

STATE OF HAWAI'I CIRCUIT COURT OF THE FIRST CIRCUIT		EXHIBIT LIST			Electronically Filed FIRST CIRCUIT 1CC191000019 24-JUL-2020 08:49 AM
CASE NUMBER	DATE OF TRIAL/HEARING	DATE JUDGMENT FILED			
CIVIL NO. 19-1-0019-01 JPC	August 3, 2020				
PLAINTIFF	PLAINTIFF ATTORNEY (Name, Address, Tel. No.)				
SIERRA CLUB	David Kimo Frankel 5791 1638-A Mikahala Way Honolulu, HI 96816 (808) 345-5451 davidkimofrankel@gmail.com				
DEFENDANT	DEFENDANT ATTORNEY (Name, Address, Tel. No.)				
BOARD OF LAND AND NATURAL RESOURCES, DEPARTMENT OF LAND AND NATURAL RESOURCES, SUZANNE CASE in her official capacity as Chairperson of the Board of Land and Natural Resources, ALEXANDER AND BALDWIN, INC., EAST MAUI IRRIGATION COMPANY, LLC and COUNTY OF MAUI					
DIVISION	PREPARING CLERK				
EXHIBIT NO. IDENTIFY NO. CODE	OFFERED FOR IDENTIFICATION	RECEIVED IN EVIDENCE	WITHDRAWN	DESCRIPTION OF EXHIBIT	DATE R = RETURNED D = DESTROYED OTHER COMMENTS
<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT <input type="checkbox"/> OTHER					
1				see S-2 instead	
2				May 25, 2001 DLNR Staff Staff Submittal	
3				Order Granting Appellees Alexander Baldwin, Inc. and East Maui Irrigation Co., Ltd.'s Motion to Dismiss Appellants Na Moku Aupuni O Ko'olau Hui, Beatrice Kekahuna, Marjorie Wallett and Maui Tomorrow's Notice of Appeal to Circuit Court, Statement of the Case, and Designation of Record on Appeal Filed April 18, 2005 and Amended Notice of Appeal to Circuit Court Filed April 20, 2005. (August 2005)	
4				Hawaii's Comprehensive Wildlife Strategy (October 1, 2005)	
FOR OFFICE USE ONLY					
LOCATION OF EXHIBITS					
<input type="checkbox"/> ATTACHED		<input type="checkbox"/> OTHER			
<input type="checkbox"/> SHELF NO.					
<input type="checkbox"/> CODE NO.					
DATE:	RECEIVED:	PAGE	1	OF	12 PAGES

STATE OF HAWAI'I CIRCUIT COURT OF THE FIRST CIRCUIT		EXHIBIT LIST CONTINUATION SHEET			CASE NUMBER CIVIL NO. 19-1-0019-01 JPC	
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5				see exhibit S-26 instead		
6				see exhibit J-22 instead		
7				see exhibit S-19 instead		
8				see exhibit J-23 instead		
9				see exhibit J-24 instead		
10				"Protection" from DAR website		
11				"Cultural Importance" from DAR website		
12				"Bibliography" from DAR website		
13				memo from DAR to CWRM December 21, 2018		

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14				memo from DAR to CWRM March 20, 2019		
15				memo from Skippy Hau to Brian Neilson January 3, 2020		
16				email from Skippy Hau to Rebecca Alakai et. al. April 2019		
17				email to/from Rebecca Alakai April 2019		
18				email from Skippy Hau to Rebecca Alakai January 6, 2020		
19				memo from DOFAW Administrator David Smith to CWRM December 18, 2018		
20				see J-19 instead		
21				U.S. Fish and Wildlife Services letter to Wilson Okamoto (December 21, 2018)		
22				October 25, 2019 Staff Submittal for annual renewal of revocable permit for Resorttrust		



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23				"Hawaiian streams" from DAR website		
27				Sierra Club testimony (October 11, 2019)		
28				Sierra Club's petition for a contested case hearing (October 17, 2019)		
29				EMI System Map		
30				A&B and EMI's Amended Answering Brief to Maui Tomorrow filed in Civ. No. 03-1-0289-02 (June 16, 2003)		
31				A&B and EMI's Amended Answering Brief to Na Moku et. al. in Civ. No. 03-1-0289-02 (June 17, 2003)		
32				A&B press release (April 20, 2016)		
33				A&B CEO Christopher Benjamin's letter to CWRM (April 22, 2016)		
34				Alexander & Baldwin, Inc.'s United States Securities and Exchange Commission Form 8-K (December 20, 2018)		



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35				EIS contract letter from Wilson Okamoto to A&B (August 28, 2017) (001852-001983)		
37				email from Yvonne Izu to Jim Parham (March 7, 2019) (000380)		
38				letter from EMI Manager Mark Vaught to CWRM compliance status report (June 20, 2019)		
39				Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP Model (June 8, 2019)		
40				see J-26 instead		
41				see J-27 instead		
42				Meredith Ching Declaration (August 29, 2019)		
43				Stipulation Regarding SWUPA 2206 (November 2019) (Mahi Pono Settlement)		
44				Declaration of Ceil Howe III		

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45				Declaration of Ceil Howe III 2020		
46				Declaration of Ayron M. Strauch		
47				Senate SCR No 3828 (2020)		
48				"Evaluation of feral pig control in Hawaiian protected areas using Bayseian catch-effort models" New Zealand Journal of Ecology (2011)		
49				"Last Stand: The Vanishing Hawaiian Forest" The Nature Conservancy (2003)		
50				photograph: Hoolawa Lii lii Wailoa Ditch		
51				photograph: Hoolawa Lii lii Wailoa Ditch close up		
52				photograph: Hoolawa Lii lii Wailoa Ditch below		
53				photograph: Hoolawa Lii lii below Wailoa Ditch Diversion		



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54				photograph: Hoolawa Nui Diversion at Wailoa Ditch	
55				photograph: Hoolawanui downstream of W-20 intake	
56				photograph: Hoolawanui near W-20 abandoned pipe	
57				photograph: Hoolawa near W-20 pipe	
58				photograph: Hoolawanui stream abandoned pipe	
59				photograph: Hoolawanui stream bed near NH-20 metal pieces	
60				photograph: Hoolawanui stream near H-20 more metal	
61				photograph: Hoalua old pipe 1	
62				photograph: Hoalua pipe 2	



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63				photograph: Hoalua pipe 3		
64				photograph: Waiohue at Koolau old pipe		
65				photograph: Waiohue at Koolau old pipe 2		
66				photograph: Waiohue at Koolau old pipe and cement		
67				photograph: Waiohue Stream waterfall		
68				photograph: West Kopiliula Diversion at Hana Hwy		
82				HAR § 13-169-44		
83				Waiahole II		
84				HRS § 171-55 & HRS § 171-58		



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85				HRS § 205A-2		
86				January 8, 2016 Order Granting Plaintiffs' Motion for Partial Summary Judgment, Filed October 21, 2015, Carmichael v. BLNR, Civ. No. 15-1-0650-04		
87				Handy, E.S.C. and Handy, E.G., "Native planters in Old Hawaii: Their Life, Lore, and Environment," 1972, selected pages		
88				Maui Island Plan: General Plan 2030		
90				Declaration of Neola Caveny		
91				Declaration of Megan Loomis Powers		
92				Declaration of Rob Weltman		
93				Declaration of Miranda Camp		
94				Declaration of Paul Carter		



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95				Declaration of Lucienne de Naie		
96				Declaration of Lucienne de Naie		
97				Declaration of Lucienne de Naie on Behalf of Sierra Club Maui (December 28, 2014)		
98				Declaration of Michael Kido		
99				Kido Curriculum Vitae		
100				Supplemental Expert's Report / Declaration of Michael Kido		
101				BLNR Answer to 1st amended Complaint		
102				Defendants Board of Land and Natural Resources, Department of Land and Natural Resources, and Suzanne Case's April 18, 2019 Response to Plaintiff's First Request for Answers to Interrogatories and email supplementing (Summary of Ditch Flows at Honopou)		
104				Defendants Board of Land and Natural Resources, Department of Land and Natural Resources, and Suzanne Case's May 14, 2019 Amended Responses to Plaintiff's Second Request for Admissions.		

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105				Defendants Board of Land and Natural Resources, Department of Land and Natural Resources, and Suzanne Case's May 23, 2019 Response to Plaintiff's Third Request for Admissions		
106				Defendants Board of Land and Natural Resources, Department of Land and Natural Resources, and Suzanne Case's July 17, 2019 Response to Plaintiff's Fourth Request for Admissions		
107				Defendants Board of Land and Natural Resources, Department of Land and Natural Resources, and Suzanne Case's February 14, 2020 Response to Plaintiff's Fifth Request for Admissions		
108				Plaintiff's Notice of Taking Deposition Upon Oral Examination of Representative(s) of the Defendant Department of Land and Natural Resources and Board of Land and Natural Resources Pursuant to HRCP 30(B)(6)		
110				Defendants Alexander & Baldwin Inc. and East Maui Irrigation Company LLC's May 3, 2019 Response to Plaintiff's First Request for Answers to Interrogatories		
111				Defendants Alexander & Baldwin, Inc. and East Maui Irrigation Company LLC's July 15, 2019 First Amended Response to Plaintiff's Second Request for Answers to Interrogatories		
112				Defendants Alexander & Baldwin Inc. and East Maui Irrigation Company LLC's April 8, 2019 Response to Plaintiff's First Request for Admissions		
114				Mahi Pono Stip to Dismiss		
115				First Amended Complaint		



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120				Hirokawa depo transcript 2019	
121				Hirokawa depo transcript 2020	
122				Higashi depo transcript 2019	
123				Higashi depo transcript 2020	
124				Ching depo transcript	
125				Gon depo transcript	
126				Case depo transcript	

