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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, PUAKEA, WAIQHUE,
PAAKEA, WAIATAKA, KAPAULA,
HANAWI, and MAKAPIPI

CASE NO. CCH-MA13-01

DECLARATION OF DAVID TAYLOR
ON REOPENING

DECLARATION OF DAVID TAYLOR ON REOPENING

I, DAVID TAYLOR, declare as follows:

1. I am the duly appointed Director of the Department of Water Supply of the County of Maui ("MDWS"). I have served in this capacity since January 2, 2011. Prior to my appointment, I served as Wastewater Division Chief for the Department of Environmental Management of the County of Maui ("DEM"), First Assistant to the Managing Director of the County of Maui, and Civil Engineer IV for the Department of Public Works of the County of Maui.

2. I am a registered professional civil engineer, duly licensed in the State of Hawaii.

3. 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.

4. This written testimony in the form of a declaration is submitted on behalf of MDWS.

5. I became aware of negotiations between HC&S/A&B and the County of Maui, through the mayor's office, to develop agricultural parks on lands currently being cultivated for sugar by HC&S/A&B. It is my understanding is that these parks will initially be opened and operated by HC&S/A&B, with ownership eventually transferring to the County of Maui in the future.

6. In the initial hearings in this case, MDWS did not actively pursue water to accommodate future growth and the needs as set forth by the Upcountry Maui Water Meter Priority List because MDWS felt that there was not enough surface water available to accommodate the needs of HC&S/A&B, the instream values championed by Maui Tomorrow and Na Moku, and these needs by MDWS.

7. MDWS now believes that, with the closure of HC&S/A&B's sugar operation, there is enough available surface water to accommodate MDWS's future needs and the needs set forth by the Upcountry Maui Priority List.

8. Surface water is a cheaper source of water for municipal use than well water, due to the high costs associated with pumping. Accordingly, operational costs for replacing well water with additional surface water would be significantly lower, with those savings being passed on directly to consumers of County municipal water.

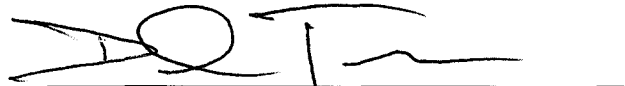
9. MDWS is concerned that, unless East Maui Irrigation Company ("EMI") continues its business model of delivering a high volume of water, it will not remain economically viable and will cease its operations.

10. MDWS is reliant upon EMI's delivery of water for service to over 35,000 customers within the Upcountry Service Area.

11. MDWS currently lacks the financial capacity to buy the EMI system, or the expertise to operate the EMI system should EMI cease operations.

12. In addition, current county employment rules, as well as various contracts between MDWS and the union representing its employees, are incompatible with MDWS being able to operate the EMI system.

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 October 17, 2016 in Wailuku, Maui, Hawaii.



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

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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, WAIOHUE, PAAKEA, WAIAAKA, KAPAULA, HANAWI, and MAKAPIPI	CASE NO. CCH-MA13-01 DECLARATION OF MICHELE MCLEAN ON REOPENING; CERTIFICATE OF SERVICE
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DECLARATION OF MICHELE MCLEAN ON REOPENING

I, MICHELE MCLEAN, declare as follows:

1. I am the duly appointed Deputy Director of the Department of Planning of the County of Maui. I have served in this capacity since January 4, 2011.

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. This written testimony in the form of a declaration is submitted on behalf of the Department of Water Supply of the County of Maui (“DWS”).

4. The lands utilized by HC&S/A&B for sugar cultivation which rely on surface water from the streams that are the subject of this contested case hearing (“HC&S/A&B Central Fields”) are currently and predominantly zoned County Agricultural District and are situated in the State Agricultural District.

5. The regulations relevant to lands that are situated in the State Agricultural District and zoned County Agricultural District are Hawaii Revised Statutes §§ 205-2(d) and 205-4.5 and Maui County Code § 19.30A, respectively.

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 October 17, 2016 in Wailuku, Maui, Hawaii.



MICHELE MCLEAN
Deputy Director for the
Planning Department
County of Maui

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PAAKEA, WAIATAKA, KAPAULA,
HANAWI, and MAKAPIPI

CASE NO. CCH-MA13-01

DECLARATION OF KATHLEEN ROSS
AOKI ON REOPENING; CERTIFICATE
OF SERVICE

DECLARATION OF KATHLEEN ROSS AOKI ON REOPENING

I, KATHLEEN ROSS AOKI, declare as follows:

1. I am the duly appointed Administrative Planning Officer for the Plan Implementation Division of Department of Planning of the County of Maui. I have served in this capacity since December 16, 2015. Prior to this, I served as the Deputy Director of Planning from

September 9, 2008 through April 2010, and the Director of Planning from May 1, 2010 to December 31, 2010.

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. This written testimony in the form of a declaration is submitted on behalf of the Department of Water Supply of the County of Maui (“DWS”).

4. Attached hereto as Exhibit “B-064” is a true and correct copy of the Countywide Policy Plan for the County of Maui.

5. The Countywide Policy Plan was adopted in 2010. The purpose of the Countywide Policy Plan was to provide an over-arching values statement and policy framework for development of the Maui Island Plan/General Plan 2030 and the various community plans.

6. Keeping HC&S/A&B’s lands which are currently being used for sugar cane cultivation in agriculture would promote the Countywide Policy Plan’s core principle of maintaining open space and protecting scenic views.

7. The Maui Island Plan/General Plan 2030 was adopted in 2012 with the purpose of directing long-term planning for the island of Maui.

8. Attached hereto as Exhibit “B-63” is a true and correct copy of Chapter 7: Land Use, of the Maui Island Plan/General Plan 2030.

9. Attached hereto as Exhibit “B-65” is a true and correct copy of Chapter 1: Introduction of the Maui Island Plan/General Plan 2030.

10. Attached hereto as Exhibit “B-66” is a true and correct copy of Chapter 4: Economic Development of the Maui Island Plan/General Plan 2030.

11. Attached hereto as Exhibit “B-67” is a true and correct copy of Chapter 8: Directed Growth Plan of the Maui Island Plan/General Plan 2030.

12. Community Plans set forth the current and anticipated conditions of the designated region, and advance planning goals, objectives, policies, and implementation considerations to guide decision making for the region that is consistent with the Maui Island Plan/General Plan, while recognizing the unique values and attributes of Maui’s different communities

13. There are a total of six community plan districts for the island of Maui. Of those, four include lands that are currently being used by HC&S/A&B for sugar cultivation which use surface water from the streams that are the subject of this contested case hearing. These include the Wailuku-Kahului/Central Maui, Kihei-Makena/South Maui, Makawao-Pukalani-Kula/Upcountry Maui, and Paia-Haiku/North Maui community plan districts.

14. Attached hereto as Exhibit “B-068” is a true and correct copy of a map outlining the six community plan districts on the island of Maui.

15. The Makawao-Pukalani-Kula/Upcountry Maui Community Plan was adopted in 1996 and includes the towns of Makawao, Pukalani, Kula, Ulupalakua, Haliimaile, Waiakoa, Keokea, Waiohuli, Kanaio, Olinda, Omaopio and Pulehu, as well as the Kula Agricultural Park.

16. A true and correct copy of excerpts from the Makawao-Pukalani-Kula/Upcountry Maui Community Plan is attached hereto as Exhibit “B-069.”

17. The Paia-Haiku/North Maui Community Plan was adopted in 1995, and includes the towns of Spreckelsville, Paia, Haiku, Kuau, Kuiaha and Pauwela.

18. A true and correct copy of excerpts from Paia-Haiku/North Maui Community Plan is attached hereto as Exhibit “B-070.”


19. The Wailuku-Kahului/Central Maui Community Plan was adopted in 2002 and includes the communities of Wailuku, Kahului, Waiehu, Waihee, Waikapu, and Puunene.

20. A true and correct copy of excerpts from Wailuku-Kahului/Central Maui Community Plan is attached hereto as Exhibit "B-071."

21. The Kihei-Makena/South Maui Maui Community Plan was adopted in 1998, and includes the towns of Kihei, Wailea, Makena and Maalaea.

22. A true and correct copy of excerpts from Kihei-Makena/South Maui Community Plan is attached hereto as Exhibit "B-072."

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 October 17, 2016 in Wailuku, Maui, Hawaii.



KATHLEEN ROSS AOKI
Administrative Planning Officer
Plan Implementation Division
Planning Department
County of Maui