

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

JESSE K. SOUKI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

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BOATING AND OCEAN RECREATION
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CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAIHOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

April 25, 2014

Alan Murakami, Esq.
Ashley K. Obrey, Esq.
Native Hawaiian Legal Corporation
1164 Bishop St., Suite 1205
Honolulu, Hawaii 96813

Dear Mr. Murakami and Ms. Obrey:

Re: In Re Contested Case Hearing
Water Licenses, DLNR File No. 01-05-MA
Honomanu, Keanae, Nahiku, and Huelo,
Maui, Hawaii

We are responding to your March 18, 2014 letter inquiring about the Board of Land and Natural Resources ("Board") contested case hearing on the East Maui water licenses. As we previously indicated, the Board does not plan to *reconvene* the contested case hearing on the water licenses until after the Commission on Water Resource Management ("Commission") has had the opportunity to address its own contested case on the Interim Instream Flow Standards for East Maui streams. That case was remanded from the Hawaii Intermediate Court of Appeals to the Commission on November 30, 2012. The Commission appointed a hearing officer who set a hearing for late 2014 (due in part to scheduling in the NaWai Eha contested cases).

The interim instream flow standards are an important factor in evaluating the license decision. Even though the two proceedings are before different state boards and commissions, they directly affect one another and the sequence in which they are taken up.

Thank you for your inquiry.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Aila".

William J. Aila
Chairperson
Hawaii Board of Land and Natural Resources

cc: Linda Chow, Esq.
David Schulmeister, Esq.

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

Defendant A&B/EMI's Exhibit AB-11

FOR IDENTIFICATION _____

RECEIVED IN EVIDENCE _____

CLERK _____