

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 Key Nos. (2) 1-1-001:044 & 050; ) MINUTE ORDER NO. 23  
(2) 2-9-014:001, 005, 011, 012 & 017; (2) 1-1- )  
002:002 (por.) and (2) 1-2-004:005 & 007 for ) ORDER REGARDING SIERRA CLUB'S  
Water Use on the Island of Maui to Alexander ) MOTIONS 1) FOR PREPARATION OF THE  
& Baldwin, Inc. (A&B) and East Maui ) HEARING TRANSCRIPT AND 2) MOTION  
Irrigation Company, LLC (EMI) for the ) TO REOPEN THE CONTESTED CASE  
remainder of the 2021 RPs, if applicable, and ) HEARING TO RECEIVE TWO  
for their continuation through the end of 2022 ) QUARTERLY REPORTS  
)  
) CERTIFICATE OF SERVICE

MINUTE ORDER NO. 23 REGARDING  
SIERRA CLUB'S MOTIONS 1) FOR PREPARATION OF  
THE HEARING TRANSCRIPT AND 2) MOTION TO REOPEN THE  
CONTESTED CASE HEARING TO RECEIVE TWO QUARTERLY REPORTS

On April 28, 2022, the Sierra Club filed a Motion for Preparation of the Hearing Transcript. On May 3, 2022, the Sierra Club filed a Motion to Reopen the Contested Case Hearing to Receive Two Quarterly Reports. On May 9, 2022, Alexander & Baldwin and East Maui Irrigation Company, LLC (collectively A&B) filed a Position Statement re: Sierra Club's Motion to Reopen the Contested Case Hearing to Receive Two Quarterly Reports in which A&B did not oppose the motion to reopen the contested case hearing. On May 9, 2022, the Sierra Club filed its Reply Regarding Three Pending Motions.

In the Reply Regarding Three Pending Motions, the Sierra Club stated that if its motions regarding the hearing transcript and to reopen the case are granted, that it would need time to incorporate the transcript references and to reference the two quarterly reports in its exceptions. The Sierra Club asked that the motions be expeditiously resolved and the due date for its exceptions be briefly continued.

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2022 MAY 12 AM 8:17  
DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

The Board of Land and Natural Resources (Board) is made up of seven volunteer members. It takes tremendous coordination just for the Board to take up the motions and to deliberate on the motions, with or without a hearing. Because of this, the Board is unlikely to be able to take up the motions regarding the preparation of the transcript and to reopen the case prior to the deadline for filing of exceptions.

There is a need to expeditiously get the Hearing Officer's [Proposed] Findings of Fact, Conclusions of Law, and Decision & Order before the Board along with the parties' exceptions, in order for the Board members to prepare for the oral argument in this case. Accordingly, it is not prudent for the Board to move back the deadline for the filing of exceptions prior to deciding on the Sierra Club's motions. However, the Board does recognize that if the motions are granted that the parties will need to be able to incorporate transcript references and the quarterly report into their exceptions.

Based on the above, the deadline for the filing of exceptions will remain as the close of business on May 13, 2022. If either or both of the above referenced motions are granted, the parties will be given an opportunity to supplement their exceptions to include the additional transcript references or to incorporate the quarterly reports or both.

SO ORDERED this 12<sup>th</sup> day of May, 2022.

*Suzanne D. Case*

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Suzanne D. Case  
Presiding Officer

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies a true and accurate copy of the foregoing was duly served upon the following parties by electronic mail, on May 12<sup>th</sup>, 2022.

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DATED: May 12, 2022, Honolulu, Hawai'i.



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# AB-EMI RP contested case - Minute Order No 23 - Order re SC Motions

Final Audit Report

2022-05-12

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