

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

HEALOHA CARMICHAEL, LEZLEY
JACINTHO, and NĀ MOKU AUPUNI O
KO'OLAU HUI,

Plaintiffs,

v.

BOARD OF LAND AND NATURAL
RESOURCES, SUZANNE CASE, in her
official capacity as Chairperson of the Board of
Land and Natural Resources, the
DEPARTMENT OF LAND AND NATURAL
RESOURCES, ALEXANDER & BALDWIN,
INC., EAST MAUI IRRIGATION CO., LTD.,
HAWAIIAN COMMERCIAL AND SUGAR,
CO., and COUNTY OF MAUI,
DEPARTMENT OF WATER SUPPLY,

Defendants.

CIVIL NO. 15-1-0650-04 VLC
(Environment; Declaratory Judgment)

DECLARATION OF GARRET HEW

NA MOKU AUPUNI O KO'OLAU HUI,

Appellant,

v.

BOARD OF LAND AND NATURAL
RESOURCES, the DEPARTMENT OF LAND
AND NATURAL RESOURCES, SUZANNE
CASE, in her official capacity as Chairperson
of the Board of Land and Natural Resources,
ALEXANDER & BALDWIN, INC. and EAST
MAUI IRRIGATION, LTD., COUNTY OF
MAUI, DEPARTMENT OF WATER
SUPPLY, MAUI TOMORROW, and
HAWAI'I FARM BUREAU FEDERATION,

Appellees.

CIVIL NO. 14-1-0918-04 RAN
(Agency Appeal)

DECLARATION OF GARRET HEW

I, GARRET HEW, declare as follows:

1. I am the President of East Maui Irrigation Co., Ltd. ("**EMI**"), a subsidiary of Alexander & Baldwin, Inc. ("**A&B**"). I have been employed by EMI since 1985. I am authorized and competent to make this declaration based on personal knowledge.
2. Attached hereto as Exhibit "1" is a true and correct copy of Revocable Permit No. S-7263 issued by the State Department of Land Natural Resources, Land Division to A&B effective July 1, 2000, which EMI keeps in its files in the ordinary course of business.
3. Attached hereto as Exhibit "2" is a true and correct copy of Revocable Permit No. S-7264 issued by the State Department of Land Natural Resources, Land Division to A&B effective July 1, 2000, which EMI keeps in its files in the ordinary course of business.
4. Attached hereto as Exhibit "3" is a true and correct copy of Revocable Permit No. S-7265 issued by the State Department of Land Natural Resources, Land Division to A&B effective July 1, 2000, which EMI keeps in its files in the ordinary course of business.
5. Attached hereto as Exhibit "4" is a true and correct copy of Revocable Permit No. S-7266 issued by the State Department of Land Natural Resources, Land Division to EMI effective July 1, 2000, which EMI keeps in its files in the ordinary course of business.
6. Attached hereto as Exhibit "5" is a true and correct copy of A&B's and EMI's application dated May 14, 2001 to the Board of Land and Natural Resources for the sale of a long-term lease at public auction of the license areas designated as Nahiku, Keanae, Huelo, and Honomanu, which EMI keeps in its files in the ordinary course of business.
7. Attached hereto as Exhibit "26" is an excerpt of a transcript of my testimony on March 17, 2015 in the contested case hearing before the Commission on Water Resource

Management, *In re Petition to Amend Interim Instream Flow Standards for Honopou, Huelo (Puolua), Hanehoi, Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Pi'ina 'au, Palauhulu, Ohia (Waianu), Waiokamilo, Kualani, Wailuanui, West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, Waiohue, Paakea, Waiaaka, Kapaula, Hanawi, and Makapipi Streams*, Case No. CCH-MA13-01. I have reviewed the excerpt and confirm that it truly and accurately reflects the testimony that I gave.

8. A&B and EMI have never submitted a request to the Board of Land and Natural Resources (“**BLNR**”) for renewal of Revocable Permits Nos. RP-7263, RP-7264, RP-7265, or RP-7266 (collectively, the “**Revocable Permits**”).

9. My understanding is that annual renewal of the Revocable Permits is unnecessary because the BLNR, at its May 24, 2002 meeting, put the Revocable Permits into holdover status pending the conclusion of the contested case hearing on A&B and EMI’s application to the BLNR for a long-term license for the Honomanu, Huelo, Keanae, and Nahiku license areas, and that the Revocable Permits have been in holdover status since then.

I, GARRET HEW, declare, verify, certify, and state under penalty of perjury that the foregoing is true and correct.

DATED: Maui, Hawaii, November 6, 2015.



GARRET HEW

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

Defendant A&B/EMI's Exhibit AB-14

FOR IDENTIFICATION _____

RECEIVED IN EVIDENCE _____

CLERK _____