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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 Second Request for  
(2) 2-9-014:001, 005, 011, 012 & 017; (2) 1- ) Subpoenas; Certificate of Service; Draft  
1-002:002 (por.) and (2) 1-2-004:005 & 007 ) Subpoena  
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 Second Request for Subpoenas**

The Sierra Club requests subpoenas of the Wilson Okamoto planners who oversaw, prepared, coordinated and drafted the Corrected Final Environmental Impact Statement for Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū and Huelo License Areas (September 2021). A&B's Exhibits X-1 – X-5 comprise the FEIS. Keola Cheng is the director of planning at Wilson Okamoto and led the presentation of the document to BLNR. Dalton Beauprez is the lead planner for the document. Their address is

Wilson Okamoto Corporation  
1907 South Beretania Street, Suite 400  
Honolulu, HI 96826

The information in the FEIS is material to this case. A&B has admitted as much by submitting the FEIS as evidence. Questions about its contents are clearly material. For example, the EIS mentions how much water each crop uses per day. Exhibit X-1 at 2-29. The numbers in

the chart are laid out as fact, but there is no explanation as to how these numbers were derived. These numbers appear to be made up out of thin air. A&B cannot simply invent numbers without any basis. The Sierra Club is entitled to cross examine the authors of the statements made in the EIS. “In almost every setting where important decisions turn on questions of fact, due process requires an opportunity to confront and cross-examine adverse witnesses.” *Goldberg*, 397 U.S. at 269; *In re Wai‘ola O Moloka‘i, Inc.*, 103 Hawai‘i 401, 444, 83 P.3d 664, 706 (2004).

Keola Cheng and Dalton Beauprez will be questioned about the contents of the FEIS and the assumptions that underlie it. Such questions are clearly material.

Dated: Honolulu, Hawai‘i November 29, 2021

/s/ David Kimo Frankel  
Attorney for the Sierra Club

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Certificate of Service

Pursuant to Minute Order No.s 1 & 5, a copy of the foregoing is being served via email  
today to:

[lauren.k.chun@hawaii.gov](mailto:lauren.k.chun@hawaii.gov)

[melissa.d.goldman@hawaii.gov](mailto:melissa.d.goldman@hawaii.gov)

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Dated: Honolulu, Hawai'i November 29, 2021

/s/ David Kimo Frankel  
Attorney for the Sierra Club