

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

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 LURLYN SCOTT  
(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 LURLYN SCOTT**

I, Lurlyn Scott, 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 am a member of the Sierra Club.
3. I am Hawaiian by birth.
4. My extended 'ohana has lived in Honopou for many generations. After returning to Maui from California as a young girl, I grew up along Honopou Stream.
5. I participated in the proceedings that led the Commission on Water Resource Management (CWRM) to set new instream flow standards for approximately two dozen east Maui streams in 2018.
6. I previously submitted a declaration to CWRM that described my traditional and customary practices in many of the east Maui streams that were the subject of the CWRM petitions.
7. My participation in those proceedings does not mean other streams in east Maui are unimportant. Nor does it mean that I am 100% happy with everything that CWRM has done.

8. In addition to using those streams that were part of the CWRM proceeding, I also enjoy Ho‘olawa stream. I swim in the stream. I visit cultural sites along the stream. I enjoy the scenic beauty and tranquility of the stretches of stream when and where it is not dry. I like hearing and seeing the natural flowing stream.

9. I fish at the Ho‘olawa muluwai. At the Ho‘olawa muluwai, we pick opihi, pupu, pipipi, haukiuki along the shoreline. We used to enjoy picking limu kohu from the rocks. Catching black crab at night was a favorite for all the cousins. Ulua would sometimes come upstream. Ho ‘olawa bay would produce moi, tako, lobster, uhu, kole, enenu, weke, and manini. We enjoy throwing net, spear fishing, and diving in the bay.

10. I gather and fish to perpetuate my cultural food and traditions so my grandchildren will be able to live off the land like our kupuna did.

11. I also am an owner (along with relatives) of a parcel of land on Ho‘olawa stream ma kai of Twin Falls. It is a former lo‘i kalo. I also am an owner (along with relatives) of two parcels of land ma uka of Twin Falls, which used to receive water from Ho‘olawa ili and Ho‘olawa nui tributaries, but water from auwai to these parcels was cut off decades ago.

12. If more water were flowing in Ho‘olawa Stream, I would be able to make better use of it and enjoy it more all year round.

13. My interests have been adversely affected by the diversion of water from Ho‘olawa Stream. Reduced stream flow reduces the number and diversity of native species in Ho‘olawa Stream as well as the abundance of fish at the muluwai. Reduced stream flow also increases the temperature of the water.

14. If A&B or EMI increase the amount of water that is taken from Ho‘olawa Stream (including Ho‘olawa ili and Ho‘olawa nui tributaries) that will adversely affect my use and

enjoyment of Ho‘olawa Stream.

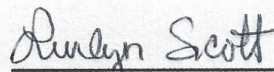
15. The restoration of stream flow in other east Maui streams since 2018 has allowed colder water to flow and native species to thrive.

16. The diversion structures that have remained in many of the streams, however, have created mosquito breeding grounds.

17. I am also adversely affected by the failure of A&B and EMI to properly manage the land under the revocable permits. Invasive species are crowding out native plants. The domination of invasive species detracts from the experience of being in nature. The forest needs better management.

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

DATED: Honolulu, Hawai‘i, November 16, 2021.

  
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Lurlyn Scott