

Where My Water?

Largest Water Diversion in Hawai'i on the backs of East Maui Taro Farmers

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Ed Wendt swears water spreads an odor. As a Vietnam ground soldier, Wendt has shouldered the weight of water, thinking in rations and living by sips. Waiting for nightfall to savor a sip alone, he has seen men crawl to him like dogs, smelling water.

"When your canteen goes dry, you know you in bad shape," said the 59-year-old taro farmer living in Wailua-nui Valley. "That's what's happening now, our canteen's going dry."

For nearly 20 years, Wendt has fought for the release of water in East Maui. He has seen uncles die fighting for water and he has seen boys grow into farmers, inheriting the fight - a fight to feed their taro, a fight to feed their families, a fight to live a Hawaiian life.

"Hawaiians are up against a wall and they playing with our plant," said Wendt, who was married in his taro patch. "When you see a bone-dry river, you don't know how much you will feel."

Wendt remembers days when his family's taro was not ready to harvest. His neighbor would say, "You need 'em, you take 'em. Not a problem. Plenty."

He remembers grumbles of later years, rumors of desperate uncles threatening East Maui Irrigation workers with cane knives, demanding, "What are you doing here?"

And he remembers warnings from his kupuna, elders who foresaw loss.

"They told me to watch the waterfall," Wendt said. "They said men are coming to take it away."

Wading barefoot, Wendt weeds his taro patches, the lo'i kalo that fed his grandparents as babies. But when he sees cracked banks and brown leaves, his mind turns to Alexander & Baldwin, who own East Maui Irrigation and Hawaiian Commercial & Sugar Company. He fears for his grandchildren.

"The water is the taro's water," Wendt said. "It's not the county's water, it's not even my water."

Seven years ago, Wendt and a number of his East Maui neighbors filed a petition through the Native Hawaiian Legal Corporation, asking the state Commission on Water Resource Management to release diverted stream water. This June, the taro farmers are still awaiting their answer.

Stretching back to 1876, A&B has redirected the flow of East Maui streams. An intricate 74-mile ditch system of tunnels, pipes, flumes and syphons continues to extend the surface water to their Central Maui sugarcane fields. As the water has been channeled for lifetimes, young farmers have not seen the potential of the natural streams.

"I was never mad," said 34-year-old Steven Ho'okano, also living in Wailua-nui Valley. "Somebody had to tell me the truth. I knew we never had no water. Uncle told me why no more water. Now I mad."

Ho'okano has sat at Wendt's table, infuriated by numbers. Wendt has told the young farmer EMI diverts 60 billion gallons of water a year from 100 East Maui streams. He has blamed EMI for moving an average of 160 million gallons per day, even escalating as high as 450 million gallons during days in the rainy season. And in his strong-veined voice, Wendt has said EMI carries the water away from 33,000 acres of crown lands, lands native Hawaiians have never directly surrendered.

"These lands should be used to support Hawaiian culture, rather than used as a resource, taken by a private entity without regard for these rights," said Native Hawaiian Legal Corporation Litigation Director Alan Murakami. "What are we doing here? Depriving Hawaiians, who have suffered for decades, of water they need to sustain their culture."

Lack of water stops Ho'okano from farming the taro patch where his father sweated, the same soil that dirtied his grandfather's hands. His mother and his aunts grew up planting taro. Their taro paid for three homes.

Now Ho'okano asks, "Where my water?" "We believe there is enough water for both taro and sugar," EMI Manager Garret Hew emailed in a written statement. "The EMI system - and the amount of water it is able to divert - has not been significantly changed since 1923. However, the amount of taro cultivated in traditional taro growing areas has dramatically decreased since 1923. It is unclear why these areas may be receiving less water than before."

Ho'okano physically labored to preserve his family's taro patch. Two years with no weed-eater, no sickle, he farmed with his hands. One season with no water, he watched his taro dry and disappear. He watched his mother cry.

"You ask the thief the question, they try to preach a lie," Ho'okano said. "Through the news, they say whatever they like the people to know. A lie."

In his email, Hew credited HC&S with employing some 800 residents and contributing \$100 million or more, to the Maui economy annually. Ho'okano can smell money, but he feels no economic benefit. He feels the consequence.

"We planting taro in some horrific conditions," said Ho'okano, who farms his uncle's land as diversions starve his own. "I've had big taro, small taro, rotten and diseased taro. They all die from lack of water. I don't want to quit, but I gotten into the red so much. Crop loss, year after year. No profit. Food, I provide a little, but ... I cannot sustain my family without water."

Besides irrigating 35,000 acres of sugarcane fields, EMI diversions provide the Maui County Department of Water Supply with water to serve Upcountry Maui. Petitioning for the release of stream water, Murakami has heard taro farmers accused of trying to deprive the general public of water.



Taro farmers Stephen Ho'okano, left and Ed Wendt in Wendt's family patch in Wailua-nui. "You cannot stop the world from moving," Wendt explained. "Let's just stay here and take care, take care of our people, take care of our home. What's so hard about it? Why be unhappy when you can be happy? When the water flow, I will be happy." Photo MARIA HOWELL/Hanaside News

"You know, a very small fraction, eight million gallons, of the total amount taken is processed into drinking water for upcountry Maui," said Murakami, who believes EMI operates the largest diversion of water by any private entity in the country. "But HC&S stands resolute, any amount taken from them, their 160 million gallons a day, will collapse the sugar company."

Though the Hawaiian islands no longer herald sugar as king, petitioners are still affected by the political influences the crop controlled. Wendt sees stolen water and stolen land. He sees young men with the ability to farm, but he does not see them farming. He sees them in jail. Sadly, he feels his observations all stem from the same root.

"It's genocide of human rights," Wendt said. "I'm not the criminal. I'm the farmer. And they trying to crack me."

Kipahulu taro farmers John and Tweetie Lind blame EMI for robbing the rich, those rich in resources. The couple poignantly stresses, the Hawaiian word for water is "wai," while the Hawaiian word for wealth is "wai wai."

"Developers are developing more and not returning anything to Hana," said Tweetie Lind of Kapahu Living Farm. "What Hana get? Where's the water coming from? We're not getting a better school, a better hospital. We getting a lot of attention and a lot of people coming in and ripping us off."

The 60-year-old taro farmer spoke, holding a black binder of yellowed pages, aged Hana newspapers reporting concerns of EMI diversions from nearly 30 years ago.

"One note of caution for the future," wrote editor William H. Chang on the front page of the February 1980 edition of Hui Mana'o. "The application from EMI to divert water from the Hanawi Stream in Nahiku,

if not stopped, poses a great threat ... If this community does not prevent this action we may be sentencing our keiki and moopuna to a far less productive land. ... Do we want to see our water diverted? Are we willing to pay the consequences? Or should I say have our children pay the consequences of our inaction?"

When Chang published his warning, Ho'okano was 6-years-old. As a man, he stands on the one-lane bridges of the Hana Highway, waiting for tourists to ask, "Where are the waterfalls?"

Ho'okano then hands visitors a printed notice of his own.

"The quantity of water diverted annually from Kipahulu to Haiku equals all the domestic water consumed by O'ahu residents in a year," the educational handout informs. "There are five times more people living on O'ahu than Maui."

Petitioners have printed that A&B pays only one-fifth of one penny "per 1,000 gallons for East Maui water, while most farmers pay over 35 cents per 1,000 gallons for irrigation water."

And underneath a boldfaced "NATIVE HAWAIIAN WATER RIGHTS" title, an underlined sentence emphasizes the original lease to A&B was issued, "subject to the condition that there be no injury to the water rights of downstream land owners."

For over 100 years, A&B had been leasing the land in 25 to 30 year intervals. On October 10, 2003, Judge Eden Hifo stopped the issue of a 30-year lease, a lease lending the ability to divert water from Nahiku to Huelo. A&B continues to use the land under annual revocable permits.

"The state had not figured out how much water they needed to protect important water rights," Murakami clarified. "Judge

Hifo essentially asked, if you don't know how much you have to keep to protect these rights, how do you know how much you are able to let go?"

The Department of Land and Natural Resources determined a monitor must be appointed in the field, to serve as a referee between EMI and the taro farmers.

"We have had two monitors," Murakami said. "They have both been reassigned. Failure to follow their own order has forced us to go back to the board or to the courts to enforce these rights."

In March 2007, the Native Hawaiian Legal Corporation was successful in releasing six million gallons of the Waiokamilo stream per day. Unfortunately, the one stream does



Part of Waiokamilo stream was released in 2007 to feed this and lower patches. A small triumph for taro farmers, as this one stream does not always produce the needed water. "I know I gonna die one day, who gonna take my place," Stephen Ho'okano asked. "Who will do what I love?" Photo MARIA HOWELL/Hanaside News

not always produce the six million gallons intended for taro farmers.

"They say we don't know how to farm, we don't know how to clean our ditches," Ho'okano said of A&B. "They've put the burden of proof on us ... but we've taken care of the land for generations. They killing the land, they killing the people, killing everything on it for profit."

As a public trust resource, water falls under the protection of the state. The state constitution declares the duty to support Hawaiian culture and protect Hawaiian gatherers, who rely on free-flowing streams to gather food, such as 'o'opu, 'opae and hihiwai.

The commission on Water Resource Management has been identified as the entity to enforce and protect these rights. The petition before the commission seeks the release of 27 streams. Commission staff are currently compiling information and testimonies, to address releasing the surface water of five hydrologic units, involving eight streams and tributaries in the Ko'olau gap.

"We are preparing our recommendation for the commission," said Dean Uyeno, hydrologist. "We hope to have a response in the coming months, but we cannot foresee how many comments we will receive."

Already waiting seven years for an answer from the commission, Wendt still believes, if you touch the land, the land will touch you. The farmer began versing himself in the way of the law when his hair was as black as young Ho'okano. He has told Ho'okano, he may fight for water his whole life.

"Looking at Steven reminds me of me, when I was young," Wendt said. "When he pissed off, he have one right reason to get pissed off."

Walking barefoot through his taro patch, he remembers building bamboo cages as a boy. He would catch 'opae and safely leave the fish in the cage. When his family wanted fish, his cage held abundance. 'Opae no longer swim in his stream and Wendt no longer shakes the hands of his rivals.

"As I walk, I try to educate," Wendt said. "Get pissed off."

The commission of Water Resource Management will accept written testimonies until June 10. Letters may be mailed to: CWRM, P.O. Box 621, Honolulu, HI 96809. Emails may be sent to: dlmr.cwrmm@hawaii.gov. Visit <http://hawaii.gov/dlmr/cwrmm/> for more information.