

NAME: Lucienne de Naie

**Interrogatory #1:** Describe fully how you “would be adversely affected if the revocable permits were held over for another year,” as alleged in paragraph 14 of the Sierra Club’s First Amended Complaint.

Plaintiff objects to this interrogatory because: (a) the request is duplicative of information already provided; and (b) the request is unnecessarily burdensome given the materials previously provided to the defendants.



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David Kimo Frankel  
Attorney for the Sierra Club

Subject to and without waiving these objections, you have at least three declarations from me. One is dated December 28, 2014. Another is dated February 28, 2019. And a third is dated July 16, 2019. I also answered questions in a deposition on May 31, 2019. I incorporate those responses.

I have hiked to or along dozens of east Maui streams. I love to see native aquatic streamlife and to educate others about our native ecosystem. I enjoy swimming and dipping in these streams. My enjoyment hiking in east Maui is diminished by the diversion structures, reduced stream flow, and reduced native aquatic life. The diversion of streams diminishes my enjoyment of being in nature. The diversions authorized by the continuation of the revocable permits harm my aesthetic, recreational and environmental interests. An increase in the amount of water diverted from east Maui streams will further diminish my enjoyment of the east Maui watershed.

**Interrogatory #2:** Describe fully how you have been harmed or will be harmed by the Board of Land and Natural Resources’ October 2019 decision to continue the subject revocable permits for calendar year 2020.

Plaintiff objects to this interrogatory because: (a) the request is duplicative of information already provided; and (b) the request is unnecessarily burdensome given the materials previously provided to the defendants.



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David Kimo Frankel  
Attorney for the Sierra Club

Subject to and without waiving these objections, the answer to this question is the same as #1 above.

**Interrogatory #3:** Describe fully the irreparable harm that you will suffer if the diversion of water authorized by the Board of Land and Natural Resources' October 2019 decision to continue the subject revocable permits for calendar year 2020 continues for calendar year 2020 (*i.e.*, if Sierra Club's request for an injunction is not granted).


Plaintiff objects to this interrogatory because: (a) the request is duplicative of information already provided; and (b) the request is unnecessarily burdensome given the materials previously provided to the defendants.

  
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David Kimo Frankel  
Attorney for the Sierra Club

Subject to and without waiving these objections, the answer to this question is the same as #1 above.

**Interrogatory #4:** Describe whether and to what extent the harm that you have suffered or will suffer as a result of the Board of Land and Natural Resources' October 2019 decision to continue the subject revocable permits for calendar year 2020 is different than the harm that you have suffered as a result of the Board of Land and Natural Resources' November 2018 decision to continue the subject revocable permits for calendar year 2019.

Plaintiff objects to this interrogatory because: (a) the request is duplicative of information already provided; and (b) the request is unnecessarily burdensome given the materials previously provided to the defendants.

  
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David Kimo Frankel  
Attorney for the Sierra Club

Subject to and without waiving these objections, the nature /character of the harm is the same as discussed in #1 above. I have no idea which streams A&B is planning to take additional water from this year.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: AAKU \_\_\_\_\_, Hawai'i, MARCH 5, 2020 \_\_\_\_\_  
(city) (date)

Lucienne de Nae  
Signature

LUCIENNE de NAE  
Print Name

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

**Defendant A&B/EMI's Exhibit AB-87**

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

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

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