

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

PETITION TO AMEND INTERIM ) Case No.. CCH-MA13-01  
INSTREAM FLOW STANDARDS FOR )  
HONOPOU, HUELO (PUOLUA), )  
HANEHOI, WAIKAMOI, ALO, )  
WAHINEPEE, PUOHOKAMOA, )  
HAIPUAENA, PUNALAU/KOLEA, )  
HONOMANU, NUAAILUA, PIINAAU, )  
PALAUHULU, OHIA (WAIANU), )  
WAIOKAMILO, KUALANI, WAILUANUI, )  
WEST WAILUAIKI, EAST WAILUAIKI, )  
KOPILIULA, PUAKAA, WAIOHUE, )  
PAAKEA, WAIAAKA, KAPULA, )  
HANAWI, AND MAKIPIPI STREAMS )

---

MINUTE ORDER 18

Re-opening of Hearing for Limited Purposes

The Hearings Officer is directed to reopen the hearing to address A&B's decision of January 6, 2016 to change HC&S's business operations from farming sugar to a diversified agricultural model. The Hearings Officer shall determine what additional evidence will be submitted.


HC&S states that the short-term impact will be a significant reduction in its use of East Maui surface water and that in the long-term, A&B's vision is to keep the land in agriculture through a patchwork of compatible diversified agricultural activities, some farmed by HC&S, some farmed by others. While these and other new projects are still in their planning or trial stages, A&B anticipates needing significantly less water than the present. However, as A&B's trial projects prove viable, leading to an expansion of its agricultural activity, its water needs will increase to support diversified agriculture across the plantation, but most likely less than A&B consumes today. *Hawaii Commercial and Sugar Company's Exceptions to Hearings Officer's Proposed Findings of Fact, Conclusions of Law, & Decision and Order*, February 29, 2016, pp. 2-3.

Such additional evidence should lead to: 1) revision of the Hearings Officer's findings of fact on offstream uses; 2) rebalancing of instream versus noninstream uses; and 3) reassessment of the Hearings Officer's current proposed amendments to the interim instream flow standards.

Following the hearing, the parties will have the opportunity to file their Proposed FOF, COL, and D&O with the Hearings Officer, and after the Hearings Officer submits his revised Proposed FOF, COL, and D&O to the Commission, the parties will again have the opportunity to file written exceptions and present oral testimony at a hearing held by the Commission. The

exceptions filed by the parties on February 29, 2016, shall be incorporated by reference in such future exceptions.

DATED: Honolulu, Hawai'i March 10, 2016 .

  
\_\_\_\_\_  
SUZANNE D. CASE  
Presiding Officer

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

PETITION TO AMEND INTERIM ) Case No. CCH-MA13-01  
INSTREAM FLOW STANDARDS FOR )  
HONOPOU, HUELO (PUOLUA), ) CERTIFICATE OF SERVICE  
HANEHOI, WAIKAMOI, ALO, )  
WAHINEPEE, PUOHOKAMOA, )  
HAIPUAENA, PUNALAU/KOLEA, )  
HONOMANU, NUAAILUA, PIINAAU, )  
PALAUHULU, OHIA (WAIANU), )  
WAIOKAMILO, KUALANI, WAILUANUI, )  
WEST WAILUAIKI, EAST WAILUAIKI, )  
KOPILIULA, PUAKAA, WAIOHUE, )  
PAAKEA, WAIAAKA, KAPULA, )  
HANAWI, AND MAKIPIPI STREAMS )  
\_\_\_\_\_)

CERTIFICATE OF SERVICE

On March 10, 2016, a copy of the foregoing document was served on:

ALAN T. MURAKAMI, ESQ.  
CAMILLE K. KALAMA, ESQ.  
SUMMER L. SYLVA, ESQ.  
Native Hawaiian Legal Corporation  
1164 Bishop Street, Suite 1205  
Honolulu, Hawaii 96813  
Attorneys for Nā Moku Aupuni O Ko'olau  
Hui

DAVID SCHULMEISTER, ESQ.  
ELIJAH YIP, ESQ.  
Cades Schutte LLP  
1000 Bishop Street, Suite 1200  
Honolulu, Hawai'i 96813  
Attorneys for Alexander & Baldwin, Inc.  
and East Maui Irrigation Company, Ltd.

PATRICK WONG, ESQ.  
CALEB ROWE, ESQ.  
KRISTIN TARNSTROM, ESQ.  
Dept. of the Corporation Counsel  
County of Maui  
200 S. High Street  
Wailuku, Hawai'i 96793  
Attorneys for County of Maui, Department  
of Water Supply

ROBERT H. THOMAS, ESQ.  
Damon Key Leong Kupchak Hastert  
1600 Pauahi Tower  
1003 Bishop Street  
Honolulu, Hawai'i 96813  
Attorney for Hawai'i Farm Bureau  
Federation

ISAAC HALL, ESQ.  
2087 Wells Street  
Wailuku, Hawai'i 96793  
Attorney for Maui Tomorrow

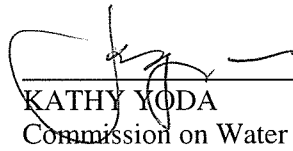
JEFFREY C. PAISNER  
403 West 49<sup>th</sup> Street, #2  
New York, New York 10019  
Pro Se

WILLIAM J. WYNHOFF, ESQ.  
LINDA L.W. CHOW, ESQ.  
Department of the Attorney General  
465 South King Street, Room 300  
Honolulu, Hawaii 96813  
Attorneys for the Tribunal

Copies, as necessary:

JOHN BLUMER-BUELL  
P.O. Box 787  
Hana, Hawaii 96713  
Witness

NIKHILANANDA  
P.O. Box 1704  
Makawao, Hawaii 96767-1704  
Witness

  
KATHY YODA  
Commission on Water Resource Management