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ALEXANDER & BALDWIN, INC.
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LLC

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

In the Matter of a Contested Case
Regarding the Continuation of Revocable
Permits (RPs) for Tax Map Key Nos.
(2) 1-1-001 :044 & 050; (2) 2-9-014:001,
005, 011, 012 & 017; (2) 1-1-002:002 (por.)
and (2) 1-2-004:005 & 007 for Water Use on
the Island of Maui to Alexander & Baldwin,
Inc. (A&B) and East Maui Irrigation
Company, LLC (EMI) for the remainder of
the 2021 RPs, if applicable, and for their
continuation through the end of 2022

DLNR File No. CCH-LD-21-01

**REQUEST FOR SUBPOENA;
SUBPOENA;
CERTIFICATE OF SERVICE**

APPLICANTS' REQUEST FOR ISSUANCE OF SUBPOENA

Applicants Alexander & Baldwin, Inc. (“**A&B**”) and East Maui Irrigation Company, LLC (“**EMI**”), by and through their counsel, hereby request that the Hearing Officer issue a subpoena to Dr. Ayron Strauch as attached hereto.

Applicants believe that the testimony of Dr. Strauch at the contested case hearing is relevant to this proceeding and the issues involved as Dr. Strauch provided extensive testimony at the November 13, 2020 BLNR meeting regarding the subject revocable permits. Among other things, Dr. Strauch's testimony is material and relevant to Sierra Club's contention that BLNR must consider the impact of diversions on the non-petitioned streams. During the November 13 meeting, the BLNR reviewed a PowerPoint presentation by Dr. Strauch, explaining CWRM's conclusion that "the non-petitioned streams support limited to no recruitment or reproduction and *existing diversions have minimal impact on the life-history of native aquatic biota.*" See A&B/EMI Opening Brief at 9. Dr. Strauch is a hydrologist for the Commission on Water Resource Management and his testimony will be sought regarding:

- A. Testimony provided at the trial in *Sierra Club v. Bd. of Land & Natural Res.*; Civil No. 19-1-0019 JPC (Haw. 1st Cir.);
- B. Instream Flow Standard Assessment Summary; East Maui Hydrologic Units: Ho'olawa (6035), Waipi'o (6036), Hoalua (6038), Hānawana (6039), Kailua (6040), Nailiilihaele (6041), Puehu (6042), Oopuola (6043), Kaaiea (6044), Punalu'u (6045), Kōlea (6046), Doc. 6 in Record on Appeal (Dkt. 38) in *Sierra Club v. Bd. of Land & Natural Res.*, Civil No. 1CCV-20-0001541 (Haw. 1st Cir.);
- C. 2018 CWRM D&O Amended Interim Instream Flow Standards in the East Maui License Area; CWRM Informational Briefing to BLNR; Doc. 52 in Record on Appeal (Dkt. 138) in *Sierra Club v. Bd. of Land & Natural Res.*, Civil No. 1CCV-20-0001541 (Haw. 1st Cir.);
- D. Comments and answers to questions provided at November 13, 2020 BLNR Meeting.

DATED: Honolulu, Hawai'i, November 29, 2021.

CADES SCHUTTE LLP

/s/ Trisha H.S.T. Akagi

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SUBPOENA

[Dr. Ayron Strauch, Hydrologist]

SUBPOENA

THE STATE OF HAWAII

TO THE SHERIFF of the State of Hawai'i or his Deputy, any Police Officer or any
person not less than 18 years of age and not a party in the above cited Contested Case Hearing.

YOU ARE COMMANDED to Subpoena Dr. Ayron Strauch of the Commission on Water Resource Management to appear before the Board of Land and Natural Resources or its designated hearing officer on December 9, 2021, at 9:00 A.M., via interactive technology to testify as a witness on the part of Applicants Alexander & Baldwin, Inc. and East Maui Irrigation Company, LLC in the above-entitled matter.

Testimony will be required via the interactive technology platform, “Zoom.” A link to access the hearing via Zoom will be provided at a later date. Each subpoena recipient shall promptly contact Custodians of Records Ian Hirokawa (ian.c.hirokawa@hawaii.gov) and Blue Kaanehe (blue.kaanehe@hawaii.gov).

DATED: Honolulu, Hawai‘i, _____, 2021.

Suzanne D. Case
Hearing Officer
Board of Land and Natural Resources

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

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CERTIFICATE OF SERVICE

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I hereby certify that, pursuant to Minute Order No. 3, a copy of the foregoing document
will be served via email on this date to the following parties as noted below:

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Hearings Officer

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DATED: Honolulu, Hawai'i, November 29, 2021.

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