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BEFORE THE COMMISSION ON WATER RESOURCE MANAGEMENT DO. STR. IS. NO. : 25

STATE OF HAWAII

COMMISSION ON WATER
RESOURCE MANAGEMENT

In the Matter of Petitions to Amend Interim)	JAMES TAVARES BRIEF IN SUPPORT
Instream Flow Standards for East Maui)	OF HAWAIIAN COMMERCIAL AND
Streams)	SUGAR COMPANY'S MOTION TO
)	CONSOLIDATE PETITIONS TO AMEND
)	INTERIM INSTREAM FLOW
)	STANDARDS FOR EAST MAUI
)	STREAMS AND COMPLAINT
)	RELATING THERETO FILED MAY 29,
)	2008
)	

**JAMES TAVARES BRIEF RE: HAWAIIAN COMMERCIAL AND SUGAR
COMPANY'S MOTION TO CONSOLIDATE PETITIONS TO AMEND INTERIM
INSTREAM FLOW STANDARDS FOR EAST MAUI STREAMS AND COMPLAINT
THERETO FILED MAY 29, 2008**

I, James Tavares submit this brief regarding Hawaiian Commercial and Sugar Company's ("HC&S") Motion to Consolidate Petitions to Amend Interim Instream Flow Standards ("IIFS") for East Maui Streams and Complaint Thereto Filed May 29, 2008. I support the motion to consolidate because I depend on the EMI system for water and my operation also indirectly depends upon HC&S for its viability.

I currently grow sod on land in the Kula Agricultural Park. I am a former Extension Agent for the University of Hawaii CTAHR. I worked with the landscape industry, and saw the need for a local producer of sod so I left my State job and became a farmer. There is currently a large demand for sod in Maui. Without local production, the sod will need to be imported, bringing along with it a threat for invasive species. I see my farm as not only providing product but also as protecting the environment.

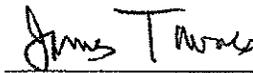
The sod that I produce is grown in compost from the Nobriga feedlot. The extremely rocky nature of the native soil makes it impossible to grow sod and be able to mechanically harvest it. Creating planting beds made with this compost solves this problem. The manure from the cows that feed on canetop silage from HC&S is mixed with more canetops and sand and results in high quality compost for my operation. This compost is better than other compost

because of its high organic nutrient content, its good water holding capacity and its relatively lower cost. An added benefit is its ability to support high numbers of earthworms. Without HC&S, the availability of this compost will be gone and may impact the quality of the sod I am able to produce.

The sod that I grow is sold to landscapers, hotels and homeowners across Maui. Their projects would not be able to proceed in a timely manner if there is interference in my production schedule. Despite the drought, the County's water policy of not reducing water to agricultural producers has allowed me to sustain my level of production. The demand is such that I currently plan to expand my farm by another 10 acres. This means significant capital investments. But I get my water from the County which comes from the EMI system. I am very concerned about the results of these hearings as I plan to further invest in my business. I am using the most efficient methods of irrigation for my farm but without assurance of water, I may need to reevaluate my investment plans.

I respectfully request support for HC&S's motion to consolidate. The motion follows the same methods I use in making decisions. One needs to look at all sides of an issue before making a decision. Similarly, all 27 streams should be treated as one entity so the best decision for all parties can be made. Your support of a motion to consolidate and your consideration of the impacts on the users of this water before making a decision will send us a message that you value agriculture in Hawaii.

DATED: Wailuku, Maui, Hawaii, September 17, 2008.

A handwritten signature in black ink that reads "James Tavares". The signature is written in a cursive style and is positioned above a horizontal line.

James Tavares