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COMMISSION ON WATER
RESOURCE MANAGEMENT

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COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit)	Case No. CCH-MA 15-01
Applications, Integration of Appurtenant)	
Rights and Amendments to the Interim)	HAWAIIAN COMMERCIAL & SUGAR
Instream Flow Standards, Na Wai Eha)	COMPANY'S AND MAHI PONO, LLC'S
Surface Water Management Areas of)	JOINT MOTION FOR WITHDRAWAL
Waihee, Waiehi, Iao and Waikapu)	AND SUBSTITUTION OF PARTIES FOR
Streams, Maui)	SWUPA 2206; DECLARATION OF
)	JERROD SCHRECK; DECLARATION OF
)	GRANT NAKAMA; CERTIFICATE OF
)	SERVICE
)	

HAWAIIAN COMMERCIAL & SUGAR COMPANY'S AND MAHI PONO, LLC'S JOINT
MOTION FOR WITHDRAWAL AND SUBSTITUTION OF PARTIES FOR SWUPA 2206

Hawaiian Commercial & Sugar Company ("HC&S") and Mahi Pono, LLC ("Mahi Pono"), pursuant to Haw. Admin. R. § 13-167-30, jointly request that HC&S be allowed

to withdraw as an applicant in Case No. CCH-MA 15-01 for a surface water use permit for the Waihee-Hopoi Fields, which is the subject of SWUPA 2206, and that Mahi Pono be substituted as the applicant for SWUPA 2206.

Haw. Admin. R. § 13-168-30 allows the Commission to permit the substitution of parties for "good cause shown." Good cause is present in this case since HC&S transferred its interest in the Waihee-Hopoi Fields to Mahi Pono. Mahi Pono intends to use the Waihee-Hopoi Fields for agricultural purposes, and will continue to pursue SWUPA 2206 in place of HC&S. Mahi Pono, therefore, requests to be substituted as the applicant for SWUPA 2206 as the proper party of interest in this contested proceeding.


This motion is based upon the attached declarations of Jerrod Schreck and Grant Nakama.

DATED: Honolulu, Hawaii, May 14, 2019.



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COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit) Case No. CCH-MA 15-01
Applications, Integration of Appurtenant)
Rights and Amendments to the Interim) DECLARATION OF JERROD SCHRECK
Instream Flow Standards, Na Wai Eha)
Surface Water Management Areas of)
Waihee, Waiehi, Iao and Waikapu)
Streams, Maui)
_____)

DECLARATION OF JERROD SCHRECK

I, JERROD SCHRECK, hereby declare:

1. I am Senior Vice President, Land Stewardship with Alexander & Baldwin ("A&B"). I make this declaration based upon my personal knowledge, unless otherwise stated. If called upon, I am competent to testify to the facts related herein.

2. Hawaiian Commercial and Sugar ("HC&S"), which was the applicant for SWUPA 2206 in the above-captioned case, was a division of A&B.

3. HC&S had been cultivating sugarcane on the approximately 3,650 acres referred to as the Waihee-Hopoi Fields until 2016, when sugarcane cultivation ceased. Since then, HC&S was committed to keeping its land in agriculture by transitioning its sugar lands to diversified agriculture. To that end, HC&S sought, through SWUPA 2206, to obtain a surface water use permit for water emanating from the Na Wai Eha surface water management area.

4. In late 2018, A&B conveyed its interest in approximately 35,000 acres of agricultural lands, including substantially all of the lands consisting of the Waihee-Hopoi Fields, to Mahi Pono, LLC.

5. As a consequence, HC&S will not be cultivating the Waihee-Hopoi Fields and no longer has an interest in pursuing SWUPA 2206.

I, JERROD SCHRECK, declare, verify, certify and state under penalty of perjury that the foregoing is true and correct.

DATED: May 14, 2019.



JERROD SCHRECK

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit) Case No. CCH-MA 15-01
Applications, Integration of Appurtenant)
Rights and Amendments to the Interim) DECLARATION OF GRANT NAKAMA
Instream Flow Standards, Na Wai Eha)
Surface Water Management Areas of)
Waihee, Waiehi, Iao and Waikapu)
Streams, Maui)
_____)

DECLARATION OF GRANT NAKAMA

I, GRANT NAKAMA, hereby declare:

1. I am the Operations Manager of Mahi Pono, LLC (“Mahi Pono”). I make this declaration based upon my personal knowledge, unless otherwise stated. If called upon, I am competent to testify to the facts stated herein.

2. As Operations Manager, I oversee land management and real estate operations at Mahi Pono.

3. I submit this Declaration in support of Hawaiian Commercial & Sugar Company’s and Mahi Pono, LLC’s Joint Motion for Withdrawal and Substitution of Parties for SWUPA 2206.

4. Mahi Pono is an agricultural venture between Pomona Farming LLC, a California-based agricultural group and the Public Sector Pension Investment Board, one of Canada’s largest pension investment managers.


5. In late 2018, Mahi Pono purchased approximately 41,000 acres of land from Alexander & Baldwin. The majority of this land is comprised of 35,000 acres that were previously used for sugarcane operations, including the lands consisting of the Waihee-Hopoi Fields. Our plans include a full range of agricultural operations and

related land uses (e.g., cattle, coffee, tropical fruit orchards, citrus and other leafy vegetable crops, etc.). Mahi Pono is committed to the production of (non-GMO) foods for local market consumption and for export, creating employment for Maui residents, job skill training, and educational pathways for students and prospective employees.

6. Since Mahi Pono will now be cultivating the Waihee-Hopoi Fields, it has an interest in pursuing and obtaining water for irrigation through SWUPA 2206.

I, GRANT NAKAMA, declare, verify, certify and state under penalty of perjury that the foregoing is true and correct.

DATED: May 10, 2019.



GRANT NAKAMA

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

Surface Water Use Permit Applications,)
Integration of Appurtenant Rights and) Case No. CCH-MA 15-01
Amendments to the Interim Instream Flow)
Standards, Na Wai Eha Surface Water) CERTIFICATE OF SERVICE
Management Areas of Waihee, Waiehi,)
Iao and Waikapu Streams, Maui)
_____)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on this date, a true and correct copy of the Hawaiian Commercial & Sugar Company's and Mahi Pono, LLC's Joint Motion for Withdrawal and Substitution of Parties for SWUPA 2206 was duly served on the following parties by U.S. Mail or electronic service, as indicated below:

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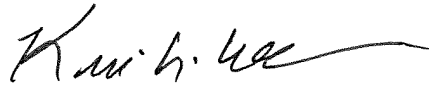
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