

**From:** [Stacey Alapai](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Protect East Maui's Streams, Reject Agenda Item D-10  
**Date:** Tuesday, November 11, 2025 7:38:04 AM

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Aloha Chair Chang and Board Members,

My name is Stacey Alapai and I'm a Hawaiian resident of Makawao Maui. I urge you to **REJECT** the staff recommendation to move forward with any process or loophole that **undermines the Maui voters' wishes** to have community-controlled administration of East Maui streams. Do not move forward with any process that contemplates giving Mahi Pono (aka PSP Investments) a long-term lease for East Maui's streams.

It is frustrating to see this proposal return year after year. Do you not understand the word NO? When the community "loses" a battle we are expected to accept the result, but if a Canadian corporation doesn't get what they want, it seems to come back over and over and over again until they eventually get their way. This is not how democracy is supposed to work. **You have a duty to protect this public trust resource** that is essential to kanaka's traditional and customary practices as well as our future access to clean and reliable drinking water. I cannot see the logic of continuing to prioritize the financial investment of a private corporation based in Canada over the basic needs of our residents today and in the future.

I understand that many of you do not live on Maui, but if you visit here the extreme drought we are in cannot be ignored. Where I live **Upcountry is regularly under severe water restrictions**. The landowners on the infamous "water meter list" have been waiting decades at this point for access to water. We face fines for watering gardens and washing cars, then drive down the hill to see Mahi Pono watering fields in the middle of the hottest part of the day. The closest thing I get to a car wash is when I drive down Hana Hwy at noon while Mahi Pono's sprinklers reach the street. The blatant waste of water is a slap in the face. Like drinking a nice cold glass of water in front of someone who is dying of thirst. Even the tourists complain that the "Road to Hana is a waste of time" because there are no waterfalls and the streams are mostly dry. You want to continue this practice that led us here for another 30 years? 'A'OLE

Please stop wasting limited staff time and financial resources on this foreign corporation's insatiable thirst for our most basic needs to survive. **Reject** this staff proposal. Divert all this government-funded energy being put into beating down our communities into submission to *supporting* us instead. Work with the Maui County and the East Maui Water Authority to better facilitate a transition of power over this essential infrastructure instead.

Hasn't Maui been through enough? We are the living example of what happens when plantation-era water diversions and corporate interests are allowed to control our wai without consequence. Please stop this madness, you have the power to endorse **community kuleana over corporate control**. Ensure my child has access to water in 30 years by rejecting any attempt at a long-term lease for PSP Investments.

Mahalo nui for all you do to protect Hawaii's most precious resources.

Stacey

**From:** [Harvey Arkin](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Monday, November 10, 2025 4:59:03 PM

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Dear Chair Chang and Members of the Land Board,

My name is [your name] and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

**1. This violates the wishes of Maui County voters.** In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.

**2. This ignores pressing matters central to your mission .** The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.

**3. This perpetuates drought denial.** As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please **reject** the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask

your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,

Harvey Arkin

**From:** [Perle Besserman](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on agenda Item D-10  
**Date:** Tuesday, November 11, 2025 10:04:35 AM

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Dear Chair Chang and Members of the Land Board,

My name is Dr. Perle Besserman and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

**1. This violates the wishes of Maui County voters.** In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.

**2. This ignores pressing matters central to your mission .** The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.

**3. This perpetuates drought denial.** As you likely know, over the last five

years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please **reject** the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,  
Perle Besserman, PHD

**From:** [Shantee Brown](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Monday, November 10, 2025 9:39:16 PM

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**Dear Chair Case and Members of the Land Board,**

**My name is Shantee Brown and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:**

**1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.**

**2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.**

**3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.**

**Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a**

**set-aside or similar disposition.**

**Mahalo nui,**

**Shantee Brown**

**Kailua-Kona**

**From:** [Cheryl B](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Agenda Item D-10  
**Date:** Tuesday, November 11, 2025 9:02:57 AM

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Aloha Chair Chang and Members of the Land Board,

We are writing to ask you not to move forward with any process that would give Mahi Pono, also known as PSP Investments, a long-term lease for the East Maui streams.

First, this goes directly against the will of the people of Maui. In 2022, Maui voters clearly supported creating the East Maui Community Water Authority to manage these streams on behalf of the community. This authority has been working hard to take on that responsibility with the full backing of the county. The Department of Land and Natural Resources should be helping this local authority carry out that mission — not clearing the way for a foreign corporation to keep control over water that belongs to the public.

Second, this proposal sidesteps serious issues that are still unresolved. The Land Board's main duty is to protect our public trust resources, but East Maui's streams are still suffering from years of overuse and neglect. Many of the Water Commission's restoration orders haven't been fully implemented. Some streams continue to run dry while millions of gallons of water are lost every day through unlined reservoirs that Mahi Pono still hasn't fixed. A contested case that deals with the impacts on native ecosystems, watershed health, and Native Hawaiian rights should be heard before any lease discussions. It doesn't make sense to talk about giving a 30-year lease to a private company when these fundamental issues remain unaddressed.

Third, we're in the middle of the worst drought Hawai'i has seen in generations. No one can guarantee what our water supply will look like five years from now, let alone thirty. Trying to lock up East Maui's water for decades under these conditions, especially for large-scale corporate agriculture that doesn't reflect our new climate reality, is reckless and short-sighted.

Maui residents have already made it clear: they want water management in the hands of the county and the East Maui Community Water Authority, not a Canadian pension fund. The job of DLNR and BLNR is to protect the public's water, not to prioritize a corporation's endless demand for it.

We respectfully ask you Chair Chang and the members of the Land Board to reject the staff proposal to move forward with a long-term lease to PSP Investments/Mahi Pono. Instead, please direct your staff to work collaboratively with the East Maui Community Water Authority to support their role in managing the system for the benefit of all — especially the communities and ecosystems that depend on these streams.

Mahalo nui loa,

DGreen

CBurghardt

Nuuanu, Oahu

**From:** [Melita Nasiah Charan](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Tuesday, November 11, 2025 4:44:04 PM

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Dear Chair Chang and Members of the Land Board,

My name is Melita Charan and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.
2. This ignores pressing matters central to your mission . The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.
3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,

Melita Charan

**From:** [Jade Chihara](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Tuesday, November 11, 2025 4:55:47 PM

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Dear Chair Chang and Members of the Land Board,

My name is Jade Chihara and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.
2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.
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Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,

Jade Chihara

**From:** [Teri Corpuz](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Tuesday, November 11, 2025 2:04:51 PM

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Aloha mai kakou, e Chair Chang and Members of the Land Board,

My name is Teri Corpuz and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

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**2. This ignores pressing matters central to your mission .** The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.

**3. This perpetuates drought denial.** As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please **reject** the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask

your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,  
Teri Corpuz

**From:** [Amber De Angelis](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Monday, November 10, 2025 8:54:21 PM

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Dear Chair Case and Members of the Land Board,

My name is Amber De Angelis and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.
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Mahalo nui,  
Amber De Angelis

**From:** [Andrea Dias-Machado](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Monday, November 10, 2025 5:37:59 PM

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Dear Chair Chang and Members of the Land Board,

My name is Andrea Dias-Machado and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

**1. This violates the wishes of Maui County voters.** In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.

**2. This ignores pressing matters central to your mission.** The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.

**3. This perpetuates drought denial.** As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please **reject** the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,  
Andrea

Andrea P. Dias-Machado  
Owner and Principal Consultant  
Huliau Aloha LLC

[www.huliaualoha.com](http://www.huliaualoha.com)

(808) 590-7349

<https://calendly.com/andrea-huliaualoha>



**From:** [Joshua Edington](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony of Agenda Item D-10 - Opposition to 30-Year Lease of East Maui Streams  
**Date:** Tuesday, November 11, 2025 12:49:18 PM

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Dear Chair Chang and Members of the Land Board,

My name is Joshua Edington, and I am a Maui resident, farmer, and recent law school graduate who has spent much of my life working closely with the ‘āina. My background in agriculture and environmental law has shown me how deeply tied our water systems are to both community well-being and constitutional trust responsibilities.

I strongly urge you to deny the proposed 30-year lease of East Maui streams to Mahi Pono (PSP Investments).

At its core, this proposal represents a taking of a public trust resource—our water—for private, corporate use. Hawai‘i’s Constitution makes clear that all natural resources, including water, are held in trust by the State for the benefit of its people. Until the rights of East Maui residents, kalo farmers, and practitioners have been fully protected and ongoing court orders and stream restoration directives are fulfilled, granting a long-term private lease would violate both the letter and the spirit of this duty.

The Board’s constitutional obligation is to ensure that public trust resources are managed for the benefit of present and future generations—not leased away to foreign investment entities seeking private gain. Maui voters have already voiced their will by creating the East Maui Community Water Authority to manage these resources locally. Moving forward with a 30-year lease now would disregard that democratic decision and further delay long-overdue accountability in stream restoration and water equity.

For these reasons, **I respectfully ask that the BLNR reject the staff recommendation to initiate the process for a 30-year lease of East Maui streams** and instead prioritize collaboration with the East Maui Community Water Authority (‘Aha Wai o Maui Hikina) to establish a framework for community-based management consistent with Hawai‘i’s public trust responsibilities and the constitutional right to a clean and healthful environment under Article XI, Section 9.

Mahalo nui for your time, your kuleana, and your consideration of this critical matter.

With aloha,

Joshua Edington  
Kula, Maui

**From:** [Gabe Nerb](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL]  
**Date:** Tuesday, November 11, 2025 4:57:09 PM

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To: [blnr.testimony@hawaii.gov](mailto:blnr.testimony@hawaii.gov)

Subject: Testimony on Agenda Item D-10

Message (be sure to include a request to testify via Zoom, if you wish to testify verbally as well):

Dear Chair Chang and Members of the Land Board,

My name is Brenda Gabriel and I urge you to NOT accept the recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

1. This violates the wishes of Maui County residents. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been passionately and diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should assist in this kuleana by working to set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources for any foreign entities to control of Maui's public trust resources; precious wai.
2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy wasted to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.
3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work WITH the East Maui Community Water

Authority/‘Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,  
Brenda Gabriel

Aloha a me mālama pono!

**From:** [Samantha Garcia](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Tuesday, November 11, 2025 8:50:50 AM

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## **Aloha Chair Case and Members of the Land Board,**

My name is Samantha Garcia, and I am writing in **strong opposition** to the proposal for a long-term (30-year) lease of East Maui stream water to Pomona Farming LLC and PSP Investments, doing business as Mahi Pono.

I am a **land owner and co-owner of a regenerative farm on Maui with my husband**, where we grow food for our local community. We've seen firsthand the devastating effects of worsening drought and rising water costs—conditions that threaten not only our ability to farm, but also Maui's **food sovereignty and ecological balance**.

Meanwhile, Mahi Pono's track record shows a clear lack of stewardship and responsibility toward this island. Their **farming practices are extractive and unsustainable**, covering **tens of thousands of acres in black plastic**, which overheats the soil, kills microbial life, and contributes to toxic runoff into our waterways. Every day, we watch **topsoil blow away in the wind** from their exposed fields—soil that took centuries to form. Their operations rely heavily on **herbicides and pesticides, including Roundup**, poisoning the same 'āina and aquifers that sustain us all.

We cannot trust a corporation using these methods to be good stewards of Maui's most vital and sacred resource: **wai**.

Further, Mahi Pono's farming is not in service of local food security. Much of what they grow—like the **bags of lemons sold at Costco**—is shipped off-island for profit. Lemons do not feed Maui's people or build food sovereignty. Their business model extracts from our land while giving little back to our communities.

This proposal disregards the will of **Maui County voters**, who in 2022 created the **East Maui Community Water Authority ('Aha Wai o Maui Hikina)** to ensure that local, community-based stewardship—not corporate interests—guides water management. DLNR should be working in partnership with the County and the Authority to return control of these waters to the people of Maui, not paving a path for continued foreign ownership and control.

It is also unconscionable to consider a long-term lease while **court orders and restoration mandates remain unfulfilled**. Many East Maui streams are still dewatered. Millions of gallons are lost daily through poor infrastructure. And the **court-ordered contested case hearing** on the impacts of the current revocable permit has yet to take place. Moving forward under these conditions violates the public trust and the intent of our State Constitution.

Finally, this decision ignores the undeniable reality of **climate change**. Our island faces intensifying drought, unpredictable weather, and increasing strain on our watersheds. Committing our precious water to a 30-year lease during such uncertainty is shortsighted and dangerous.

I urge the Board to **reject the staff proposal** and instead direct resources toward enforcing existing restoration orders and supporting community-based management through the 'Aha

Wai o Maui Hikina. Please honor the will of Maui's people, protect our ecosystems, and keep East Maui's water in the hands of the community—where it belongs.

Mahalo nui loa for your time and consideration. With aloha and respect,

Samantha Garcia

Lahaina, Maui

Land Owner & Co-Owner, Living Earth Systems Regenerative Farm

**From:** [Giuliano Geronymo](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Monday, November 10, 2025 6:45:40 PM

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## **Aloha nui Chair Case and Members of the Land Board,**

**My name is Giuliano Francesco Geronymo and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:**

**1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.**

**2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.**

**3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.**

**Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/Aha Wai o Maui**

**Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.**

With love,  
Giuliano Geronymo

**Certified DHARMI® Method Facilitator**

*Wellness Extraordinaire, Shamanic Sound Healer & Ocean Lover*

[www.GiulianoGeronymo.com](http://www.GiulianoGeronymo.com)



**From:** [Anna Geyer](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Monday, November 10, 2025 7:16:03 PM

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Dear Chair Case and Members of the Land Board,

My name is Anna Geyer and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.
2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.
3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous. Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,  
Anna Geyer

**From:** [William Greenleaf](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Agenda Item D-10  
**Date:** Tuesday, November 11, 2025 7:59:51 AM

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Dear Chair Chang and Members of the Land Board

Please do not accept staff recommendation to move forward with any process that gives Mahi Pono a long term lease for E Maui streams.

The Citizens of Maui passed a Charter Amendment creating the East Maui Water Authority so that Citizens could finally have a say in how water was managed.

The water shed has been mismanaged for decades. The reservoirs are unlined, wasting water. The ditches are overgrown and unmanaged.

We don't want a FOREIGN entity making decisions about our precious and mismanaged water resources.

We don't want a Foreign entity to have any say in how water is managed.

We don't want a Foreign entity to have any say in how water is managed.

We don't want a Foreign entity to have any say in how water is managed.

Making a 30 year agreement with a Foreign Entity will lead to a long and costly law suit. The People will win such a law suit.

The East Maui Water Authority was created to manage our precious resource. Follow the will of the people. It was overwhelming approved.

Bill Greenleaf  
Greenleaf Farm  
Makawao

**From:** [Kalai Hanohano](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Tuesday, November 11, 2025 9:19:06 AM

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Dear Chair Chang and Members of the Land Board,

My name is Kalai Hanohano and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

**1. This violates the wishes of Maui County voters.** In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.

**2. This ignores pressing matters central to your mission.** The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.

**3. This perpetuates drought denial.** As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to

appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please **reject** the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,

Kalai Hanohano

**From:** [Pakalana Helekahi](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Tuesday, November 11, 2025 7:44:50 AM

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**Dear Chair Case and Members of the Land Board,**

**My name is Pakalana Kaiwi and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:**

**1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.**

**2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.**

**3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.**

**Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a**

**set-aside or similar disposition.**

**Mahalo nui,**

**Pakalana Helekahi**

**From:** [Cheryl Hendrickson](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Reject Mahi Pono 30 year lease  
**Date:** Tuesday, November 11, 2025 9:29:35 AM

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Aloha Chair Chang and BLNR board members-

Mahi Pono must not be given a long term lease of East Maui stream water.

This proposal contradicts both the needs of the East Maui community and the vote of Maui County residents who elected the East Maui Water Authority to manage East Maui waters. Not a foreign corporation.

Considering our current long term drought and climate change, there is no telling what water resources will be like in the future. Committing our future water resources, while ignoring the EMWA, is irresponsible.

Many mahalos,  
Cheryl Hendrickson  
40 year Maui kama'aina

**From:** [Malina Hoopii-Foley](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Tuesday, November 11, 2025 7:52:38 AM

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**Dear Chair Case and Members of the Land Board,**

**My name is Malina Hoopii-Foley and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:**

**1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.**

**2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.**

**3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.**

**Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/Aha Wai o Maui**

**Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.**

**Mahalo nui, Malina**

**From:** [lezley jacintho](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda item D-10  
**Date:** Tuesday, November 11, 2025 8:29:51 AM

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Aloha Chair Case and members of the land board,

My name is Lezley Jacintho and i urge you to not accept the staff recommendation to move forward with any the contemplates giving Mahi Pono, a long-term lease for East Maui streams, for the following reasons:

1. This violates the wishes of Maui county voters. The 2022 elections, Maui voters established a community Water Authority to take over long term administration of East Maui streams. The Water Authority and staff have been diligently preparing to accept kuleana, with the full support of County administration. DLNR staff should be assisting and working a set-aside of East Maui diversion infrastructure to the Authority not spending time and resources to open a path for a foreign entity to continue the corporate control on Maui's public trust resources.
2. The ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding our public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in east Maui's streamss that must be addressed, before any thought of leasing them to a private entity, including: non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry: the continued, decades long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono still refuses to line and the need to hold court ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights of the upcoming 2026 revocable permit for Mahi Pono stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.
3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. Contemplating a long term disposition of water when we have no idea how much will be available in the 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, in nonsensical, wasteful and dangerous. Please don't waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity. Please reject the staff proposal to move forward with the process for a long term lease to Mahi Pono , and please instead ask your staff to work with the East Maui Community water Authority, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo Nui,  
Lezley Jacintho

**From:** [Jim Jacob](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony  
**Date:** Tuesday, November 11, 2025 8:17:27 AM

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To stand with you all of us who see the water already being disappear to other than us . We just want to do our constitutional right for we the people can stand on . It was written for the voice of our responsibility to take care of the land water air we breath. We need justify that part we the people of the community stewards of the land responsibility. Not to take take and give give back . Culturally and modernally due to mans greed we seen and witnessed ruins . Now let protect beauty and the voice of our aka us we the people. Last i check that is what the government kuleana to govern protect and listen to the people aka us you hawaiian culture

**Board of Land and Natural Resources (BLNR)**

**Friday, November 14, 2025**

**Agenda Item D-10**

**I strongly oppose the recommendation to hold a contested case hearing over the proposed disposition of a water license by public auction covering the diversion of public surface water (“proposed License” or “License”), or set aside via Governor’s Executive Order to the County of Maui for the diversion of public surface water (“proposed set aside” or “set aside”) from Koolau Forest Reserve, Island of Maui, Hawai‘i; Tax Map Keys: (2) 1-1-001:044 and 050, 1-1-002:002 (por.), 1-2-004:005 & 007, 2-9 014:001, 005, 011, 012 & 017.**

This proposal does not align with the preferences expressed by Maui voters or the original intent of the ‘Aha Wai O Maui Hikina (East Maui Community Water Authority), which was established to promote community-based management of East Maui's water resources, as opposed to external corporate oversight.

Should the Board of Land and Natural Resources (BLNR) approve a contested case hearing regarding a 30-year lease to Pomona Farming LLC and PSP Investments (Mahi Pono), this will impede ongoing and future communication and cooperation between State and County officials concerning EMI management under County jurisdiction.

A contested case hearing for this water license is redundant, as existing extensive documentation and litigation have already addressed the relevant facts and issues related to East Maui's stream diversions. There is substantial evidence regarding impacts on stream flow, ecosystems, and Native Hawaiian rights, and further delays may extend the period of corporate control over East Maui resources and its watershed.

Rather than **revisiting** resolved matters, the Board is encouraged to prioritize enforcement of existing orders, restoration of stream flows, and support for community-driven management through the ‘Aha Wai o Maui Hikina, consistent with the direction provided by Maui County voters.

Respectfully,



Claudia Kalaola

Resident Maui Hikina (Born and Raised)

Kūpuna, Cultural Practitioner

P O Box 173

Hāna, HI 96713

(808)269-2514 [wehi@kalaola.com](mailto:wehi@kalaola.com)

**From:** [Lucille Lecker](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Cc:** [shane.sinenci@mauicounty.us](mailto:shane.sinenci@mauicounty.us)  
**Subject:** [EXTERNAL] Agenda item D-10  
**Date:** Tuesday, November 11, 2025 11:56:57 AM

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Aloha Chair Chang and Members of the Land Board,

My name is Noe Lecker, born and raised resident of East Maui. I humbly ask that you hear the many voices of the people that have spoken not just in 2025 but in the past generations as we continue to speak out and stand for the righteousness of our land, resources and water/streams of East Maui.

That all negotiations, investments and staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments (East Maui landholding llc) and all those investors in partnership with the above name for a long-term lease for East Maui's streams be rejected.

Just in case we may have forgotten. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.

The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Just to recap a few and yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before leasing them to a private entity that has no interest for the residence (people) who rely on the water/streams as a virtual resource of both farming and a source of life.

I strongly support the vision and leadership of East Maui Community Water Authority/"Aha Wai o Maui Hikina. Who better to facilitate the water/streams than those who have lived on the land for generations. May your staff work hand in hand to support the next generation in securing all the water of the streams back to the people of East Maui.

Mahalo nui,  
Noe Lecker  
East Maui- Kaupo to Ko'olau  
P.O. Box 113  
Hana, Hi 96713  
Sent from Noe's iPhone

**From:** [wrliggett@yahoo.com](mailto:wrliggett@yahoo.com)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] BLNR Testimony, November 14, 2015  
**Date:** Monday, November 10, 2025 9:11:06 PM

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To: [blnr.testimony@hawaii.gov](mailto:blnr.testimony@hawaii.gov)  
Subject: Testimony on Agenda Item D-10  
Message:

Dear Chair Chang and Members of the Land Board,

My name is William **Reese Liggett** and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

**1. This violates the wishes of Maui County voters.** In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams.

This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.

**2. This ignores pressing matters central to your mission .** The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for

the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.

**3. This perpetuates drought denial.** As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please **reject** the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,

Reese Liggett

*William Reese Liggett*

Help Protect and Recover the

Natural & Cultural Features of Wāwāmalu Beach!

*4947 Maunalani Circle, Honolulu 06816*



**From:** [Nanea Lo](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Tuesday, November 11, 2025 9:59:43 AM

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Dear Chair Chang and Members of the Land Board,

My name is Nanea Lo and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

**1. This violates the wishes of Maui County voters.** In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.

**2. This ignores pressing matters central to your mission.** The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.

**3. This perpetuates drought denial.** As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity.

Please **reject** the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

me ke aloha ‘āina,

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

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

Board Member | [Circular Fashion Hawai'i](#)

Granter | [Hawai'i People's Fund](#)

Pod | [Naughty + Native](#)

(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:** [Malcolm Mackey](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Monday, November 10, 2025 7:50:31 PM

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Dear Chair Chang and Members of the Land Board,

My name is Malcolm Mackey and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

**1. This violates the wishes of Maui County voters.** In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.

**2. This ignores pressing matters central to your mission .** The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.

**3. This perpetuates drought denial.** As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian

communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please **reject** the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,  
Malcolm Mackey

**From:** [Mindy Morizumi](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10 Message  
**Date:** Monday, November 10, 2025 4:45:21 PM

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Dear Chair Chang and Members of the Land Board,

My name is Mindy Morizumi and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

**1. This violates the wishes of Maui County voters.** In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.

**2. This ignores pressing matters central to your mission .** The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.

**3. This perpetuates drought denial.** As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided

attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please **reject** the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,

Mindy Morizumi

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Sent from my iPhone

**From:** [Uilani Naipo](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Cc:** [U'ilani Naipo](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Monday, November 10, 2025 11:58:49 PM

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Aloha Chair Chang and Board Members,

I am U'ilani Naipo, urging you NOT to accept the staff recommendation to move forward with any consideration of giving Mahi Pono a long-term lease for East Maui's streams.

- **Maui County voted for their water administration.** Maui's voters established a community-based East Maui Community Water Authority in 2022, to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.
- **Please uphold our public trust resources for Hawai'i.** The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.
- **We are in a prolong drought!** Over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long-term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is a dangerous risk for Hawai'i.

Do not be misguided and appease a foreign corporation's interests over those of Hawai'i's public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity.

Please **reject** the staff proposal to move forward with a long-term lease to PSP Investments/Mahi Pono. Instead, ask your staff to work with the East Maui Community Water Authority/Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,  
U'ilani Naipo



# Native Hawaiian LEGAL CORPORATION

1164 Bishop Street, Suite 1205 • Honolulu, Hawai'i 96813  
Phone (808) 521-2302 • Fax (808) 537-4268 • www.nativehawaiianlegalcorp.org



## Testimony to the BOARD OF LAND AND NATURAL RESOURCES

### Relating to Agenda Item D-10

Decision Making Regarding: Recommendation to hold a contested case hearing over the proposed disposition of a water license by public auction or by direct negotiation to the County of Maui covering the diversion of public surface water not to exceed an amount of 85.23 million gallons per day from Ko'olau Forest Reserve, Island of Maui, Hawai'i

November 14, 2025

9:00 a.m.

DLNR Boardroom

Aloha e Chair Chang and members of the Board of Land and Natural Resources:

The Native Hawaiian Legal Corporation, on behalf of Nā Moku Aupuni O Ko'olau Hui, opposes taking steps now to grant a long-term disposition of east Maui's public trust water resources.

The state has an affirmative duty to protect Hawai'i's public trust resources for the benefit of present and future generations. *See* Haw. Const. Art. XI § 1. That duty is not optional; it must guide every decision this board makes. The mere contemplation of a long-term disposition of public water to private corporate interests is fundamentally inconsistent with your public trust obligations—especially under today's drought and climate conditions.

#### **I. The Public Trust Must Come First**

Hawai'i law is clear: all water resources are held in trust by the state for the benefit of the people. *See* Haw. Const. Art. XI § 7 ("The State has an obligation to protect, control and regulate the use of Hawaii's water resources for the benefit of its people."). As the primary agency tasked with upholding the public trust in our natural and cultural resources, this board has a continuing duty to protect water for ecological, cultural, and public uses and to avoid any action that compromises those interests. *See In re Water Use Permit Applications*, 94 Hawai'i 97, 143, 9 P.3d 409, 455 (2000) ("*Waiāhole*") (holding that the State "must not relegate itself to the role of a mere umpire passively calling balls and strikes for adversaries appearing before it, but instead must take the initiative in considering, protecting, and advancing public rights in

the resource at every stage of the planning and decisionmaking process[.]”). A long-term disposition to Mahi Pono would create vested, private rights over a public resource, locking the state into a commitment that will harm streams, ecosystems, and communities for decades to come. That is the opposite of responsible trust management. See *In re Na Wai ‘Ehā*, 154 Hawai‘i 309, 550 P.3d 1167 (2024).

Current drought conditions across East Maui make long-term commitments especially dangerous. Nā Moku members have consistently observed dry stream beds in “fully restored” streams. There are trickles of water where there should be more flow. Entire hillsides of bamboo are dying. Not surprisingly, the Commission on Water Resource Management’s (“CWRM”) data show sharp downward trends in rainfall and streamflow – far below the 88 millions of gallons per day once projected by Alexander & Baldwin in its 2021 environmental impact statement. There is no indication that conditions will stabilize anytime soon. Under the public trust, increasing uncertainty and scarcity heighten, not lessen, the state’s duty to protect the resource. The only lawful and prudent choice is to refrain from facilitating any long-term commitments unless and until we know our resources can sustain them – which they currently cannot.

## **II. The Public’s Rights Outweigh Private Interests**

Convening a contested case hearing now over the long-term water license to a private corporation would also slow progress and meaningful communication between the board and the county toward the county-managed oversight of the administration of East Maui’s diversion infrastructure. Maui voters chose the East Maui Water Authority to take over operation of the East Maui Irrigation system. The board should focus on making that happen.

The law clearly prioritizes the public rights over that of a private corporation. “Private commercial use is not a protected trust purpose.” *Carmichael v. Bd. of Land and Nat. Res.*, 150 Hawai‘i 547, 566, 506 P.3d 211, 230 n.33 (2022). Positioning to award a long-term license to Mahi Pono would subvert the public trust – transferring the benefit of a shared, life-giving resource to a private entity while communities downstream continue to suffer.

This is especially concerning given the track record of Mahi Pono and East Maui Irrigation, which have failed to fully implement CWRM’s 2018 and 2022 restoration orders or line reservoirs to prevent the gross and unnecessary loss of millions of gallons of stream water per day. See, e.g., *Kaua‘i Springs*, 133 Hawai‘i at 175, 324 P.3d at 985 (“[T]he applicant must implement reasonable measures to mitigate the cumulative impact of existing and proposed diversions on trust purposes, if the proposed use is to be approved.”).<sup>1</sup> And despite the climate

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<sup>1</sup> Until those legal requirements are met and the harm identified by CWRM is remedied, any discussion of a long-term disposition would be unlawful and inconsistent with the trust duty to protect the resource first.

data and its obvious effects on Maui, Mahi Pono’s farm plans seek to (literally) grow its operations and plant thousands of acres in water-intensive crops that do not actually *feed* our community. This is a model directly at odds with the public trust’s emphasis on sustainability and reasonable-beneficial use.

Ultimately, if East Maui’s waters are to serve a future public purpose, that purpose lies with the County of Maui, not a private corporation. The voters created the East Maui Water Authority to manage the system in the public interest. This Board should focus its attention on supporting that transition, not entrenching private control.<sup>2</sup>

### **III. A Hearing on the Long Term License is a Waste of the Board’s Time and Resources**

Last year, this board denied Nā Moku’s request for contested case hearing on the 2025 revocable permit. Since then, it has vigorously defended its decision because “[t]he burden on BLNR [to hold a contested case hearing] outweighs the risk of erroneous deprivation” of Nā Moku members’ constitutional due process rights. Having hidden behind the “governmental burden” excuse to deny Native Hawaiian farmers, fishers, and gatherers their constitutional right to be heard as recently as eight weeks ago, how can the board now justify a proposal to waste its staff’s limited resources to hold an unnecessary contested case hearing to meet a corporation’s desire to control East Maui water for the next several decades?

The board’s current focus must instead be on a contested case hearing on the 2026 revocable permit, which will be both necessary and appropriate.<sup>3</sup> That proceeding will allow a full airing

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<sup>2</sup> Note: there is no basis for a contested case hearing if the board transfers authority to the County.

<sup>3</sup> A contested case hearing on the 2026 revocable permits will be required if requested by Nā Moku and/or Sierra Club, among others. See *Nā Moku Aupuni O Ko’olau Hui v. Bd. of Land and Nat. Res., et al.*, Civ. No. 16-1-0052-01 (JPC)(In it’s ruling on the appeal: “Nā Moku’s members asserted traditional and customary Native Hawaiian rights and practices, protected by Article XII, Section 7 of the Hawai’i Constitution, which constitutes a property interest for purposes of a due process analysis in determining whether a hearing was required . . . and independently finds it was a violation not to allow a contested case hearing.”); *In re Waikamoi*, 128 Hawai’i 497, 291 P.3d 395 (App. 2012)(“Nā Moku demonstrated . . . that its members were native Hawaiians with traditional and customary rights, appurtenant water rights, and/or riparian rights to waters from the streams for, among other things, the cultivation of taro. Article XII, § 7 of the Hawai’i Constitution protects such rights, and Nā Moku” members demonstrated injury because their ability to exercise these rights has been adversely affected by the streamflow within the ahupua’a.”); see also *Sierra Club v. BLNR*, 156 Hawai’i 382, 575 P.3d 472 (2025) (“We further conclude that constitutional due process entitled Sierra Club to a contested case hearing before the Board voted to renew the RPs.”); *Sierra Club v. BLNR*, Civ. No. 1CCV-22-0000794 (LWC) (In it’s opinion on appeal: “BLNR breached its public trust duties because it failed to address and, as such, failed to protect traditional and customary Native Hawaiian rights/practices. . . . BLNR breached its public trust duties because . . . it failed to ensure that water taken from streams was and will be used in a reasonable and beneficial manner given system losses; . . . to hold A&B/EMI to their burden regarding their actual water needs and the lack of alternative water sources; . . . and . . . to protect the flow of the 12 Huelo streams and impermissibly used “uncertainty” as a reason.”).

of the community’s concerns and resolution of legal issues without pre-judging the outcome through a premature, long-term commitment.<sup>4</sup>

**IV. The Board’s Kuleana Today**

The public trust is Hawai‘i’s highest legal and moral standard for water stewardship. It demands foresight and restraint – especially in an era of drought and uncertainty. The board’s constitutional kuleana is not to facilitate long-term privatization but to safeguard these waters as a living trust for the people of Hawai‘i. Proceeding toward a long-term disposition now would be inconsistent with these constitutional duties.

Nā Moku respectfully urges this board to decline the recommendation and to reaffirm its commitment to protect East Maui’s streams, communities, and future generations by focusing on the transition to the East Maui Water Authority and taking all necessary steps to prepare for a timely contested case hearing on the 2026 revocable permit.

Mahalo,



Ashley K. Obrey, Senior Staff Attorney  
For Nā Moku Aupuni O Ko‘olau Hui

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<sup>4</sup> And even as a contested case hearing on the 2026 RPs takes place, the board must continue its discussions with the water authority as the public’s choice for managing the diversion infrastructure. It must also take its role as trustee seriously and ensure that the CWRM orders are fully implemented, that no water is wasted, that updated climate data informs all management actions, and that no harm will occur to any public trust purpose.

**From:** [Mona Oliveira](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Tuesday, November 11, 2025 5:04:57 PM

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Dear Chair Chang and Members of the Land Board,

My name is Milton & Ramona Oliveira and we urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.
2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.
3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,

Milton & Ramona Oliveira

**From:** [Destinee Perata](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Monday, November 10, 2025 4:57:59 PM

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**Dear Chair Case and Members of the Land Board,**

**My name is Destinee Perata and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:**

**1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.**

**2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be**

**no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.**

**3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.**

**Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.**

**Mahalo nui,**

**Destinee perata**

245 Kane rd  
Haiku





Destinee J Perata

**From:** [Maureen Pescaia](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] testimony on Agenda Item D-10  
**Date:** Tuesday, November 11, 2025 4:48:31 PM

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Dear Chair Chang and Members of the Land Board,

My name is Maureen Pescaia, and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources. water is LIFE and the people OF MAUI deserve access to their water.
2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.
3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous. Capitalism is not as important as the life of the land.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of

East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,

Maureen Pescaia

**From:** [JLP](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Tuesday, November 11, 2025 12:51:08 PM

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Dear Chair Chang and Members of the Land Board,

My name is Jessica Peters, resident of Lahaina, and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

**1. This violates the wishes of Maui County voters.** In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.

**2. This ignores pressing matters central to your mission .** The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.

**3. This perpetuates drought denial.** As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought

that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please **reject** the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,  
Jessica Peters

**From:** [Arielle Pieter](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] East Maui water  
**Date:** Tuesday, November 11, 2025 10:49:33 AM

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**My name is Arielle Pieter and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:**

**1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.**

**2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.**

**3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.**

**Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.**

**Mahalo nui,**

**Arielle Pieter**

**From:** [Talia Rios](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] REGARDING AGENDA ITEM D-1: DENY Staff's request to move forward with process that will give Mahi Pono a long term lease for East Maui's surface water  
**Date:** Tuesday, November 11, 2025 9:59:55 AM

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Aloha mai,

'O au nō 'o Talia Kahakuka'alani Rios. I am a Native Hawaiian student from the island of O'ahu. I would like to support the voices of my lāhui on the island of Maui and urge for decisions to be made that prioritize the lāhui and Maui residents rather than money.

In this testimony, I urge the BLNR to deny staff's request to move forward with the process that will give Mahi Pono (PSP Investments) a long term lease for East Maui's surface water.

Mahi Pono is a Canadian entity far, far away from the island of Maui. Why should a land so far away and out of touch with Maui have direct control over their water supply? This is not in line with the restoration of wai into the hands of Hawaiians. In November 2022, Maui County residents voted to establish the East Maui Community Water Authority. This organization would keep the control of Maui water in the hands of people IN Maui with the consideration of the people in mind. This would be a better way to manage and protect the Maui water shed. The establishment of Mahi Pono goes directly against what the people of Maui voted for in 2022 as Mahi Pono is a foreign entity.

Please do not grant Mahi Pono any more space in the discussion of Maui water or any Hawaiian affairs and please deny the staff's request to move forward with the process that will give Mahi Pono a long term lease for East Maui's surface water.

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Me ke aloha,  
Talia Kahakuka'alani Rios

**From:** [Beppie Shapiro](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Monday, November 10, 2025 6:22:19 PM

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## Testimony

Aloha, Chair Chang and Members of the Land Board,

I am Beppie Shapiro, a life-long resident of Hawaii. I have been following the multi-year process of water allocation on Maui, and I think the Board would be making a big mistake if it accepts the astonishing staff recommendation to move forward with a process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a very long-term lease for East Maui's streams.

I believe this action would directly contradict the expressed preferences of Maui County voters. Maui's voters have established a community-based East Maui Community Water Authority to take over long-term administration of East Maui streams. This Authority and its staff, together with Maui County, have been diligently preparing to fulfill this purpose. DLNR staff should assist this process, and not use time and resources to let a foreign entity continue corporate control of Maui's public trust resources.

Other current responsibilities require your focus. The Land Board is the primary agency tasked with upholding the public trust in natural resources. There are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity. For example, the status of implementation of Commission stream restoration orders for streams that continue to be drained dry; the loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments refuses to line; and the need address the immediate impacts to watershed health, native species, and Hawaiian rights, etc of the 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions.

What about the ongoing, serious state-wide drought? Climate scientists predict that these conditions will continue into the future. It's irrational, and harmful, in these circumstances to enact a long term disposition of water with a corporation whose farm plans are completely out of touch with this climate reality.

The public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity, need your attention focused on their

present and future needs. Please reject the staff proposal to pursue a long-term lease to PSP Investments/Mahi Pono. Instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina.

Mahalo nui,  
Beppie Shapiro

**From:** [Noel Shaw](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Tuesday, November 11, 2025 1:48:24 AM

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Dear Chair Chang and Members of the Land Board,

My name is Noel Shaw and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

**1. This violates the wishes of Maui County voters.** In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.

**2. This ignores pressing matters central to your mission.** The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.

**3. This perpetuates drought denial.** As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please **reject** the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

People over profits always. 'Āina as chief always.

Mahalo nui,

Noel

*Noel Kaleikalaunuoka'oa'i'o Shaw*

619-261-5894

**From:** [John Shockley](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] LIVE NOTE: Agenda Item D-10  
**Date:** Monday, November 10, 2025 8:53:32 PM

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**Aloha Chair Chang and Members of the Land Board,**

**We are John & Rita Shockley and we urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:**

- 1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.**
- 2. This ignores pressing matters central to your mission . The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.**
- 3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.**

**Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public,**

**Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.**

**Mahalo nui,**

John & Rita Shockley Coordinators Free Access Coalition  
[www.freeaccesscoalition.weebly.com](http://www.freeaccesscoalition.weebly.com)



Testimony to  
**Board of Land and Natural Resources**

November 14, 2025

9:00 AM

Room 132

**In OPPOSITION to D-10:**

RECOMMENDATION TO HOLD A CONTESTED CASE HEARING OVER THE PROPOSED DISPOSITION OF A WATER LICENSE BY PUBLIC AUCTION COVERING THE DIVERSION OF PUBLIC SURFACE WATER (“PROPOSED LICENSE” OR “LICENSE”), OR SET ASIDE VIA GOVERNOR’S EXECUTIVE ORDER TO THE COUNTY OF MAUI FOR THE DIVERSION OF PUBLIC SURFACE WATER (“PROPOSED SET ASIDE” OR “SET ASIDE”) FROM KOOLAU FOREST RESERVE, ISLAND OF MAUI, HAWAII; TAX MAP KEYS: (2) 1-1-001:044 AND 050, 1-1-002:002 (POR.), 1-2-004:005 & 007, 2-9-014:001, 005, 011, 012 & 017.

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Chair Chang and members of the Board of Land and Natural Resources,

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawaii urges you to **DENY** the staff recommendation to move forward with the unnecessary, wasteful, and inappropriate process of issuing a long-term lease to PSP Investments, dba Mahi Pono.

This board should not even be considering a long-term disposition of water to private corporate interests. It is 2025 now – not 1925. Have we learned nothing over the course of a century?

A long-term disposition to a private corporation would constitute a breach of your public trust duties for many reasons. As the supreme court held, “The continuing authority of the state over its water resources precludes any grant or assertion of vested rights to use water to the detriment of public trust purposes.” *In re Water Use Permit Applications (“Waiāhole”)*, 94 Hawaii 97, 141, 9 P.3d 409, 453 (2000). Yet, this board is proposing to begin a process to grant vested rights with significant impacts to public trust purposes via a long-term lease.

There are only two reasons that this item is on the agenda. It is intended to provide the assurance to Mahi Pono that it will have water for decades — even though Mother Nature provides no certainty. And it is intended to excuse the Board of Land and Natural Resources (BLNR) from having to consider East Maui stream issues and from having to listen to members of the public for decades.

**I. CWRM’s Orders Must Be Implemented Before Any Long-Term Disposition.**

No long-term water disposition should be issued – or discussed – until the Commission on Water Resource Management’s (CWRM) requirements for instream flow standards have been fulfilled. CWRM ordered modifications to stream diversions in 2018 and 2022. These

modifications are essential for riparian, recreational, and cultural uses of the streams as well as biological values. CWRM concluded that “there is need to ensure downstream flows” in Ho‘olawa, Waipi‘o, Hānawana, Nailiilihaele, ‘O‘opuola, and Kailua streams: “[A]dditional flow must be provided to meet recognized instream uses of water.”<sup>1</sup> CWRM ordered these modifications years ago, yet, none of the diversion structures have been modified for these six streams!

The Environmental Court just ruled that BLNR must “[e]nsure that CWRM’s interim instream flow standards are in place and fully implemented before allowing more water to be taken from east Maui streams.” Attached as Exhibit A. Why would this board consider granting a long-term license before the modifications are completed and before the instream flow standards are fully implemented?

Long ago, our supreme court explained that in order to transfer water from a stream, the entity seeking a transfer must prove no harm to any potentially affected interests in a stream. *Robinson v. Ariyoshi*, 65 Haw. 641, 649 n. 8, 658 P.2d 287, 295 n. 8 (1982). CWRM has already concluded that diversions on six stream are harming others. Until that harm is stopped, BLNR cannot allow EMI or Mahi Pono take more water.

The madness must end. CWRM has determined the minimum amount of water that must flow in our streams. Until that happens, there can be no discussion regarding a long-term transfer of water out of east Maui.

## **II. A Long-Term Disposition to a Corporate Interest Undermines the County of Maui.**

Why would this board give the water to a corporate interest when a public body has expressed interest in the water. There is no reason to hold a contested case. Just give the water to the County of Maui – a simple set aside could accomplish this easily, and without the burden of a contested case hearing.

There can be no question that the public has superior rights to water than does a private corporation. “[U]nderlying every private diversion and application there is, as there always has been, a superior public interest in this natural bounty.” *Robinson v. Ariyoshi*, 65 Haw. 641, 677, 658 P.2d 287, 312 (1982). “[N]o private party has a vested right to continue an existing water use to the detriment of the public because water is a public resource protected by the public trust.” *In re Na Wai ‘Eha*, 154 Hawai‘i 309, 550 P.3d 1167 (2024). “[P]rivate commercial use is not a protected trust purpose. *Carmichael v. BLNR*, 150 Hawai‘i 547, 566, 506 P.3d 211, 230 n. 33 (2022). The public trust recognizes “enduring public rights in trust resources separate from, and superior to, the prevailing private interests in the resources at any given time.” *Waiāhole*, 94 Hawai‘i 97, 138, 9 P.3d 409, 450 (2000). “The very meaning of the public trust is to recognize separate and enduring public rights in trust resources superior to any private interest.” *Kaua‘i Springs, Inc. v. Planning Comm’n of the Cnty. of Kaua‘i*, 133 Hawai‘i 141, 173, 324 P.3d 951, 983 (2014).

BLNR would be breaching its public trust duties if it were to give water to EMI/Mahi Pono

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<sup>1</sup> <https://files.hawaii.gov/dlnr/cwrmsubmittal/2022/sb20221115B5.pdf> at 104.

instead of to the County of Maui. And the BLNR would be wasting its time and money in pursuing this violation of its obligations as is being recommended by the Land Division.

### **III. The Science Demonstrates that a Long-Term Disposition Would be Foolish.**

Not only does the public trust doctrine forbid the vesting of water into a private entity's hands, but it makes no sense to provide long-term assurances to Mahi Pono that water will be available to it for thirty years. The recent severe drought and climate change demonstrate that it is foolhardy to even attempt to make such promises. And the Department of Hawaiian Home Lands will need some of the water. BLNR cannot assure Mahi Pono that it will receive the amount of water that it demands.

In its 2021 EIS, A&B estimated that it would receive 88 mgd through the EMI ditch system from the lease area. In just four years, CWRM staff have concluded that that estimate has no validity. Rainfall has been declining significantly.<sup>2</sup> In 2022, CWRM staff concluded that "Long-term (1920-2012) and recent (1983-2012) trends indicate significant declines in rainfall across areas of East Maui, particularly during the dry season." Just last month, CWRM staff looked at rainfall data from 2022-2025. During the current period, rainfall has fallen even more significantly since 1984-2013.

Given the changes in rainfall and streamflow, it would be foolish to enter into any kind of long-term disposition of water.

Climate change is real. We don't know what all the implications are. We don't know how much less rainfall east Maui will receive. CWRM's November 15, 2022 estimate is that 45% of the time, only 44 mgd can be taken out of east Maui. Thirty percent of the time, only 26 mgd are available.<sup>3</sup> In just four years, estimates as to how much water is available have dropped precipitously. It makes no sense to enter into a long-term disposition given the changes in data.

### **III. Discussion of a Long-Term Disposition Should Take Place After an Appraisal.**

HRS §§ 171-13, -14, -17, and -32 require an appraisal prior to the issuance of a license. That appraisal should be completed before any serious discussion of a long-term disposition. The parties cannot intelligently discuss the terms of the license without the appraisal. Nor can this Board without this information.

### **IV. Justice Delayed is Justice Denied**

The supreme court and environmental court have repeatedly recognized the need to hold a contested case hearing for East Maui revocable permits. In September, the supreme court explained why a contested case is required. In October, the Environmental Court concluded that in its issuance of revocable permits in 2021-2022,

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<sup>2</sup> <https://files.hawaii.gov/dlnr/cwrmm/submittal/2022/sb20221115B6.pdf> at 16 and 19. See also <https://files.hawaii.gov/dlnr/cwrmm/submittal/2022/sb20221018C1.pdf> at fourth and fifth slides.

<sup>3</sup> <https://files.hawaii.gov/dlnr/cwrmm/submittal/2022/sb20221115B6.pdf> at 31.

BLNR breached its public trust duties because it failed to address and, as such, failed to protect traditional and customary Native Hawaiian rights/practices. . . . BLNR breached its public trust duties because (a) it failed to ensure that water taken from streams was and will be used in a reasonable and beneficial manner given system losses; (b) it failed to hold A&B/EMI to their burden regarding their actual water needs and the lack of alternative water sources; (c) it improperly authorized an increase in the amount of water diverted from east Maui before resolution of the Sierra Club's petition to set instream flow standards; and (d) it failed to protect the flow of the 12 Huelo streams and impermissibly used 'uncertainty' as a reason.

The recommendation before you only seeks to continue the longstanding dereliction of your legal and public trust responsibilities. The timely appointment of an independent, hard-working, and intelligent contested case hearing officer is necessary to address the numerous deficiencies with past revocable permits identified by the Environmental Court. The proposed contested case hearing for a long-term lease appears intended to justify delaying a contested case hearing for the 2026 and future potential revocable permits, ignoring the immediate and pressing issues with Mahi Pono's stream diversions for months or years.

To the extent the staff recommendation suggests that there will be two contested case hearings for East Maui, one for a long-term lease and one for the 2026 revocable permit, it would only signify a waste of limited staff time and resources. There is no reason to hold a contested case hearing on a long-term disposition when a long-term disposition is not in the public interest and is inconsistent with the public trust doctrine.

Moreover, if this board wanted to set aside the water to the County of Maui, it could do so. Easily. **And there would not be a contested case hearing.** It is hard to imagine a basis for a contested case hearing when BLNR transfers land to another government entity.

There is no need for a contested case hearing on a long-term disposition at this time. There is a legal requirement for a contested case hearing to address the immediate impacts of the 2026 revocable permit. The staff recommendation before you would only provide aid and comfort to Mahi Pono while continuing to ignore the suffering of east Maui's residents and watersheds.

For these reasons the Sierra Club urges you to reject the staff recommendation before you today.

## EXHIBIT A

Electronically Filed  
FIRST CIRCUIT  
1CCV-22-0000794  
29-OCT-2025  
01:39 PM  
Dkt. 1514 ORD

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

SIERRA CLUB,	)	Civil No. 1CCV-22-0000794 (LWC)
	)	(Agency Appeal – Environmental Court)
	)	
Plaintiff,	)	
vs.	)	
	)	
BLNR, ALEXANDER & BALDWIN, INC.,	)	
et al.,	)	Hearing: April 30, 2025
	)	
Defendants.	)	Judge: Hon. Lisa W. Cataldo
	)	
	)	
	)	

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OPINION ON APPEAL

1. Finding two applicable exceptions to the mootness doctrine—capable of repetition yet evading review and public interest—the Intermediate Court of Appeals remanded this appeal to the Environmental Court for further proceedings consistent with the Summary Disposition Order. *Sierra Club v. Board of Land and Natural Resources, et al.*, CAAP-24-0082. At issue here is the Board of Land and Natural Resources’ (BLNR) Findings of Fact, Conclusions of Law, and Decision and Order filed on June 30, 2022 (Dkt. 137) (“2022 Board Decision”), wherein the BLNR issued four revocable permits for the 2022 calendar year.

2. The original briefing included Dkt. Nos. 1347, 1357, 1359, 1361, 1375, 1400, 1402 and 1404. Oral argument was on April 30, 2025. Part of that proceeding involved the requested/ permissible relief, given the passage of time and the permit years at issue. Accordingly, the parties filed supplemental briefs. Dkt. Nos. 1498, 1500, 1502, 1504, 1506 and 1508.

3. Therein, Appellant Sierra Club acknowledges that “[m]uch of the relief requested [in its Opening Brief] is no longer appropriate.” Dkt. 1498 at 1. Accordingly, the Sierra Club now requests that this Court (1) reverse the 2022 Board Decision and explain its decision in plain language (Dkt. 1498 at 1-2); (2) instruct BLNR that in considering revocable permits, BLNR must (a) “reduce the amount of east Maui stream water allocated for irrigation by the amount of groundwater that can be sustainably pumped;” (b) “reduce the amount of water allocated for irrigation by the amount of water that the County does not use daily on average;” (c) “require practical mitigation measures to reduce system losses;” (d) “ensure CWRM’s interim instream flow standards are in place and fully implemented before allowing more water to be taken from east Maui streams;” and (e) “render necessary findings regarding traditional and customary practices.” Dkt. 1498 at 3-5.

4. Appellee BLNR characterizes the requested relief as “a request for a mandatory injunction,” presumably based on BLNR’s characterization of the proposed instructions as the imposition of “five conditions on current or future permits.” Dkt. 1502 at 2-3.

5. Appellees Alexander & Baldwin, Inc. and East Maui Irrigation Company (“A&B/EMI”) argue that when an appeal is not moot because it is capable of repetition,

yet evading review or the public interest, a court is limited to offering future guidance, and more specifically, guidance on legal principles rather than fact or case-specific issues. Dkt. 1500 at 1-2. Accordingly, A&B/EMI argue, “the only relief that the Court can provide is a declaratory ruling since the subject revocable permits have long-since expired. Any such ruling should be limited to questions of law that are not fact-or-case specific and that would provide necessary or desirable guidance for future agency decisions.” *Id.* at 4. Like BLNR, A&B/EMI characterize the proposed instructions as “conditions on the subject of revocable permits.” *Id.* at 4-5 (“Sierra Club’s suggestion that the Court can direct BLNR to impose specific conditions for current or further revocable permit decisions is inappropriate.”)

6. The Sierra Club disputes the “mandatory injunction” characterization and clarifies that the “proposed instructions do not dictate permit terms and conditions.” Dkt. 1506 at 2. The proposed instructions simply “reiterate principles” BLNR is required to follow and are neither “too inflexible” nor “too vague.” *Id.*

7. In response to A&B/EMI, the Sierra Club states that it “has **not** asked for specific permit conditions.” Dkt. 1504 at 2. “The proposed instructions do **not** specify the quantity of water that should be reduced to the availability of groundwater . . . .” “The proposed instructions do **not** specify what mitigation measures should be employed.” *Id.* (bold in original). Rather, “[t]he proposed instructions are generic legal principles—regardless of the year” that BLNR “needs to apply” “in rendering its decisions on the revocable permits.” *Id.*

8. On the record before it and pursuant to HRS sections 91-14(g), the Court reverses the 2022 Board Decision finding that BLNR breached its public trust duties

because it failed to address and, as such, failed to protect traditional and customary Native Hawaiian rights/practices. Dkt. 1504 at 2. While that is a sufficient basis in and of itself for reversal, based on the arguments and authorities provided in Dkt. Nos. 1347, 1375, 1377, 1379, 1498, 1504 and 1506, the Court additionally determines that BLNR breached its public trust duties because (a) it failed to ensure that water taken from streams was and will be used in a reasonable and beneficial manner given system losses; (b) it failed to hold A&B/EMI to their burden regarding their actual water needs and the lack of alternative water sources; (c) it improperly authorized an increase in the amount of water diverted from east Maui before resolution of the Sierra Club's petition to set instream flow standards; and (d) it failed to protect the flow of the 12 Huelo streams and impermissibly used "uncertainty" as a reason.

9. Sierra Club requests the following instructions be given to BLNR:
  - A. Reduce the amount of east Maui stream water allocated for irrigation by the amount of groundwater that can be sustainably pumped (as a practicable alternative water source).
  - B. Reduce the amount of water allocated for irrigation by the amount of water that the County does not use daily on average (as a practicable alternative water source).
  - C. Require practical mitigation measures to reduce system losses.
  - D. Ensure that CWRM's interim instream flow standards are in place and fully implemented before allowing more water to be taken from east Maui streams.
  - E. Render necessary findings regarding traditional and customary practices.

Dkt. 1504 at 2.

The Court also finds these proposed instructions are not presented as permit conditions nor do they amount to a request for a mandatory injunction. However, while the Court has adopted the Sierra Club's arguments and authorities and reversed the

2022 Board Decision, the Court is not prepared to adopt all of the requested instructions. Specifically, and whether termed “instructions” or “guidance” as Appellees earlier described, the Court takes no issue with items C, D and E, above, finding they are not too inflexible or too vague, are well supported by case authority and do not amount to “broad, sweeping pronouncements on fact- and case-specific issues.” Dkt. 1500 at 5.<sup>1</sup>

This is not the case regarding requests A and B, which seek instructions to reduce the amount of water allocated for irrigation. The Sierra Club raised several arguments about the Findings of Fact in the 2022 Board Decision regarding groundwater and County usage and the evidentiary support (or more accurately, the lack of) for the determination that groundwater was not a practicable alternative water source (see *e.g.*, Dkt. Nos. 1347 at 25-27; 1375 at 8-9) and Finding of Fact 105 related to County usage. The arguments and authorities presented persuade the Court that there is a cognizable basis to reverse the 2022 Board Decision. That conclusion, in and of itself, should provide BLNR with some guidance. However, the Court declines to prejudge these issues for any future contested case hearing and to instruct BLNR at this time to (i) find there is an amount of groundwater that can be sustainably pumped such that groundwater is a practicable alternative water source resulting in the reduction of the amount of water allocated for irrigation;<sup>2</sup> or (ii) reduce the amount of water allocated

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<sup>1</sup> As to mitigation, BLNR argues that there is no requirement for 100% elimination of system losses. Dkt. 1361 at 18. No party argued as much. On the other side of the continuum, the Court agrees that doing “nothing about system losses” is not appropriate based on the discussion of evidence, case authority and the 2022 Board Decision. Dkt. Nos. 1347 at 10-19; 1375 at 3-6. The Court finds that reference to “practical” mitigation measures strikes the appropriate balance.

<sup>2</sup> See Dkt. 1375 at 8-9 (“The Sierra Club concedes that there are limits as to how

for irrigation by the amount of water that the County does not use daily on average.

DATED: Honolulu, Hawai`i, October 29, 2025.

/s/ Lisa W. Cataldo



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LISA W. CATALDO  
Judge of the Above-Entitled Court

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much groundwater should be pumped (just as there are limits as to how much water should be drained from a stream). But it is A&B's burden to prove that using groundwater is [not] practicable. It is not for the Sierra Club's burden . . . A&B must prove that it cannot pump any groundwater; or it cannot pump more than four mgd, or ten mgd, or 20 mgd. . . ."); see *also* Dkt. 1404.

**From:** [steini](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Monday, November 10, 2025 10:32:22 PM

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Hello,

I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.
2. This ignores pressing matters central to your mission . The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.
3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai

o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,  
Lorenz Steininger

**From:** [Kawika Stoner](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony  
**Date:** Monday, November 10, 2025 5:07:42 PM

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**Dear Chair Case and Members of the Land Board,**

**My name is Kawika Kanekoa Stoner and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:**

**1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.**

**2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be**

**no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.**

**3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.**

**Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.**

**Mahalo nui,**

Kawika Kanekoa Stoner





Sent from my iPhone

**From:** [Rochelle Tempo](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda item D-10  
**Date:** Tuesday, November 11, 2025 5:18:08 PM

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To: [blnr.testimony@hawaii.gov](mailto:blnr.testimony@hawaii.gov)  
Subject: Testimony on Agenda Item D-10  
Message (be sure to include a request to testify via Zoom, if you wish to testify verbally as well):

Dear Chair Chang and Members of the Land Board,

My name is Rochelle Tempo and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.
2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.
3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease

to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,

Rochelle Tempo, Maui Resident  
58 Anamuli St.  
Kahului, HI 96732

[from Yahoo Mail for iPhone](#)

**From:** [Melodie Ulman](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] East Maui Water rights  
**Date:** Tuesday, November 11, 2025 11:38:12 AM

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Dear Chair Chang and Members of the Land Board, My name is Melodie Ulman and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons: 1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources. 2. This ignores pressing matters central to your mission . The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed. 3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous. Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition. Mahalo nui,  
Melodie and Ohana

**From:** [Ann Wallace](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] East Maui Water  
**Date:** Monday, November 10, 2025 5:59:02 PM

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Dear Chair Chang and Members of the Land Board,

My name is Ann Wallace, and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

**1. This violates the wishes of Maui County voters.** In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.

**2. This ignores pressing matters central to your mission .** The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.

**3. This perpetuates drought denial.** As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please **reject** the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,

**Ann Wallace**

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**From:** [bkwinfield@aol.com](mailto:bkwinfield@aol.com)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Subject: Testimony on Agenda Item D-10  
**Date:** Monday, November 10, 2025 9:13:05 PM

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Dear Chair Chang and Members of the Land Board,

My name is Barry Winfield and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

**1. This violates the wishes of Maui County voters.** In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.

**2. This ignores pressing matters central to your mission .** The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.

**3. This perpetuates drought denial.** As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please **reject** the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask

your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,

Barry Winfield  
Lahaina

[Sent from the all new AOL app for iOS](#)

**From:** [Harriet Witt](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony one Agenda Item D-10  
**Date:** Tuesday, November 11, 2025 8:49:19 AM

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Dear Chair Chang and Members of the Land Board,

Please do NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

**1. This violates the wishes of Maui County voters.** In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.

**2. This ignores pressing matters central to your mission .** The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.

**3. This perpetuates drought denial.** As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please **reject** the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask

your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,

Harriet Witt, 43 Puu Koa Place, Haiku, HI 06708

**From:** [keri.zacher](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Monday, November 10, 2025 7:37:23 PM

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Dear Chair Chang and Members of the Land Board,

My name is Keri Zacher and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

**1. This violates the wishes of Maui County voters.** In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.

**2. This ignores pressing matters central to your mission .** The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.

**3. This perpetuates drought denial.** As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please **reject** the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/‘Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui, Keri Zacher

**From:** [mykoz5@gmail.com](mailto:mykoz5@gmail.com)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony on Agenda Item D-10  
**Date:** Tuesday, November 11, 2025 5:45:31 PM

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Dear Chair Chang and Members of the Land Board,

My name is Michael Zarate and I urge you to NOT accept the staff recommendation to move forward with any process that contemplates giving Mahi Pono, a.k.a. PSP Investments, a long-term lease for East Maui's streams, for the following reasons:

1. This violates the wishes of Maui County voters. In the 2022 elections, Maui's voters established a community-based East Maui Community Water Authority to take over the long-term administration of East Maui streams. This Authority and its staff have been diligently preparing to accept this kuleana, with the full support of the county administration. DLNR staff should be assisting and working toward a set-aside of East Maui diversion infrastructure to the Authority - not spending time and resources on creating a path for a foreign entity to continue the corporate control of Maui's public trust resources.

2. This ignores pressing matters central to your mission. The Land Board is the primary agency tasked with upholding the public trust in our natural and cultural resources. Yet, there are still long-standing violations of the public trust in East Maui's streams that must be addressed, before any contemplation of leasing them to a private entity, including: the non-implementation of Water Commission stream restoration orders for streams that continue to be drained dry; the continued, decades-long loss of millions of gallons of water per day through unlined reservoirs that Mahi Pono/PSP Investments still refuses to line; and the need to hold a court-ordered contested case hearing to address the immediate impacts to watershed health, native species, and Hawaiian rights (among other pressing issues) of the upcoming 2026 revocable permit for Mahi Pono/PSP Investments' stream diversions. There should be no time or energy spent on trying to meet the desire of a foreign corporation to control East Maui's streams for the next 30 years, when so many mission-critical issues in these streams continue to remain unaddressed.

3. This perpetuates drought denial. As you likely know, over the last five years, East Maui and the rest of Hawai'i have been undergoing a drought that has worsened far, far more quickly than anticipated. There is no indication that conditions will stabilize in the near future. To contemplate a long term disposition of water when we have no idea how much water will be available in the next 5 years, much less 30, with a corporation whose farm plans are completely out of touch with this climate reality, is nonsensical, wasteful, and dangerous.

Please do not waste your limited staff and financial resources on a misguided attempt to appease a foreign corporation's interests over that of the public, Native Hawaiian communities, and all who have a stake in our islands' environmental integrity, democracy, and dignity. Please reject the staff proposal to move forward with the process for a long-term lease to PSP Investments/Mahi Pono, and please instead ask your staff to work with the East Maui Community Water Authority/'Aha Wai o Maui Hikina, to facilitate their administration of East Maui's diversion infrastructure via a set-aside or similar disposition.

Mahalo nui,

Michael Zarate  
Palauhulu Keanae Maui  
808 866.4442