

From: [Perle Besserman](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item D-3
Date: Thursday, July 10, 2025 4:40:22 PM

Aloha Chair Chang and Members of the Board of Land and Natural Resources,

My name is Perle Besserman and I am from Honolulu. I respectfully but strongly urge you to DENY the staff recommendation in item D-3, and to GRANT Nā Moku 'Aupuni o Ko'olau Hui (Nā Moku) the right to a contested case hearing, consistent with your duties under the constitution and the public trust.

Beyond upholding Nā Moku's constitutional rights, a contested case would provide critical, comprehensive, and vetted information to address numerous persistent issues and concerns regarding East Maui water diversions, including:

- The need for an objective method to determine how much water will actually be needed by the revocable permit applicant for the year;
- The true extent of the impacts that permitted stream diversions may have on public trust purposes, including watershed health and Native Hawaiian traditional and customary practices;
- The extent to which Native Hawaiian traditional and customary rights may benefit from increased stream flow, and what feasible steps can be taken to realize these benefits;
- What feasible steps can be taken to prevent the complete draining of streams, and ensure the expeditious implementation of instream flow standards established by the Water Commission;
- What feasible steps can be taken to save millions of gallons of diverted stream water from being wasted every day, and otherwise keep water in East Maui streams;

among many others.

Only through a contested case hearing can we all begin to truly understand and finally address these questions and concerns, for the current permit and potentially for any future permits that may be

issued. As you know, a contested case would include the opportunity for all parties to cross-examine witnesses, critically examine the credibility of the evidence presented, and have decisions made in writing, based on the evidence and arguments presented - ensuring comprehensive, transparent, and fully-informed decisionmaking that may finally help to resolve the conflict, anguish, and injustice over East Maui's stream diversions that have festered for far too long.

Supreme court decisions such as Kaua'i Springs and the recent Nā Wai 'Ehā opinion make clear that all agencies - even county planning departments - have the duty and authority to uphold the public trust in wai, which includes actively looking for ways to protect stream flow, Native Hawaiian traditional and customary practices, and other public trust purposes from undue impacts. Granting this contested case hearing request would provide you with the information you need to uphold your public trust duties, as well as protect the long-neglected due process, traditional and customary, and other constitutional rights of Nā Moku 'Aupuni o Ko'olau Hui.

Accordingly, I urge you to GRANT the contested hearing request from Nā Moku 'Aupuni o Ko'olau Hui, notwithstanding the staff recommendation in agenda item D-3.

Mahalo nui for your consideration of this matter.

Sincerely,
Perle Besserman, PhD

From: [Patti Choy](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item D-3
Date: Thursday, July 10, 2025 10:45:29 PM

Dear Chair Chang and Members of the Board,

It is stunning and gravely disappointing that the staff recommendation to deny a contested case request from Nā Moku even exists.

Please put residents first, the farmers, and do not cave into outside corporate interests.

It will be a travesty if the staff recommendation is accepted.

I respectfully but strongly urge you to DENY the staff recommendation in item D-3, and to GRANT Nā Moku 'Aupuni o Ko'olau Hui their requested contested case hearing, consistent with your duties under the constitution and the public trust.

Beyond upholding Nā Moku's constitutional due process rights, a contested case hearing would provide critical, comprehensive, and vetted information to address numerous persistent issues and concerns regarding the current East Maui water diversions, including:

- *The need for an objective method to determine how much water will actually be needed by Mahi Pono for the coming year;*
- *The true extent of the impacts that permitted stream diversions may have on public trust purposes, including watershed health and Native Hawaiian traditional and customary practices;*
- *The extent to which Native Hawaiian traditional and customary rights may benefit from increased stream flow, and what feasible steps can be taken to realize these benefits;*
- *What feasible steps can be taken to prevent the complete draining of streams, and ensure the expeditious implementation of instream flow standards established by the Water Commission;*
- *What feasible steps can be taken to save millions of gallons of diverted stream water from being wasted every day, and otherwise keep water in East Maui streams;*

among many others.

Only through a contested case hearing can we all begin to truly understand and finally address these questions and concerns, for the current permit and potentially for any future permits that may be issued. As you know, a contested case would include the opportunity for all parties to cross-examine witnesses, critically examine the credibility of the evidence provided, and have decisions made in writing, based on the information and arguments presented - ensuring comprehensive, transparent, and fully-informed decision making that may finally help to resolve the conflict, anguish, and injustice over East Maui's stream diversions that have festered for far too long.

*Supreme court decisions such as Kaua'i Springs and the recent Nā Wai 'Ehā opinion make clear that **all agencies** - even county planning departments - have the duty and authority to uphold the public trust in wai, which includes actively looking for ways to protect stream flow, Native Hawaiian traditional and customary practices, and other public trust purposes from undue impacts. Granting this contested case hearing request will provide you with the information you need to uphold your public trust duties, as well as protect the long-neglected due process, traditional and customary, and other constitutional rights of Nā Moku 'Aupuni o Ko'olau Hui.*

Accordingly, I urge you to GRANT the contested hearing request from Nā Moku 'Aupuni o Ko'olau Hui, notwithstanding the staff recommendation in agenda item D-3.

Mahalo nui for your consideration of this matter.

Patti Choy

From Haiku Community Association
PO Box 1036, Haiku, HI 96708

July 10, 2025

To: State BLNR

Re: July 11, 2025 BLNR Agenda- Item D-3
In Support of Nā Moku Aupuni o Ko'olau Petition for a Contested Case Hearing

Aloha Chair Chang and Land Board Members

The people of Ha'iku stand in support of our neighbors in the moku of Ko'olau in their petition to have their voices heard regarding the current conditions in our East Maui streams. We, too, wait for water justice.

We deeply appreciate the diligence that this Board is showing in their review of these important community water concerns, but we feel that you need to look beyond your staff's recommendation and approve Na Moku's contested case request. BLNR deserves the up to date information that the Ko'olau community is offering through this contested case process.

It does not make sense that Na Moku would not have standing to bring their concerns to the BLNR through the contested case process because the BLNR staff says this board has no authority to "grant them any relief."

Na Moku and allies waited 30 years for stream flow to be partly returned. Na Moku were told 25 years ago that BLNR had no authority to grant any relief, because only the State Water Commission had authority to return water to streams. This was not correct. BLNR could have set limits on revocable permit diversions then, just as it can now.

When Na Moku appealed that BLNR decision of 2002, the court ruled in 2003 that BLNR actually had to make an independent investigation of whether it served the best interests of the state to approve the diversion of East Maui stream water from State lands. To do that, BLNR needs the latest data. That's what a contested case presentation provides.

The history section of the Item D-3 staff report leaves out this important 2003 court ruling by Judge Hifo. But the Judge was giving out common sense guidance: "get your own information BLNR- and make the best decision based on that updated information."

How can the Land Board make their best decision without hearing from Ko'olau residents about day to day conditions of the streams, and how the current diversion levels are affecting them?

CWRM set stream flow levels ("IIFS") for many East Maui streams in 2018. Contrary to what the staff report concludes, including these in the revocable permit process is not a

silver bullet to make sure our East Maui communities have enough water. Realistically, IIFS are a set of numbers on paper- based on information CWRM gathered over a decade ago. They should not be confused with actual conditions in the streams.

The process of CWRM adjusting stream flow standards to reflect reduced rainfall is slow and tedious. If stream yields continue to drop, then stream demands need to be adjusted as well. The BLNR has the authority to make that needed adjustment as it reviews yearly water permits for East Maui. CWRM has no process like that. The BLNR contested case process puts needed information in the Land Board's hands to make that decision.

If each agency uses its review process to make adjustments based upon real on-the-ground conditions on our state lands, we will have a fairer, more sustainable management process. The people of Ko'olau have been waiting since the 1980's for a fairer process that follows our laws and the constitution. Please take a step toward fulfilling that promise and grant Na Moku's contested case request,

Mahalo Nui Loa

Haiku Community Association
Lucienne de Naie, President

From: [Sharde Mersberg Freitas](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item D-3
Date: Thursday, July 10, 2025 9:33:33 PM

Aloha Chair Chang and Members of the Board of Land and Natural Resources,

My name is Sharde Freitas and I am from Hilo, Hawai'i Island. I respectfully but strongly urge you to DENY the staff recommendation in item D-3, and to GRANT Nā Moku 'Aupuni o Ko'olau Hui (Nā Moku) the right to a contested case hearing, consistent with your duties under the constitution and the public trust.

Beyond upholding Nā Moku's constitutional rights, a contested case would provide critical, comprehensive, and vetted information to address numerous persistent issues and concerns regarding East Maui water diversions, including:

The need for an objective method to determine how much water will actually be needed by the revocable permit applicant for the coming year;

The true extent of the impacts that permitted stream diversions may have on public trust purposes, including watershed health and Native Hawaiian traditional and customary practices;

The extent to which Native Hawaiian traditional and customary rights may benefit from increased stream flow, and what feasible steps can be taken to realize these benefits;

What feasible steps can be taken to prevent the complete draining of streams, and ensure the expeditious implementation of instream flow standards established by the Water Commission;

What feasible steps can be taken to save millions of gallons of diverted stream water from being wasted every day, and otherwise keep water in East Maui streams;

among many others.

Only through a contested case hearing can we all begin to truly understand and finally address these questions and concerns, for the current permit and potentially for any future permits that may be issued. As you know, a contested case would include the opportunity for all parties to cross-examine witnesses, critically examine the credibility of the evidence presented, and have decisions made in writing, based on the information and arguments presented - ensuring comprehensive, transparent, and fully-informed decisionmaking that may finally help to resolve the conflict, anguish, and injustice over East Maui's stream diversions that have festered for far too long.

Supreme court decisions such as Kaua'i Springs and the recent Nā Wai 'Ehā opinion make clear that **all agencies** - even county planning departments - have the duty and authority to uphold the public trust in wai, which includes actively looking for ways to protect stream flow, Native Hawaiian traditional and customary practices, and other public trust purposes from undue impacts. Granting this contested case hearing request would provide you with the information you need to uphold your public trust duties, as well as protect the long-neglected due process, traditional and customary, and other constitutional rights of Nā Moku 'Aupuni o

Ko‘olau Hui.

Accordingly, I urge you to GRANT the contested hearing request from Nā Moku ‘Aupuni o Ko‘olau Hui, notwithstanding the staff recommendation in agenda item D-3.

Mahalo nui for your consideration of this matter.

Sincerely,

Sharde Freitas

From: [Ronnie Inagaki](#)
To: [DLNR.BLNR.Testimony](#)
Cc: [Ronnie Inagaki](#)
Subject: [EXTERNAL] Testimony Opposing BLNR Agenda Item D-3 – Support for Contested Case Hearing for Nā Moku (Direct Descendant, Ke‘anae, Maui)
Date: Friday, July 11, 2025 7:34:50 AM

Aloha Chair Chang and Members of the Board of Land and Natural Resources,

My name is Ronnie Eloise Nalani Pahukoa Inagaki, of Waimānalo, O‘ahu, and I have deep roots in Ke‘anae, Maui. My ‘ohana are lo‘i kalo farmers, and they've worked for generations to protect and perpetuate what our kūpuna built in East Maui. I respectfully but strongly urge you to DENY the staff recommendation in item D3 and to GRANT Nā Moku ‘Aupuni o Ko‘olau Hui Nā Moku the right to a contested case hearing, consistent with your duties under the Constitution and the public trust.

Historical Context and Ongoing Injustice:

For decades, East Maui kalo farmers and community members have fought an uphill battle to vindicate their water rights, as former plantation oligarch turned real estate investment trust Alexander and Baldwin with the annual blessing of the Board of Land and Natural Resources dewatered dozens of streams that once sustained East Maui’s watersheds, lo‘i kalo, muliwai, and ways of life. While there have been recent successes with the Water Commission and in the Hawai‘i Supreme Court, many kūpuna passed away before seeing their rights vindicated or the restoration of mauka to makai stream flow they dreamed of for their ‘āina.

BLNR’s Failure to Uphold Public Trust and Constitutional Duties

Despite court rulings and ongoing advocacy, the BLNR has continued to abdicate its public trust responsibilities by allowing Alexander and Baldwin and its former business partner, Mahi Pono, to divert East Maui streams under annual revocable permits. These permits have been issued without requiring diverters to demonstrate their actual needs or to reduce the waste of millions of gallons of water per day, much of which is lost due to the refusal to use lined reservoirs.

Additionally, the BLNR has defied court orders by failing to provide interested parties such as the Sierra Club a contested case hearing before issuing these permits. This includes the BLNR’s decision in December 2024 to summarily deny the contested case hearing requests submitted by the Sierra Club in both 2023 and 2024 for the 2024 and 2025 permits respectively.

Current Threat to East Maui Community Rights:

Now the BLNR is poised to continue this legacy of injustice by considering a staff recommendation to reject a contested case hearing request by Nā Moku ‘Aupuni o Ko‘olau Hui for the 2025 East Maui revocable permit. Doing so would once again deny East Maui kalo farmers and residents their constitutional rights to due process, to engage in Native Hawaiian traditional and customary practices, and to ensure a healthful environment for themselves and future generations.

Why a Contested Case Hearing is Essential:

Granting a contested case hearing is not only a matter of upholding Nā Moku's constitutional rights it is essential for

Providing objective, comprehensive, and transparent information regarding the actual water needs of permit applicants

Fully evaluating the impacts of stream diversions on public trust purposes, including watershed health and Native Hawaiian traditional and customary practices

Exploring feasible steps to restore stream flow, reduce massive water waste, and implement instream flow standards

Ensuring all parties the opportunity to cross examine witnesses, critically examine evidence, and participate in a fair, written decision making process

Supreme Court decisions such as Kaua'i Springs and Nā Wai 'Ehā make clear that all agencies have the duty and authority to uphold the public trust in wai, which includes actively seeking ways to protect stream flow and Native Hawaiian rights from undue impacts.

Conclusion:

In conclusion, I urge you to break from this legacy of injustice deny the staff recommendation, grant Nā Moku 'Aupuni o Ko'olau Hui a contested case hearing, and finally uphold your constitutional, public trust, and moral responsibilities to the people and land of East Maui. Only through a contested case hearing can BLNR ensure a fair, transparent, and just process that protects the rights, health, and future of East Maui's communities and ecosystems.

Me ka ha'aha'a,

Ronnie Nalani Eloise Pahukoa Inagaki,

No Waimānalo mai au, he pua hanauna pololei no Ke'anae, Maui;

With deep respect and aloha, born in Waimānalo and a direct descendant of Ke'anae, Maui



July 11, 2025

To: blnr.testimony@hawaii.gov

Subject: Agenda Item D-3 – In Support of Nā Moku ‘Aupuni o Ko‘olau Hui’s Request for a Contested Case Hearing

Aloha e Chair Chang and Esteemed Members of the Board of Land and Natural Resources,

I write to you today as a Kanaka, and as someone who carries kuleana to both my ancestors and the generations yet unborn. I am urging you to **reject the staff recommendation** in Agenda Item D-3 and instead **grant Nā Moku ‘Aupuni o Ko‘olau Hui their rightful request for a contested case hearing.**

This issue is not just administrative—it is foundational. It goes to the heart of who we are as a people, and what values this board will choose to uphold: corporate expediency or constitutional and cultural integrity.

Wai is Sacred – A Kinolau of Life Itself

In our language, “wai” is so foundational that it is embedded in the word for wealth: *waiwai*. It is not merely a resource to be managed—it is a relative to be cared for. The streams of East Maui are not lifeless channels of water; they are living entities that feed our lo‘i, nourish our families, and sustain the complex web of life from mauka to makai.

For generations, the families of Nā Moku have been the kia‘i of these waters, continuing the traditions of cultivating kalo, practicing subsistence, and stewarding these ecosystems with deep spiritual and ecological knowledge. To deny them a contested case is to erase their voices from a process that is fundamentally about their lives and their rights.

Due Process and the Public Trust Doctrine

The State of Hawai‘i has a constitutional obligation to uphold the public trust in wai. That trust cannot be met through rushed processes or administrative shortcuts. Nā Moku’s request for a contested case is not only a legal right—it is a moral imperative.

A contested case would allow for:



- Transparent and evidence-based assessment of Mahi Pono’s actual water needs;
- Investigation into the egregious waste of diverted water, much of which is lost to unlined reservoirs;
- Protection and restoration of fully drained streams in areas like Huelo;
- The meaningful inclusion of Native Hawaiian voices and practices in decision-making;
- A full accounting of ecological and cultural impacts stemming from continued diversions.

Restore Balance, Not Just Flow

This is a moment for the BLNR to realign with its kuleana—not to corporations or foreign investment portfolios, but to the law of the land: *Kānāwai*, the original law of balanced water-sharing rooted in our culture. It is time to stop treating stream restoration and community rights as afterthoughts to industrial interests. The people of Nā Moku are not asking for special treatment—they are demanding the process that justice requires.

Conclusion

Supreme Court rulings such as *Kaua‘i Springs* and *Nā Wai ‘Ehā* have affirmed that agencies like yours have both the authority and responsibility to uphold the public trust. You are not powerless. In fact, you are uniquely positioned to ensure that the streams of East Maui flow once more—not just with water, but with justice.

I therefore strongly urge the Board to **grant the contested case hearing request by Nā Moku ‘Aupuni o Ko‘olau Hui**, and begin to correct the decades of harm endured by East Maui’s lands, waters, and people.

Ua lehulehu a manomano ka ‘ikena a ka Hawai‘i.

The wisdom of the Hawaiian people is great and numerous. Let that wisdom guide your decision today.

Me ka ‘oia‘i‘o a me ke aloha,

Ekolu Lindsey

Edwin “Ekolu” Lindsey
Kanaka ‘Ōiwi / Native Hawaiian Cultural Practitioner

From: [Nanea Lo](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item D-3
Date: Thursday, July 10, 2025 4:27:20 PM

Dear Chair Chang and Members of the Board,

I respectfully but strongly urge you to DENY the staff recommendation in item D-3, and to GRANT Nā Moku ‘Aupuni o Ko‘olau Hui their requested contested case hearing, consistent with your duties under the constitution and the public trust.

Beyond upholding Nā Moku’s constitutional due process rights, a contested case hearing would provide critical, comprehensive, and vetted information to address numerous persistent issues and concerns regarding the current East Maui water diversions, including:

The need for an objective method to determine how much water will actually be needed by Mahi Pono for the coming year;

The true extent of the impacts that permitted stream diversions may have on public trust purposes, including watershed health and Native Hawaiian traditional and customary practices;

The extent to which Native Hawaiian traditional and customary rights may benefit from increased stream flow, and what feasible steps can be taken to realize these benefits;

What feasible steps can be taken to prevent the complete draining of streams, and ensure the expeditious implementation of instream flow standards established by the Water Commission;

What feasible steps can be taken to save millions of gallons of diverted stream water from being wasted every day, and otherwise keep water in East Maui streams;

among many others.

Only through a contested case hearing can we all begin to truly understand and finally address these questions and concerns, for the current permit and potentially for any future permits that may be issued. As you know, a contested case would include the opportunity for all parties to cross-examine witnesses, critically examine the credibility of the evidence provided, and have decisions made in writing, based on the information and arguments presented - ensuring comprehensive, transparent, and fully-informed decisionmaking that may finally help to resolve the conflict, anguish, and injustice over East Maui’s stream diversions that have festered for far too long.

Supreme court decisions such as Kaua‘i Springs and the recent Nā Wai ‘Ehā opinion make clear that all agencies - even county planning departments - have the duty and authority to uphold the public trust in wai, which includes actively looking for ways to protect stream flow, Native Hawaiian traditional and customary practices, and other public trust purposes from undue impacts. Granting this contested case hearing request will provide you with the information you need to uphold your public trust duties, as well as protect the long-neglected due process, traditional and customary, and other constitutional rights of Nā Moku ‘Aupuni o Ko‘olau Hui.

Accordingly, I urge you to GRANT the contested hearing request from Nā Moku ‘Aupuni o Ko‘olau Hui, notwithstanding the staff recommendation in agenda item D-3.

me ke aloha ‘āina,

--

Nanea Lo (*she/they/o ia*) | Micro-influencer

Executive Committee | [Sierra Club of Hawai‘i](#)

Board Member | [Hawai‘i Worker's Center](#)

Granter | [Hawai‘i People's Fund](#)

(808)444-1229

[LinkedIn](#)

"Some people say that Hawai‘i will be a better place when Hawaiians no longer stand in the way of progress. But even these people must know that at this point, this will no longer be Hawai‘i."- Jonathan Kay Kamakawiwo‘ole Osorio. The Value of Hawai‘i

From: [Michelle Ma](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] DENY request from Nā Moku 'Aupuni o Ko'olau Hui
Date: Thursday, July 10, 2025 6:36:01 PM

Aloha Chair Chang and Members of the Board of Land and Natural Resources,

My name is Michelle and I am from Oahu. I respectfully but strongly urge you to DENY the staff recommendation in item D-3, and to GRANT Nā Moku 'Aupuni o Ko'olau Hui (Nā Moku) the right to a contested case hearing, consistent with your duties under the constitution and the public trust.

Beyond upholding Nā Moku's constitutional rights, a contested case would provide critical, comprehensive, and vetted information to address numerous persistent issues and concerns regarding East Maui water diversions, including:

The need for an objective method to determine how much water will actually be needed by the revocable permit applicant for the coming year;

The true extent of the impacts that permitted stream diversions may have on public trust purposes, including watershed health and Native Hawaiian traditional and customary practices;

The extent to which Native Hawaiian traditional and customary rights may benefit from increased stream flow, and what feasible steps can be taken to realize these benefits;

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future permits that may be issued. As you know, a contested case would include the opportunity for all parties to cross-examine witnesses, critically examine the credibility of the evidence presented, and have decisions made in writing, based on the information and arguments presented - ensuring comprehensive, transparent, and fully-informed decisionmaking that may finally help to resolve the conflict, anguish, and injustice over East Maui's stream diversions that have festered for far too long.

Supreme court decisions such as Kaua'i Springs and the recent Nā Wai 'Ehā opinion make clear that **all agencies** - even county planning departments - have the duty and authority to uphold the public trust in wai, which includes actively looking for ways to protect stream flow, Native Hawaiian traditional and customary practices, and other public trust purposes from undue impacts. Granting this contested case hearing request would provide you with the information you need to uphold your public trust duties, as well as protect the long-neglected due process, traditional and customary, and other constitutional rights of Nā Moku 'Aupuni o Ko'olau Hui.

Accordingly, I urge you to GRANT the contested hearing request from Nā Moku 'Aupuni o Ko'olau Hui, notwithstanding the staff recommendation in agenda item D-3.

Mahalo nui for your consideration of this matter.

Sincerely,

Michelle Ma

Best,
Michelle Yian-Yian Ma
650-766-3677

From: [Kimberly Oshiro](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL]
Date: Friday, July 11, 2025 7:18:33 AM

To: blnr.testimony@hawaii.gov

Subject: Agenda Item D-3

Aloha Chair Chang and Members of the Board of Land and Natural Resources,

My name is [_kimberly oshiro](#) and I am from honolulu. I respectfully but strongly urge you to DENY the staff recommendation in item D-3, and to GRANT Nā Moku ‘Aupuni o Ko‘olau Hui (Nā Moku) the right to a contested case hearing, consistent with your duties under the constitution and the public trust.

Beyond upholding Nā Moku’s constitutional rights, a contested case would provide critical, comprehensive, and vetted information to address numerous persistent issues and concerns regarding East Maui water diversions, including:

The need for an objective method to determine how much water will actually be needed by the revocable permit applicant for the coming year;

The true extent of the impacts that permitted stream diversions may have on public trust purposes, including watershed health and Native Hawaiian traditional and customary practices;

The extent to which Native Hawaiian traditional and customary rights may benefit from increased stream flow, and what feasible steps can be taken to realize these benefits;

What feasible steps can be taken to prevent the complete draining of streams, and ensure the expeditious implementation of instream flow standards established by the Water Commission;

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among many others.

Only through a contested case hearing can we all begin to truly understand and finally address these questions and concerns, for the current permit and potentially for any future permits that may be issued. As you know, a contested case would include the opportunity for all parties to cross-examine witnesses, critically examine the credibility of the evidence presented, and have decisions made in writing, based on the information and arguments presented - ensuring comprehensive, transparent, and fully-informed decisionmaking that may finally help to resolve the conflict, anguish, and injustice over East Maui’s stream diversions that have festered for far too long.

Supreme court decisions such as Kaua‘i Springs and the recent Nā Wai ‘Ehā opinion make clear that all agencies - even county planning departments - have the duty and authority to uphold the public trust in wai, which includes actively looking for ways to protect stream

flow, Native Hawaiian traditional and customary practices, and other public trust purposes from undue impacts. Granting this contested case hearing request would provide you with the information you need to uphold your public trust duties, as well as protect the long-neglected due process, traditional and customary, and other constitutional rights of Nā Moku ‘Aupuni o Ko‘olau Hui.

Accordingly, I urge you to GRANT the contested hearing request from Nā Moku ‘Aupuni o Ko‘olau Hui, notwithstanding the staff recommendation in agenda item D-3.

Mahalo nui

Kimberly Oshiro

More Background

For decades, East Maui kalo farmers and community members fought an uphill battle to vindicate their water rights, as former plantation oligarch-turned-real estate investment trust Alexander & Baldwin - with the annual blessing of the Board of Land and Natural Resources (BLNR) - dewatered dozens of streams that once sustained East Maui’s watersheds, lo‘i kalo, muliwai, and ways of life.

While they have seen some recent successes with the Water Commission and in the Hawai‘i Supreme Court, this was not before many of the kūpuna who had first sought to assert their water rights passed away, never seeing their rights vindicated, much less the mauka-to-makai stream flow that they dreamed of one day returning to their ‘āina.

Moreover, the BLNR has continued to abdicate its own public trust responsibilities, allowing Alexander & Baldwin and its former business partner, Mahi Pono, to divert East Maui streams under annual revocable permits without requiring these diverters to demonstrate their actual needs, or to reduce the waste of millions of gallons of water per day due largely to their refusal to use lined reservoirs.

The BLNR has also continued to defy court orders to provide interested parties, such as the Sierra Club, a contested case hearing before it issues its annual revocable permits that authorize these diversions. This includes its decision in December 2024 to summarily deny the contested case hearing requests that the Sierra Club had submitted in 2023 for the 2024 permit, and in 2024 for the 2025 permit.

Now, the BLNR is poised to continue this legacy of injustice, as it considers a staff recommendation to reject a contested case hearing request by Nā Moku ‘Aupuni o Ko‘olau Hui over the 2025 East Maui revocable permit. Doing so would once again deny East Maui kalo farmers and residents their constitutional rights to due process, to engage in Native Hawaiian traditional and customary practices, and to ensure a healthful environment for themselves and the generations to follow.

[Sent from AOL on Android](#)

From: davidsher@juno.com
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item D-3
Date: Thursday, July 10, 2025 6:58:42 PM

Aloha Chair Chang and Members of the Board,

I strongly urge you to DENY the staff recommendation in item D-3, and to GRANT Nā Moku ‘Aupuni o Ko‘olau Hui their requested contested case hearing, consistent with your duties under the constitution and the public trust.

Supreme court decisions such as Kaua‘i Springs and the recent Nā Wai ‘Ehā opinion make clear that all agencies - even county planning departments - have the duty and authority to uphold the public trust in wai, which includes actively looking for ways to protect stream flow, Native Hawaiian traditional and customary practices, and other public trust purposes from undue impacts. Granting this contested case hearing request will provide you with the information you need to uphold your public trust duties, as well as protect the long-neglected due process, traditional and customary, and other constitutional rights of Nā Moku ‘Aupuni o Ko‘olau Hui.

Please GRANT the contested hearing request from Nā Moku ‘Aupuni o Ko‘olau Hui.

Mahalo nui for your consideration of this matter.

Sherry Pollack

From: [Mary Spadaro](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item D3
Date: Thursday, July 10, 2025 10:53:57 PM

Dear Chair Chang and Members of the Board,

I respectfully but strongly urge you to DENY the staff recommendation in item D-3, and to GRANT Nā Moku ‘Aupuni o Ko‘olau Hui their requested contested case hearing, consistent with your duties under the constitution and the public trust.

We need to get away from “business as usual” as regards water in Hawaii, and in this case, specifically East Maui. This has been a generational struggle and there can be no legitimacy for water rights that have not been carefully analyzed to ensure minimal waste and legitimate need.

Please grant Na Moku’s contested case hearing. This is extremely important and only fair.

*Aloha,
Mary Spadaro*

From: [Pete Wilson](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item D-3
Date: Friday, July 11, 2025 1:20:06 AM

Aloha Chair Chang and Members of the Board of Land and Natural Resources,

My name is Peter Wilson and I am from Pahoia on the Big Island. I respectfully but strongly urge you to DENY the staff recommendation in item D-3, and to GRANT Nā Moku ‘Aupuni o Ko‘olau Hui (Nā Moku) the right to a contested case hearing, consistent with your duties under the constitution and the public trust.

Beyond upholding Nā Moku’s constitutional rights, a contested case would provide critical, comprehensive, and vetted information to address numerous persistent issues and concerns regarding East Maui water diversions, including:

- The need for an objective method to determine how much water will actually be needed by the revocable permit applicant for the year;
- The true extent of the impacts that permitted stream diversions may have on public trust purposes, including watershed health and Native Hawaiian traditional and customary practices;
- The extent to which Native Hawaiian traditional and customary rights may benefit from increased stream flow, and what feasible steps can be taken to realize these benefits;
- What feasible steps can be taken to prevent the complete draining of streams, and ensure the expeditious implementation of instream flow standards established by the Water Commission;
- What feasible steps can be taken to save millions of gallons of diverted stream water from being wasted every day, and otherwise keep water in East Maui streams;

among many others.

Only through a contested case hearing can we all begin to truly understand and finally address these questions and concerns, for the current permit and potentially for any future permits that may be issued. As you know, a contested case would include the opportunity for all parties to cross-examine witnesses, critically examine the credibility of the evidence presented, and have decisions made in writing, based on the evidence and arguments presented - ensuring comprehensive, transparent, and fully-informed decision making that may finally help to resolve the conflict, anguish, and injustice over East Maui’s stream diversions that have festered for far too long.

Supreme court decisions such as [Kaua‘i Springs](#) and the recent [Nā Wai ‘Ehā](#) opinion make clear that all agencies - even county planning departments - have the duty and authority to uphold the public trust in wai, which includes actively looking for ways to protect stream flow, Native Hawaiian traditional and customary practices, and other public trust purposes from undue impacts. Granting this contested case hearing request would provide you with the information you need to uphold your public trust duties, as well as protect the long-neglected due process, traditional and customary, and other constitutional rights of Nā Moku ‘Aupuni o Ko‘olau Hui.

Accordingly, I urge you to GRANT the contested hearing request from Nā Moku
‘Aupuni o Ko‘olau Hui, notwithstanding the staff recommendation in agenda item D-3.

Mahalo nui for your consideration of this matter.

Sincerely,
Peter Wilson

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