

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

In the Matter of a Contested Case Regarding ) DLNR File No. CCH-LD-21-01  
the Continuation of Revocable Permits (RPs) )  
for Tax Map Keys (2) 1-1-001:044 & 050; ) DECLARATION OF LUCIENNE DE NAIE  
(2) 2-9-014:001, 005, 011, 012 & 017; (2) 1- )  
1-002:002 (por.) and (2) 1-2-004:005 & 007 )  
for Water Use on the Island of Maui to )  
Alexander & Baldwin, Inc. and East Maui )  
Irrigation Company, LLC for the remainder )  
of the 2021 RPs, if applicable, and for their )  
continuation through the end of 2022 )

**DECLARATION OF LUCIENNE DE NAIE**

I, Lucienne de Naie, under penalty of perjury hereby state the following is true and accurate to the best of my knowledge and belief:

1. The statements below are based upon my personal knowledge.
2. I have been a member of the Sierra Club for decades and a resident of Huelo, Maui for decades.
3. I previously submitted a declaration to CWRM as well as a couple of declarations in the case that went to trial.
4. The Sierra Club has led hiking trips this year. Rob Weltman led a hike to Hanawi Stream in July. Miranda Camp led a hike to Wailua Iki in early September. I led a hike to Kopiliula and Waiohue streams in August. We are planning on leading more hikes to east Maui streams in 2022.
5. Since August 2020, I have hiked to Hanehoi and Ho'olawa streams a lot, as well as Hanawana, Hoalua, and Kailua streams. I have swum in Ho'olawa stream a bunch.
6. Several months this year, Hanehoi stream, which is one of the streams completely restored by the 2018 CWRM decision was bone dry (near by Neola Caveny's house) which is

unusual. I believe that the pipes and other diversion structures that remain at the Lowrie ditch intake in the west branch of the Hanehoi stream continue to limit the amount of flow within, which adversely affects downstream flows during drier weather. I have presented slides (2020) of these conditions to the State Water Commission and asked for pipes to be removed and the dam structure modified. The limited pathway provided for stream flows of the fully restored Hanehoi stream to bypass the Haiku Ditch dam also affects stream flows during drier weather and has allowed a sizable portion of the stream bed near the dam to become filled in with stones and silt. The dam could be notched to create a more natural stream bed as has been done for other dams on east Maui streams.

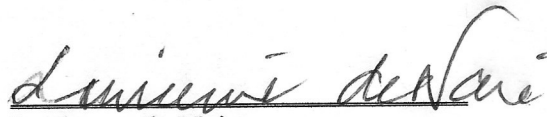
7. The dam at the Haiku ditch on the west branch Hanehoi stream includes an unneeded debris catch basin that creates a pool of stagnant water and continues to foster intense mosquito breeding. I have observed other EMI diversion structures in the Huelo lease area create stagnant pools that are teeming with mosquitoes immediately downstream of the diversion structures. I have observed stagnant ponds downstream of EMI diversions on O'opu'ola stream, which has several branches diverted by various EMI intakes. I have observed these stagnant ponds during the summer months where the diversions appear to take so much base flow that the stream is left only with a trickle. I have also observed these stagnant pools in the rainier months when the diversions do not appear to allow enough natural flow to bypass the diversion structures except during large storm events.

8. Once the Hana Highway opened up again (after the initial COVID pandemic), recreational uses of Ho'olawa Stream in the Twin Falls area skyrocketed. I regularly observed Hana highway lined with parked vehicles on both sides from people seeking to access the Ho'olawa stream pools in the Twin Falls farm. I observed similar conditions further east along

the Hana Highway where there were long lines of parked cars near the access points to Naili'iliha'ele stream pools. I have observed both of these streams widely featured in guidebooks and websites as desirable places for recreational swimming in natural pools. The size of the crowds and the number of cars revealed that there are a lot of people who want to visit and swim in fresh water pools, especially pools at Ho'olawa stream and Naililihale stream.

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

DATED: Huelo, Hawai'i, November 28 2021.

  
Lucienne de Naie