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COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

In re Petitions to Amend Interim Instream
Flow Standards for Honopou, Huelo (Puolua),
Hanehoi, Waikamoi, Alo, Wahinepe'e,
Puohokamoa, Haipua'ena, Punalau/Kōlea,
Honomanu, Nu'ailua, Pi'ina'au, Palauhulu,
Ohia (Waianu), Waiokamilo, Kualani,
Wailuanui, West Wailuaiki, East Wailuaiki,
Kopili'ula, Puaka'a, Waiohue, Pa'akea,
Waiaka'a, Kapa'ula, Hanawī and Makapipi
streams.

Case No. CCH-MA13-01

EXCEPTIONS/OBJECTIONS OF MAUI
TOMORROW FOUNDATION, INC. AND ITS
SUPPORTERS TO HAWAIIAN COMMERCIAL
AND SUGAR COMPANY'S AMENDED
PROPOSED FINDINGS OF FACT AND
CONCLUSIONS OF LAW; CERTIFICATE OF
SERVICE

mt/exctoHC&S

**EXCEPTIONS/OBJECTIONS OF MAUI TOMORROW FOUNDATION, INC.
AND ITS SUPPORTERS TO HAWAIIAN COMMERCIAL AND SUGAR COMPANY'S
AMENDED PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Maui Tomorrow Foundation, Inc. and its Supporters ("MTF"), through Counsel, hereby submit their Exceptions and Objections to Hawaiian Commercial and Sugar Company's Amended Proposed Findings of Fact and Conclusions of Law, pursuant to Minute Order No. 27, as follows:

I. INTRODUCTION

The Amended Proposed Findings of Fact and Conclusions of Law submitted by Hawaiian Commercial and Sugar Company ("HC&S") contain appealable errors which prejudice the substantial rights of MTF. Chapter 91 recognizes four types of appealable errors: (1) errors of law ("EL"), (2) mixed errors of law and fact ("MELF"), (3) errors of fact ("EF"), and (4)

arbitrary and capricious actions or abuses of discretion (“ACAD”).¹ Errors of law are freely reviewable as are findings which are mixed when affected by an error of law.

These Exceptions and Objections refer by paragraph to the paragraphs listed in the Amended Proposed Findings of Fact and Conclusions of Law submitted by HC&S. Citations to the record are provided by referring to the Proposed Findings of Fact (“FOF”), Conclusions of Law (“COL”) and Decision and Order (“D&O”) submitted by MTF which, for the sake of brevity, are hereby incorporated by reference. These citations are not intended to be exclusive. MTF has various general and specific exceptions to the Amended Proposed Findings of Fact and Conclusions of Law submitted by HC&S.

II. GENERAL EXCEPTIONS

Some of the appealable errors in the Amended Proposed Findings of Fact and Conclusions of Law submitted by HC&S are of such a magnitude that they affect the whole structure of the Amended Proposed Findings of Fact and Conclusions of Law or, at a minimum, large numbers of proposed findings, and are therefore best discussed, as they are below, as general exceptions.

A. Objection to Identification of Parties

HC&S, Alexander & Baldwin, Inc. (“A&B”) and East Maui Irrigation, Co. (“EMI”) were all granted standing to participate in this contested case, pursuant to Minute Order 2 issued on April 21, 2014. The Amended Proposed Findings of Fact and Conclusions of Law are purportedly filed on behalf of HC&S alone. A&B and EMI have never withdrawn as parties to these contested case proceedings. Perhaps these Amended Proposed Findings of Fact and Conclusions of Law are submitted on behalf of A&B and EMI as well as HC&S and perhaps they are not. If they are not, then no Amended Proposed Findings of Fact and Conclusions of Law have been filed on behalf of A&B and EMI.²

¹ HRS §91-14(g) recognizes that decisions are reversible if the administrative findings, conclusions, decisions or orders contain errors of law which are “(1) in violation of constitutional or statutory provisions; (2) in excess of the statutory authority or jurisdiction of the agency; (3) made upon unlawful procedure; or (4) affected by other error of law.” The findings are also reversible if they contain errors of fact such that the findings are, as stated in HRS §91-14(g)(5), “clearly erroneous in view of the reliable, probative and substantial evidence on the whole record.” Findings may be challenged if they are mixed and the factual finding has been affected by an error of law. Arbitrary and capricious actions or abuses of discretion may be challenged through HRS §91-14(g)(6).

² MTF will refer to HC&S as the party filing this pleading without waiving its objections that: (1) HC&S, as referenced herein, refers collectively to HC&S, A&B and EMI all of whom were granted standing to participate in this contested case, pursuant to Minute Order 2 issued on April 21, 2014, and (2) HC&S, after December 31, 2016, no longer has any remaining status as a business entity or the party implementing the “Diversified Agriculture Plan”

This does not mean that A&B and EMI do not remain parties to these contested case proceedings or that the Findings of Fact, Conclusions of Law, Decision and Order finally issued by the Commission of Water Resource Management, State of Hawaii (“CWRM”) are not binding upon and enforceable against A&B and EMI.

B. Legal Status of HC&S

It is questionable whether HC&S has any remaining legal status as a business entity to participate in these proceedings as a party after the closure of the HC&S Plantation on December 31, 2016. The future plans, and the implementation of these plans, for the former plantation lands are the responsibility of A&B.

An A&B Press Release, as reported in the April 1, 2017 issue of the Maui News, states that HC&S is “out of business,” that the name HC&S should no longer be used because HC&S no longer exists, that operations on the former plantation lands are being conducted by A&B and that Rick Volner is employed by A&B and not HC&S.³ Mr. Volner testified that he was employed by HC&S during the re-opened contested case hearings.

An A&B Press Release, as reported in the June 18, 2017 issue of the Maui News, states of HC&S that it is “now dissolved.”⁴

These organizational changes are significant changes with important legal consequences that cannot be minimized. This sort of change is the substantive equivalent of a “transfer of interest” that should require the substitution of A&B as a party for HC&S. HC&S is no longer the “real party in interest” that can pursue these claims for reasonable and beneficial present or future uses of East Maui petition stream waters. There is no basis for finding or determining that HC&S has any reasonable and beneficial present or future uses of East Maui petition stream waters because HC&S does not exist at this time.

C. Methodology

HC&S has elected as its methodology in presenting its Proposed Findings of Fact, Conclusions of Law, Decision and Order for the Reopened Hearing the use as a base document the Hearings Officer’s Proposed Findings of Fact, Conclusions of Law, Decision and Order issued on January 15, 2016 with proposed “Amendments” in the form of redlined deletions and

which appears to be A&B and HC&S is no longer the “real party in interest” that can pursue these claims for reasonable and beneficial present or future uses of East Maui petition stream waters.

³ <http://www.mauinews.com/news/local-news/2017/04/hcs-has-been-shut-down-ab-official-says/>

⁴ <http://www.mauinews.com/news/local-news/2017/06/auction-planned-for-former-hcs-plant/>

blue underlined proposed insertions. With respect to the Hearings Officer's Proposed Findings of Fact, Conclusions of Law, Decision and Order filed with the Commission January 15, 2016 -- that HC&S has not modified -- MTF realleges and incorporates by reference its Exceptions taken to them filed with the Commission on February 29, 2016. MTF therefore files its Objections and Exceptions to the Amended Proposed Findings of Fact and Conclusions of Law submitted by HC&S, namely the redlined deletions and blue underlined proposed insertions contained within them, as Exceptions have already been taken to the remainder.

D. Objections to Diversified Agriculture Plan

MTF objects generally that the vague, cursory and unsupported descriptions of conjectural future agricultural uses presented as A&B's "Diversified Agriculture Plan" are not a basis for a future reasonable and beneficial use of stream water. Objection to Amended Proposed Findings of Fact and Conclusions of Law of HC&S ("HC&S PFOF") Nos. 339 – 344. See, MTF Proposed Findings of Fact ("PFOF") 135 – 158; MTF Proposed Conclusions of Law ("PCOL") 6 – 14.

E. It Violates the Public Trust to Determine that Certain Amounts of Water for All Lands Possessed, Most of Which Are Fallow, is Reasonable and Beneficial

MTF objects generally to HC&S's application of a per-acre figure to every acre of agricultural land, including those lying fallow, results in a "gross over-allocation" of water "far exceeding actual need." *In re Water Use Permit Applications*, 94 Haw. 97, 9 P. 3d 409, 469 (2000) ("*Waiahole I*").

Objection to HC&S PFOF 345 – 348. See, MTF PFOF 164 – 183, PCOL 15 – 19.

MTF therefore objects to HC&S Proposed Conclusion of Law ("PCOL") 100, 239. These conclusions were reached based upon a formulation that violates *Waiahole I*.

MTF therefore also objects to HC&S PCOL 101, 240. These conclusions were reached based upon a formulation that violates *Waiahole I*.

F. HC&S Cannot Have a Buffer for Future Speculative Uses

HC&S cannot have a buffer for future speculative uses. HC&S seeks a determination that 115.43 mgd was HC&S estimate of what is reasonable and beneficial use for all of its 26,000 acres of land, even though the great majority of these lands are fallow and HC&S was not able to testify that cultivation would commence on any of them within the next twenty years, except for

two small projects. HC&S does not want to be required to Amend the IIFS when cultivation actually commences. HC&S promises to leave the water not yet being used in the East Maui Streams.

HC&S seeks what the Hawaii Supreme Court rejected in *In re Water Use Permit Applications*, 94 Haw. 97, 9 P. 3d 409, 469 (2000) (“*Waiahole I*”). In *Waiahole I* the Hawaii Supreme Court reviewed the Commission’s creation of a "non-permitted ground water buffer" of 5.39 mgd, intended for initial release in the windward streams, but available for offstream uses as a secondary source after the 1.58 mgd proposed reserve. Applicants for the buffer water would not be required to petition to amend the WIIFS. the Commission released into windward streams an Amended WIIFS amount of 6.0 mgd and then added to this amount, a "supplemental flow" of 6.97 mgd or more, consisting of the 5.39 mgd buffer, the 1.58 mgd proposed reserve, and any water authorized for use in water use permits but not actually used, which the Commission mandated would remain in windward streams "to avoid unlawful waste." *Id.* As the Hawaii Supreme Court described it in *Waiahole I*:

In all, of the 27 mgd total flow of the ditch, as measured at Adit 8, the Commission assigned 14.03 mgd to permitted leeward agricultural and nonagricultural uses and "system losses." For the near term, the Commission released 12.97 mgd in windward streams. However, 6.97 mgd of this 12.97 mgd remained available for offstream leeward uses as a "proposed agricultural reserve" or "non-permitted ground water buffer."

This “buffer” was described, in *Waiahole I*, as being for “unspecified future offstream uses.”

The Hawaii Supreme Court in *Waiahole I* reversed this scheme, as follows:

... we disagree with the Commission's designation of 5.39 mgd otherwise available for instream purposes as a "nonpermitted ground water buffer" that the Commission could use to satisfy future permit applications without amending the WIIFS. **Nothing in the Code authorizes such a measure. More fundamentally, the notion of a buffer freely available for unidentified offstream uses, while instream flow standards still await proper designation, offends the public trust and the spirit of the instream use protection scheme.** (Emphasis added)

On this subject matter, the *Waiahole I* Court concluded:

We have rejected the idea of public streams serving as convenient reservoirs for offstream private use. See *Robinson*, 65 Haw. at 676, 658 P.2d at 311 (maintaining that private parties do not have the unfettered right "to drain rivers dry for whatever purposes they s[ee] fit"). Nonetheless, the buffer achieves that very result, insofar as it reverses the constitutional and statutory burden of proof and establishes a working presumption *against* public instream uses.

HC&S, thus, improperly seeks to use “public streams [to serve] as convenient reservoirs for offstream private use” in a manner that “offends the public trust and the spirit of the instream use protection scheme.” *Waiahole I*.

G. HC&S Has Not Performed Any Rigorous Exploration of the Use of Its Existing Groundwater Wells as Reasonable Alternatives to East Maui Stream Water

HC&S has performed no rigorous exploration of the use of its existing groundwater wells as reasonable alternatives to East Maui stream water. A&B, with all of its financial resources, did not trouble itself to retain an expert or experts to examine the feasibility of continuing to pump its many groundwater wells and utilizing this water for its “Diversified Agriculture Plan.” The Hearings Officer had found that pumping 83.32 mgd was reasonable to support the sugar cane plantation. There is no credible evidence to support A&B’s current conclusion that only 0 - 20 mgd should be required to support its “Diversified Agriculture Plan.” Objection to HC&S PFOF 385, 387- 395. See, MTF PFOF 169.

MTF therefore objects to HC&S PCOL 103 – 105, 241 – 244. These conclusions were reached based upon the flawed HC&S PFOF 385, 387- 395.

H. Support for Agriculture in All Community Plans

The Community Plans for all of the relevant areas contain provisions supporting diversified agriculture. County witnesses testified that use of the water to irrigate the former sugar plantation lands was consistent with the state and county land use plans and the public interest and that the County supported the use of the former sugar plantation lands for diversified agriculture. WDT of Michelle McLean, ¶¶ 4 and 5.

Community Plans already in the record demonstrate, however, that there are large areas of land in all of these Community Plan Districts that are likewise designated agriculture in the Community plan map, located within the Agriculture District of the State Land Use Commission and zoned Agriculture by Maui County. Hana Community Plan (Exhibit E-142), Paia-Haiku Community Plan (Exhibit E-143), Makawao-Pukalani-Kula Community Plan (Exhibit E-144).

Large areas so designated – other than the former HC&S Sugar Plantation – are shown on Community Plan maps to be reasonably close to the EMI/State ditch transmission systems and likewise could benefit from “low-cost” agricultural irrigation water. Hana Community Plan

(Exhibit E-142), Paia-Haiku Community Plan (Exhibit E-143), Makawao-Pukalani-Kula Community Plan (Exhibit E-144).

Use of the water for agricultural pursuits is also supported in the Hana Community Plan Region, the Paia-Haiku Community Plan Region and the Makawao-Pukalani-Kula Community Plan Region. Hana Community Plan (Exhibit E-142), Paia-Haiku Community Plan (Exhibit E-143), Makawao-Pukalani-Kula Community Plan (Exhibit E-144).

No notice or opportunity was provided to other potential agricultural users of this water to participate in these re-opened proceedings. It would constitute a breach in the management of these public trust water resources to include within the class of potential reasonable and beneficial users (other than the MDWS) only those who may execute a lease from A&B for portions of the 36,000 acres of former plantation lands, and that the Commission's public trust responsibilities required the Commission to include within the class of potential reasonable and beneficial users entities or individuals who were so situated along or nearby the ditch system that they could currently benefit from, or benefit in the future from, the use of the diverted water, given that: (a) the HC&S sugar plantation had closed, (b) the former plantation lands are now mostly fallow, (c) A&B only possesses one (1) year revocable permits to divert and transmit water and (d) there is no certainty that A&B will prevail on any long-term disposition of East Maui water resources at a public auction conducted pursuant to Chapter 171. New and additional notice of the re-opened hearings, and an opportunity to participate in these proceedings, was required to be given. Without this new and additional notice, A&B is enabled to unlawfully "grandfather" these public trust water resources.

MTF objects to the suggestion that the former plantation lands are the only lands qualifying for reasonable and beneficial agricultural uses. Keanae-Wailuanui taro growers are also farmers whose lands require water. Objection to HC&S PFOF 418 - 423. See, MTF PFOF 94 – 98.

MTF therefore objects to HC&S PCOL 106 - 111. These conclusions were reached based upon the flawed HC&S PFOF 418 - 423.

I. Hanehoi Watershed

MTF presents an entirely different analysis of the management of public trust water resources and remedial actions necessary to assure that amounts of water exist in East Maui

streams in accordance with public trust principles. See, MTF PFOF, PCOL in their entirety. MTF, therefore, objects to HC&S PCOL 185 – 195.

III. SPECIFIC EXCEPTIONS

A. To the Amended Proposed Findings of Fact Submitted by HC&S

45, 337. Error of Fact (“EF”). A&B announced that it, A&B, was transitioning to a diversified farm model. See MTF PFOF 4.

47. A clearer and more complete description of these facts is contained within MTF PFOF 5-12. HC&S erroneously leaves out many pertinent facts.

48. A clearer and more complete description of these facts is contained within MTF PFOF 5-12. HC&S erroneously leaves out many pertinent facts.

49-50. HC&S fails to mention the Commission’s Order re Interim Restoration of Stream Flow issued on July 19, 2016 and the important contents of this Order. This is arbitrary and capricious (“A&C”), an Error of Law (“EL”) and an EF. The Commission’s Order re Interim Restoration of Stream Flow was entered **before** the Commission entered its Order Regarding the Scope of the Re-Opened Hearing to Address the Cessation of Sugar Operations by HC&S on August 18, 2016. An issue that was clearly the subject of the re-opened evidentiary hearings was:

How EMI is managing the decrease in diversions, how it would manage the interim restorations, and any issues concerning the EMI ditch system with the current and any future changes in offstream diversions. Minute Order No. 19 and, later, Minute Order No. 21. (Emphasis added)

HC&S argues elsewhere that this issue has solely to do with how the EMI Ditch System will adapt to the water needs of HC&S in light of the transition to a diversified agriculture model. HC&S claims that this language does not bring within the scope of the re-opened contested case the issues of (1) the diversion or abandonment permits applied for by EMI to remove diversion works or (2) implementation of the Interim Restoration Order which A&B claims is “irrelevant” to any IIFS amendment decision.

This is a bizarre argument especially because: (1) these issues were the subject of extensive Prehearing Opening Briefing, (2) HC&S discussed the substantive subject matters of the abandonment permits and the Interim Restoration in its Prehearing Opening Briefing, (3) the Hearings Officer received during the re-opened contested case hearings considerable testimony and evidence on these two subject matters without any objection being placed on the record by

A&B, HC&S and EMI or, in the alternative, without sustaining whatever objection may have been placed on the record by A&B, HC&S and EMI and (4) HC&S has proposed Findings on these subject matters.

Considerable testimony and evidence was received on the diversion or abandonment permits applied for by EMI to remove diversion works. Garret Hew and Dean Uyeno both testified at length on this subject matter. See MTF PFOF 48 – 63. The Interim Restoration Order was entered by the Commission as an Order in these contested case proceedings. The Order re Interim Restoration of Stream Flow contains important requirements. Testimony and evidence were received during the re-opened hearing on these requirements. Considerable testimony and evidence was received on the Interim Restoration Order. See MTF PFOF 6 – 8, 45 – 72.

50. A clearer and more complete description of these facts is contained within MTF PFOF 5-7, 9-12. HC&S erroneously leaves out many pertinent facts.

68 – 76. A clearer and more accurate and complete description of these facts is contained within MTF PFOF 23 - 44. HC&S erroneously leaves out many pertinent facts.

80. EF. The purpose of sluice gates and the fact that fully opening of sluice gates does not assure full restoration of a stream is supported by competent evidence in MTF PFOF 64 – 68.

84. EF. Mr. Hew testified that HC&S and MDWS together used 20 mgd, not between 20 and 25 mgd. See MTF PFOF 116.

85. EF. **There are other streams and water sources that could be relied upon by HC&S -- even during times of drought -- namely non-petition streams and streams between Honopou and Maliko. EMI presented no data substantiating that it could not rely upon these streams in times of drought.** The Hearings Officer found that the EMI Ditch System diverts a total of at least 43 streams and that only 23 petition streams are being diverted. This means that approximately 20 streams are not subject to the petitions or to any uncertainty that could possibly arise by virtue of the establishment of minimum stream flows. These approximately 20 streams are available to provide irrigation water for the minimal bona fide needs that HC&S has presented to date. Hearings Officer's FOF 59, COL 248.

See, also, MTF's "Memorandum in Opposition of Maui Tomorrow Foundation, Inc. to County of Maui Department of Water Supply's Motion to Reopen Evidence" filed with the Commission in this contested case proceeding and MTF's Response of Maui Tomorrow Foundation, Inc. and its Supporters to Recommendations from the Maui Department of Water

Supply to Adjust Flows at Diversions for East Wailuaiki, West Wailuaiki, Waiohue, Hanawi, Kopiliula/Puakaa and Makapipi Streams to Mitigate Shortages in Supply to Upcountry Water System, filed with the Commission in this contested case proceeding, both of which are re-alleged and incorporated by reference.

86. EF. Garret Hew clarified that these measures would be utilized to supply water to the former plantation lands and not at Maliko Gulch.

87-88. EF. The Order re Interim Restoration of Stream Flow issued on July 19, 2016 provides:

a. The Commission adopted the agreement of all parties that restoring the 18 mgd recommended by the Hearings Officer's Proposed Decision is effective immediately, as advocated by the Hearings Officer in his Recommendation re Interim Restoration of Stream Flow on April 1, 2016.

b. The Commission received a letter dated June 15, 2016, in which EMI reported on its restoration of ten (10) petition streams that were described as "currently not being diverted," namely: Waiokamilo, Wailuanui (East and West), Makapipi, Hanawi, Waiohue, East Wailuaiki, West Wailuaiki, Waikamoi, Kopili'ula and Puakaa.⁵

c. The Commission ordered that the foregoing ten (10) streams "that are no longer being diverted shall remain undiverted unless and until further ordered by the Commission."

d. The Commission adopted A&B's commitment to abandon all diversions on the following streams: Honopou, Puolua, Hanehoi, Pi'ina'au and Palauhulu.

e. **The Commission recognized the urgency to restore the streams and to provide connectivity mauka to makai as soon as possible.**

f. **The Commission determined that whenever possible and practical, A&B should attempt to remove all diversions; and**

⁵ In later correspondence with the Commission EMI states that only some of these streams are the subject of its diversion work abandonment permit application, namely Honopou, Hanehoi, Puolua, Pi'ina'au, Palauhulu, Waiokamilo, West Wailuanui and East Wailuanui. Exhibit E-165. Makapipi, Hanawi, Waiohue and Wailuaiki East and West, Waikamoi, Kopili'ula and Puaka'a are not included in the application. The Hearings Officer found that Puaka'a is a tributary of Kopiliula Stream and not an independent stream. FOF 59. The diversions on Waiokamilo Stream were allegedly closed and sealed in 2007. See, Commission Order re Interim Restoration of Stream Flow issued on July 19, 2016. Finally, EMI has not addressed steps to be taken to assure mauka to makai connectivity or removal of diversion works on these latter streams, as required by the Commission.

g. The Commission determined that any diversion work abandonment permit that comes to the Commission shall require modification that would result in full connectivity in the streams except where connectivity is affected by natural conditions.
(Emphasis added)

EMI has not acted with any diligence or urgency in processing the abandonment permits. By the close of the contested case hearings, the applications could not even be declared complete for processing. The applications did not include: (1) the removal of any diversions or (2) any modifications that would result in full connectivity in the streams. See, MTF PFOF 48 – 63. It may take years before the streams are fully restored, before there is full connectivity in the streams mauka to makai and before there are any complete removals of diversion structures. In the meantime, while these public trust responsibilities are left unfulfilled, HC&S and the MDWS have the benefit of diverted flows from East Maui streams.

157. EF. EMI has not fully restored these streams. See, MTF PFOF 47 and 72.

158 – 174. EF. The status of the streams in the Hanehoi Watershed is more completely and accurately stated in MTF PFOF 23 – 44, 56 – 63. Facts regarding the abandonment permits are more accurately stated MTF PFOF 48 – 63.

349 – 355. EF. HC&S’s search for lessees, the role of the availability of water and the extent of current uses are not stated accurately. These issues are addressed accurately in MTF PFOF 99 – 163.

B. To the Amended Proposed Conclusions of Law Submitted by HC&S

69. MTF objects to the deletion of HC&S Proposed Conclusion of Law (“PCOL”) 69. These streams are still being diverted. There is no documentation that the IIFSs are being met.

C. To the Amended Proposed Decision and Order Submitted by HC&S

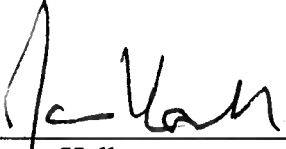
MTF presents an entirely different analysis of the management of public trust water resources and remedial actions necessary to assure that amounts of water exist in East Maui streams in accordance with public trust principles. See, MTF PFOF, PCOL in their entirety. MTF, therefore, objects to the HC&S Decision and Order in its entirety.

IV. JOINDER

MTF joins in the Exceptions or Objections to Hawaiian Commercial and Sugar Company’s Amended Proposed Findings of Fact and Conclusions of Law filed by Petitioners Na Moku Aupuni o Ko’olau Hui, Lurlyn Scott, and Sanford Kekahuna (“Na Moku”) when the

positions taken are otherwise not directly inconsistent with the positions set forth in the Exceptions and Objections to Hawaiian Commercial and Sugar Company's Amended Proposed Findings of Fact and Conclusions of Law filed by MTF.

DATED: Wailuku, Maui, Hawaii 6.19.17



Isaac Hall
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CERTIFICATE OF SERVICE

I hereby certify that one copy of the foregoing document was duly served upon the parties listed below by email, on June 19, 2017.

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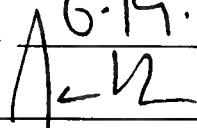
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