

Libby Leonard 3 - Fw: [EXTERNAL] Re: Thank you for your query

To: GovOffice.UIPA <GovOffice.UIPA@hawaii.gov>

Erika Engle (she/her) | Press Secretary
[Office of the Governor | Ke Ke'ena O Ke Kia'aina](#)
State of Hawai'i

From: Libby Leonard lleonard12180@gmail.com

Sent: Wednesday, April 12, 2023 3 28 PM

To: Engle, Erika

Cc: McClellan, Makana Noguchi, Mia M

Subject: Re [EXTERNAL] Re Thank you for your query

I will, however, I don't think it's premature, since when asking for funding public officials (including the former governor) stated that there would be issues with private ownership (all of which I have in writing). If you take "eminent domain" out of it, and change the question to how he intends to deal with private landowners that could potentially block distribution, maybe that's different.

Your name will not be attributed, but right now I'm reaching out to the governor's office, and it doesn't seem like efforts to actually consult with the governor are happening, so that is technically filed under "no comment" from the administration.

Will circle back if I have more.

Best,
Libby

On Wed, Apr 12, 2023 at 3:05 PM Engle, Erika wrote:

Hi Libby,

Thank you for asking nope, not a no comment.

Also for clarity, I am not to be quoted; anything you get from me is on background and not for attribution.

Please loop back with us if/when you learn that the case has reached the stage at which eminent domain proceedings are being contemplated. Until then, it would be premature for the Governor to comment on the eminent domain question.

Erika

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State of Hawai'i

From: Libby Leonard <leonard12180@gmail.com>
Sent: Wednesday, April 12, 2023 2:50 PM
To: Engle, Erika <[REDACTED]>
Cc: McClellan, Makana <[REDACTED]>; Noguchi, Mia M
<[REDACTED]>
Subject: Re: [EXTERNAL] Re: Thank you for your query

Thanks Erika,

So just to clarify, that's "no comment" from the Governor?

Best,

Libby

On Wed, Apr 12, 2023 at 2:46 PM Engle, Erika <[REDACTED]> wrote:

Hi Libby,

Thanks for the summary.

I would hope that you're able to find someone at DLNR CWRM that is up to speed on this and can discuss the current status with you.

You may need to make contact via the comms team at: dlnr.comms@hawaii.gov

Best wishes!

Erika

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From: Libby Leonard <leonard12180@gmail.com>
Sent: Wednesday, April 12, 2023 2:19 PM
To: Engle, Erika <[REDACTED]>
Cc: McClellan, Makana <[REDACTED]>; Noguchi, Mia M
<[REDACTED]>
Subject: Re: [EXTERNAL] Re: Thank you for your query

There's no litigation yet.

The macro picture is that when the community was trying to raise funding for the ditch after the collapse, it was roundly dismissed by public officials as a no-go, because of the complicated private ownership of parts of the ditch.

On a more micro level, after the ditch got knocked out, this transaction took place not too long after. The landowner was in talks to build a pipeline to bring water to others, but the source of water to be utilized was never disclosed or figured out, and there was no permit for this pipeline with CWRM. During a local meeting the landowner said he was putting in the pipeline, but could not promise to run the water off his property. It was relayed to me earlier this year, but needs confirming that pipeline plans were abandoned.

Anyway, to tie it back to this, the \$10 million bookmarked for the fix of the ditch, given the details of private landownership being an issue in the past, alongside these more focused details, wonder if there has been any planning to deal with it in case it comes to that.

Thanks for reaching back out and asking for clarification!

On Wed, Apr 12, 2023 at 1:52 PM Engle, Erika <[REDACTED]> wrote:

Hi Libby,

I guess I need a better sense of the status of the case.

Has your reporting thus far indicated that the matter has reached the point of needing a decision on eminent domain?

Has the landowner blocked access and is there litigation?

Thank you,

Erika

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State of Hawai'i

From: Libby Leonard <leonard12180@gmail.com>

Sent: Wednesday, April 12, 2023 1:49 PM

To: Engle, Erika <[REDACTED]>

Cc: McClellan, Makana <[REDACTED]>; Noguchi, Mia M <[REDACTED]>

Subject: Re: [EXTERNAL] Re: Thank you for your query

Mahalo, Erika,

Because the document is still standing during the current administration, wouldn't it fall under the jurisdiction of the governor/federal court to decide whether eminent domain would be

necessary if a property owner refuses to allow the water to run through their property? Or would it be DLNR?

I guess regardless of whether or not it is DLNR, does Governor Green have any comments as far as what should be done if private landowners block the rest of the community from receiving water?

Best,

Libby

On Wed, Apr 12, 2023 at 1:13 PM Engle, Erika <[REDACTED]> wrote:

Hi Libby,

Apologies for allowing your query to fall off our radar!

The document you sent along dates back to a previous administration, so it's best if you contact the Department of Land and Natural Resources. Its Comms team has a general email for media queries:

dlnr.comms@hawaii.gov

As indicated, the Administration has transitioned, following the election, so the leadership at DLNR is also new.

Mahalo for your patience!

Erika

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State of Hawai'i

From: Libby Leonard <leonard12180@gmail.com>
Sent: Wednesday, April 12, 2023 9:36 AM
To: Engle, Erika <[REDACTED]>
Cc: McClellan, Makana <[REDACTED]>; Noguchi, Mia M <[REDACTED]>
Subject: [EXTERNAL] Re: Thank you for your query

Aloha, Erika,

Circling back about this again to see if there are more answers.

Mahalo!

Libby

On Wed, Mar 29, 2023 at 6:34 AM Libby Leonard <leonard12180@gmail.com> wrote:

Aloha, Erika,

I'm circling back about this.

Best,
Libby Leonard

On Thursday, March 16, 2023, Libby Leonard <leonard12180@gmail.com> wrote:

Aloha Erika!

Thank you for getting back to me so quickly. See if that works below. If not, I will copy and paste. I write for national news and locally. I've been doing ongoing reporting for our local paper in Kohala about the ditch (deadline early next month), but have also been building a much bigger piece that I want to pitch to do with one of my national editors.

Anyway, take the time you need to take, but sooner would be better if you can swing it.

Appreciate it!

Mahalo,
Libby

On Thu, Mar 16, 2023 at 6:57 PM Engle, Erika [REDACTED] wrote:

Aloha Libby,

Governor Green's Constituent Services Team forwarded us your query, given that you identified yourself as a journalist.

We were unable to access the document you linked/uploaded to the form – can you please re-send it to us, so we can work on your query?

Can you also tell us, please, for which publication you write? What is your deadline?

Thank you,

Erika

Aloha Governor Green, I'm a journalist living in Kapa'au. I saw the news about the Kohala Ditch. I'm wondering how you plan to navigate getting the water through private land ownership. Below is a document that I obtained from CWRM that finalized after the ditch allegedly got knocked out by a rockslide that conveys Surety transferred the nine stream diversions to Ho'okipa Ranch owner Peter Evanovich, as well as the cancellation and extinguishment of easements.

The document is attached. If the landowner denies access, will the state declare eminent domain? Mahalo for fielding the questions. Libby Leonard

Erika Engle (she/her) | Press Secretary

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State of Hawai'i

Mobile: [REDACTED] | Office: [REDACTED]

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