



Administrative Testimony
Testimony of Sylvia M. Hussey, Ed.D.
Ka Pouhana, Chief Executive Officer

Commission on Water Resources Management
Item B-2

APPROVAL OF DEPARTMENT OF HAWAIIAN HOME LANDS APPLICATION FOR A WATER USE PERMIT MODIFICATION AND REDUCTION OF RESERVATION FOR KUALAPU‘U, KAULUWAI 1 AND 2 WELLS (WELL NOS. 4-0801-001 AND -002), TMK (2) 5-2-010:003, WUP NO. 1100, NEW AND EXISTING USES PER SECTION 221 OF THE HAWAIIAN HOMES COMMISSION ACT AND NON-HOMESTEAD MUNICIPAL USES FOR 0.595 MGD, KUALAPU‘U GROUND WATER MANAGEMENT AREA, MOLOKA‘I

July 20, 2021

9:00 a.m.

DLNR Board Room

The Administration of the Office of Hawaiian Affairs (OHA) **SUPPORTS** the recommended approval of a modified Water Use Permit Application (WUPA) for the Department of Hawaiian Home Lands (DHHL), to provide additional homesteading opportunities on Moloka‘i.

As an initial matter, OHA notes that both OHA and the state of Hawai‘i have a significant and longstanding interest in the implementation of the Hawaiian Homes Commission Act (HHCA), and the realization of its vision to return native Hawaiians to the land. Unfortunately, there have been numerous historical challenges to the implementation of the HHCA, including the longstanding failure of the state to fulfill its responsibilities under the Admission Act and state Constitution to adequately support DHHL, and DHHL’s lack of access to critical resources including and in particular to water. **Notably, DHHL has endeavored for over 30 years to secure access to the water necessary to expand homesteading opportunities on Moloka‘i, and both OHA and DHHL have invested significantly in legal interventions, hydrologic studies, and advocacy to secure DHHL’s water rights while also protecting other public trust purposes in Moloka‘i’s water resources.**

OHA accordingly urges the Commission’s favorable consideration of the WUPA now before it, which would enable DHHL to utilize an additional 0.228 million gallons of water per day (mgd) from the Kualapu‘u aquifer. **OHA understands that this additional water would enable DHHL to establish 171 new homestead service connections as well up to 210 new service connections for subdivided homestead lots – significantly increasing the amount of homesteads available to return native Hawaiians to the land on Moloka‘i.** OHA further understands that approximately 70 mgd of this additional water has already been reserved for use on Hawaiian Home Lands, and OHA notes that both the reservation and use of water by DHHL beneficiaries is a recognized public trust purpose –thus requiring the highest priority in

consideration and protection in the administration and allocation of our public trust water resources.

As a final note, OHA expresses its appreciation for the conscientious and thoughtful accounting and analysis submitted in support of this WUPA, including a detailed and carefully prepared cultural impacts memo, and proposed conditions that would mitigate any potential impacts to valued natural and cultural resources and associated Native Hawaiian traditional and customary practices also protected under the public trust. OHA urges both DHHL and the Commission to ensure that these conditions are implemented in good faith and in a timely manner.

Accordingly, OHA urges the Commission to **APPROVE** the requested WUPA for DHHL. Mahalo nui for the opportunity to comment on this matter.