

## WR Committee

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**From:** Kapali Keahi <paulkeahi2@gmail.com>  
**Sent:** Wednesday, March 08, 2017 10:55 PM  
**To:** WR Committee  
**Subject:** Stream Restoration in Kanaha Valley, West Maui

3/8/17

Testimony for Water Resource Committee

Chair: Alika Atay

Aloha honorable Chairman Alika Atay and committee members.

I am here to speak on agenda item WR-27. My ohana is Haia and we come from Kanaha Valley, also known as Lahainaluna Valley. My ohana plans on going back to our taro lands in Kanaha and we are going to raise kalo. However, we are well aware that there is reason for contention. The most immediate point of contention is ACCESS.

Our kuleana, L.C.A. 7713; Ap. 25, which my family commonly refers to as, "The Intake" property, is of course mauka from where Hans Michels' house is located. However, Hans prevents access to the valley thru his property. He contends, that our right to access is thru the foot trails located on either side of the valley, which, are extremely dangerous and in serious disrepair due mainly to the fact that his goats frequently traverse these trails on a daily basis. So, he is not just preventing us from accessing our kuleana thru his property. He is actually preventing us from accessing the Valley from every course of entry, period.

Conversely, my family claims that since the ancient times our appurtenant rights guarantees that all trails and roadways within the ahupuaa are free to all hoa aina, or native tenants, and that these rights cannot be alienated or extinguished. We understand that Hans will most likely want to dispute this matter in court. We know that He himself, in order to get to his property has enjoyed access thru government lands. We maintain that this point of entry, and subsequently entry thru his property, is the preferred and safest route to our kuleana.

We would like to urge the committee to either help to facilitate discussion surrounding the issue of access or help refer this matter to the appropriate body for further consideration.

Another point of contention is STREAM RESTORATION. We believe we have a right to access our kuleana and access the stream. Currently, the County is not in compliance with the State Water Code. Section 174c-2 clearly states: "...adequate provision shall be made for the protection of traditional and customary Hawaiian rights, the protection and procreation of fish and wildlife, the maintenance of proper ecological balance...". Accordingly, 100 percent extraction of the river in Kanaha constitutes a violation. But to put this in perspective, according to the U.S.G.S. there are at least 27 streams between Honokohau and Ukumehame. 11 of which are perennial. But only 3 of these streams actually make it to ocean. This is clearly inadequate and has been a part of the injustice for far too long.

The main competing interest before us today over water is development. To that I say enough is enough. We are strongly opposed to any future dispersal of water metres on the West Side until we can address traditional and customary Hawaiian rights and appurtenant rights.

We would also like to request the committee table this discussion and set a special session at the nearest appropriate time regarding the issue of stream restoration.

Perhaps unbeknownst to some of you, the descendants of Pali, Kalepa, Umiumi, Kailihou, Aene, Kaahanui, Haia, Kapu, Keahi, all families of Lahaina along with a great deal of support from other ohana in the community have managed to work with Kamehameha Schools to address the long standing desire on the part of these families to return to their kuleana lands in Kahoma and restore their loi. It is a matter of rolling back over a hundred years of plantation control of the resources and being mindful of protecting our lands and our rights from further degradation. It has been about 7 yrs since we started the conversation with Kamehameha Schools and we are proud to say we have been successful in restoring stream flow in Kahoma. And in so doing, the potential for these families to go back to the land and raise kalo is foreseeable and as a matter of fact, underway.

Thankfully, we recognize that our efforts have spawned an immediate benefit to stream restoration: reset and rejuvenation of the ecosystem. What was once considered a dead river is now alive. And despite the cement channel, which stretches from Alamihi to Kelawea mauka, the oopu, who are no bigger than my finger, are fierce and are charging up the channel and making their way back to Kahoma.

So, it is incumbent upon our ohana to maintain our stride and we urge the committee to assist us in restoring stream flow in our beloved Kanaha Valley. This is just the beginning of our conversation, and we would like to once again request a special hearing be set on these matters.

In closing, I would like to say this is not just about giving Hawaiians back the water. Looking forward, this is more about cooperation and everyone being mindful of the value of malama aina. Malama aina has kept my people at one with the environment for over a thousand generations. We should endeavor to articulate and demonstrate malama aina more fluently. Mahalo.

Warmest Aloha,

Kapali Keahi