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Attorneys for COUNTY OF MAUI,
DEPARTMENT OF WATER SUPPLY

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

PETITION TO AMEND INTERIM INSTREAM FLOW STANDARDS FOR HONOPOU, HUELO (PUOLUA), HANEHOI, WAIKAMOI, ALO, WAHINEPEE, PUOHOKAMOA, HAIPUAENA, PUNALAU/KOLEA, HONOMANU, NUAAILUA, PIINAAU, PALAUHULU, OHIA (WAIANU), WAIKAMILO, KUALANI, WAILUANUI, WEST WAILUAIKI, EAST WAILUAIKI, KOPILIULA, PUAKAA, WAIQHUE, PAAKEA, WAIATAKA, KAPAULA, HANAWI, and MAKAPIPI	CASE NO. CCH-MA13-01 SUPPLEMENTAL DECLARATION OF CRAIG C. LEKVEN, P.E.
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SUPPLEMENTAL DECLARATION OF CRAIG C. LEKVEN, P.E.

I, CRAIG C. LEKVEN, declare as follows:

1. I hereby attest that the statements made in my February 9, 2015 Declaration are accurate and true and hereby incorporate them by reference.

2. I have personal knowledge of the facts stated in this Declaration, except as to matters stated on information and belief, and as to those matters, I believe them to be true. If called upon, I could testify competently thereto.

3. A true and correct copy of my supplemental report is attached hereto as DWS Exhibit "B-051."

I declare under penalty of law that the foregoing is true and correct of my own personal knowledge and that this Declaration was executed on February 9, 2015 in Wailuku, Maui, Hawaii.



CRAIG C. LEKVEN, P.E.
Supervising Engineer
Brown and Caldwell

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PETITION TO AMEND INTERIM INSTREAM FLOW STANDARDS FOR WAIKAMOI, PUOHOKAMOA, HAIPUAENA, PUNALAU/KOLEA, HONOMANU, WEST WAILUAIKI, EAST WAILUAIKI, KOPILIULA, PUAKEA, WAIQHUE, PAAKEA, KAPAULA & HANAWI STREAMS	CASE NO. CCH-MA13-01 DECLARATION OF MICHELE MCLEAN
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DECLARATION OF MICHELE MCLEAN

I, MICHELE MCLEAN, declare as follows:

1. I hereby attest that the statements made in my December 24, 2014 Declaration are accurate and true and hereby incorporate them by reference.
2. I have personal knowledge of the facts stated in this Declaration, except as to matters stated on information and belief, and as to those matters, I believe them to be true. If called upon, I could testify competently thereto.

3. The Department of Planning uses census data and socio-economic forecasts and studies in its long-range plans, and the population growth figures in the Maui Island Plan are projections based on such data, forecasts and studies.

4. Actual growth depends on a large variety of factors, including water availability.

5. Large projects typically do not receive approvals through the Planning Department unless they can demonstrate that they will have adequate water.

I declare under penalty of law that the foregoing is true and correct of my own personal knowledge and that this Declaration was executed on February 9, 2015 in Wailuku, Maui, Hawaii.



MICHELE MCLEAN
Deputy Director for the
Planning Department
County of Maui

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PETITION TO AMEND INTERIM INSTREAM FLOW STANDARDS FOR HONOPOU, HUELO (PUOLUA), HANEHOI, WAIKAMOI, ALO, WAHINEPEE, PUOHOKAMOA, HAIPUAENA, PUNALAU/KOLEA, HONOMANU, NUAAILUA, PIINAAU, PALAUHULU, OHIA (WAIANU), WAIKAMILO, KUALANI, WAILUANUI, WEST WAILUAIKI, EAST WAILUAIKI, KOPILIULA, PUKAA, WAIQHUE, PAAKEA, WAIATAKA, KAPAULA, HANAWI, and MAKAPIPI	CASE NO. CCH-MA13-01 SECOND SUPPLEMENTAL DECLARATION OF DAVID TAYLOR
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SECOND SUPPLEMENTAL DECLARATION OF DAVID TAYLOR

I, DAVID TAYLOR, declare as follows:

1. I hereby attest that the statements made in my December 30, 2014 Declaration and January 27, 2015 (mistakenly dated January 3, 2014) are accurate and true and hereby incorporate them by reference.

2. The facts recited in this Declaration are true of my own personal knowledge and if called upon, I could testify competently thereto.

3. A true and correct copy of the January 30, 2015 Department of Water Supply Bill for Edward Wendt is attached hereto as DWS Exhibit "B-030."

4. A true and correct copy of the January 30, 2015 Department of Water Supply Bill for Solomon Kaauamo Jr. is attached hereto as DWS Exhibit "B-031."

5. A true and correct copy of the January 30, 2015 Department of Water Supply Bill for Terry P. and Meiling Akuna is attached hereto as DWS Exhibit "B-032."

6. A true and correct copy of the January 30, 2015 Department of Water Supply Bill for Joseph H. Young is attached hereto as DWS Exhibit "B-033."

7. A true and correct copy of the January 30, 2015 Department of Water Supply Bill for Norman Martin, Jr. is attached hereto as DWS Exhibit "B-034."

8. A true and correct copy of the January 30, 2015 Department of Water Supply Bill for James Kaaa is attached hereto as DWS Exhibit "B-035."

9. A true and correct copy of the January 30, 2015 Department of Water Supply Bill for Carl D. Wendt is attached hereto as DWS Exhibit "B-036."

10. A true and correct copy of the January 30, 2015 Department of Water Supply Bill for Charles and Leonora Barclay is attached hereto as DWS Exhibit "B-037."

11. A true and correct copy of the January 30, 2015 Department of Water Supply Bill for Earl D. Smith, Sr. (Kaupo parcel) is attached hereto as DWS Exhibit "B-038."

12. A true and correct copy of the January 30, 2015 Department of Water Supply Bill for Earl D. Smith, Sr. (Hana Highway parcel 1 of 2) is attached hereto as DWS Exhibit "B-039."

13. A true and correct copy of the January 30, 2015 Department of Water Supply Bill for Earl D. Smith, Sr. (Hana Highway parcel 2 of 2) is attached hereto as DWS Exhibit "B-040."

14. A true and correct copy of the January 30, 2015 Department of Water Supply Bill for Joseph J. Day is attached hereto as DWS Exhibit "B-041."

15. A true and correct copy of the January 30, 2015 Department of Water Supply Bill for Isaac A. Kanoa is attached hereto as DWS Exhibit "B-042."

16. A true and correct copy of the January 30, 2015 Department of Water Supply Bill for Daniel and Sharon Clark is attached hereto as DWS Exhibit "B-043."

17. A true and correct copy of the January 30, 2015 Department of Water Supply Bill for Harry and Sandra Hueue is attached hereto as DWS Exhibit "B-044."

18. A true and correct copy of the January 30, 2015 Department of Water Supply Bill for Darrell Aquino is attached hereto as DWS Exhibit "B-045."

19. A true and correct copy of the January 30, 2015 Department of Water Supply Bill for Solomon Lee is attached hereto as DWS Exhibit "B-046."

20. A true and correct copy of the January 30, 2015 Department of Water Supply Bill for Richard D. Mayer is attached hereto as DWS Exhibit "B-047."

21. A true and correct copy of the January 30, 2015 Department of Water Supply Bill for Michael W. Foley is attached hereto as DWS Exhibit "B-048."

22. A true and correct copy of the January 30, 2015 Department of Water Supply Bill for Mark Sheehan is attached hereto as DWS Exhibit "B-049."

23. A true and correct copy of the January 30, 2015 Department of Water Supply Bill for Maury King is attached hereto as DWS Exhibit “B-050.”

24. \$1,500,000 was allocated for land acquisition for a reservoir at the Kamole-Weir Water Treatment Facility. The six-year budget estimate for this project is \$25,250,000, and is subject to change. No money has presently been allocated for design or construction.

25. The Maui County Draft Water Use and Development Plan, Final Candidate Strategies Report was prepared by a consultant hired from Haiku Design and Analysis, and was issued on July 27, 2009. This report has not been adopted or implemented as official policy by the Department, and was never submitted to the Board of Water Supply, the Maui County Council or the Commission on Water Resources Management for approval. The finalizing of this report has been abandoned, as the Department of Water Supply has instead decided to develop a long-range island-wide Water Use Development Plan in lieu of the regional, piecemeal approach represented by the Draft Water Use Development plan.

26. The Consent Decree entered into in The Coalition to Protect East Maui Water Resources, et. al. v. The County of Maui Board of Water Supply, Second Cir. Court, Civ. No. 03-01-0008(3) resulted from nearly a decade of litigation regarding the 1993 East Maui Water Plan and the Environmental Impact Statement prepared for the plan. As a result of this litigation, the 1993 Plan was abandoned.

27. The terms of the Consent Decree requires DWS to consult with the Plaintiffs in the Coalition to Protect East Maui Water and their attorney, Isaac Hall, before undergoing any actions to build wells in East Maui. No wells have been studied or constructed since the Consent Decree was entered into. DWS attempted to consult with the Plaintiffs for nearly two years to implement a ground water study recommended by USGS. Plaintiffs refused to agree to USGS

plans and failed to give reasons why the USGS' recommendation was insufficient or offer alternative to DWS. Plaintiffs and their counsel subsequently moved to enjoin DWS from proceeding with any of the requisite studies.

28. As a result of this impasse, and in attempt to fulfill its mandate to investigate alternative sources of water, DWS filed a Motion to Modify or Alternatively Vacate the Consent Decree, which has become unworkable and inhibits DWS' authority under the Maui County Charter. Attached hereto as DWS Exhibit "B-52" is a true, correct, and full copy of my Declaration filed in The Coalition to Protect East Maui Water Resources, et. al. v. The County of Maui Board of Water Supply, Second Cir. Court, Civ. No. 03-01-0008(3) as part of DWS' Motion.

29. The Board of Water Supply brought an action in circuit court against multiple companies whose use of chemicals had led to contamination of ground water supplies in the County. Board of Water Supply of the County of Maui v. Shell Oil Co. et al., Second Circuit Court, Civ. No. 96-0370. This case was ultimately resolved by way of settlement. A true and correct copy of the Settlement Agreement in Board of Water Supply of the County of Maui v. Shell Oil Co. et al., Second Circuit Court, Civ. No. 96-0370 attached hereto as DWS Exhibit "B-053."

30. Since the settlement agreement in Board of Water Supply of the County of Maui v. Shell Oil Co. et al., Second Circuit Court, Civ. No. 96-0370, one new wells at Pookela has been constructed without objection by the Shell Oil Defendants, and several others have received preliminary site approval. In addition, the Shell Oil Defendants have reimbursed DWS for installation and maintenance of granular activated carbon filtration systems at the two existing Hamakuapoko Wells and the Napili A Well.

I declare under penalty of law that the foregoing is true and correct of my own personal knowledge and that this Declaration was executed on February 10, 2015 in Wailuku, Maui, Hawaii.



DAVID TAYLOR, P.E.
Director
Department of Water Supply
County of Maui