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 Attorney for the Sierra Club

BOARD OF LAND AND NATURAL RESOURCES
 STATE OF HAWAI‘I

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 Witness 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 Witness List

Name/Organization/Position	Subject Matter	Exhibits ¹
Mark Vaught, EMI Manager	All subjects identified in A&B’s witness list; All subjects in the Sierra Club’s motions for information;	
Grant Nakama, Mahi Pono Vice President of Operations	All subjects identified in A&B’s witness list; All subjects in the Sierra Club’s motions for information;	
Ceil Howe III, Mahi Pono CEO	All subjects identified in A&B’s witness list; All subjects in the Sierra Club’s motions for information; the FEIS	
Ayron Strauch, CWRM hydrologist	All subjects identified in A&B’s witness list;	

¹ 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.”).

Ian Hirokawa	see Sierra Club's request for subpoena; staff submittals, rental amount; waste; irrigation upgrade plan;	
Keola Cheng, Wilson Okamoto, director of planning	All subjects in the Sierra Club's motions for information; See Sierra Club's request for subpoena; Information in the FEIS	
Dalton Beauprez Wilson Okamoto, lead planner	All subjects in the Sierra Club's motions for information; See Sierra Club's request for subpoena; Information in the FEIS	
Meredith Ching	All subjects in the Sierra Club's motions for information; See Sierra Club's request for subpoena; Sales agreement with Mahi Pono	
Skippy Hau	See Sierra Club's request for subpoena; DAR recommendations, diversion structures, stream observations and conclusions;	
Scott Fretz, DOFAW DLNR Maui Branch Manager	See Sierra Club's request for subpoena; east Maui native forest, invasive species, and management; unused equipment and structures; and plans	
Kaleo Manuel, CWRM deputy director	See Sierra Club's request for subpoena; the status of the Sierra Club's interim instream flow standard petition; waste; system upgrade plan	
Michell Reynolds	forest ecology; mosquito; endangered species	Y-42
Mike Kido	stream ecology; aquatic biology	Y-45
Lucienne de Naie	standing; public interest	
Lurlyn Scott	standing; public interest	
Wayne Tanaka, Sierra Club director	standing; IIFs petition; water use and needs; public interest	Y-1, Y-4—Y-11, Y-41, Y-50, Y-51, Y-55 – Y-59