people with  
4 riparian and appurtenant rights were totally left  
5 out. Those people downstream of these diversions  
6 weren't even mentioned.

7 And I did notice that there was a lot of  
8 misinformation that I hope will get corrected later  
9 by those that know about the number of streams that  
10 are diverted, the number of streams that are in the  
11 petition area, the number of streams, that sort of  
12 thing. The numbers I heard were wrong.

13 Finally, No. 8, the alternatives  
14 considered were three. I've already mentioned four  
15 or five more, but there way many more alternatives  
16 need to be considered or else this will be  
17 inadequate.

18 Thank you for the opportunity to speak.

19 And I'll submit more detailed comments by  
20 March 10th.

21 MODERATOR SENELLY: Thank you.

22 Okay. Cheryl Kekahuna?

23 MS. KEKAHUNA: Aloha everyone.

24 MODERATOR SENELLY: Aloha.

25 MS. KEKAHUNA: Unfortunately, I was not

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1 really prepared that we have to come to a meeting  
2 and give points to the EIS process. I guess the  
3 invitation is really not that clear. However, I  
4 would like to share and hopefully you can take that  
5 with you.

6 My name is Cheryl, also known as Pohe,  
7 Kekahuna. I'm the safety director for the Nahiku  
8 Community Association, as well as a resident of  
9 Lower Nahiku.

10 I am here today to oppose a 30-year lease  
11 proposed by A & B. I would like to start with a  
12 couple questions.

13 Why after HC&S was officially done in  
14 December 2016, the water wasn't restored to all the  
15 rivers, being there's no sugar cane in production?  
16 And where is the water that was irrigated for the  
17 sugar cane?

18 Now, it seems almost coincidental that the  
19 same month HC&S was done, A & B sold 300-plus acres  
20 in Paia.

21 The message I got from that was, here we  
22 go, progress. And it was clear to me that A & B  
23 can't be trusted. They have their own agenda.

24 In A & B's Environmental Impact Statement,  
25 your EIS for February, you need like a lawyer or a

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1 dictionary to kind of understand this.  
2 However, there was something that caught  
3 my attention. Under the proposed action, there's a  
4 statement that:  
5 "Aqueduct system continues to  
6 serve a critical role in providing  
7 upcountry Maui and Nahiku community  
8 with water, and should the delivery of  
9 water from EMI aqueduct system be  
10 curtailed, upcountry Maui and the  
11 Nahiku community would be left without  
12 a reliable source of water."  
13 Now, I had to Google the definition of  
14 "curtail." It states:  
15 "To reduce in extent or quantity,  
16 impose a restriction on, or deprive  
17 someone of something."  
18 Makapipi, Hanawi, Haipuaena automatically  
19 runs through our island blood. I ask: Are you God?  
20 Who gave you the right to deprive us of our right to  
21 live?  
22 Back in the day when our great  
23 grandparents, uncles, grand uncles, grandparents  
24 used to work for EMI, the streams and rivers were  
25 properly managed. The rivers never ran dry and all,

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1 -- and was well maintained. Is that the case now?  
2 We, as kanaka'ole, have to fight for our  
3 water. Our kava farmers in Keanae for over a decade  
4 have been fighting for the rivers to be restored to  
5 their (Hawaiian). And here comes A & B with their  
6 proposals and greed for more water.  
7 State and county representatives, are you  
8 going to allow A & B to deprive and be unjust to the  
9 people and county you represent?  
10 And lastly, I would just like to end my  
11 testimony by simply saying: Remember our rivers are  
12 sacred. There's (Hawaiian) in these rivers. Don't  
13 let the hewa follow you.  
14 MODERATOR SENNELLY: Thank you, Cheryl.  
15 Mapu Kekahuna.  
16 MR. KEKAHUNA: Mahalo to all our kupuna  
17 for being here. Thank you for being here.  
18 Today I'm very disappointed as -- I'm  
19 going to (inaudible) the vice chair tonight of the  
20 community association.  
21 And I'm insulted that A & B, your  
22 organization, to bypass Hana and involve East Maui,  
23 all of East Maui, from Kaupo, Kipahulu, Hana,  
24 Nahiku, and everybody else. This is big  
25 geographics, yeah. And not have them participate in

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1 this EIS, whatever you want to call this. Okay?  
2 It's not pono.

3 You know, people, our people here in Maui  
4 are seeing the desecration. We see it every day.  
5 Gradually we have to keep our Maui, all of us in  
6 this room. People, wake up. Because Maui will be  
7 gone. It will protect this island.

8 Seven generations, my family -- I'm a  
9 seventh-generation from Nahiku.

10 You know, like you guys said, that EIS,  
11 you guys, I was reading through it, that you could  
12 probably compromise our domestic drinking water if A  
13 & B don't get this 30-year lease. That's what I was  
14 reading. Is that a threat?

15 You know, for me, as a kanaka, I feel  
16 like, wow, if A & B don't get what they want, we  
17 don't get drinking water, my kupuna have to go to  
18 the river and haul water from the river, as they did  
19 when they were growing up? Is that what the answer  
20 is?

21 I think the County of Maui has a fiduciary  
22 responsibility. We have three County water tanks in  
23 Makapipi.

24 Like the lawyer said before, carve it out,  
25 take Hanawi, Kapaula, Makapipi, carve it out, take

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1 out that diversion, let the County of Maui take care  
2 of their aqueduct that feeds the county to provide  
3 us domestic water, which is our right too, yeah.  
4 And then take us out of your palapala.  
5 Take the word "Nahiku" out. Take it out, take it  
6 out. We don't want it.

7 You know, our people of Maui can see this,  
8 right, plain as day. I drive to Paia every day,  
9 Monday through Friday, going back to Nahiku. The  
10 traffic is nasty. Selling land quietly, use the  
11 term "quietly," they sell it to a businessman in  
12 California to supplement that development.

13 People, we're not stupid. We're not  
14 stupid. The sooner A & B realizes all the illegal  
15 actions -- and I think the kupuna people that  
16 started this battle. It shouldn't be a battle. Not  
17 for the kanaka, not for the people of Maui, born and  
18 raised, bred, to have to sit in a meeting when we  
19 have to work, work, to come listen to this nonsense.

20 It's expensive to live here in Maui, in  
21 our homeland, our only home. Expensive to live  
22 here, but we have to take that -- our passion for  
23 our island is important to all of us.

24 Even for you malehinis that moved here to  
25 Maui, you guys can see the desecration going on.

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1 Keep Maui Maui. Oahu is already messed  
2 up. Leave Maui alone.  
3 Take Nahiku out of that equation. That's  
4 my recommendation. Cut it out, like the attorney  
5 said, cut it out. Take the diversion, feed on the  
6 other county tanks, that's it, and let our rivers,  
7 rivers flow.  
8 Mahalo.  
9 MODERATOR SENEELY: Mahalo. Thank you.  
10 Kumu Tamalu Taho'otele.  
11 MS. TAHO'OTELE: I don't feel comfortable  
12 speaking to all of you from the back, so I'm going  
13 to walk up front, if you don't mind, so you all  
14 don't have to twist.  
15 Okay. Anyway, aloha once more. Before I  
16 say what I need to say, mahalo, I would like to do a  
17 little ole for all of us. And I think we need it.  
18 Let us remember this.  
19 (Hawaiian chanting).  
20 Mahalo. I would like to start by reading  
21 something that disturbed me very much. This is a  
22 proposed action from A & B. The proposed action  
23 constitutes the issuance of one long term of 30  
24 years, water lease from the DL, BLNR for the  
25 continued right -- now follow me, my people -- the

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1 continued right, privilege and authority to enter  
2 and go upon the Nahiku, Keanae, Honomanu and Huelo  
3 licensed areas for the purpose, for the purpose of  
4 developing, diverting, transporting, and using  
5 government-owned waters. The water is owned by God.  
6 Excuse me.  
7 Through the existing EMI is Maui  
8 irrigation aqueduct system, which supplies water to  
9 domestic and agriculture water users. I just  
10 thought I'd share that.  
11 And by the way, (Hawaiian name), founder  
12 and president for the past 11-plus years for the  
13 Lower Nahiku Community Association, why was this  
14 information not sent, e-mailed, mailed, to the  
15 Nahiku Community Association or the residents of  
16 Lower Nahiku, informing them on the proposed  
17 application, EISEN, for A & B's 30-year water lease.  
18 Mahalo to Dick Mayer, Alliance of  
19 Community Associations, for sending this information  
20 to us or we would not have known of this matter  
21 earlier on.  
22 Why was the Hana District not included in  
23 these public meetings involving East Maui streams?  
24 Speaking on behalf of my ahupuaa of Lower  
25 Nahiku, and for our streams and diversions from

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1 (Hawaiian), remember what I just said. The true  
2 name of Makapipi is (Hawaiian), better known today  
3 to everyone as Makapipi River.  
4 Kopiliula and Hanawi, of which currently  
5 flows from the Koolau, down through our (Hawaiian).  
6 You don't hear that no more, because today they call  
7 it the landing, the Lower Nahiku landing. This is  
8 where these streams (Hawaiian.)  
9 There should be no more diversions,  
10 people. All waters should be returned to each and  
11 every ahupuaa, for it is their streams; it is their  
12 livelihood; it is their battle of survival; it is  
13 their (Hawaiian) of healing.  
14 Requesting a 30-year long-term lease would  
15 be very damaging to our community. We all know that  
16 since the closing of the sugar cane plantation, no  
17 firm decisions have been released or open for public  
18 review on their so-called diversified ag.  
19 There was talk about in the absence of  
20 sugar. Just talk? Instead they are selling sugar  
21 cane land to developers from anywhere. For what, I  
22 ask.  
23 As I review the EIS information -- here,  
24 hold this; you need a podium, honey -- provided by  
25 the County of Maui Water Supply could become

1 promised and that the 30-year lease will enable A &  
2 B to continue to maintain the aqueduct systems that  
3 is currently maintained by EMI.  
4 The County should maintain it to provide  
5 domestic water to Nahiku and not have a third party  
6 dictate the control of this water source for our  
7 community of Nahiku.  
8 Remove all metal gates -- which I know  
9 what they look like, I've been up there, walked the  
10 road -- and have all streams returning to its full  
11 capacity.  
12 Also cap, close, remove all diversion  
13 systems that moves water from Makapipi to Hanawi and  
14 so on.  
15 The County Water Supply should lease or  
16 maintain the aqueduct that supplies water to the  
17 County, water tanks that currently supply Lower  
18 Nahiku with domestic water, farming water,  
19 (Hawaiian) animals, yeah. They gotta drink water  
20 too, not only from the rain.  
21 In closing, A & B, the applicant, needs to  
22 be fully transparent on their intent, their needs,  
23 their wants, and not smoke-screen and quietly do  
24 things to further divide the communities as they did  
25 with HC&S.

1 I believe that our kupuna (Hawaiian) will  
2 guide our pathway, to be sure that our precious  
3 resource isn't solicited for their money gain, while  
4 our entire livelihood and quality of life is  
5 jeopardized. We must protect, preserve and  
6 perpetuate for the future generations to come.  
7 Our voices now and forever will be heard,  
8 as we cannot sit here no longer and watch our island  
9 become more overly developed, culturally desecrated,  
10 and our lahui is left behind, and not have a voice  
11 to our island.  
12 We will stand for what is right, and the  
13 right thing is to maintain truth and not deception.  
14 Just to add, it's not just the water that  
15 is life; it's the mana that the (Hawaiian) hold from  
16 the days of our not alii, (Hawaiian), for it holds  
17 that strong (Hawaiian) of our ancestors.

18 I close by saying much of our (Hawaiian)  
19 throughout East Maui is (Hawaiian) with debris,  
20 fallen trees and not maintained for proper flow from  
21 mountain to sea. What are we going to do about  
22 that? Is it only about power, money, and greed?

23 Let us think about it. Mahalo.

24 MODERATOR SENELLY: Maluhia Stoner.

25 MR. STONER: My name is Maluhia Stoner,

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1 and I've lived in Lower Nahiku all of my life.

2 Now before I begin, I would like to inform  
3 you that this is specifically for the East Maui  
4 Irrigation Company and A & B and does not portray my  
5 opinion of the council before me.

6 This is a Hawaiian proverb handed down for  
7 generations: When the earth is ill, what is its  
8 medicine? Rain. Because when the heavens cry, the  
9 earth is healed.

10 By this saying, it is easy to understand  
11 the Hawaiian connection of water and health. The  
12 rain that falls from the heavens causes the waters  
13 to flow; and they, in turn, gives life to the earth.  
14 The earth in turn sustains the people.

15 The waters of life which flow from the  
16 mountains and which will sustain our generation and  
17 future generations are of great importance to me and  
18 people who love and care for the land and culture.

19 The initial development of the ditch  
20 system was authorized as a part of the Hawaiian  
21 Kingdom's program to promote prosperity for all the  
22 people of the Kingdom.

23 Of importance to the native Hawaiian  
24 families of the land, each of the water licenses  
25 issued under the Kingdom included clauses which

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1 protected the water rights of native tenants of the  
2 respective lands through which the ditch system was  
3 developed.

4 The original license stated: The  
5 continuance of the right herebefore granted is upon  
6 this condition, that existing rights of present  
7 tenants of said lands or occupiers along said  
8 streams shall in no wise be affected injuriously by  
9 reason of anything herein before granted or  
10 covenanted.

11 Now before I continue, I would like to  
12 point out that during the time of February 2015,  
13 during the drought on the other side of the island,  
14 you cut off not only the rivers but the aqueduct  
15 that supplies Lower Nahiku with water.

16 May I inform you that we had children  
17 under the age of three at the time, and this  
18 threatened not only our health but the health of the  
19 land, the native plants and animals, and the native  
20 fish, both fresh water and salt water.

21 It took having the County workers of our  
22 community go all the way to the water blockage and  
23 turn it back on. This is a clear violation of the  
24 license issued under the Kingdom of Hawaii and is  
25 ineligible to pass in court.

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1 But regardless of the laws and regulations  
2 stated above, you don't only break the laws of the  
3 state but the laws that nature itself has set for  
4 every man, woman and child who sets foot on these  
5 sacred lands; and you are in no position to  
6 determine what is and isn't sacred.  
7 You're making us pay for our water that  
8 you take too much of; and you don't even have the  
9 courtesy of doing it within the legal boundaries of  
10 the laws you agreed upon years ago.

11 You take 450 million gallons of water a  
12 day and waste a huge percentage on releasing it on  
13 the ground. When will you realize there's no more  
14 cane fields to feed and that the industrial  
15 progression which you support is the very reason why  
16 you feel you must take that much water.

17 You are the reason that there's no water  
18 in certain sections of the island. Nature has taken  
19 the waters of life from you because you had the  
20 nerve to abuse such a sacred element.

21 You have already deprived our culture of  
22 the once abundant source of life, and you dare take  
23 more.

24 I testify that the East Maui Irrigation  
25 Company and A & B is guilty for the theft of our

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1 culture, the endangerment of native and indigenous  
2 species, the choice to ignore the claims of the  
3 Hawaiian people, the people of this island, and the  
4 destruction of the home in which we will always and  
5 have always resided in.

6 Thank you very much.

7 MODERATOR SENELLY: Thank you, Maluhia.

8 Can I say -- excuse me.

9 You know, actually, you guys are providing  
10 scoping input, and -- because I've heard the word  
11 "testify" and stuff, and I know it has that power,  
12 but I'm just saying technically, it's not testimony.  
13 But we take it -- I mean, we do consider it very  
14 valuable input. Okay? Because this is in itself  
15 not a required meeting.

16 No, no, it's fine. But I'm just saying I  
17 don't want people to think that it is testimony,  
18 because technically, it's not. That's all.

19 (Audience speaking.)

20 MODERATOR SENELLY: Yeah, it is for you.  
21 That's right.

22 Mavis Oliveira-Medeiros.

23 MS. OLIVEIRA-MEDEIROS: Aloha. I'm from  
24 Hana. And I decided to come during work, so I don't  
25 really have a really good prepared testimony.

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1 But my name is Mavis Oliveira-Medeiros,  
2 and I come from Hana, Maui, Hamoa. But my mom and  
3 dad was -- my dad actually came from Nahiku, and my  
4 mom came from OIahino, both places that we were  
5 water people.

6 So my mom was a gatherer. I don't know if  
7 anybody said that yet, but the gathering people need  
8 to be on that EIS. She taught us how to gather all  
9 the stuff growing in the fresh water ponds and  
10 rivers, and that's what we ate, that's what we ate  
11 to subsist.

12 And then A & B took the water, and then we  
13 had our kids, and our kids had their kids, and it  
14 was never able to be passed on to the next  
15 generations.

16 So two generations, including me because I  
17 was a little girl when she used to take me in the  
18 rivers, so it's like three generations of people  
19 that were robbed of gathering, gathering food in the  
20 rivers.

21 I cannot tell you how awful that feels.

22 What was taught to us, we haven't been able to teach  
23 our kids. It feels like genocide, cultural  
24 genocide, when you cannot teach your children and  
25 theirs how to survive from the aina that they grow

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1 up around. That is a terrible, horrible thing.  
2 So I hope that you put that in your EIS,  
3 the gatherers. There's also -- in Hana, there's  
4 tons of fishermen. So I wish you guys come to Hana  
5 too, on the list of wishes.  
6 Lots of fishermen, hula dancers, they rely  
7 on the water. And gatherers, we still have people  
8 who actually go in the EMI's ditches. I don't feel  
9 comfortable because it says "keep out, no  
10 trespassing." But there's people who still go in  
11 there and gather opai. So, you know, we still eat  
12 that stuff.  
13 In Hana, a lot of people in Hana still  
14 fish to subsist, to survive, to help put food on the  
15 table. That's another thing that you can add to the  
16 EIS. Subsistence.  
17 And if you ask me, I think you should put  
18 the people first and the corporation last.  
19 MODERATOR SENELLY: Thank you. Thank you  
20 very much.  
21 Lany Young.  
22 MR. YOUNG: Aloha everybody.  
23 Well, this one, it comes from knowledge.  
24 (Hawaiian.) As we help others, we will  
25 find help for ourselves.

1 Hawaiians lived in two distinctive areas  
2 of the islands: Those who lived near the shoreline,  
3 those who lived in the uplands. Goods traded with  
4 one another, those goods only available in their own  
5 area, this system created a mutually beneficial  
6 relationship that supported sustenance, living.  
7 This one comes from the heart.  
8 Like the veins that flow your blood  
9 through the human body and feeds the limbs is the  
10 water that flows through the valleys and feeds life  
11 among us. You stop the blood flow, the arm, the  
12 leg, the brain goes dead. You stop the streams from  
13 their natural flow, life around us suffers. The  
14 only native (Hawaiian) will diminish. The only true  
15 native opai will be sacrificed. For what?  
16 The river mouths, or (Hawaiian), as it is  
17 called, is a place of birth. Like the wound, you  
18 stop the flow to the wound, you stop the beginning  
19 of life for many, many species, species that bigger  
20 species depend on for survival. Species like us.  
21 But who cares about all this when you can  
22 have money in the bank? Is this right? Is this  
23 pono?  
24 I oppose redirecting 150 million gallons  
25 of water per day from East Maui.

1 By the mile marker 10, Waihine Bay once  
2 had a water fountain that was an underground spring.  
3 You and the other money-hungry corporations took  
4 that for your profit. Everybody who drives on that,  
5 everybody that lives on the island and the visitors  
6 use that water to sustain their life.  
7 The County and State government, they all  
8 fall in the same corporation. So the reason why  
9 they wanted to destroy it is because the road needed  
10 to be more wide, and also for their profit.  
11 Give back what the corporations stole from  
12 the community. So I say no to the 30-year lease.  
13 We don't need development and added progress, nor  
14 diverting or transporting of our water.  
15 It's not the government's water. It's  
16 ours.  
17 Aloha. Thank you.  
18 MODERATOR SENNELLY: Thank you.  
19 Tammy Luat.  
20 MS. LUAT-HUEN: Thank you. My name is  
21 Tammy Luat-Huen. I am from Keanae. I live on the  
22 peninsula. And we try to farm taro in our yard, but  
23 we're the last taro farm to receive the water.  
24 So in your EIS, I would like the  
25 temperature of the water to be tested. You guys

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1 keep taking water out, the water is going very low;  
2 the sun is so hot, it makes the water hot. By the  
3 time it gets to me, all my taro was like horrible.  
4 We tried to save the -- you know, when we  
5 harvested, we tried different patches to see how it  
6 is. Oh, my god, it was terrible, and it was like  
7 spongy. So definitely I think that the EIS should  
8 include the temperature.  
9 And also, before I even started, I was  
10 supposed to tell you guys this. I tripping out that  
11 you guys are talking about our water and handing out  
12 permits to the highest bidder, like you're talking  
13 about stocks and bonds.  
14 We're not talking about stocks and bonds.  
15 We're talking about life. We're talking about water  
16 for all of us to live, because I don't know about  
17 you, but I cannot drink money. So without water, we  
18 cannot survive.  
19 EMI has had control of East Maui's waters  
20 for way too long, also stewards of these lands.  
21 In your EIS, I demand that EMI be ordered  
22 to restore these rivers and streams, especially the  
23 ones that they're not using. They leave all their  
24 cement, their metal, their crap. Take it out.  
25 Like if they were my tenants, I would be

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1 Like, you know what, you're out, you're not going to  
2 get another lease from me. You let go our place,  
3 you're out.  
4 So I think we should demand that they  
5 restore our rivers and streams to how it was before  
6 they got it.  
7 And on that note, also in your EIS, it  
8 should say they took so much water -- when I was  
9 little, my grandpa used to work for EMI, so I know.  
10 He took me up there. There was plenty of water  
11 flow. I'm not that old.  
12 You know, I don't want to tell you guys,  
13 but I have a big birthday the other week.  
14 But I know how much water there was  
15 flowing.  
16 When I drive home to Keanae, there's so  
17 much rivers that used to flow all the time. Now  
18 only trickles coming down. And I'm trying to  
19 remember the story about that water that used to  
20 come up the side of Waikoloa. And we always used to  
21 pull over, wash the baby bottle if something  
22 spilled, drink water. You know, we used to use  
23 that, and it's gone. I remember that.  
24 But anyway, where they took a lot of  
25 water, and now they let the rivers run bone dry.

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1 Not even like a little bit. We went all the way up  
2 to the top, dry bone. As wide as you can imagine,  
3 this river was dry. So now what's in there? Just  
4 so happens that invasive trees, bushes, vines, all  
5 kinds of weird stuff started growing in there.  
6 Now they go, oh, we are ordered to release  
7 the water, what does EMI do? Instead of they go  
8 clean the rivers and the beds because it's all grown  
9 with invasive stuff, open the water, water is  
10 flowing, no more place to go, where does it go?  
11 Every which way but loose. Not in the flow that  
12 it's supposed to be.  
13 So I honestly believe a lot of these  
14 landslides that we've been experiencing on the east  
15 side of Maui, all A & B's fault. They should  
16 have -- they were so worried about their employees,  
17 their 400 employees. They could have had their  
18 employees stay on for one more year while they go  
19 clean up all our rivers and streams. It's their  
20 responsibility.  
21 So for the EIS, I highly recommend that  
22 you guys have them -- not ask them -- demand that  
23 they go clean up our rivers and streams to where --  
24 to the point where they got it. And I'm sorry about  
25 that, but it makes me so mad.

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1 Because now, you know, those landslides  
2 has caused us so much havoc. We have people that  
3 are putting their lives in danger just to go to the  
4 doctor, you know. We have roads that's completely  
5 shut down for seven hours; and then what happens if  
6 there's an emergency?

7 This is the kind of stuff that EMI  
8 personally caused. And I know that for a fact. So  
9 that's one more thing that I wanted your thing to  
10 say.

11 And, you know, like if it was clean, the  
12 water would flow the way it always flowed centuries  
13 ago. But when the thing is all plugged up, where  
14 does it go? It's got to go to the outside; now it's  
15 going wider and wider, and it's bringing down  
16 everything.

17 And we're not talking small rocks. We're  
18 talking rocks as big as trucks. And now we're going  
19 to be driving home, all unaware -- especially  
20 tonight; it's dark already -- now we're driving  
21 home, and let's go play Frogger and try and jump on  
22 this side, oh, no, let's go to this side, and then  
23 here comes the rocks, you know.

24 So you guys didn't do us no favors by  
25 giving them the lease. They literally put our lives

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1 in danger, and I'm over it. So it's time for  
2 somebody else to -- I understand that everybody on  
3 this side needs water. I do understand that. But  
4 you're talking about our water as if it's a  
5 commodity, and it ain't.

6 Thank you.

7 MODERATOR SENELLY: Thank you.

8 David Prais.

9 MR. PRAIS: My name is David Prais.

10 The first thing would be that I understand  
11 that this is not for testimony. It's you want to  
12 know what's for the EIS.

13 That right there is a flag telling you,  
14 here is your blocks, this is what we offer you, take  
15 it or leave it.

16 Our kupuna, they have been honest all the  
17 way. All the way, you've done it correctly by their  
18 standards and their ways, but we are the new  
19 generation, the generation right here right now. We  
20 are on the rise.

21 I do have one thing I can add to the EIS.

22 The first thing I want to say is there's a  
23 strong presence of police here. Very strong. In  
24 the 30-plus years, have you ever seen this strong of  
25 a presence? And that is because they are afraid.

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1 They're afraid of us because we are intelligent, we  
2 know how to think, and we can act upon it.

3 There's a lot of people who want to speak.  
4 I'm going to make it quick. The one thing that I  
5 add to the EIS is do not come back before our people  
6 without every concern and demand met.

7 That's all. Mahalo.

8 MODERATOR SENELLY: Thank you.

9 Dan Clark.

10 By the way, these are all the East Maui  
11 folks. I'm really trying to get them -- let the  
12 Hana and Keanae and Nahiku side go home.

13 MR. CLARK: Yes. Good evening.

14 I had a very pleasant ride coming out to  
15 the meeting today. I was with two of my close  
16 friends, that are farmers in Keanae and Wailua.  
17 (Audience and speaker interchange.)

18 MR. CLARK: Okay. Now at any rate, they  
19 spoke of all of the streams and the mountains  
20 springs all throughout -- from Nahiku on out.

21 I'm still a student there in Keanae. I've  
22 been fortunate to be taught by a lot of the elders  
23 about farming. I raise taro. I have an affinity  
24 for taro in my family from Nualolo Valley on the  
25 Napali Coast of Kauai.

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1 And though I might not seem that much  
2 cocoa, but I do have.

3 I wanted to -- I guess you wanted the  
4 specifics as to what you can use in your EIS. Of  
5 course I want to -- I'd like to say that I'm opposed  
6 to, first off, the issuance of a license for  
7 Alexander & Baldwin for the continuance of diversion  
8 of water. There needs to be an incline of this -- a  
9 removal, a plan.

10 This is recorded or --

11 MODERATOR SENELLY: She's taking it down.

12 MR. CLARK: Yeah, okay.

13 MODERATOR SENELLY: And we have a video.

14 MR. CLARK: Thank you.

15 Anyhow, it has been 120 years of  
16 construction and diversion. I've been up in the  
17 mountains, I've seen where all the water, every drop  
18 of water that they can actually take from the side  
19 of a hill by putting little PVC pipes hidden at --  
20 you know, to a particular stream, that ends up in  
21 the ditch itself, diverting it out here.

22 Now in times of a lot of water, a lot of  
23 rain, the water is brought out so far and then  
24 dumped into a river out here. That doesn't make  
25 sense to me, you know. The ditch is running full,

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1 they'll dump the water all the way out here, as  
2 opposed to discharging the water back to the streams  
3 from which they took the water.

4 Second off, at times I have to sponge my  
5 water off the awai, yeah, fronting our kalo patches,  
6 sponge pretty much the water into the patch. I'm  
7 serious. The water is hugging the bottom of the  
8 ditch, you know. I've been working with, you know,  
9 the Waialua people in trying to clear our pipeline  
10 from Waikane down to Waialua to, you know, get water  
11 to feed the Hana side for the past four years.

12 And we will get there, we will get the  
13 water distributed. But what I've found is that  
14 attending these meetings with the Water Resources  
15 Commission, they were looking for reasons why to  
16 deny these people their water.

17 First they went in and they tried to  
18 confuse the farmers as to where the geographic  
19 location of their water was coming from, feeding  
20 their loading system. Right?

21 And then the Water Department steps in and  
22 says, where do you think your water comes from? I'm  
23 listening, why the heck is the Water Department  
24 asking this?

25 Do you have a water meter, they say?

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1 Well, shucks, of course we have. We're fortunate.  
2 We paid for that well system, right?

3 We may not have paid for all of it, but we  
4 as stepchild way out there, that's how the system  
5 goes. The community assists the rest of the  
6 communities in, you know, providing moneys that make  
7 it possible for us to dig that 400-foot well.

8 That water belongs to us in the district,  
9 yeah. It feeds the Keanae-Waialua Nui area.

10 Same thing with Nahiku. I was listening  
11 to the lady talking about the water from above.

12 Now I would like to see the water metered  
13 that comes into the Parshall flume that feeds the  
14 Keanae loading system. Okay. I want to know, not  
15 by guess and by golly. I want to know what water is  
16 being fed us, because the water is warm in the kalo  
17 patches. We have root rot and all kinds of diseases  
18 that come off from that, you know, failure to  
19 provide cool, clean water, which is what the kalo  
20 require for a good harvest.

21 And Keanae was not issued an amount of  
22 water necessary for our -- you know, all the loading  
23 in there.

24 And they said, well, you've got all --  
25 you've got all Buffalograss or California grass in

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1 there. And there's a system. The Hawaiians have  
2 been raising taro in there for 800 years. They know  
3 certain patches got to go fallow, right, you've got  
4 to regenerate it.  
5 So they're saying, well, because the kids  
6 coming behind you guys are not interested in the  
7 taro, we're going to take the water. No, I'm sorry,  
8 that's not the case. You let the water run to the  
9 sea, yeah.  
10 And there is 14 vertical shaft wells all  
11 along the isthmus, in between the two mountains  
12 here, if A & B is not telling you that, yeah,  
13 400 feet deep, right, down into the basal land's  
14 crystal clear water.  
15 My field was water and wastewater. 40  
16 years, I put in there, in operating wastewater  
17 plants and water treatment systems. I know about  
18 water.  
19 But when I brought that to the attention  
20 of Dr. Miiki, you know, he immediately shut down,  
21 that I didn't have the right to bring that up in  
22 that particular meeting, the Water Resources  
23 meeting.  
24 All I'm saying is -- I talked to some  
25 young lady that was working agriculture with MCC, or

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1 now it's called Maui College, and I was explaining  
2 to her, you know, how the systems were all managed  
3 and the ponahiki of the district determined, you  
4 know, what amount of water went where and nobody cut  
5 anybody short.  
6 That water was allowed to flow cool to all  
7 these farmers so that they can farm the land. And  
8 I'm sorry, but I lost trust in the Water Resources  
9 Commission. I'm concerned that they're going to be  
10 making the ultimate decision on this particular EIS  
11 request.  
12 And I'm happy for the meeting that you're  
13 putting on here, yeah. All I'm saying is that give  
14 us the water that we need to farm.  
15 Also meter the water. So if you tell us  
16 that 3 mgd is what our allotment is, until they can  
17 deconstruct that whole ditch system, then I'd like  
18 to know, put that Stevens meter back that A & B had  
19 inside of that -- what do you call it? -- right  
20 there at the Parshall flume, okay? Right there  
21 above Keanae with the spring water.  
22 That spring comes from the ground. If  
23 it's not fed from above, the water is diverted, it's  
24 not going to come up on the spring through the  
25 stream. Okay?

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1 So, I'm sorry, but I'm frustrated that,  
2 you know, not all is going to be heard. The meeting  
3 is, by design -- this young lady told me it's by  
4 design to have the meetings out here as opposed to  
5 inside of Keanae, at the Keanae school for the other  
6 families that were directly affected. By design,  
7 she told me.  
8 I said, okay, but I'm not going to fault  
9 Wilson Okamoto for that. I worked with you in  
10 wastewater and a lot of the design over the years,  
11 so I know that your intent is good. The thing is  
12 that I think, as the lady said, it needs to be  
13 everything transparent and clear, you know, so  
14 everybody's comfortable with the decision going  
15 forward.  
16 And thank you very much this evening for  
17 your time.  
18 MODERATOR SENELLY: Thank you, Dave.  
19 Okay. Kawika Stone.  
20 MR. STONE: Hi, how's it going? My name  
21 is Kawika Stone. I am from Lower Nahiku.  
22 And I know you guys only want to hear  
23 about the EIS and what it should address. But, you  
24 know, first off, I think there's kind of an agenda  
25 behind the EIS and just the way you guys got it,

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1 step one, step two, step three.  
2 And maybe next time you guys should hold  
3 the meeting or you should maybe hold another meeting  
4 out in Hana side, because most of the people -- if  
5 you look on the list of places, Haiku is not on that  
6 list, and most of the people affected by these  
7 decisions actually live out there.  
8 Some of them is kupuna. They can't just  
9 go and drive this long road. Some people have  
10 babies, kids, they can't just drive this long road,  
11 like I said. They gotta work, all this kind of  
12 stuff.  
13 But also I see that you guys -- I see that  
14 you guys are on top -- if I can go to the slide show  
15 real fast, I see you guys mentioned -- there's some  
16 things you guys mentioned in here. Where is it?  
17 Okay. Right here. "General description  
18 on the proposed action," you guys put "economic,  
19 social, cultural and environmental" characteristics  
20 on there.  
21 But what you guys gotta understand is  
22 economic -- if we're talking about Hawaiian and  
23 Hawaiian culture, you put "cultural" on there.  
24 Hawaiians, economics is cultural.  
25 If you think about it, the mauka to makai,

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1 that's from the mountains to the ocean, that's just  
2 the way things go.

3 But you guys', EIS, it's based off of --  
4 you guys said that it has to meet the laws, right,  
5 of the State; it has to meet certain requirements of  
6 the law. But that's the law of the state, but  
7 there's also the law of nature, which doesn't really  
8 get mentioned.

9 Even though you guys mentioned cultural  
10 and environmental, it's a contradiction, because  
11 economic is what? Money, right? But in the ancient  
12 days, the Hawaiians, they never used money.

13 So if you think about that for a second,  
14 the Hawaiians used to trade. The people who lived  
15 by the ocean, makai, they would trade food with  
16 those who live in the mountain, according to what  
17 they have. Like if you're by the ocean, you have  
18 fish; people by the mountain, they have other things  
19 that isn't right next to the ocean.

20 So they would trade, and they would --  
21 that's how -- that's our economics, as Hawaiians.  
22 So you can take that "economic" out of  
23 there because that's a contradiction, because  
24 cultural -- how you guys gonna talk about cultural  
25 when economics and all that is in there?

1 And then how the EIS is supposedly -- this  
2 is just a prep, right, like a preparation for you  
3 guys' main decision. This is just like -- this  
4 isn't for us to testify, but where do we testify?  
5 Where do we testify?

6 MR. MATSUKAWA: The decision is by the --  
7 for the permit, there will be proceedings, I  
8 imagine.

9 So again, I'm not the attorney, I don't  
10 know the exact process, but I would think there  
11 should be.

12 MR. STONE: Well, if it was me -- I'm not  
13 trying to -- but if I was the one running this  
14 meeting, you know, I would definitely know  
15 everything that's going on, especially what's going  
16 on in the future.

17 Okay. Where's the other page, though?

18 MR. MATSUKAWA: We should clarify that.  
19 We are doing the EIS. You know, I'm still -- in  
20 order to do the EIS, I have to learn things.  
21 I don't know all of the legal -- this  
22 thing has had a long history. I got into this not  
23 that long.

24 MR. STONE: I'm not saying you personally.  
25 MR. MATSUKAWA: I don't know everything.

1 That's why I don't answer some of the questions. I  
2 don't know.

3 MR. STONE: Okay. You know, I'm not --  
4 you know, it's not a personal thing.

5 MODERATOR SENNELLY: Can I say one thing?  
6 MR. STONE: It's not a personal thing or  
7 anything like that.

8 MODERATOR SENNELLY: By the time the EIS is  
9 pau, we will know. Okay?

10 But coming out here, part of it is when  
11 you, people like you --

12 MR. STONE: Yeah, you guys are hearing our  
13 testimony.

14 MODERATOR SENNELLY: Yeah.

15 MR. STONE: You guys are hearing us speak.

16 MODERATOR SENNELLY: What you guys are  
17 saying. And so that helps --

18 MR. STONE: That helps you make the  
19 decision.

20 MODERATOR SENNELLY: Right. That helps us  
21 put what's going to be in it.

22 MR. STONE: I understand your process.

23 MODERATOR SENNELLY: So that by the time  
24 we're pau, we're gonna get.

25 MR. STONE: Okay. I understand you guys'

1 process and stuff like that, but like I said, you  
2 guys might need to remake a whole new PowerPoint,  
3 just by -- whoever made it, that's cool. But just  
4 think about where you're at, Hawaii. Who are the  
5 people who's native to this place? Hawaiians. So  
6 when you talk about the actions of anything, you  
7 guys should base it off of that first.

8 And also when you talk about culture,  
9 people get religions and this and that. Hawaiians'  
10 religion is our culture. So if I was to bring up  
11 another religion, people's ears would perk up. But  
12 they don't see Hawaiian as a religion, but Hawaiian  
13 is a religion.

14 It's not a religion, but it is because you  
15 know what I mean.

16 MODERATOR SENNELLY: Kawika, we're going to  
17 move on, okay? You know, I have two more people  
18 from East Maui.

19 MR. STONE: I'm going to wrap it up with  
20 what you guys should address in the EIS.

21 MODERATOR SENNELLY: Okay.

22 MR. STONE: You guys should address the  
23 area, think about the areas that you're talking  
24 about, think about the people, and maybe you  
25 should -- oh, yeah, address the gatherers and the

1 providers, which are the same thing.  
2 Okay. So if I can't go out to the other  
3 side to get food or anything like that -- some  
4 people go to the store, that's how they get their  
5 food. Some people rely on nature, things around  
6 them to get their food and to provide for their  
7 family.  
8 So you guys should address, mainly on the  
9 gatherers and the culture -- you guys put the word  
10 in there, "cultural." And "environmental." That's  
11 the two big words right there.  
12 Social and all that can go right now. And  
13 cultural and environmental, that should be you guys'  
14 main basis, but, you know, it's -- this is words and  
15 these are documents and stuff like that.  
16 But when it comes down to it, it's not  
17 words and documents and signatures that will  
18 determine how the river is going to flow, because  
19 that's nature.  
20 So when it comes to nature -- oh, yeah.  
21 When you talk about meeting the laws of the State,  
22 just think about meeting the laws of nature before  
23 anything.  
24 MODERATOR SENNELLY: Mahalo.  
25 Mr. Young, you've been so patient.

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1 UNIDENTIFIED SPEAKER: You know, I would  
2 just like 10 seconds.  
3 Glyphosates, Roundup used on the ditches,  
4 could we have people that drink from the ditches get  
5 free testing of their urine to see how much the  
6 effect has been by phosphates? Please study it.  
7 MODERATOR SENNELLY: What's your name?  
8 UNIDENTIFIED SPEAKER: That's my  
9 testimony.  
10 MODERATOR SENNELLY: Did you note that?  
11 Okay.  
12 UNIDENTIFIED SPEAKER: Thank you.  
13 MODERATOR SENNELLY: Mahalo.  
14 We're taking a break. I'll tell you why.  
15 No. You know why? Because the folks from  
16 East Maui are staying. And if they've already gone  
17 home home -- I just want to make sure I take them  
18 first, and so if they want to go home during the  
19 break, that's it.  
20 Also, Darcy will need a few minutes.  
21 UNIDENTIFIED SPEAKER: Please don't use  
22 that as an excuse not to go out to Hana.  
23 MODERATOR SENNELLY: I understand.  
24 Okay. Mr. Young, go ahead.  
25 MR. YOUNG: Now I lost my thought.

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1 MODERATOR SENELLY: Sorry.

2 MR. YOUNG: I want to talk about Makapipi  
3 going bone dry from 1990 up until they the their  
4 sugar cane; and then when they closed the sugar  
5 cane, they opened up Makapipi again.

6 But for 27 years, Makapipi never flowed.  
7 Because in 1990, East Maui Irrigation took all the  
8 water from Makapipi.

9 There's two big dams up there, one called  
10 Poke's ditch, and I don't know what that bottom dam  
11 was, but it stopped all the water, and everything  
12 went into the ditch system to Wailuku.

13 And as for the Environmental Impact  
14 Statement, the government that's supposed to  
15 overlook the stream flows, there's -- Makapipi is a  
16 perennial stream, which means that the thing is  
17 supposed to flow all the time, but it wasn't. It  
18 was bone dry.

19 And what happened is that all the springs  
20 in Hana all dried up down on the ocean and  
21 everything like that, and 90 percent of our fish has  
22 disappeared, because 90 percent of the seaweed has  
23 disappeared.

24 And the fish live off of the seaweed, and  
25 also the baby fish, like the ocean, where the river

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1 enters the ocean is known as an estuary. And  
2 estuaries are all nurseries for all your baby fishes  
3 and crabs and lobsters and everything like that, and  
4 they live off of zooplankton and cytoplakin. One's  
5 a vegetable, one's an animal, and these -- this is  
6 like milk, mother's milk to them.

7 And when a lobster gets a little bit  
8 bigger, then they will feed off the bottom, off of  
9 solid food. But when they're little, they just  
10 float in the water column, and they have to bump  
11 into the food, because they cannot swim up to the  
12 zooplankton and catch it. They have to just bump  
13 into it.

14 So when there's no fresh water going into  
15 the ocean, there's no food to bump into. So all our  
16 fish is gone. 90 percent of the fish in Hana has  
17 disappeared. 90 percent.

18 Now, as for the environmental or the part  
19 that's supposed to watch the environment, they've  
20 been doing a real poor job, because I can show  
21 you -- you can come into Hana Bay, and I can show  
22 you there's no seaweed anymore, no turtles, because  
23 no turtles are -- the turtles eat seaweed, and  
24 there's no turtles anymore. And there's no  
25 (Hawaiian), and that has all disappeared.

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1 And I say don't give East Maui Irrigation  
2 or A & B that 30-year lease, yeah. Stop it.  
3 Thank you.  
4 MODERATOR SENELLY: Thank you, Mr. Young.  
5 Okay. Bob Marta.  
6 MR. MARTA: See if my voice holds out and  
7 if you can hear me.  
8 Aloha everyone.  
9 MODERATOR SENELLY: Aloha.  
10 MR. MARTA: My name is Bob Marta. Born  
11 and raised in Hawaii. I'm a 57-year resident of  
12 Kuau and Paia and have spent 75 of my 88 years  
13 involved in some form of agriculture.  
14 Because of my background, some of what I  
15 share may be complex, unconventional, new or even  
16 unique.  
17 Alexander & Baldwin, Incorporated, once a  
18 very local company, is rapidly changing. Through a  
19 stock distribution, it gave its wholly owned Matson  
20 Navigation, now Hawaii's fourth largest corporation,  
21 to A & B stockholders on a share-for-share basis.  
22 It then merged its agricultural divisions into A & B  
23 properties.  
24 According to Pacific Business News, it is  
25 considering a change in its corporate business

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1 structure into that of a real estate investment  
2 trust by the spring.  
3 With 77.1 percent of A & B stock now held  
4 by investment managers, it is obviously managed for  
5 their benefit.  
6 It is noteworthy that investment managers  
7 now control 84.7 percent instead of 77.1 percent of  
8 Matson incorporated that was recently distributed by  
9 A & B to the stockholders.  
10 This suggests that outside investment  
11 managers will increasingly control A & B and its  
12 Hawaiian assets.  
13 This suggests a need for better  
14 understanding of A & B's future commitment to  
15 agriculture.  
16 A & B has now requested a 30-year lease  
17 for a large amount of water. Much will take place  
18 in the next 30 years, and it's important that this  
19 water be available where most needed.  
20 How fast can things move? Since closing  
21 HC&S, I understand that A & B has sold 339 acres of  
22 land in Paia, where the survey for its county water  
23 line was completed before the sale was announced.  
24 Progress at this rate can accomplish much  
25 in 30 years, but is this development progress? Is

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1 it safe? What is happening in agriculture,  
2 especially sustainable agriculture? Let's give this  
3 some thought.

4 If the numbers were run, I suspect that we  
5 do not have sufficient water to produce food for our  
6 current population of perhaps 1.4 million, to  
7 tourists and the military. I also suspect that  
8 agriculture is deliberately being held back by state  
9 officials to ensure water for development.

10 Someone needs to run the numbers on this.  
11 Obviously, we are short of facts.

12 We also need to know where we collectively  
13 stand on food sustainability, a growing subject of  
14 discussion.

15 Most machines work by using the sun's  
16 energy, whether derived from fossil fuels, plant  
17 products or solar panels. The same energy from the  
18 sun powers everything we do as individuals, only we  
19 get our energy from a fuel known as food. That is  
20 mostly produced through plants; and the progress in  
21 the process, we call agriculture.

22 Agriculture a land-based process is noted  
23 for the enormous amounts of water the process  
24 requires for each unit of food produced.

25 Presently, enormous amounts of sunlight

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1 that could be used to produce food in East Maui is  
2 being wasted for lack of water. And even more  
3 sunlight in central Maui is being wasted for lack of  
4 agriculture. Is this smart planning?

5 Historically, the Hawaiians were able to  
6 grow enough food to sustain a million people, as  
7 they were hard working and industrious. It may be  
8 this population was not larger because of water  
9 limitations.

10 Remember, a sustainable population is  
11 limited by what can be produced in a dry year.

12 With the introduction of sugar cane, there  
13 was a practice to divert water from adjacent and  
14 distant areas, depriving users from their  
15 livelihood. Deprived from income, many farmers  
16 could not pay taxes and lost their lands.

17 Without farms, many were forced to work as  
18 laborers for shipping, sugar, pineapple and  
19 construction.

20 The upshot was we lost crops, farmers and  
21 farms.

22 With long-term lack of water and more  
23 recently riverside drift, our food sustainability  
24 dropped from 100 percent to today's 5 to 13 percent.

25 MODERATOR SENEELLY: Excuse me, excuse me.

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1 Mr. Marta, are you going to -- can you  
2 turn that in? Are you almost done?  
3 MR. MARTA: I beg your pardon?  
4 MODERATOR SENNELLY: Are you done? Or do  
5 you want to turn it in?  
6 UNIDENTIFIED SPEAKER: We want to hear it.  
7 MR. MARTA: I'm almost done.  
8 MODERATOR SENNELLY: Because I also have --  
9 since you have it written, we also want to -- we can  
10 take it also.  
11 (Simultaneous and unintelligible audience  
12 speakers.)  
13 MODERATOR SENNELLY: Go ahead. Do it.  
14 We have one more East Maui person after  
15 this, and then I will address what you said.  
16 MR. MARTA: Shipping to import food from  
17 over 2,000 ocean miles away, is this what we want  
18 and a risk we choose to take?  
19 Before giving water for unidentified  
20 and/or unidentified uses, we need to identify how  
21 much agriculture we want, where it will be, who will  
22 do it, and how much water will be needed.  
23 The State has not done this. It has yet  
24 to identify the problems or reasons why our  
25 sustainability has gone from a hundred percent to

1 the present unknown but unrealistically low figure.  
2 Overall, the state has failed miserably to  
3 protect its agriculture and its people.  
4 But this is not the subject of tonight's  
5 meeting. Tonight's subject is what are we going to  
6 do with our water.  
7 If agriculture is a serious consideration,  
8 let's recognize that I've had 40 years of experience  
9 in the Paia nursery, with plant damage from  
10 chemicals from the air and County water. HC&S has  
11 gone away, but surprisingly, my problems haven't.  
12 Based on experience, I can suggest that  
13 diversified agriculture as to Baldwin Avenue may  
14 also be in for some unexpected surprises. Will this  
15 affect plans or schedules? We will find out.  
16 Finally, there was a question of a proper  
17 scope of an Environmental Impact Statement.  
18 Will the EIS recognize the existence of  
19 people on Maui and the merits of converting  
20 nonwasted sunlight, falling on East and Central  
21 Maui, into food for their use and possible survival?  
22 If so, the entire process becomes more complex, as  
23 it should be.  
24 I hope that some of this -- I hope that  
25 some of this material will be of use in formulating



1 the needs of the EIS and some of the things that it  
2 must consider and factor into a good solution.

3 Thank you very much.

4 MODERATOR SENNELLY: Appreciate it. Thank  
5 you.

6 Okay. Kaleikoa Ka'eo.

7 MR. KA'EO: (Hawaiian introduction.)

8 Aloha. First of all, I'd like to just say  
9 exactly what has already been said, which is I find  
10 it strange that this isn't being heard, first of  
11 all, in Hana or Keanae, first of all. And that's a  
12 clear sign or a sign to the community that we're  
13 being set up.

14 So I don't know what the intentions were  
15 perhaps, but it's clear to us that the community  
16 wasn't looked at first.

17 So I want to start off by making clear,  
18 this I think has to be clear, is that this EIS needs  
19 to be careful in making sure it has the correct  
20 historical, political, economic and cultural history  
21 of Koelau and East Maui, not one that provides a  
22 settler, colonial mentality of justifying how we got  
23 here.

24 But let's be clear, because there's a lot  
25 of great historians out there. So the EIS has

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1 always failed to do that, so I want to make sure  
2 that you get somebody that knows the history of this  
3 area, and that's up front at the very beginning,  
4 prior, prior to the taking and stealing of the water  
5 from East Maui.

6 So let's not start with when the water was  
7 taken. Let's start with how the water was managed  
8 for many, many years, and generations, let me just  
9 say.

10 You know, our people has been here for  
11 2,000 years, for many, many generations. So we're  
12 not Johnny-come-Latelies into this area.

13 However, when you look at this process,  
14 the fact that the EIS is looking on a 30-year lease  
15 extension, extension, these are extensions for the  
16 continued stealing of this water, that's the  
17 starting point, not the starting point says this  
18 water belongs to the people of East Maui. That's  
19 who it belongs to.

20 And if HC&S, A & B, EMI, whoever they are,  
21 want that water, they should bring their plans to  
22 the people and prove to the people. This process,  
23 it's backwards. it's backwards. We gotta defend  
24 ourselves to go prove that that's our water.

25 This is part of the confusion. That's why

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1 for me, it's very important we start with that  
2 point. And that's why I'm wondering why hasn't it  
3 started at that point. I can go straight to the EMI  
4 administration and the State process, which wants to  
5 continue business as usual. But I'm here with many  
6 other Hawaiians, and we say no more. No more we  
7 allow this to occur.  
8 So I want to make sure that we have a  
9 correct political, economic history that's at the  
10 forefront and that we have a true Hawaiian historian  
11 involved at the forefront.  
12 Secondly, let's make sure -- we talk about  
13 this EIS, but it also does a terrible job in  
14 explaining -- not the potential impacts, but let's  
15 look at already what the impact has already been for  
16 over a hundred years. The degradation to the  
17 environment. Let's ask how much billions of water  
18 has been taken out of East Maui already? Billions.  
19 Every year, we talking billions that they take.  
20 Well, how much? What is the total?  
21 What have been the effects of the  
22 (Hawaiian) already that have been killed off? We're  
23 not talking maybe might kill. We're talking already  
24 has been wiped out in many of those streams that  
25 used to run every day.

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1 That's an environmental crime that has  
2 already occurred. For me, it was just a crime,  
3 before we talk about continuing crime.  
4 Secondly, let's also look at its effects  
5 already. How much fish has already been lost? How  
6 much shellfish? What degradation has already  
7 happened to the fisheries that depend on their fresh  
8 water to go into that stream, to get the smaller  
9 fish, to get the bigger fish and the limu.  
10 What has already been the destruction that  
11 people pretend as if -- see, people believe this is  
12 the normal state as is now.  
13 This is not the normal. This is the  
14 abnormal. This is what happens when corporate  
15 mentalities comes in and rapes the land, destroys  
16 the land.  
17 So let's make sure we tell the right  
18 story. Let's tell the true story.  
19 And during the course, water has already  
20 had many impacts upon the community, the Hawaiian  
21 community already, who lost, lost food sources  
22 already, who has cultural practices already because  
23 associated with those streams, have already been  
24 harmed.  
25 In other words, that has already been

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1 done. Let's recognize the (Hawaiian) first. We  
2 cannot talk about what we gonna do if you don't  
3 recognize that.  
4 So let's start with that and understand  
5 what are the crimes that have already been against  
6 the native Hawaiian people. Because these are  
7 crimes against humanity.  
8 And that brings me to the third point. We  
9 should also be clear to understand what is going on  
10 between the (Hawaiian) and native Hawaiian  
11 community. We are no longer afraid to speak and say  
12 we demand our human rights as human rights, our  
13 humanistic rights as an occupied people by the  
14 military foreign power that continues to exist and  
15 allows these kinds of crimes against humanity to  
16 occur.  
17 So I want to make sure in this report we  
18 also investigate all of those things. What are our  
19 rights as native Hawaiians internationally, our  
20 human rights, our humanistic rights?  
21 You know, look at things like the UN  
22 resolution 1514, look at the Proxmire Act. These  
23 are all international covenants that are already  
24 there to protect the rights of not some human  
25 beings, but which human beings? All human beings.

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1 And I therefore would say, you know,  
2 Hawaiians, we are human beings. And therefore, we  
3 deserve the right of a state agency that will make  
4 sure, even on international law, our rights are  
5 protected.  
6 Number four, all I'm going to say is  
7 remember Maunakea. Maunakea is occurring today  
8 because of the failure of the EIS, the EA cultural  
9 impact, all those kinds of impacts that was ever  
10 done.  
11 Even when the people came out in droves,  
12 testified against it, didn't matter. No. The State  
13 of Hawaii, the University of Hawaii went ahead  
14 anyway, anyway. And you saw what happened recently  
15 in the past few years. There's an uprising.  
16 So part of this should also address what  
17 happens when you say yes, what happens when you say  
18 yes to A & B.  
19 You guys should be prepared to know that  
20 you gotta deal with all these Hawaiians. You guys  
21 should understand, you guys should address that  
22 question, because you're going to have to deal with  
23 us in the courts and every Planning Commission  
24 meeting. Anything to do with the taking of our  
25 water, our people gonna be there.

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1 And so these are some things even outside  
2 of the courts we gotta realize, because at some  
3 point, we as Hawaiians understand sometimes we need  
4 to stand, sometimes we need to defend.  
5 And I believe that's something that the  
6 EIS should address by looking at examples, like  
7 Haleakala. It's really the same BS that's going on.  
8 The rights of developers, settlers,  
9 colonizers, investors, land speculators, are treated  
10 as if they're some golden child that needs to be  
11 protected, and our concerns as the people of this  
12 land is thrown to the wayside, our commentary to the  
13 side.  
14 See, I understand. I've been coming to  
15 this thing for many, many years, and I've seen a  
16 whole lot of meetings. But you might even have  
17 99 percent of the people testify against something.  
18 And what does the EIS say? Oh, let the project go  
19 through.  
20 So the point I'm trying to say, we let  
21 fools come in here and participate, but we get  
22 asking, we get demanding, and we're here also to  
23 declare that we will do whatever is necessary for us  
24 to protect our resources to return the water back to  
25 the community where it starts.

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1 If any water should be taken from the  
2 community, it's for the community to decide, first  
3 of all.  
4 So I just want to say mahalo to you guys  
5 for coming and giving us the opportunity to share.  
6 But at the same time, I would say this to  
7 everybody here: Our voices, whether one word or a  
8 thousand words, are all important.  
9 Because it's for us, it's for us to decide  
10 for ourselves what is this for ourselves. It's not  
11 going to be the government, it's not going to be the  
12 Board of Land and Natural Resources, it's not going  
13 to be land speculators from outside, because in the  
14 end, it's going to be us.  
15 So if the EIS doesn't listen to these  
16 voices, I blame the EIS for not listening to the  
17 voices of our people.  
18 Mahalo.  
19 MODERATOR SENELLY: Thank you.  
20 Here's what I'm going to ask. Darcy needs  
21 a break. So for the rest of you who didn't give  
22 oral comments, for those of you who want to turn in  
23 written comments or e-mail your comments, that's  
24 okay.  
25 May I ask by show of hands how many of you

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1 still want to speak?  
2 Okay. Here's the deal. It is -- and I'm  
3 sorry, Darcy -- it is 7:42.  
4 We're going to have a five-minute break,  
5 and we're going to come back, and I'm going to ask  
6 you, all of you will who raised your hand, can you  
7 summarize as much as you can? You can also  
8 supplement it with written stuff. But let's try and  
9 be done by 8:30, okay? Can we do that?  
10 (A brief recess was taken.)  
11 MODERATOR SENELLY: I'm going to call your  
12 name in the order you signed up. And I'm going to  
13 ask you, I really want you to summarize. Okay?  
14 I really want you to summarize when you  
15 speak. Understand that there's a lot of people who  
16 want to speak, and we want to be pau at 8:30,  
17 please.  
18 All right. Christina Hemming.  
19 MS. HEMMING: Hi. My name is Christina  
20 Hemming, and I actually live on Kuaiaha stream.  
21 It's been running lately here in Haiku,  
22 which has been great. But today I went down there,  
23 and it's pretty much all done. Everett Dowling's  
24 got a well up above.  
25 Okay. So this is an EIS. We've got to

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1 fit into their paradigm in order for it to count.  
2 So the number one thing I want to be part  
3 of the EIS is the EIS has to be consistent with the  
4 development resource plan, which has some very  
5 stringent rules.  
6 And some of those rules are -- well, first  
7 of all, the first rule it says is it only looks 20  
8 years out. And you know it says the rules are only  
9 for 20 years out.  
10 So how can you ask for a lease for 30  
11 years when in the rules themselves, in 13.170 32, it  
12 says a 20-year vision. So the lease should only be  
13 considered for the rules that have the paradigm of  
14 20 years.  
15 Second of all, who is the lease going to  
16 go to? Who -- can the lease be transferred if  
17 you -- if they agree to this and it goes through,  
18 will the lease be able to be transferred or  
19 subdivided to multiple entities. Number two.  
20 The instream flow standards need to be --  
21 all the -- everything needs to go up, all the water  
22 needs to go into the stream, and then you ratchet it  
23 down to see how much is actually needed.  
24 And this is where it gets kind of tricky  
25 for me, because I personally feel like East Maui

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1 needs to be designated as a water management  
2 resource area, just like west Maui. Because  
3 technically, if it's not designated as a water  
4 resource management area, all the waters that's been  
5 flowing down to Central Maui, that's a crime.  
6 That's a crime against the water laws of the State  
7 of Hawaii. And no one has been discussing it.  
8 If they want to take the water from  
9 anywhere on East Maui and take it down to central  
10 valley without a water management designation  
11 area -- which means they have to tell you all the  
12 wells. Everybody's got to get a permit for any well  
13 they drill. They have to tell how many wells there  
14 are. They've got to do a study on the quality of  
15 water, and all of that goes into can they release  
16 water out to another area of the island.  
17 Otherwise, if it's not declared a water  
18 management area and the aquifers aren't protected,  
19 then this EIS application is illegal based on the  
20 Water Resource Commission rules.  
21 You have to project the usage of water,  
22 you have to identify the sources of water, you have  
23 to have the existing uses of water all part of the  
24 EIS; you have to have the capacity, and it all has  
25 to be part of a 20-year analysis plan.

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1 The last time I went to a water meeting  
2 was like in '99, '98, and it was on the Kaupo ditch  
3 system. And I remember when DLNR awarded the Kaupo  
4 ditch system to the Kaupo Ranch for \$600 a year, in  
5 quarterly payments of \$125 or \$150.  
6 So the amount of money that the people are  
7 paying for the water and then leasing it back to the  
8 people is a crime. And that should also be  
9 addressed.  
10 So the impact of the construction by EMI  
11 on the water quality should also be addressed in the  
12 EIS, please.  
13 And you have to follow the state resource  
14 code. And the lease should not be able to be  
15 transferable, and that should be -- because, hey,  
16 guess what? Monsanto, you know, guess what, there's  
17 a ton of companies.  
18 Do you know how privatized water has  
19 become in the United States? We don't want a  
20 Japanese bottling plant moving out there and taking  
21 all the water and then shipping it over to Japan or  
22 China or wherever else, where they are desperate for  
23 clean water. So that should also be part of the  
24 EIS.  
25 Thank you so much.

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1 MODERATOR SENELLY: Andrea Christian.

2 Okay. Andrea Christian went home.

3 Leslie Kuloloio.

4 MR. KULOLOIO: Aloha everybody.

5 (Hawaiian.)

6 We are all related to all the people all  
7 the way around the island, and the same water, I'm  
8 here to talk about what the EIS should not do.

9 The last time I see an EIS performed was  
10 by the United States Navy for the island of  
11 Kahoolawe. And when we went inside there, we  
12 thought that we had to bring all the people together  
13 to bring back what you call Kanaloa, is a sacred  
14 place, a sacred place.

15 And when the EIS was done, they did not  
16 clean up the island of the ordinance. This will not  
17 clean up, the (Hawaiian) of Alexander & Baldwin, who  
18 is the Roman empire.

19 The Roman empire is the guys that came  
20 here from the pilgrims, called Americans, came over  
21 here and put their feet down at the Sea of Kulolia,  
22 which now they are calling Honolulu Harbor.

23 And guess what? We just had a settlement  
24 agreement of Alexander & Baldwin go out and make the  
25 molasses, who gave it to Matson, who is on EIS, who

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1 is a subsidiary of water, like EMI, done by  
2 consulting companies.

3 I'm going to respect Okamoto.

4 And guess what, they killed all the fishes  
5 in Honolulu Harbor by the sugar cane plantation  
6 molasses.

7 Let's think big now, let's think big.

8 So did Lahaina Pioneer Inn. So did  
9 Wailuku Sugar. All of the missionary families from  
10 Connecticut, and Pennsylvania, Rhode Island.

11 You know what Aloha Tower is? Just like  
12 the Statute of Liberty: Come, come, come  
13 immigrants, come into my land on the Sea of Kulolia,  
14 now called Honolulu Harbor.

15 Who fought the war for the Pauwela  
16 Lighthouse? Yours truly. And guess what the first  
17 used to run. The EMI, EMI is part of the  
18 Spreckelsville Beach that haole bought from Waiehu,  
19 the grant, the grant, 3343, all the way to Pauwela.  
20 That's the railroad. That's the fight land.

21 So let's talk bigger than that. It is the  
22 ending of A & B, on the plantation product of many  
23 generations. But A & B pau. Go home, go home. You  
24 folks had the aina for a long time. Give back the  
25 water.

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1 And water should be free for the homeless  
2 family in Kahului. The Hawaiians who are homeless,  
3 they're all on Alamaha Street, down the harbor,  
4 they're all over the place. We're all related.  
5 We're all ohana, we all ohana.  
6 You know what freedom of religion is?  
7 Then you'd better know so that your culture impact  
8 will affect what you should address.  
9 Why don't you have -- you folks have a  
10 cultural person tonight, sir?  
11 Well, you'd better. You said you don't  
12 have the experience. If you don't have the  
13 experience, you don't deserve to be here tonight.  
14 MODERATOR SENNELLY: There will be a  
15 cultural expert. We haven't --  
16 MS. KULOLOIO: There better be one that  
17 you folks don't pay them off. Okay.  
18 MODERATOR SENNELLY: Okay.  
19 MR. KULOLOIO: And so all I'm saying is  
20 that native rights gotta be protected. We had  
21 enough. We had enough.  
22 Our ditches -- I want the Kuiaha ditch to  
23 run again. That was the first one they took over to  
24 run the cannery, the pineapple industries. Are you  
25 listening?

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1 And Pauela ditch came all the way down to  
2 the lighthouse. Look at the maps. Show me the  
3 maps.  
4 You know what you don't have? You don't  
5 have the map of Maui. All our families are  
6 affected. No treat us kanakas (Hawaiian). We food  
7 of abundance, we navigators.  
8 Make sure you're listening. Put it down  
9 in your notes.  
10 We navigators, we farmers, we gatherers,  
11 like all you said, and we protectors, and we are  
12 really just people.  
13 That observatory on top there need to come  
14 down, in Haleakala. You know why? It get Inouye's  
15 name on top there.  
16 You folks listening?  
17 And one mayor said the rocks are not  
18 sacred. What? Then the water is not sacred. In  
19 the name of the Father, Son, I baptize you in the  
20 name of the Father, Son and Holy Ghost.  
21 So let's do a cultural impact. Let's talk  
22 Hawaiian religion. Have Hawaiian religion here,  
23 it's about time. And the fishermen are Hawaiian  
24 religion, yeah. They treated us like the teepees.  
25 They took away all our abundant places. Everybody

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1 say: (Hawaiian.)  
2 That's the gill of the fish that travel.  
3 We are related to the fishes of the world. The fish  
4 go around the world. We don't stay in swimming  
5 pools, we don't stay in those aquariums. Our family  
6 go around the world. Okay?  
7 And guess what, say: (Hawaiian.)  
8 We seek knowledge from the gills of the  
9 fish. That's who we are, (Hawaiian).  
10 And the ocean is part of us. We  
11 navigators, we gatherers, we know what is the reefs.  
12 We don't need one haole tell us guys how to protect  
13 the reef.  
14 But you know what, thank you folks for  
15 listening. I'm kind of P-ed off. You know why?  
16 This process is one insult.  
17 Thanks. Mahalo.  
18 MODERATOR SENELLY: Sean Lester.  
19 MR. LESTER: Aloha. My name is Sean  
20 Lester. And I do have a little to read.  
21 I live in an area directly affected by the  
22 EMI's water system and the water request being made  
23 before this body of A & B, because this actually is  
24 by A & B.  
25 The accountability for water resources has

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1 been at the core of all water disputes and requests  
2 before this commission and the State of Hawaii since  
3 the formation of the State constitution. The  
4 requests before you today is no different in this  
5 regard.  
6 Several years ago, HC&S was receiving over  
7 90 billion gallons of water while paying less than  
8 \$150,000 a year for the resource. They were, as A &  
9 B is now, requesting a 30-year lease.  
10 I applaud the wisdom of this commission,  
11 because a few years later, the direction of HC&S  
12 Corporation changed dramatically when it was  
13 liquidated.  
14 Forward-looking local residents questioned  
15 this commission as to the validity of the 30-year  
16 lease request back then, and the commission kept the  
17 annual lease structure.  
18 Forward-looking citizens are once again  
19 questioning the validity of a 30-year lease here  
20 before you today.  
21 Any corporation can be merged or  
22 liquidated, even the corporation who is now before  
23 you asking for a 30-year lease. How prudent is it  
24 to give such a long-term lease to a corporation that  
25 may not be structured as the same company in a few

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1 years, much less 30 years.

2 Maui gave tremendous support for many  
3 decades to HC&S as a large local employer and  
4 supporter of our local economy. Yet with the final  
5 decision in the A & B boardroom, these jobs in the  
6 HC&S Corporation itself were extinguished. We, as  
7 citizens, need a place besides a boardroom where our  
8 future is decided.

9 It is in places like this commission where  
10 we, the people, can ask for assurance that  
11 thoughtful and balanced approaches to land and the  
12 water use will be employed.

13 As in this case, this is the legacy that  
14 can balance the corporate model with short-term  
15 profit and factor long-term local needs into the  
16 equation.

17 Whether people liked it or not, HC&S did  
18 try to keep this land in agriculture. We could  
19 count on the acreage farm to be consistent, as was  
20 their water request. It was on this basis that this  
21 commission allowed HC&S to keep using these water  
22 contracts year after year.

23 So the question is: Do we acquiesce and  
24 give A & B a new long-term water subsidy to the tune  
25 of 41 billion gallons of water rights a year for

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1 hypothetical crops and unknown uses?

2 You must ask: Is the water use efficiency  
3 of their hypothetical diversified agriculture, or  
4 what is it? Are they going to sell even more land  
5 designated as agriculture, as they did the 339 acres  
6 in Paia, to a mainland business, with no local  
7 review or thoughts as to the impact of the local  
8 water needs?

9 When A & B sells agricultural land, do  
10 they sell the rights to the water -- that they're  
11 asking you for now -- with the land sale? Did they  
12 bank it as a commodity? What are their use plans  
13 that are shown in this water efficiency and their  
14 support of local food sufficiency needs?

15 So many unanswered questions. Why?  
16 Because, frankly, if you take the time to ask them,  
17 they don't know.

18 The parent company of HC&S needs about  
19 150 million gallons a day for diversified ag use.  
20 This request is based on, at best, a speculative  
21 projection with no basis in real fact.

22 Actually, what they're asking for is  
23 simply a request to get water rights, justified by  
24 the fact that they're a large land owner, hoping you  
25 will trust them to have the foresight to know how to

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1 utilize the water correctly as they did when they  
2 were a 140-year-plus monocrop agribusiness. This  
3 logic no longer applies as it's an entirely new  
4 ballgame.  
5 The logical game plan is what you have  
6 here on the table before you.  
7 As you probably are aware, the continually  
8 shifting landscape of A & B's map and its parcels,  
9 and which are listed as ag, were sold, is far too  
10 tenuous to substantiate a blanket long-term water  
11 lease. So many questions are obscured and hidden  
12 behind A & B's corporate structure.  
13 I'll skip on.  
14 A bit of an overview here. A & B is a  
15 huge local land owner owned by out-of-state  
16 entities.  
17 A & B's major shareholders own  
18 81.65 percent of the stock. We're talking from the  
19 mainland and from Europe, according to the  
20 Morningstar investment website.  
21 I will place the list of these investors  
22 in my written testimony.  
23 But you hear the names of these people  
24 that we know as A & B, you see T. Rowe Price,  
25 Vanguard, Touchstone Capital. What stands out here

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1 is there's not a single Hawaii-based institution or  
2 fund listed as an A & B major stockholder. Not one  
3 here.  
4 This is an out-of-state corporation.  
5 Understand that. Please take the time to look at  
6 each of these major investors as I have.  
7 These companies have one purpose: To  
8 ensure the largest possible return on a diversified  
9 portfolio of investments.  
10 So let's be real when we talk about this  
11 lease request. It isn't about keeping diversified  
12 agriculture. A & B does not have the same need we  
13 do for this resource to be wisely allocated.  
14 We also, we who live here, are looking at  
15 a multigenerational survival. A & B's major  
16 shareholders are looking at a quarterly report that  
17 steers decisions on how many shares to buy and sell.  
18 We must weigh this part of the equation when making  
19 decisions of this magnitude.  
20 This company has two potential avenues of  
21 land use here on Maui. One is to sell and build out  
22 as much of this land as possible to keep their  
23 stratospheric 180 rating -- and if you look that up  
24 on online, they're higher than Microsoft was when  
25 they were at their zenith.

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1 The land banked for many years in future  
2 real estate sales. This would include leases or  
3 sales to a few large agri businesses and a thin  
4 covering of local farmers, et cetera, to placate, as  
5 they have for well over a hundred years placated by  
6 handing out a few dollars here and a few dollars  
7 there. Those days are over, those days are over.  
8 The second possibility is to work with a  
9 very different model. Become partners with the  
10 County of Maui and other private or nonprofit  
11 organizations to move to a truly long-term  
12 profitable, sustainable, agricultural model that  
13 will ultimately be profitable in more than just the  
14 normal short-term corporate structure.  
15 This would lead to the wise use of water  
16 resources and engage community support of a future  
17 with long-term, locally aligned values and goals.  
18 Please understand that the areas where  
19 this water is taken from on the East Side, Nahiku,  
20 Keanae, Huelo, have paid the price over the years  
21 for HC&S's use of this resource. An entire way of  
22 life was disrupted and destroyed, remaining so to  
23 this day.  
24 So in my opinion, there is no right to  
25 this water by A & B as a corporation. They were

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1 paid by many generations of local Hawaiian and other  
2 communities for every dollar of profit they have  
3 received, at extraordinarily heavy and profound  
4 costs to these communities.  
5 There is nothing owed to this company  
6 regarding water rights.  
7 At the same time, everything is owed to  
8 these West-side communities. We must reinstate  
9 their water rights ahead of any ruling on A & B's  
10 request. This could be done immediately on request.  
11 To put things in perspective, in order to  
12 receive ag-rate water as a small farmer here on  
13 Maui, we have to show on an annual basis of the  
14 stable farm plan, implement this plan, and be  
15 inspected to ensure it's being applied directly  
16 every single year. We had a plan inspection done  
17 annually to show that it was indeed an agricultural  
18 property.  
19 A & B is primarily a real estate and  
20 transportation company when sugar was taken out of  
21 the equation. They're entering an entirely new area  
22 of land use. Why should they not be held at least  
23 to the same level of accountability as other ag here  
24 on Maui?  
25 And if you look at Keanae or Nahiku, there

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1 simply isn't any water, as you have -- as the  
2 commission has held up the disbursement of even  
3 small amounts of water that was fought for so hard  
4 by locals before the State.  
5 We cannot afford the old-style  
6 dog-and-pony show that allows entities like A & B to  
7 demand such water rights or play the game where  
8 they're the only guy at the table with the \$10,000  
9 chip.  
10 Those previous models simply can't be used  
11 anymore. Hopefully, experience will be the guide to  
12 a new paradigm of water and land use in Hawaii.  
13 Today it's even more pressing that we have  
14 a real ag water utilization plan, one that is truly  
15 proven with substantive penalties if not met and a  
16 real review on an annual basis for water use.  
17 This is one of the agencies that can  
18 assure Maui of water use and land utilization that's  
19 a cornerstone for these precious lands.  
20 And we can't have a FONSI here where it's  
21 like there's no impact.  
22 Anyway, that's mine. Thank you, folks.  
23 MODERATOR SENEELLY: Charlotte O'Brien.  
24 MS. O'BRIEN: I would like the EIS to  
25 include an assessment of the importance of the --

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1 I'd like the EIS to assess the fragility  
2 of the food security of all of the Hawaiian islands  
3 due to the imminent threat of climate change and the  
4 potential for -- for the potential of international  
5 and even national political instability. This is a  
6 state security issue, not that I'm not sympathetic  
7 to all of the other issues, but this is a state  
8 security, food security issue.  
9 I think that for our law enforcement  
10 people -- I'm sorry, for our lawmakers to make and  
11 form the decisions, this EIS should assess the  
12 potential of the development of what A & B has  
13 called their important agricultural lands,  
14 27,000 acres, the importance of that to the food  
15 security of all of the Hawaiian islands, in the same  
16 way that the bread basket of the Midwest helps small  
17 farmers in the south, in the east, in the west.  
18 To supplement their pasture animals, the  
19 pigs of the Big Island are importing grain at the  
20 cost of \$8.80 a bushel for soybeans. That's just  
21 the shipping cost. \$8.21 a bushel just for corn. I  
22 called Matson myself.  
23 Now there's no way that you can be a small  
24 pig farmer on the Big Island and pay those as the  
25 prices in addition to what you're paying for the

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1 grain.

2 So this is a food security issue for all  
3 of the Hawaiian islands, and I think that needs to  
4 be assessed in this EIS, because it needs to be  
5 assessed whether or not it should become a public  
6 trust.

7 And I'm not saying that we need to take  
8 the land from A & B. I think we can pay them what  
9 they carry for the asset on their books. Whatever  
10 their historical asset value of that land is on  
11 their books, the State could pay them for that so  
12 they're not out anything.

13 And the EMI, if the State runs it, A & B  
14 can lease water just like anybody else according to  
15 need and according to value to the citizens of the  
16 State of Hawaii.

17 And I'll write more in my written  
18 statement.

19 MODERATOR SENELLY: Thank you, Charlotte.  
20 Okay. Nik Hilawanda.

21 MR. HILAWANDA: I'm sorry. I know it's  
22 getting late, so I have just a couple little points.

23 MODERATOR SENELLY: You can also turn it  
24 in.

25 MR. HILAWANDA: Not these things.

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2 First of all, I wanted to refute the fake  
3 news -- we all know what that is now -- on the front  
4 page of the finest daily paper here on Maui, which  
5 said that yesterday at the meeting at MECO -- and  
6 it's interesting to have a meeting at MECO but not  
7 in Hana or Keanae -- that without the lease -- and,  
8 of course, a former County councilmember said this,  
9 and it was quoted in the paper -- without the lease,  
10 upcountry would have no water.

11 Okay. Let's get rid of that fake news  
12 right away.

13 Next, the lease, A & B is going to donate  
14 the ditch system, and I had to the County. But  
15 thinking about it here, I changed that to some kind  
16 of publicly controlled trust. They could donate the  
17 delivery system to us, the people, because they've  
18 already made -- as has been said already by many  
19 people, they've already made millions and millions  
20 of dollars.

21 My employees know that ditch system to be  
22 hired by this public entity to run the ditch system.

23 I also want to say, before I go on, I  
24 wanted to incorporate in my testimony the brilliant  
25 testimony of people before me. It just got me.  
People have been here for generations.

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1 I bought my property 20 years ago.

2 Mokupapa Stream is totally bone dry. 20 feet west  
3 of my property, it blocks all the water.

4 On December 31st, that big storm,  
5 5 feet, it almost was over me, running through my  
6 streams, wiping out all the vegetation, all the  
7 trees and a hundred foot across in that streambed,  
8 running like the Wailuku River.

9 I've been there 20 years, I've never seen  
10 that. It was incredible. That's how some of these  
11 streams used to be. Those who have been here for  
12 generations know that.

13 Somebody had earlier mentioned that the  
14 Maui Police Department was here and said they'd  
15 never seen that. Everybody said no, no, no.

16 About 10 or 15 years ago, maybe 10 years  
17 ago, 12 years ago, there was a meeting right here in  
18 this very room, and there was just as many police  
19 here. Now who asked them to come and why is it a  
20 coincidence that it's another water meeting?

21 UNIDENTIFIED SPEAKER: EIS, EIS.

22 MR. HILAWANDA: I do want to thank you for  
23 saying "EIS, EIS," because what I really liked about  
24 this meeting, you guys who know only a little bit  
25 and you've been educated by the people, did you

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1 notice we weren't held to a three-minute testimony?

2 MODERATOR SENELLY: Actually, people came  
3 up to me, and they wanted -- we don't do that.

4 MR. HILAWANDA: Okay. So I want to thank  
5 you for that, because the passion of some of the  
6 people here, you can't cover that in three minutes,  
7 like when the County Council or whatever meeting  
8 says, we're going to give you three minutes. It was  
9 incredible.

10 You know, it's funny, I'm up here for  
11 about five minutes to seven minutes, and other  
12 people go -- and I know it's the end of the day, and  
13 half the people left, and it's fine. That's why I  
14 cut this down to just a couple of points. I hope I  
15 don't miss them.

16 So by the way, A & B is not going to get  
17 the 30-year lease. They're not even going to get --  
18 hopefully, a one-year lease, but they're not going  
19 to get the 30-year lease because of what's happened  
20 in this room today.

21 And it's not stopping here. It's been  
22 going on for generations, you guys know. So the  
23 EIS -- but we have to stay on top of that.

24 And just as a side mention, I want to talk  
25 about development. There's about a half a dozen

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1 developments right here around Haiku already, just  
2 popping up, that we don't even know about, right  
3 here around the Haiku Community Center here. So  
4 it's going to keep on happening, keep on happening,  
5 keep on happening. People have mentioned some of  
6 the other ones.  
7 And I think that's about the things that I  
8 wanted to add that I didn't hear people talking  
9 about.  
10 But again, now put in your EIS that A & B  
11 does not deserve it. The people should have the  
12 water and the people that live on the East side of  
13 Maui. And there's plenty of water. For the people  
14 that need the water upcountry, somewhere else, can  
15 then ask the community of East Maui, hey, could we  
16 have some of your water, not the other way around.  
17 Thank you, Berna. You run a brilliant  
18 meeting.  
19 MODERATOR SENELLY: Lucienne.  
20 And here's what I'm going to do after  
21 Lucienne speaks. It's almost 8:30. Several of you  
22 raised your hands. Here's what I'm going to do.  
23 I'm going to ask you to, after she's done, just say  
24 a little bit and put something in writing. Okay?  
25 Because I promised 8:30.

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1 MS. DE NAIE: Mahalo. My name is Lucienne  
2 de Naie. I've lived in Huelo for 30 years. Me and  
3 my neighbors are the ones that kind of started this  
4 process, along with the folks in Nahiku and Keanae  
5 and Wailuanui, and we've been waiting for more than  
6 20 years for this EIS. So I'm going to speak to  
7 what I think should be in the EIS exclusively.  
8 MODERATOR SENELLY: Thank you.  
9 MS. DE NAIE: First of all, this is not  
10 about taro farmers and rural residents versus  
11 upcountry farmers and residents.  
12 So the EIS should be very clear that there  
13 may be alternate ways for folks upcountry to get the  
14 water they need.  
15 And we all support the ranchers and  
16 farmers having water, the ag parks, the Department  
17 of Hawaiian Homelands, and even folks that want to  
18 farm in Central Maui. The thing is how. And this  
19 EIS needs to look at real alternatives of how.  
20 We need to see if there should be crops  
21 that would use less water. We need to see if  
22 improving our soil would mean that all crops need  
23 less water. We need to take a hard look at the  
24 stuff that would affect how much water we use.  
25 We need to look not at the status quo, as

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1 many people have said, but the existing conditions  
2 and impacts, and there are many.

3 And we need to address the impacts of our  
4 overgrown streams. We see this in Huelo. Just  
5 letting the water out is not going to solve the  
6 problem. Someone needs to take care of those  
7 streams.

8 The EIS also needs to have better maps.  
9 The maps, you know, they don't meet the standards  
10 that you're going to need to have information.

11 First of all, there are not 39 streams.  
12 The decision and order of the hearings officer has  
13 named 43 streams in the lease area. And there are  
14 more if you count the tributaries. But these main  
15 43, I suggest you look at his decision and order.  
16 It's being used by everybody.

17 There are not five streams being proposed  
18 to be restored. There are eight streams, and they  
19 are by name. And I'm not going to take time to name  
20 them, but if I turn in written stuff, you'll get  
21 their names.

22 The EIS needs to look at alternative  
23 management plans, like several other people have  
24 said, and look at the economic side of it. So what  
25 else could be done. Could we have these smaller

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1 leased areas? Could we have partnerships in leasing  
2 the land? Does it just have to be the one, you  
3 know, big banana there, A & B? You really need to  
4 take a look at that. The three alternatives are not  
5 enough.

6 The EIS needs to look at alternatives for  
7 managing the watershed lands.

8 Let me tell you, boys and girls, we're not  
9 going to keep having water unless we take care of  
10 the lands. It's like in 30 years, I've seen them go  
11 so downhill. They're not going to produce the same  
12 amount of water. So we'll be fighting over less and  
13 less.

14 We need to grow water and grow our care.

15 And that needs to be examined in the EIS, what the  
16 strategies for that would be, how much it would  
17 cost, because it's part of awarding any leases, the  
18 kuleana part.

19 The EIS needs to have specific

20 stream-by-stream information, both historic use and  
21 proposed diversion. We have no idea what's being  
22 taken out of these streams. That needs to be in the  
23 EIS.

24 There also needs to be specific info on  
25 how much water is derived from the streams that are

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1 outside the lease area. And those, you know, we can  
2 list those, too, but there's dozens of streams that  
3 are not in the lease area that all go to A & B right  
4 now and are part of their, you know, potential water  
5 source. But we don't know how much that is. So  
6 they're asking for 115 billion on top of all those?  
7 That's just like double dipping.  
8 I'm getting to the end.  
9 The last thing we really need to look at  
10 is the upcountry water system the county has. This  
11 water system is being very inaccurately portrayed in  
12 the draft prep notice.  
13 First of all, there's no map that shows  
14 that the County's two-pipe system was supplied.  
15 Half the water, they use in the upcountry system.  
16 So all the farmers and ranchers that want water, the  
17 Hawaiian homeowners, that's the water that's sent to  
18 them.  
19 The Kula pipeline, the lower one and the  
20 upper one, they are not on your maps. They do not  
21 go in the lease area. They go to streams, they go  
22 to five streams, four streams in East Maui. They do  
23 not go in the lease area.  
24 So half the County's water is not even  
25 affected by this lease. The EIS should make that

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1 very clear, and it should analyze what the wells of  
2 the County produce. They're barely using their  
3 wells. Half a million gallons a day for that  
4 Dowling well. I read the well reports.  
5 I don't see any information like that, you  
6 know, even proposed to be discussed. It should be  
7 in there, and I will write some comments.  
8 And I'm going to conclude by saying that  
9 if you put all this information together correctly,  
10 you will understand what really needs to be taken  
11 from East Maui streams, and that number is going to  
12 drop a lot lower, and then we can talk about how  
13 long the lease should be.  
14 But 30 years, I think should -- there  
15 should be alternatives, like fish and wildlife and  
16 others that have suggested. 30 years is not the  
17 only number that should be discussed.  
18 And public access to the lands needs to be  
19 discussed, too, as has been brought up by many  
20 others.  
21 Thank you.  
22 MODERATOR SENEALLY: Thank you, Lucienne.  
23 I'm going to have Father to come up and  
24 say a closing prayer.  
25 Who wants to speak and say something very

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1 short? Okay. Let's do it fast.  
2 Who wants to speak? Can you come over  
3 here? Please be quick.  
4 MR. BALDWIN: So my name is Dwight  
5 Baldwin.  
6 I want to start with asking that -- you  
7 guys, thanks for having this meeting.  
8 I would like to request EIS to have a  
9 thorough analysis to watershed conditions, with the  
10 current conditions right now with A & B, the past  
11 conditions with diversions running, and future  
12 projected conditions, even multiple scenarios.  
13 I want to look at the impacts on the East  
14 Maui groundwater, including spring formation and  
15 tributary streams, and if possible, get your  
16 engineers to calibrate the model of the past and  
17 future -- I mean calibrate it to the past events and  
18 just estimate a model of the groundwater flow and  
19 stream conditions with scientific accuracy.  
20 Because I think this is a good opportunity  
21 to understand more about what is going on in East  
22 Maui in the past and in the future, because there  
23 aren't accurate gauges and, you know, it would be  
24 good to have reliable, open access to information,  
25 and I think this could be a good stepping point for

1 that.  
2 Thank you very much. That's all I need to  
3 say.  
4 MODERATOR SENELLY: Thank you.  
5 You're going to come up so that everybody  
6 can see you. And if you can say your name.  
7 MR. LIU: My name is Elden Liu, and I'm  
8 here tonight concerning this water issue here.  
9 But I'm here to just say my ancestor was  
10 an ali'i. His name was Hikio. He was given  
11 Kaupakalua and he was given East Kaupakalua, which  
12 is Jaws, and he was also given a place in West  
13 Makaiwa that has all the A & B lanes coming down  
14 with the water. The water comes out of the  
15 Kaupakalua.  
16 And so I'm just here to say I've spoken to  
17 A & B, and I've spoken to their attorney at the same  
18 time too, a representative, Mr. Helia, who manages  
19 the EMI system. We had a very pleasant  
20 conversation. I wanted to let him know that I did  
21 have interest.  
22 And I'm the sixth generation from Hikio,  
23 who was the original. He was an ali'i.  
24 And so I would like to be consulted with  
25 on some of these decisions that are going to be

1 made. After all, the royal patent cannot be sold;  
2 and if A & B is selling that, they're in big --  
3 hang onto this, please. I want to read real quickly  
4 what the law, the federal law says about this.

5 "A warranty deed cannot stand  
6 against a land patent in Hawaii, or a  
7 royal patent. A grant of land, made  
8 patent, is public law standing on the  
9 statute books of the state or nation.  
10 It is notice to everybody subsequent  
11 purchaser under any conflicting sales  
12 made." "Wineman versus Gastrell."

13 "The land patent is permanent and  
14 cannot be changed by the government  
15 after its issuance. Where the United  
16 States has parted with title by a  
17 patent legally issued and upon surveys  
18 made by itself and approved by the  
19 proper department, the title so  
20 granted cannot be impaired by any  
21 subsequent survey made by the  
22 government for its own purposes."

23 "Cage versus Danks."

24 I would like to be considered to sit in meetings  
25 discussing things that are happening on my family's royal

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1 patent.

2 MODERATOR SENELLY: Thank you.

3 For the rest of you, can we make it short,  
4 please?

5 MR. HALLER: Aloha. My name is Alex  
6 Haller. I'm born and raised in Haiku. I've lived  
7 on East Kuiuaha Road my whole life. And I live one  
8 property below the EMI diversion, so I know what  
9 it's like.

10 No lips. So when there's not a lot of  
11 rain and the water is coming down the stream,  
12 there's a 6-inch lip on a lot of these diversions.  
13 So there shouldn't be any minimum criteria  
14 of overflow to go down, you know, to makai.

15 So all of the lips on every single  
16 diversion should be redone. And also the grates.  
17 Someone mentioned the grates earlier. The grates  
18 are no good as well.

19 If there's a hundred -- you know, so  
20 around 100 streams, and there's four main levels of,  
21 you know, the system that runs east to west, that's,  
22 you know, a potential 400 diversions.

23 So we should see it on a huge map from  
24 Maui, each diversion. Yeah, it's going to be 400  
25 pictures with, you know, an engineer to redo it, you

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1 know, in six months.  
2 And the second point is there are Land  
3 Commission awards and po'alima lots. That's just as  
4 important as the EIS. And that's what Mr. Liu just  
5 mentioned with the royal patents.  
6 And I'm one of the defendants in the  
7 Nawe'iwa, and that's actually -- we're waiting for  
8 the results.  
9 So that's extremely important, the land  
10 commission awards.  
11 MODERATOR SENEILLY: Thank you.  
12 MS. REILLY: My name is Rose Reilly,  
13 and --  
14 MODERATOR SENEILLY: Okay. Can I ask you,  
15 if you have something written, will you please  
16 consider turning it in as opposed to speaking? Just  
17 a thought, please.  
18 Go ahead.  
19 MS. REILLY: I would just like to say that  
20 I see that the streams reaching the ocean with all  
21 of the fish that are produced as fundamentally  
22 important to the survival of the people, and that  
23 for as far as Hawaiians are concerned and as far as  
24 everyone's concerned, we are here in Hawaii because  
25 of Hawaiians. The way that they made this place is

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1 what has made it so special and that everybody wants  
2 to be here because of it. And that they're here,  
3 they all are, with their lands and their water  
4 management, and like the system is set up to manage  
5 this.  
6 The environmental impact is in their  
7 history, and they know the whole thing, and they're  
8 the ones that should be saying like, you know,  
9 restore the forests. Like that's all these  
10 different levels of having -- you have the  
11 groundwater, the middle, the upper. You know, like  
12 the animals.  
13 This system that is being imposed, this  
14 colonial system is killing all of us. Please do not  
15 be a part of that.  
16 MODERATOR SENEILLY: Did you state your  
17 name?  
18 MS. REILLY: Yes. My name is Rose Reilly.  
19 MODERATOR SENEILLY: Thank you, Rose.  
20 Okay. Say your name.  
21 MS. COSTA: Jocelyn Costa.  
22 First of all, I would like to address the  
23 purpose of the HISP. The purpose of the EIS  
24 process is to disclose to government agencies, the  
25 general public, stakeholders and decision-makers the

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1 anticipated impacts.

2 I'd like the impacts to be started from

3 the inception. I would like that to be included.

4 I'd like to know the timetable and dates to

5 determine these anticipations. I'd like to know why

6 the kuleanas were omitted from this process. It's

7 not in this process. And I would like to know what

8 will happen if they're -- when they discover all of

9 the irreparable harms that has already been done.

10 I think it would be too incomplete if you

11 started with anticipated impacts.

12 Within the impacts, will you be studying

13 the soil, surface water, cultural resources, and

14 coastal waters measured from inception?

15 Will the data include significant

16 knowing -- not of outside book knowledge -- to make

17 a determination? Everyone knows who writes the book

18 tells the story; and we have living generations that

19 are of knowing, that have survived the direct

20 historical impacts. Please include them.

21 As far as page 1-1, the description,

22 description of the purpose, "Background:" Since

23 1878, A & B or its predecessors and EMI have held

24 various -- blah, blah, blah -- permits. And use of

25 water from the State lands, please correct them. It

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1 should reflect that the lease came from the Kingdom

2 of Hawaii. There was no such thing as State land in

3 1878.

4 Also I want to propose, in accordance to

5 1.2 "Approval," meaning the direction of consent,

6 include the consultation of the representatives for

7 all affected areas that will not only provide but

8 receive water included in this EIS. We should be

9 part of the consultation board. We shouldn't be on

10 the outside, speaking into the EIS. We are part of

11 DLNR.

12 So I think it would assist in your scoping

13 if you were to have each representative be a part of

14 this process.

15 And on 1.3, "Proposed Action." And so I

16 just briefly went over this, but I'm going to be

17 doing more extensive written.

18 Okay. A correction and/or addition to the

19 fourth sentence of your 1.3.

20 "Purpose of developing, diverting

21 and transporting the use of

22 government-owned waters."

23 It should read "kuleana waters"

24 only.

25 MODERATOR SENEELLY: Thank you.

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1 Again summarize as much as you can.  
2 MS. CHASE: I'm not summarizing. I'm  
3 reading it. And I've been here a long time, and  
4 I've traveled for two years to cover this issue, and  
5 I will speak directly to the EIS.  
6 Just because I'm making a presentation  
7 doesn't mean I condone this process.  
8 Faith Chase. No pun intended.  
9 MODERATOR SENELLY: Did you say your name?  
10 I'm sorry.  
11 MS. CHASE: Faith Chase. No pun intended.  
12 I don't condone this process, but I'm  
13 going to give my testimony because I've showed up to  
14 make sure that everybody knows that in this process,  
15 DLNR, Department of Water, the Senate, the House of  
16 Representatives, that I'm watching.  
17 I would like the EIS to examine the  
18 contract language of the original sale of the Nahiku  
19 and Keanae property that was once bought by Kaupo  
20 Ranch -- it's searchable and findable -- at the turn  
21 of the century. I haven't seen it, but I'm  
22 wondering if there's any language in there that  
23 might be salvaged.  
24 I would like the EIS to review the  
25 repeated letters and news in the Maui News from the

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1 beginning -- the beginning of time, mentioning and  
2 reporting the numerous repeated pleading to HC&S and  
3 A & B to consider sustainable ag and consider that  
4 they haven't considered.  
5 I would like the EIS to include a review  
6 of all the meeting minutes that were held at Keanae  
7 School from the start to the end. I would like --  
8 from the Maui County Council, to be specific.  
9 I would like the EIS to include the  
10 minutes of all Water Resource Committee, Maui County  
11 again, where Hana, Keanae, Nahiku, Waialua and  
12 Kailua are on the agenda.  
13 I would like the EIS to include the  
14 reporting of the 2016 seed worm breakout group  
15 discussions and their findings, which I was at but  
16 I've never seen, and I was told I'd get it e-mailed.  
17 I would like you to also include the  
18 recent 2017, though limited, seed worm, and though  
19 about DHHL, there was a lot of language about this  
20 and our sacred rocks at Iao. I want that included.  
21 I would like the EIS to include the review  
22 of all testimony of the Hawaii State Legislature  
23 2016 Senate bill 3001 that didn't pass and the  
24 resulting House bill HB2501, or better known as the  
25 "water theft bill."

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1 I would like the EIS to include the  
2 numerous petitioners, the number of petitioners, and  
3 all the comments in the Sierra Club petition  
4 relating to HB2501.

5 I would like the EIS to also include the  
6 number of petitioners and all the comments in the  
7 petition to the governor to veto HB2501.

8 Lastly, how have these areas been  
9 affected.

10 I want a socio-cultural consideration to  
11 be made.

12 Thank you.

13 MODERATOR SENELLY: Thank you.

14 MS. MURPHY: Thank you so much to everyone  
15 who's presented tonight, who's spoken up and stood  
16 in their truth about what's happening.

17 MODERATOR SENELLY: Excuse me. What's  
18 your name?

19 MS. MURPHY: Yes. My name is  
20 Aubrie Murphy.

21 MODERATOR SENELLY: Thank you, Aubrie.

22 MS. MURPHY: Also I just want to share my  
23 main point is please be complicit in this necessary  
24 change.

25 I'm not entirely convinced that this

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1 meeting is of the highest design and order.

2 We have somebody taking minutes, great; we  
3 have camera people, great; we have a person who's  
4 supposed to be collecting information writing on a  
5 scrap of paper.

6 I found out from our facilitator over here  
7 that this woman does not actually work for Wilson  
8 Okamoto. She doesn't know how she's affiliated or  
9 what she really --

10 (Simultaneous speaking between Ms. Murphy and  
11 the moderator.)

12 MS. MURPHY: Well, that's what this woman  
13 said over here. I'm not entirely sure.

14 My base point is that I'm not entirely  
15 convinced that this collection of information is of  
16 the highest order.

17 I ask you to be complicit in this change.

18 Go to WOC at Wilson Okamoto, voice

19 yourself. If you do not, other people will make  
20 these choices for you. Continue the fight, continue  
21 to speak your truth, continue to protect your water.

22 And I also want every one of you, please,  
23 if you can, reach out to me, I want to share your  
24 story. I'm a published writer. And I'm Mermaid of  
25 Hookipa. I've had my ocean conservation project

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1 since August of 2015. I host beach cleans. I write  
2 consciously created articles with scientifically  
3 backed research.

4 But I want to tell your story about what  
5 you've experienced as generations of Hawaiians.  
6 Please reach out.

7 My Facebook page is "mermaidofhookipa."

8 It's open, everyone can come. Please share your  
9 story with me. I want to help make this a reality.

10 I want the water to go back to its rightful  
11 stewards.

12 Aloha.

13 MODERATOR SENELLY: Aloha.

14 MS. POWERS: Aloha. I'm Megan Loomis

15 Powers.

16 MODERATOR SENELLY: Megan Loomis Powers.

17 MS. POWERS: Yes.

18 MODERATOR SENELLY: Okay.

19 MS. POWERS: Thank you, everyone, for all  
20 your incredible sharing and your spot-on, you know,  
21 right to the number responses.

22 I grew up right next -- I grew up on

23 Ho'olawa Stream, which was an absolutely dry stream.

24 And thank goodness for Stephen Cabral. He was the  
25 guy who managed the gates most of my life, the EMI

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1 gates. He knew that streams needed a certain  
2 minimum amount just to try and survive.

3 And so every year, he would give us at  
4 least six weeks of uninterrupted stream flow. And  
5 what was so amazing is you would watch life start to  
6 return. And all the mosquitoes would get washed  
7 away, and the frogs would come back, and they'd eat  
8 the rest of the mosquitoes that were growing in the  
9 bananas.

10 And what we're here defending is that we  
11 know that is -- the East Maui watershed is the  
12 supply of water for the big half of Maui, and  
13 it's -- everybody's water depends on that. And if  
14 we don't steward that mountain, if we don't steward  
15 that watershed, if we don't take care of the plants  
16 that gather the rain and bring it down to the earth,  
17 we're cutting off future generations.

18 And we know that because we've lived there  
19 and witnessed it, like your beautiful child with  
20 some mysterious disease that you don't have any way  
21 to fix just withering in front of you.

22 And the thing is living systems, they can  
23 only take so much abuse until something breaks,  
24 until you get cancer, until, oh, my goodness, how  
25 many species have gone extinct on the East Maui

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1 watershed in the last 120 years. You know, that  
2 should be something in the EIS. How many species  
3 have gone extinct.

4 So what I am observing is that there's  
5 been 120 years of severe mismanagement of this  
6 watershed that serves not only the people living  
7 here now but future generations and future  
8 generations and future generations.

9 And that mismanagement also includes the  
10 36,000 acres of A & B land that now doesn't even  
11 hold water because they never, not once, let land be  
12 fallow. They never gave back to the soil. There's  
13 no humic acid in the soil to hold water.

14 I mean, we've seen studies. We've done it  
15 at the farm conferences. You pour water into  
16 A & B's soil, and it doesn't even make the dirt wet.  
17 It just runs around the outside and drips out.

18 If you have healthy soil, it holds water.  
19 There's so many studies that show if you have good  
20 humic acid content in your soil, you can reduce  
21 watering by 70 percent. Wow, 70 percent of the  
22 water gets to stay in East Maui.

23 That's what we need. We need good  
24 management. This is just the beginning of like  
25 recognizing that.

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1 And what she said about go all the way  
2 back to the beginning, we need to -- this is not the  
3 baseline. Right here, this is not the baseline.  
4 The baseline needs to be way back when it  
5 was a healthy ecosystem; and we need to make plans,  
6 and this EIS has to direct that planning, to support  
7 bringing, regenerating and restoring what's already  
8 been damaged. And the same goes for the soil out in  
9 the valley.

10 So I know I had something else to say, but  
11 thank you very much.

12 MODERATOR SENEELLY: Thank you.

13 Hello again.

14 MR. SLATER: Hi. Steve Slater.

15 I would like to have some -- well, first  
16 thing, I think 30 years is way too long the way  
17 science and biology is going.

18 I mean, we're just breaking the surface of  
19 how important the microbial systems are to the soil,  
20 to our own human bodies, how much symbiotic both  
21 bacteria, virus, fungus. Just it's a whole new era.  
22 To lock us into a 30-year lease at this point, I  
23 don't think the EIS can be at all functional.

24 I think if we did an EIS in two years or  
25 five years, I think we'd be talking about completely

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1 different things on the watershed, like the  
2 connection of the microbial system from the ocean,  
3 like miniature salmon, microscopic salmon swimming  
4 upstream, carrying nutrients.  
5 I mean, we're in a whole 'nother era. I  
6 just find it's going to be very difficult to get an  
7 accurate EIS unless we bring in state-of-the-art  
8 science these days. And I don't think we're going  
9 to get that on Maui.  
10 I really think you'd have to bring in some  
11 cutting-edge biologists, look at the whole microbial  
12 system, what it means to endangered species.  
13 And we're at a time when we're not going  
14 to get a lot happening in a short period. So why  
15 can't A & B be satisfied with a one-year lease?  
16 They've been living with it for all this time, and  
17 now major changes are happening.  
18 I just can't -- you know, that leads me  
19 back into the Glyphosate/Roundup problem, like the  
20 gentleman was explaining. So much spraying. Not  
21 just on the edges; but because it's difficult for  
22 them to go, they spray right in the water.  
23 Could we possibly get a study? You're not  
24 going to be able to go take water samples and find  
25 glyphosate, but couldn't we study some of the people

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1 who have used it as drinking water?  
2 Could they have free access to a urine  
3 test and maybe compared to these people have a  
4 higher rate of glyphosate?  
5 And remember, glyphosate also kills the  
6 microbial content. It's like it's got more  
7 repercussions than just if it gave something to  
8 human health. It's changing the whole biosphere of  
9 the area.  
10 So why didn't A & B ever -- they've never  
11 had to say how much they pumped. A & B has a record  
12 of being able to put poisons out, not inform the  
13 Health Department, not inform the County, keep  
14 secret lists. Could EIS look at what chemicals have  
15 been put in the stream?  
16 And also, A & B has been spraying -- HC&S  
17 has been spraying the cane with glyphosate to make  
18 it dry so they can burn it. That has gone into the  
19 ocean. Plus what they're spraying into the fields.  
20 So what they've put on the fields also  
21 compounds what's coming down the streams.  
22 Is that possible?  
23 Also, you know, I own a property for the  
24 last 15 years where I can only live on catchment.  
25 Even though I have rights on my deed to two ditches,

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1 Lowrie Ditch, Haiku Ditch, and Waipio Stream, I  
2 can't exercise those rights.

3 You can't talk to EMI about using rights  
4 on your deed. It's a whole legal battle. You're  
5 looking for trouble.

6 I have to live on catchment. It's \$200  
7 per thousand, I pay to have it water trucked in.  
8 Not \$3 dollars.

9 And the last thing is what does this EIS  
10 cost? Because if some group or the County wants to  
11 reimburse for the EIS, is this EIS going to be so  
12 expensive that it's going to make that \$160,000  
13 starting point double? Do we know what this EIS is  
14 going to cost?

15 MODERATOR SENELLY: Okay. That's the last  
16 speaker.

17 Actually, we have one more very important  
18 speak. It's Father.

19 But let me say this. Thank you. I know  
20 at times we -- you know, we just try different  
21 things.

22 Just for your information, the person who  
23 brought this up, I'm actually an independent  
24 consultant to Wilson Okamoto, and I've done a lot of  
25 facilitation as well as mediation and social impact

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1 stuff.

2 And actually, you can ask Isaac Hall,  
3 because I've worked with him.

4 Okay. I'm going to ask Father to say the  
5 pue.

6 And also, anybody who has any feeling  
7 about helping us put stuff away, that would be  
8 really nice.

9 Oh, and you know what. You know the  
10 water, if there's anything left, please take it.  
11 (Closing pue by Father Tomoso.)

12 (Scoping meeting concluded at 8:56 p.m.)  
13  
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C E R T I F I C A T E

STATE OF HAWAII )  
 )  
COUNTY OF MAUI ) SS.

I, Darcy J. Brokaw, CSR for the State of Hawaii, do hereby certify:

That on February 23rd, 2017, starting at 5:08 p.m., the proceedings were taken down by me in machine shorthand and were thereafter reduced to typewritten form under my supervision; that the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

I further certify that I am not an attorney for any of the parties hereto, nor in any way concerned with the cause named in the caption.

DATED this 12th day of March 2017.

Darcy J. Brokaw, RPR, CRR, CSR 371

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