

Aloha mai kākou,

Upon notice of the 8/21/25 beneficiary consultation on the proposed Waiohuli Water Agreement, Maui beneficiaries advocate for Ka Pa‘akai Analysis at Kēōkea-Waiohuli for three reasons, as follow below.

Initially, let us examine: What is Ka Pa‘akai Analysis? Ka Pa‘akai Analysis is a legal framework that government agencies must follow when evaluating proposed land and water uses that may impact Native Hawaiian traditional and customary rights. The Hawai‘i Supreme Court developed the three-part Ka Pa‘akai inquiry after the court’s Sept. 11, 2000, Ka Pa‘akai O Ka `Āina vs. Hawai‘i Land Use Commission lawsuit ruling.

In the case of the proposed Waiohuli Water Agreement, Ka Pa‘akai inquiry would mandate that government agencies identify, understand and assess the impact on Kēōkea-Waiohuli’s “valued cultural, historical and natural resources” — including Native Hawaiian traditional and customary rights, such as agriculture on 6,000 homelands acres.

Therefore, Maui beneficiaries advocate for Ka Pa‘akai Analysis at Kēōkea-Waiohuli for three reasons, as follows:

- . First, beneficiaries seek adequate information in advance, including MOA specifics and what are the alternative water sources.

- . Second, can the County of Maui accept and disburse Upcountry water as proposed if the disbursal to South and Central Maui violates the county’s Makawao-Pukalani-Kula Community Plan? The latter community plan, adopted by the Maui County Council and enforced by statute, states that the County of Maui shall not divert Upcountry water to other areas until Upcountry homestead needs are met.

- . Third, if DHHL and the County of Maui execute the proposed Waiohuli Water Agreement, will Maui have enough potable and nonpotable water for the Upcountry/Pūlehunui buildout of a prospective 1,450 homestead farm lots?