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BOARD OF LAND AND NATURAL RESOURCES  
 STATE OF HAWAII

In the Matter of a Contested Case Regarding ) DLNR File No. CCH-LD-21-01  
 the Continuation of Revocable Permits (RPs) )  
 for Tax Map Keys (2) 1-1-001:044 & 050; ) Sierra Club’s Exhibit List  
 (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. and East Maui )  
 Irrigation Company, LLC for the remainder )  
 of the 2021 RPs, if applicable, and for their )  
 continuation through the end of 2022 )

**Sierra Club’s Exhibit List**

#	Description	References	Rec’d <sup>1</sup>
	The Sierra Club incorporates A&B’s exhibits X-2—X-5		
Y-1	EMI Water Use Report Summary Table	Tanaka	
Y-2			
Y-3			
Y-4	Citrus water needs	Tanaka	
Y-5	EMI Quarterly Report Q1 2020 (J-27)	Tanaka	
Y-6	EMI Quarterly Report Q2 2020 (AB-33) w/o attachments	Tanaka	
Y-7	EMI Quarterly Report Q3 2020	Tanaka	
Y-8	EMI Quarterly Report Q4 2020	Tanaka	

<sup>1</sup> The Hawai‘i Rules of Evidence (HRE) only “govern proceedings in the courts of the State of Hawai‘i.” HRE Rule 101. By the plain language of HRE Rule 101, the rules do not apply to exhibits used in a quasi-judicial contested case hearing conducted pursuant to HRS chapter 91. In fact, HRS § 91-10(1) explicitly calls for “any oral or documentary evidence” to be received except for material that is “irrelevant, immaterial, or unduly repetitious.” “Thus, the rules of evidence in administrative hearings, unlike those applicable to judicial proceedings, allow admission of hearsay evidence.” *Price v. Zoning Bd. of App. of Honolulu*, 77 Hawai‘i 168, 176, 883 P.2d 629, 637 (1994). “The rules of evidence governing administrative hearings are much less formal than those governing judicial proceedings.” *Loui v. Board of Medical Examiners*, 78 Hawai‘i 21, 31, 889 P.2d 705, 715 (1995); *see also Dependents of Cazimero v. Kohala Sugar Co.*, 54 Haw. 479, 482-83, 510 P.2d 89, 92 (1973) (“The language of the Judiciary Committee indicates that the direction chosen was towards the admission of any and all evidence limited only by considerations of relevancy, materiality and repetition.”). Some of these exhibits will be used in cross examination, others will simply be incorporated in proposed FOFs and COLS. Some are cited in the responsive brief. Virtually all of these documents are documents produced by government agencies or A&B/Mahi Pono.

Y-9	EMI Quarterly Report Q1 2021	Tanaka	
Y-10	EMI Quarterly Report Q2 2021	Tanaka	
Y-11	EMI Quarterly Report Q3 2021	Tanaka	
Y-12	Firefighting Usage		
Y-13	EMI Info. June 28, 2021		
Y-14	Mahi Pono testimony 2019 (J-26)		
Y-15	Mahi Pono information 2020		
Y-16	Mahi Pono upgrade plan 2021		
Y-17	Stipulation Regarding SWUPA 2206		
Y-18	CWRM Nā Wai 'Ehā Decision		
Y-19	CWRM Nā Wai 'Ehā Errata		
Y-20	Staff Submittal 2018 (J-16)		
Y-21	Staff Submittal 2019 (J-21)		
Y-22	Staff Submittal 2020		
Y-23			
Y-24			
Y-25	BLNR Minutes 2016 (J-12)		
Y-26	BLNR Minutes 2017 (J-13)		
Y-27	BLNR Minutes 2018 (J-15)		
Y-28	BLNR Minutes 2019		
Y-29	BLNR Minutes 2020		
Y-30	Transcript of October 11, 2019 Board meeting (S-51)		
Y-31	Gon Deposition Transcript (125)		
Y-32	Case Deposition Transcript (126)		
Y-33	The Use of Hawaiian Stream Habitat Evaluation Procedure to Provide Biological Resource Assessment in Support of Instream Flow Standards for East Maui Streams (2009) (S-19)		
Y-34	Kolea Report (J-22)		
Y-35	DAR letter April 2010 (J-23)		
Y-36	Higashi deposition transcript 2019 (122)		
Y-37	Higashi deposition transcript 2020 (123)		
Y-38	emails Skippy Hau -Rebecca Alakai April 2019 (16)		
Y-39	email Skippy Jan 2020 (18)		
Y-40	DAR comments 2020		
Y-41	USFWS Damsely Survey	Tanaka	
Y-42	Freed article Vector movement 2013	Reynolds	
Y-43			
Y-44	CWRM info on IFS		
Y-45	Hawaii Stream Assessment 1990 (S-2)	Kido	
Y-46	CWRM 2018 Order (J-14)		
Y-47	HAR 13-169-44 (82)		
Y-48	Waimea Watershed Agreement		
Y-49	CWRM minutes 4/18/17		
Y-50	Sierra Club IIFS petition	Tanaka	

Y-51	IIFS petition emails	Tanaka	
Y-52	A&B Answering Brief 2014		
Y-53	BLNR Order 2007		
Y-54	Transcript Nov. 2014		
Y-55	Sierra Club petition for contested case hearing 2020	Tanaka	
Y-56	Sierra Club petition for contested case hearing 2021	Tanaka	
Y-57	Sierra Club ltr re quarterly report		
Y-58	Sierra Club ltr 2021		
Y-59	Sierra Club inquiry 2021		
Y-61	Kido CV		
Y-62	July 30, 2021 Crabtree order (Second Order)		
Y-63	August 23, 2021 Final FOF COL		
Y-64	Diagram of HC&S Ditch System (J-29)		
Y-65	USGS Seepage Study		