



SIERRA CLUB OF HAWAI'I

Suzanne Case, Director
Department of Land and Natural Resources
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May 14, 2020

RE: Necessary follow up on quarterly reports on water usage for east Maui stream diversions

Aloha Director Case,

This past year, the Board of Land and Natural Resources required, for the first time, that A&B/EMI/Mahi Pono begin to provide some basic information to the Department. On behalf of everyone at the Sierra Club, I sincerely appreciate this effort. As you know, the April 25, 2020 quarterly report was recently received. We reviewed it, as I am sure you did as well, and you can see that it requires substantive follow up.

I am writing to implore you to please ask A&B/EMI/Mahi Pono the following basic questions. The answers to these questions are crucial to informing the Board's future decisions regarding revocable permits for these stream diversions.

Please ask Mahi Pono to answer the following questions regarding crop production:

- (a) how much groundwater has Mahi Pono used to irrigate **each** crop in 2020?
- (b) how much groundwater does Mahi Pono propose to use to irrigate **each** crop in 2021?
- (c) what is the tolerance of each crop to the type of brackish water found in the well nearest to the location of the crop, with a citation to credible authorities?
- (d) how much water does each crop require per acre on average, with a citation to credible authorities that found similar uses of water per acre for that crop?
- (e) how has Mahi Pono used the water from streams west of Honopou in 2020?
- (f) how many acres have been planted for each crop?

Please also ask Mahi Pono to provide a map that shows where each crop has been planted in relation to the groundwater wells.

Critical clarifying questions:

- 1) precisely identify how much water HC&D is using, for what purposes, and whether alternative sources of water are available.
- 2) explain in detail where the water goes on average daily in the huge category labelled “reservoir/fire protection/evaporation/dust control/hydroelectric. Clearly 16 million gallons of water are not used daily to fight fires, or for dust control. Where is this water ultimately going on a daily basis?
- 3) clarify what counts towards system loss. It is our understanding that system loss already includes evaporation?
- 4) How much water flows through the hydroelectric facility and why is that water not then used for irrigation? Many follow up questions need to be asked about this hydroelectric facility, as we have seen abuse of this arrangement in other places.
- 5) Detail how much garbage was cleaned up in that quarter and from which streams. There is no need to repeat how much garbage EMI cleaned up in 2018 and 2019.
- 6) Exhibit C does **not** provide adequate information. Which structures are still in place? Which ones have been modified? When will they be removed, or modified? The current status column does not provide critical information to the public or to the Department. The question is not simply whether gates are open. We need to know how much progress is being made in permanently modifying or removing artificial structures in our streams.

I recognize that it may take some time for A&B/EMI/Mahi Pono to answer these questions. For that reason, it is important that the Department ask for this information now so that the Board will have the information it needs before your next opportunity to consider whether to continue these revocable permits.

Thank you very much for your attention to this important matter.

Sincerely,



Marti Townsend
Director

Cc: Ian Hirokawa

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

Defendant A&B/EMI's Exhibit AB-31

FOR IDENTIFICATION _____

RECEIVED IN EVIDENCE _____

CLERK _____