

<b>STATE OF HAWAII</b> CIRCUIT COURT OF THE FIRST CIRCUIT	<b>DEFENDANT STATE OF HAWAII'S</b> <b>EXHIBIT LIST</b>	CASE NUMBER Civil No. 19-1-0019 JPC (Environmental Court)
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<b>PLAINTIFF</b>  SIERRA CLUB	<b>PLAINTIFF ATTORNEY (Name, Address and Tel. No.)</b> DAVID KIMO FRANKEL 1638-A Mikahala Way Honolulu, HI 96816 Telephone: (808) 345-5451	Electronically Filed FIRST CIRCUIT 1CC191000019 24-JUL-2020 11:49 AM
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<b>DEFENDANTS</b>  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, LLC, and COUNTY OF MAUI	<b>DEFENDANT ATTORNEY (Name, Address and Tel. No.)</b> CLARE E. CONNORS 7936 Attorney General of Hawai'i WILLIAM J. WYNHOFF 2558 LINDA L.W. CHOW 4756 LAUREN K. CHUN 10196 MELISSA D. GOLDMAN 10556 Deputies Attorney General 465 South King Street, Room 300 Honolulu, Hawai'i 96813 Telephone: (808) 587-2995  Attorneys for Defendant STATE OF HAWAI'I
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DATE OF TRIAL OR HEARING August 3, 2020	DATE JUDGMENT FILED	PREPARING CLERK	DIVISION
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EXHIBIT NO. IDENTIFY NO. CODE	OFFERED FOR IDENTIFICATION	RECEIVED IN EVIDENCE	WITHDRAWN	DESCRIPTION OF EXHIBIT	DATE R = RETURNED D = DESTROYED OTHER COMMENTS
	<input type="checkbox"/> PLAINTIFF <input checked="" type="checkbox"/> DEFENDANT			(see Joint Exhibit J-28)	
S-1				Hawaii Stream Assessment (Dec. 1990)	
S-2				Excerpts from CWRM Circular C-123: Declarations of Water Use Vol. 2 (Sept. 1992)	
S-3					

**FOR OFFICE USE ONLY**

<input type="checkbox"/> Attached <input type="checkbox"/> Shelf No. _____ <input type="checkbox"/> Code No. _____	LOCATION OF EXHIBITS <input type="checkbox"/> Other	
DATE	RECEIVED:	Page 1 of 6 Pages

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S-4				USGS Scientific Investigations Report 2004-5262: Median and Low-Flow Characteristics for Streams under Natural and Diverted Conditions, Northeast Maui, Hawaii.	
S-5				USGS Scientific Investigations Report 2005-5213: Effects of Surface-Water Diversions on Habitat Availability for Native Macrofauna, Northeast Maui, Hawaii	
S-6				Excerpts from CWRM Surface-Water Hydrologic Units (June 2005)	
S-7				Atlas of Hawaiian Watersheds & Their Aquatic Resources (2008) - Map Legend	
S-8				Atlas of Hawaiian Watersheds & Their Aquatic Resources (2008) - Key to Methods - Watershed Summary Map	
S-9				Atlas of Hawaiian Watersheds & Their Aquatic Resources (2008) - Hoolawa	
S-10				Atlas of Hawaiian Watersheds & Their Aquatic Resources (2008) - Waipio	
S-11				Atlas of Hawaiian Watersheds & Their Aquatic Resources (2008) - Hoalua	
S-12				Atlas of Hawaiian Watersheds & Their Aquatic Resources (2008) - Hanawana	
S-13				Atlas of Hawaiian Watersheds & Their Aquatic Resources (2008) - Kailua	
S-14				Atlas of Hawaiian Watersheds & Their Aquatic Resources (2008) - Nailiilihaele	
S-15				Atlas of Hawaiian Watersheds & Their Aquatic Resources (2008) - Oopuola	
S-16				Atlas of Hawaiian Watersheds & Their Aquatic Resources (2008) - Kaaiea	
S-17				Atlas of Hawaiian Watersheds & Their Aquatic Resources (2008) - Kolea	
S-18				<b>(see Joint Exhibit J-22)</b>	
S-19				The Use of Hawaiian Stream Habitat Evaluation Procedure to Provide Biological Resource Assessment in Support of Instream Flow Standards for East Maui Streams (Nov. 20, 2009)	

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S-20				Instream Flow Standard Assessment Report for Hydrologic Unit 6061 Paakea (Dec. 2009)	
S-21				Ex. C-35 in CCH-MA13-01 (CWRM contested case) - HC&S map of field water sources (March 2010)	
S-22				<b>(see Joint Exhibit J-23)</b>	
S-23				<b>(see Joint Exhibit J-23)</b>	
S-24				<b>(see Joint Exhibit J-24)</b>	
S-25				Written Testimony pertaining to USGS studies in East Maui Streams by Stephen B. Gingerich in CCH-MA13-01 (CWRM contested case) (Oct. 31, 2014)	
S-26				Hawaii State Wildlife Action Plan (Oct. 1, 2015)	
S-27				USGS Scientific Investigations Report 2016-5103: Low-flow characteristics for streams on the Islands of Kaua'i, O'ahu, Moloka'i, Maui, and Hawai'i, State of Hawai'i	
S-28				CWRM Order re Interim Restoration of Stream Flow in CCH-MA13-01 (July 18, 2016)	
S-29				Land Division Staff Submittal re: Item D-11 on December 9, 2016 Board agenda <b>(please see the copy submitted to the Court as A&amp;B's Exhibit AB-68)</b>	
S-30				Land Division Staff Submittal re: Item D-5 on November 9, 2017 Board agenda <b>(see A&amp;B's Exhibit AB-70)</b>	
S-31				Map of EMI Ditch System, (Exh. C-1 in CCH-MA13-01) <b>(please see the copy submitted to the Court as A&amp;B's Exhibit AB-1)</b>	
S-32				<b>(see Joint Exhibit J-29)</b>	
S-33				Revised Stream Diversion Works Permit ("SDWP") Application for Category 2 Diversions (SDWP 4915.6) (Aug. 17, 2018)	
S-34				<b>(see Joint Exhibit J-25)</b>	
S-35				Revised SDWP Application for Category 3 Diversions (Sept. 28, 2018)	

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S-36				Revised SDWP Application for Category 4 Diversions (Oct. 2, 2018)	
S-37				Oct. 24, 2018 Letter from A&B to Board re Authorization of Holdover Status of RPs	
S-38				Written testimony re Item D-7 on November 9, 2018 Board agenda	
S-39				Transcript of November 9, 2018 Board meeting	
S-40				Audio of November 9, 2018 Board meeting	
S-41				SDWP Application for Category 1 Diversions (SDWP 5083.6) (Feb. 6, 2019)	
S-42				CWRM Staff Submittal re: SDWP 4915.6 (Category 2 Diversions) (Feb. 19, 2019)	
S-43				CWRM minutes (Feb. 19, 2019)	
S-44				Emails re: "East Maui Recommendations" (April 15, 2019) <b>(see Plaintiff's Exhibit 16)</b>	
S-45				CWRM Staff Submittal re: SDWP 4950.6 (Category 3 Diversions) (Aug. 29, 2019)	
S-46				CWRM minutes re: SDWP 4950.6 (Category 3 Diversions) <b>(please see the copy submitted to the Court as A&amp;B's Exhibit AB-73)</b>	
S-47				<b>(see Joint Exhibit J-26)</b>	
S-48				Sierra Club written testimony re Item D-1 on October 11, 2019 Board agenda <b>(see Plaintiff's Exhibit 27)</b>	
S-49				Written testimony re Item D-1 on October 11, 2019 Board agenda	
S-50				Minutes of the October 11, 2019 Board meeting	
S-51				Transcript of October 11, 2019 Board meeting	
S-52a				Audio of October 11, 2019 Board meeting (part 1 of 2)	

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S-52b				Audio of October 11, 2019 Board meeting (part 2 of 2)	
S-53				CWRM Staff Submittal re: SDWP 4951.6 (Category 4 Diversions) (Nov. 20, 2019)	
S-54				CWRM minutes re: SDWP 4951.6 (Category 4 Diversions) (Nov. 20, 2019) <b>(please see copy submitted to the Court as A&amp;B's Exhibit AB-75)</b>	
S-55				DAR comments on SDWP 5083.6 (abandonment of Category 1 diversions) (Jan. 3, 2020) <b>(see Plaintiff's Exhibit 15)</b>	
S-56				Emails re: "Request for HRS 343 concurrence Cat1 diversions EMI" (Jan. 6, 2020) <b>(see Plaintiff's Exhibit 18)</b>	
S-57				DOFAW comments on SDWP 5083.6 (abandonment of Category 1 diversions) (Jan. 13, 2020)	
S-58				<b>(see Joint Exhibit J-27)</b>	
S-59				Ayron Strauch summary information sheet (filed May 1, 2020 as JEFS No. 535)	
S-60				Map of Puakea Gulch	
S-61				Topographical map showing "13 streams" and diversions	
S-62				Diversions Registration Photos – [6035] Hoolawa	
S-63				Diversions Registration Photos – [6035] Mokuapapa	
S-64				Diversions Registration Photos – [6036] Waipio	
S-65				Diversions Registration Photos – [6038] Hoalua	
S-66				Diversions Registration Photos – [6039] Hanawana	
S-67				Diversions Registration Photos – [6040] Kailua	
S-68				Diversions Registration Photos – [6041] Nailiihale	

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S-69				Diversion Registration Photos – [6042] Puehu	
S-70				Diversion Registration Photos – [6043] Oopula	
S-71				Diversion Registration Photos – [6044] Kaaiea	
S-72				Diversion Registration Photos – [6045] Punaluu	
S-73				Diversion Registration Photos – [6046] Kolea	
S-74				Diversion Registration Photos – [6061] Puakea	
S-75				Large Topographical Map showing Huelo License Area	
S-76				“Native Animals” page from DAR website	
S-77				Rainfall data for USGS gauging station 16587000 Honopou Stream near Huelo, Maui HI	
S-78				“Instream Flow Standards” page from CWRM website	
S-79a				Hawai‘i Revised Statutes, Chapter 174C – Hawai‘i State Water Code	
S-79b				Hawai‘i Administrative Rules, Title 13, Chapter 169 – Protection of Instream Uses of Water	