

FIRST CIRCUIT COURT  
STATE OF HAWAII  
FILED

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J. KUBO  
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NĀ MOKU AUPUNI O KO'OLAU HUI

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII 14-1-0918-04

RAN.

NĀ MOKU AUPUNI O KO'OLAU HUI,

Appellant,

vs.

BOARD OF LAND AND NATURAL  
RESOURCES, the DEPARTMENT OF  
LAND AND NATURAL RESOURCES,  
WILLIAM AILA, JR. in his official  
capacity as Chairperson of the Board of  
Land and Natural Resources,  
ALEXANDAR & BALDWIN, INC. and  
EAST MAUI IRRIGATION, LTD.,

Appellees.

) Civil No. \_\_\_\_\_  
) (Agency Appeal)  
)  
)  
) NOTICE OF APPEAL TO CIRCUIT  
) COURT; STATEMENT OF THE CASE;  
) DESIGNATION OF RECORD ON APPEAL;  
) ORDER FOR CERTIFICATION AND  
) TRANSMISSION OF RECORD ON  
) APPEAL; CERTIFICATE OF SERVICE  
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NOTICE OF APPEAL TO CIRCUIT COURT

Notice is hereby given that Appellant Nā Moku Aupuni O Ko'olau Hui, ("Nā Moku" or "Appellant"), by and through its undersigned attorneys, pursuant to HRS § 91-14 and Rule 72 of the Hawai'i Rules of Civil Procedure and Articles XI §§ 1 and 7 and Article XII § 7 of the Constitution of the State of Hawai'i, appeals to the Circuit Court of the First Circuit from the

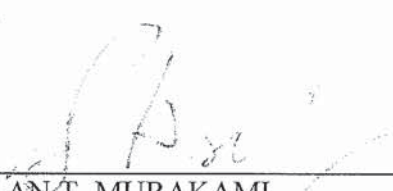
I do hereby certify that this is a full, true, and  
correct copy of the original on file in this office.

Clerk, Circuit Court, First Circuit

Board of Land and Natural Resources' effective denial of Appellant's August 14, 2012 Amended Motion to Reconvene Contested Case Proceedings (*In the Matter of the Contested Case Hearing Regarding Water Licenses at Honomanu, Keanae, Nahiku, and Huelo, Maui*, DLNR FILE NO. 01-05-MA).

The agency's action and inaction prejudiced the substantive and procedural rights of Appellant for all the reasons articulated in HRS § 91-14(a) and (g). Appellant is aggrieved by a preliminary ruling in a contested case of the nature that deferral of review pending entry of a subsequent final decision would deprive it of adequate relief and is thus entitled to judicial review thereof under this chapter. This appeal is also made upon the grounds set forth more fully in the Statement of the Case, filed herein.

DATED: Honolulu, Hawai'i, April 14, 2014.



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ALAN T. MURAKAMI  
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SUMMER L. SYLVA  
Attorneys of Appellant  
NĀ MOKU AUPUNI O KO'OLAU HUI

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

NĀ MOKU AUPUNI O KO'OLAU HUI, ) Civil No. \_\_\_\_\_  
 ) (Agency Appeal)  
Appellant, )  
 )  
vs. ) STATEMENT OF THE CASE  
 )  
BOARD OF LAND AND NATURAL )  
RESOURCES, et al. )  
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Appellees. )  
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**STATEMENT OF THE CASE**

Pursuant to Rule 72(e) of the Hawai'i Rules of Civil Procedure, Appellant Nā Moku Aupuni O Ko'olau Hui (hereinafter, "Nā Moku"), by and through its undersigned attorneys, makes the following Statement of the Case.

**INTRODUCTION**

1. Nā Moku brings this appeal to challenge the Board of Land and Natural Resources' chronic and unexplained inaction, which has caused this proceeding to languish indefinitely and constitutes an effective denial of Nā Moku's motion to reconvene the contested case proceedings filed as amended on August 14, 2012. The Board of Land and Natural Resources' constructive denial is tantamount to "a preliminary ruling of the nature that deferral of review pending entry of a subsequent final decision would deprive [Nā Moku members] of adequate relief." Hawai'i Revised Statutes ("HRS") § 91-14(a).

**PARTIES**

2. Appellant Nā Moku is a Native Hawaiian nonprofit organization, some of whose members are native Hawaiian, which represents East Maui taro farmers and practitioners of Native Hawaiian traditional and customary practices in the East Maui area.

3. The late Beatrice Kekahuna and Marjorie Walleth, who were the original petitioners in this contested case, are now deceased, having passed away during the Board of Land and Natural Resources' protracted period of inaction, including its delay and failure to act on Nā Moku's motion to reconvene the contested case hearing.

4. Pursuant to HRS § 26-15, Appellee Board of Land and Natural Resources (“BLNR”) heads the Department of Land and Natural Resources, which is an agency of the State of Hawai`i that is charged by law to responsibly manage and administer the approximately 33,000 acres of ceded lands that are the subject of the proposed lease and permits at issue in the underlying administrative proceeding.

5. Appellee William Aila (“Aila”) is the Chairperson of the BLNR and is named in his official capacity.

6. Appellee Department of Land and Natural Resources (“DLNR”) is an agency of the State of Hawai`i overseen by the BLNR and issues conservation district use permits pursuant to HRS Chapter 183C.

7. DLNR’s mission is to “enhance, protect, conserve and manage Hawaii’s unique and limited natural, cultural and historic resources held in public trust for current and future generations of visitors and the people of Hawaii nei in partnership with others from the public and private sectors.”

8. Appellees Alexander & Baldwin, Inc. (“A&B”) is a private profit-making corporation which is engaged in real estate development in Hawai`i and abroad, as well as sugar cultivation in Central Maui. East Maui Irrigation, Ltd. (“EMI”) is a subsidiary of A&B and transports the diverted water from East Maui streams to Central Maui for A&B to operate its Hawai`i Commercial & Sugar Company’s sugar plantation.

#### STANDING

9. Nā Moku members are residents of East Maui who seek to continue traditional fishing, taro cultivation, and gathering of wildlife along the East Maui coastline and/or from streams being diverted by A&B/EMI with the permission of Appellees Aila and DLNR.

10. All of these practices depend on naturally flowing streams, from which Appellees Aila and DLNR have sanctioned and enabled A&B/EMI’s systematic and chronic diversions.

11. Nā Moku members have been seriously and negatively affected as a result of BLNR’s action and inactions, which have permitted A&B/EMI’s continued diversion of various East Maui streams, which previously provided Nā Moku members with food and sustenance, and once supported natural habitats vital to traditional and customary practices that express their deep and abiding reverence for the environment and its natural resources.

12. Appellee BLNR is the primary administrative agency charged with determining

whether to allow the diversion of East Maui streams from state ceded lands, whose action on Nā Moku's requests can remedy the harm to Nā Moku members.

#### JURISDICTION

13. The Circuit Court has jurisdiction over this appeal pursuant to HRS § 91-14 which provides in pertinent part:

**Any person aggrieved by a final decision and order in a contested case or by a preliminary ruling of the nature that deferral of review pending entry of a subsequent final decision would deprive appellant of adequate relief is entitled to judicial review under this chapter.**

(Emphases added).

14. If necessary, this Statement of the Case may also be construed as an original complaint, pursuant to Rules 1, 8(a) and 8(e), Hawai'i Rules of Civil Procedure. *See also Life of the Land v. Land Use Comm'n*, 58 Haw. 292, 295, 568 P.2d 1189, 1192 (1977). This Court has jurisdiction over the claims for relief set forth in this complaint under HRS §§ 603-21.5, 632-1, 673-2, and Articles XI §§ 1 and 7 and Article XII § 7 of the Constitution of the State of Hawai'i.

#### GENERAL FACTUAL ALLEGATIONS

15. For over 100 years, past governments of the state, territory, and Kingdom of Hawai'i allowed A&B/EMI to divert progressively more and more water from an increasing number of East Maui streams flowing on over 33,000 acres of ceded lands in the State Conservation District. A&B/EMI have diverted these waters utilizing a complex system of ditches, tunnels, and flumes to irrigate sugar cane fields in Central Maui.

16. In modern times, the BLNR designated four license areas (Honopou, Huelo, Ke'anae, and Nahiku) in the Ko'olau Forest Reserve, comprising approximately 33,000 acres of former Crown Lands, from which stream water was and continues to be diverted to support A&B/EMI's commercial enterprise in Central Maui.

17. BLNR provided and continues to provide the putative legal authority to A&B/EMI to divert these East Maui streams at the expense of Hawaiian cultural practitioners whose traditions and customs of gathering from these streams and fishing along its coastline have suffered.

18. These diversions have caused, historically and currently, major cultural and environmental impacts on stream habitats and cultural resources on which Nā Moku members

rely to pursue rights they and their ancestors have traditionally and customarily exercised for subsistence and cultural purposes.

19. The last 25-year license to divert water from East Maui expired in 1986, after which the BLNR began to issue month-to-month revocable permits that were renewed annually, as a matter of course, through 2001.

20. The last annually renewable revocable permit to divert water from East Maui expired on June 30, 2001.

21. In May 2001, Nā Moku successfully sought to intervene in administrative proceedings convened to determine whether the BLNR should authorize water diversions from twenty-seven (27) East Maui streams located in four BLNR license areas situated between Waikamoi and Makapipi Streams.<sup>1</sup>

22. After allowing that intervention, the BLNR nonetheless continued to permit A&B/EMI to divert water in the absence of any formal authority cognizable under its governing regulations, or an environmental assessment, or, for that matter, any final resolution of Nā Moku's contested case hearing.

23. The BLNR erroneously insisted, however, that its actions were consistent with what it coined as "holdover" permits, thereby flouting the law and allowing A&B/EMI's unlawful stream diversions from ceded lands to continue pending resolution of the subject contested case hearings.

24. In May 2001, Nā Moku also sought to amend the interim instream flow standards ("IIFS") for the same 27 streams before the Commission on Water Resources Management ("CWRM"), pursuant to HRS Chapter 174C.

25. On January 24, 2003, the BLNR approved a 30-year lease allowing A&B/EMI to continue diverting water from East Maui streams located in the four license areas comprising approximately 33,000 acres of former Crown Lands, subject to any future amendment necessary to enforce any administrative action taken by the CWRM to amend the IIFS for the 27 streams.

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<sup>1</sup> The 27 streams include Honopou, Hanehoi, Puolua, Waiokamilo, Kualani, Pi'ina'au, Palauhulu, Wailuanui Stream, Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuena, Punalau/Kolea, Honomanu, Nuailua, Ohia (Waianu), West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, Waiohue, Paakea, Waiaka, Kapaula, Hanawi, and Makapipi.

26. Nā Moku successfully appealed that decision, obtaining an October 10, 2003 order (the “October 10, 2003 Order”) from the First Circuit Court which reversed and vacated BLNR’s approval of A&B/EMI’s 30-year lease.

27. The October 10, 2003 Order also required the BLNR to conduct or, at minimum, require an environmental assessment prior to approving any 30-year lease to A&B/EMI, and remanded the case for further hearings concerning the pending revocable permits.

28. While the CWRM IIFS proceeding was pending, the BLNR hearing officer focused the parallel contested case hearings on whether to provide interim relief to taro farmers aggrieved by diversions from the streams on which they depended to cultivate taro in Wailuanui and Honopou Valleys.

29. On March 23, 2007, the BLNR voted to provide interim relief (“2007 Interim Order”) by requiring the release of six mgd (million gallons per day) at Dam #3 on Waiokamilo Stream. The BLNR appointed a stream monitor to investigate, adjust, and resolve complaints about the flow rates in other streams, namely to address the water needs of Honopou and Wailuanui Valley taro farmers who sought to prevent pythium rot in their taro.

30. Despite this interim order, which marginally reduced the water being diverted by A&B/EMI, the BLNR, in violation of the October 10, 2003 Order, allowed diversions to continue without performing or requiring any environmental assessment, and simultaneously failed to act upon any revocable permits to authorize those diversions.

31. As such, for the last thirteen years, Appellees A&B and EMI have diverted water out of East Maui with no valid permit cognizable under state statutes or DLNR regulations.

32. On September 25, 2008, the CWRM amended IIFS for 8 of the 27 streams to address the irrigation water needs of taro farmers cultivating taro in Wailuanui, Ke`anae, and Honopou Valleys. The CWRM also adopted an adaptive management strategy (“AMS”) to allow for periodic monitoring of stream flows in these streams and flexible adjustments to A&B/EMI diversions to adapt to taro growing needs.

33. After amending the IIFS and adopting an AMS for those 8 East Maui streams, the CWRM proceeded to determine whether to amend the IIFS for the remaining 19 streams from which Nā Moku members sought to gather o`ōpū, hihiwai, and `ōpae, as well as to fish and gather other marine foods replenished by stream flows entering the ocean.

34. Because of DLNR's appointed stream monitor's failure to act, and mounting unresolved complaints from taro farmers concerning the adequacy of water released under the 2007 Interim Order, Nā Moku filed a Motion to Enforce the Board's 2007 Interim Order.

35. On March 13, 2009, the BLNR denied Nā Moku's Motion to Enforce the Board's 2007 Interim Order and suspended its 2007 Interim Order, including the duties of the stream monitor.

36. In arriving at its decision, the BLNR relied on the CWRM's September 2008 adoption of IIFS amendments and its AMS for the eight streams.

37. The BLNR explicitly relied on CWRM representations that its staff would perform quarterly monitoring of the eight streams, and meet with community members to ascertain the effects of the CWRM's decision on streams and downstream users.

38. Instead of taking independent action, the BLNR opted to defer to the expertise asserted by the CWRM and to wait until the CWRM completed its monitoring and conducted a 2009 annual review of its September 2008 decision amending the IIFS for the five hydrologic units.

39. In its 2009 decision, the BLNR directed the DLNR Land Division administrator to report on the findings and decision the CWRM contemplated making later in September 2009.

40. The DLNR Land Division administrator never reported back to the BLNR, despite this explicit BLNR direction.

41. On May 25, 2010, while refusing to grant Nā Moku a contested case hearing, the CWRM amended the IIFS for the remaining 19 streams that Nā Moku sought to restore.

42. The CWRM's 2010 actions were deliberately and wilfully contrary to its own staff recommendations and the outstanding stream flow needs vital to Nā Moku members' restoration and continuation of traditional and customary fishing and gathering practices in those streams and along the coastlines fed by them.

43. Nā Moku timely appealed that decision to the Intermediate Court of Appeals.

44. On July 5, 2012, Nā Moku filed a Motion to Reconvene Contested Case Proceedings (*In the Matter of the Contested Case Hearing Regarding Water Licenses at Honomanu, Keanae, Nahiku, and Huelo, Maui*, DLNR File No. 01-05-MA) before the BLNR.

45. On August 14, 2012, Nā Moku filed their Amended Motion to Reconvene Contested Case Proceedings.



46. On August 22, 2012, Appellees A&B/EMI filed: (1) an objection to Nā Moku's Amendment of Motion to Reconvene Contested Case Proceedings; and (2) a memorandum in opposition to Nā Moku's Amended Motion to Reconvene Contested Case Proceedings.

47. Since that date, Appellee BLNR has taken no action on Nā Moku's above-referenced motion.

48. On November 30, 2012, the ICA ruled on Nā Moku's appeal, concluding that the CWRM had violated Nā Moku's right to a contested case hearing under HRS Chapter 91, and both vacated the May 25, 2010 CWRM decision and remanded the case with instructions to hold the contested case hearing.

49. On January 10, 2014, counsel for Nā Moku wrote a letter to Appellee Aila pointing to the BLNR's 16-month failure to act on Nā Moku's motion to reconvene the contested case hearing.

50. Nā Moku's letter also outlined the serious prejudice to Nā Moku members caused by the BLNR allowing A&B/EMI's unlawful diversions to continue.

51. The BLNR's actions and inactions constitute an effective denial of Nā Moku's motion to reconvene contested case, as prior court rulings applicable to the BLNR have established. *Kilakila O Haleakala v. Board of Land and Natural Resources*, 2013 Haw. LEXIS 402, \*28 (2013) (“[T]he absence of a formal denial is not dispositive of the issue. [T]he failure to either grant or deny KOH's requests for a contested case hearing became an effective denial when BLNR proceeded to render a final decision by voting to grant the permit to UH[.]”)

52. As of March 14, 2014, sixty (60) days after the letter, Appellee BLNR failed to respond to Nā Moku's or act upon its motion.

53. The BLNR's protracted inaction on Nā Moku's motion to reconvene a contested case while allowing continued diversions by A&B/EMI constitutes a preliminary ruling of the nature such that the deferral of review pending entry of a subsequent final decision deprives Nā Moku of adequate relief.

CLAIMS FOR RELIEF

COUNT 1

(Violation of Hawai`i Constitution)

54. Nā Moku hereby realleges and incorporates by reference the above allegations.

55. Hawai`i Constitution, Art. XII, §7 reaffirms all rights, customarily and traditionally exercised for subsistence, cultural, and religious purposes and possessed by ahupua`a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights.

56. Pursuant to this constitutional provision, the BLNR is required to: (1) identify the extent to which traditional and customary native Hawaiian rights are exercised in the area; (2) identify the extent to which traditional and customary native Hawaiian rights will be affected or impaired by the proposed action; and (3) identify the feasible action, if any, to be taken to reasonably protect native Hawaiian rights if they are found to exist.

57. The BLNR failed to fulfill its obligations when it allowed A&B/EMI stream diversions in East Maui to continue without performing its obligation to identify, assess the impact on, and protect native Hawaiian rights.

58. By its chronic inaction and untimely failure to affirmatively act to fulfill these obligations, the BLNR and DLNR have either deliberately, willfully, or at least negligently, violated Haw. Const., Art. XII, §7.

COUNT 2

(Violation of HRS Chapter 343)

59. Nā Moku hereby realleges and incorporates by reference the above allegations.

60. HRS §§ 343-5(a)(1) , (2), 343-5(b), and 343-5(d) or (e) require the preparation and formal acceptance of an environmental assessment (EA) at the earliest practicable time, or, if the affected agency determines, through its judgment and experience, that an environmental impact statement (“EIS”) is likely to be required, require preparation of an EIS before any continued diversions may be authorized on state lands and/or lands in the State Conservation District, regardless of whether the authority sought is a long-term lease or long-term repetition of annually renewable revocable permits.

61. Under HRS §343-5(c)(4), an EIS is required if the proposed action may have a significant effect on the environment.

62. Under HRS §343-5(d) or (e), the formal acceptance of a required final EIS is a condition precedent to any implementation of a proposed action.

63. Moreover, a contested case hearing involving potential negative impacts on traditional and customary practices and held without prior compliance with HRS Chapter 343, improperly shifts the burden of evaluating environmental impacts to one seeking to protect traditional and customary Hawaiian practices.

64. The BLNR's failure to require the preparation and acceptance of an EA or EIS prior to allowing continued diversions of East Maui streams violated HRS chapter 343.

#### COUNT 3

##### (Violation of Public Trust Obligations)

65. Nā Moku hereby realleges and incorporates by reference the above allegations.

66. The BLNR is required to act as a trustee in protecting the public's interest in public trust resources, including water resources. Protecting the continuation of traditional and customary Hawaiian uses of water is an inviolable public trust purpose that the BLNR is required to respect.

67. As the primary guardian of public rights under the trust, the BLNR must take the initiative in considering, protecting, and advancing public rights in trust resources at every stage of the planning and decision making process.

68. The public trust doctrine effectively prescribes a higher level of scrutiny for private commercial uses. Consequently, those seeking stream diversions for a commercial purpose must justify proposed diversions in light of the purposes protected by the trust.

69. The BLNR failed to fulfill these public trust obligations when it denied Nā Moku members the relief they sought to protect the stream resources of East Maui and the traditions and customs dependent on those restored resources.

#### COUNT 4

##### (Violation of the Ceded Lands Trust)

70. Nā Moku hereby realleges and incorporates by reference the above allegations.

71. Under the Hawai'i Admission Act, §5(f), the State of Hawai'i is obligated to manage the resources in the Ceded Lands Trust, under a compact with the U.S. government to administer the lands transferred to it upon statehood, in part, for the betterment of conditions of native Hawaiians. The leasing of 33,000 acres of ceded lands to A&B/EMI falls under none of the five purposes of the Ceded Lands Trust.

72. The resulting diversion of natural stream flow from those ceded lands to the sugar operations of A&B/EMI in Central Maui has had and continues to have serious deleterious effects on the ability of Nā Moku members, especially those who are native Hawaiian, to perpetuate the traditions and customs of their Hawaiian ancestors.

PRAAYER FOR RELIEF

Wherefore, Appellant respectfully prays that this Court:

A. Declare that Appellee BLNR effectively denied Appellant Nā Moku's motion to reconvene the contested case proceedings by its inaction;

B. Reverse Appellee BLNR's effective denial of Appellant Nā Moku's motion to reconvene the contested case proceedings;


C. Declare that Appellee BLNR violated HRS chapter 343-5 by failing to require preparation and acceptance of an EIS or, at minimum, an EA before allowing the continued diversion of East Maui streams by Appellee A&B/EMI;

D. Order Appellees A&B/EMI to complete an EA, or, alternatively, an EIS, pursuant to HRS Chapter 343;

E. Order Appellee BLNR, upon preparation, filing, and acceptance of an EA or EIS pursuant to HRS chapter 343, to reconvene the contested case proceedings on the water licenses; and

F. Provide for such other and further relief, including the award of reasonable attorneys' fees and costs, as the Court shall deem just and proper.

DATED: Honolulu, Hawai'i, April 14, 2014.

  
\_\_\_\_\_  
ALAN T. MURAKAMI  
CAMILLE K. KALAMA  
ASHLEY K. OBREY  
SUMMER L. SYLVA  
Attorneys of Appellant  
NĀ MOKU AUPUNI O KO'OLAUI HUI

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

NĀ MOKU AUPUNI O KO'OLAU HUI,     ) Civil No. \_\_\_\_\_  
  ) (Agency Appeal)  
  )  
  )  
  ) vs.    ) DESIGNATION OF RECORD ON APPEAL  
  )  
BOARD OF LAND AND NATURAL         )  
RESOURCES, et al.,                     )  
  )  
  ) Appellees.  
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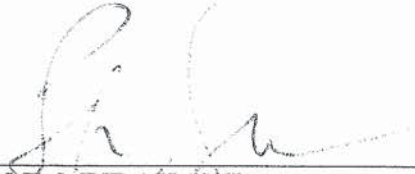
**DESIGNATION OF RECORD ON APPEAL**

TO: CLERK, FIRST CIRCUIT COURT, STATE OF HAWAII

Pursuant to Rule 72(d)(1) of the Hawai'i Rules of Civil Procedure, Appellants designate as the Record on Appeal all records and files including all minutes, transcripts, and documents relating *In the Matter of the Contested Case Hearing Regarding Water Licenses at Honomanu, Keanae, Nahiku, and Huelo, Maui* (DLNR File No. 01-05-MA).

The record should include, but not be limited to: application(s) for a lease or revocable permits submitted by Alexander & Baldwin/East Maui Irrigation; Board of Land and Natural Resources' minutes and transcripts for meetings held from May 25, 2001 through September 28, 2012; and all submissions filed by all parties and the hearing officer in the contested case identified under docket DLNR 01-05-MA.

DATED: Honolulu, Hawai'i, April 14, 2014.



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CAMILLE K. KALAMA  
ASHLEY K. OBREY  
SUMMER L. SYLVA  
Attorneys of Appellant  
NĀ MOKU AUPUNI O KO'OLAU HUI

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

NĀ MOKU AUPUNI O KO'OLAU HUI, ) Civil No. \_\_\_\_\_  
Appellant, ) (Agency Appeal)  
vs. ) ORDER FOR CERTIFICATION AND  
BOARD OF LAND AND NATURAL ) TRANSMISSION OF RECORD ON APPEAL  
RESOURCES, et al., )  
Appellees. )  
\_\_\_\_\_ )

**ORDER FOR CERTIFICATION AND TRANSMISSION OF RECORD ON APPEAL**

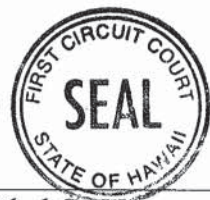
TO: WILLIAM AILA, CHAIRPERSON OF THE BOARD OF LAND AND NATURAL  
RESOURCES

You are hereby ordered, pursuant to Rule 72(d)(1) of the Hawai'i Rules of Civil Procedure, to certify and transmit to this Court, within 20 days of the date below, or within such further time as may be allowed by the Court, the entire record in this proceeding, as set forth in the foregoing Designation of Record on Appeal.

DATED: Honolulu, Hawai'i, \_\_\_\_\_

APR 14 2014

J. KUBO



\_\_\_\_\_  
Clerk of the above-entitled Court

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

NĀ MOKU AUPUNI O KO'OLAU HUI,	)	Civil No. _____
	)	(Agency Appeal)
Appellant,	)	
	)	
vs.	)	CERTIFICATE OF SERVICE
	)	
BOARD OF LAND AND NATURAL	)	
RESOURCES, et al.	)	
	)	
Appellees.	)	
	)	
	)	

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was duly served upon the following in the manner indicated below, to their respective last known addresses on April 14, 2014.

By Hand-Delivery

Linda L. W. Chow  
Deputy Attorney General  
Department of the Attorney General  
State of Hawai'i  
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Attorneys for COUNTY OF MAUI,  
DEPARTMENT OF WATER SUPPLY

DATED: Honolulu, Hawai'i, April 14, 2014.

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CAMILLE K. KALAMA  
ASHLEY K. OBREY  
SUMMER L. SYLVA  
Attorneys of Appellant  
NĀ MOKU AUPUNI O KO'OLAU HUI

Civil No. 19-1-0019-01 (JPC)

**Defendant A&B/EMI's Exhibit AB-10**

FOR IDENTIFICATION \_\_\_\_\_

RECEIVED IN EVIDENCE \_\_\_\_\_

CLERK \_\_\_\_\_