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ALEXANDER & BALDWIN, INC.
and EAST MAUI IRRIGATION COMPANY, LLC

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

In the Matter of a Contested Case
Regarding the Continuation of Revocable
Permits (RPs) for Tax Map Key Nos.
(2) 1-1-001 :044 & 050; (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. (A&B) and East Maui Irrigation
Company, LLC (EMI) for the remainder of
the 2021 RPs, if applicable, and for their
continuation through the end of 2022

DLNR File No. CCH-LD-21-01

DECLARATION OF MARK VAUGHT

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I, MARK VAUGHT, hereby declare as follows:

1. I am the Manager of East Maui Irrigation Company, LLC (“**EMI**”). I am also the Director of Water Resources for Mahi Pono, LLC (“**Mahi Pono**”). My responsibilities include overseeing EMI operations as well as water resources on the Mahi Pono farm to the west of Maliko Gulch.

2. I was born on the Island of Maui, grew up in Kihei and later moved to Wailuku. I attended the University of Hawai'i, Hilo where I received a bachelor's degree in communications. After returning to Maui and working a few odd jobs, I began working for Hawaiian Commercial and Sugar Company ("HC&S") in the irrigation department. After working there for six years, the company transferred me to EMI where I have spent more than twenty years.

3. When EMI was a wholly owned subsidiary of Alexander & Baldwin, Inc. ("A&B"), I served as the operations manager, taking care of all field operations. I later became the Manager of EMI. After Mahi Pono acquired A&B's former sugar cane lands in central Maui and a 50% ownership interest in EMI, I remained the Manager of EMI as well as the newly appointed Director of Water Resources for Mahi Pono.

4. Attached hereto as Exhibit X-6 is a copy of the most recent quarterly report ("**Q3 2021 Report**") submitted to the Board of Land and Natural Resources ("**BLNR**") on October 29, 2021. The following are updates to certain portions of the Q3 2021 Report.

CWRM Stream Diversion Proceedings

5. The Q3 2021 Report provides a status report on the proceedings before the Commission on Water Resource Management ("**CWRM**") regarding the modification, removal and abandonment of stream diversion structures to comply with CWRM's June 20, 2018 Findings of Fact, Conclusions of Law, & Decision and Order ("**CWRM D&O**"). Exhibit X-7 attached hereto is a chart detailing the subject diversion structures by stream and the status of the proposed work for each diversion structure. This chart is current as of November 10, 2021.

6. Although the Category 1 closures were completed, CWRM requested additional work be performed which generally includes the removal of abandoned structures that remain in

and around the streams within the areas covered by the subject revocable permits (“**RP Areas**”). EMI worked with CWRM to develop a plan to complete this work as EMI had some concerns that removal of some structures located in the vicinity of tunnels would affect the integrity of those tunnels. Upon the recommendation of CWRM, EMI retained a geotechnical engineer to evaluate one of the more critical intakes (#9 - West Wailuanui) and render an opinion on the feasibility of the structure removal. The engineer proposed a slightly modified approach and EMI informed CWRM of this change. CWRM has taken the plan to its community stakeholders for evaluation and approval and EMI is awaiting final approval from CWRM before work can begin.

7. As indicated on page 7 of the Q3 2021 Report, CWRM is considering and addressing actions that can be taken, including modification of stream diversions, to prevent mosquito breeding as part of the ongoing CWRM stream diversion proceedings. Some of the additional work described in paragraph 6 above is work to address the prevention of conditions that facilitate mosquito breeding.

8. State of Hawai‘i, Department of Health, Clean Water Branch recently approved the Category 2 closure Best Management Practices Plan. EMI is in the process of planning and gathering materials and should be ready to begin these in early December 2021.

Removal of Trash/Debris from the RP Areas

9. The Q3 2021 Report also provides a status report regarding the removal of trash and debris from the RP Areas. As stated in the Report, EMI continues to adhere to its standard operating procedures to identify and remove trash and debris from the RP Areas.

10. Given the size of the watershed, it is not possible to be aware of all debris at all times. Accordingly, in the past I have reached out to watershed partners, such as Lucienne de

Naie of the Sierra Club, to set up a process to inform EMI of any sightings of debris made by her or Sierra Club members so that EMI personnel can conduct prompt field visits and arrange for the removal of the items as appropriate.

11. Neither Ms. de Naie nor any other community member has informed me of trash or debris in the RP Areas since 2020.

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

DATED: Wailuku, Hawai'i, November 12, 2021.



MARK VAUGHT