



(<http://dlnr.hawaii.gov/cwrn>)

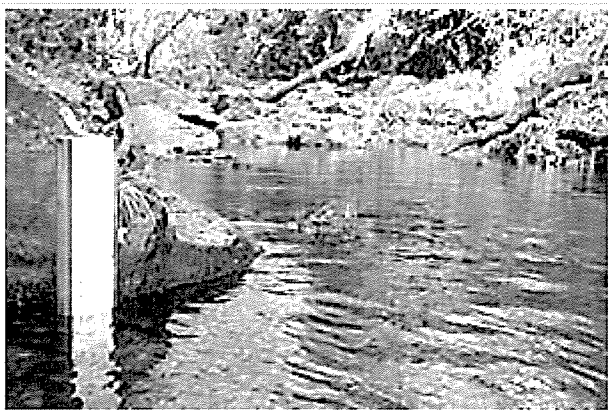
State of Hawaii, Department of Land and Natural
Resources

Commission on Water Resource
Management
(<http://dlnr.hawaii.gov/cwrn>)

Home (<http://dlnr.hawaii.gov/cwrn/>) » News & Events (<http://dlnr.hawaii.gov/cwrn/newsevents/>) »
Contested Case Hearings (<http://dlnr.hawaii.gov/cwrn/newsevents/cch/>) » CCH-MA13-01

CCH-MA13-01

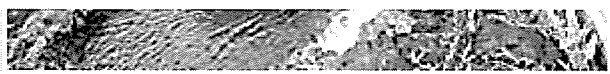
Petition to Amend Interim Instream Flow Standards for Honopou, Hanehoi/Puolua, Waikamoi, Alo, Wahinepee, Puohokamoa, Haipuaena, Punalau/Kolea, Honomanu, Nuaailua, Piinaau, Palauhulu, Ohia (Waianu), Waiokamilo, Kualani (Hamau), Wailuanui, Waikani, West Wailuaiki, East Wailuaiki, Kopiliula, Puakaa, Waiohue, Paakea, Waiaaka, Kapaula, Hanawi, and Makapipi Streams



The Commission maintains and monitors these gages, installed by the U.S. Geological Survey, on several East Maui streams like this one on East Wailuaiki Stream.



East Maui Irrigation Company adjusted diversion sluice gates to comply with the seasonal instream flow standards set by the Commission in May 2010.



Hearing Schedule

Nothing is scheduled at this time.

<u>Date</u>	<u>Action</u>
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Minute Orders

<u>Date</u>	<u>Action</u>
Sep. 8, 2016	Minute Order 21: (http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-MO021.pdf) Schedule for the Re-opened Hearing
May 31, 2016	Minute Order 20: (http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-MO020.pdf) Deadline for Motions on Scope of Re-Opened Hearing
Apr. 1, 2016	Minute Order 19: (http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-MO019.pdf) Summary of Conference and Re-Opened Hearing
Mar. 10, 2016	Minute Order 18: (http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-MO018.pdf) Re-opening of Hearing for Limited Purposes
Jan. 21, 2016	Minute Order 17: (http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-MO017.pdf) Correction to Minute Order 16 to Amend the Deadline to File Written Exceptions to the Hearings Officer's Proposed Findings of Fact, Conclusions of Law, & Decision and Order
Jan. 15, 2016	Minute Order 16: (http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20160115-HO-D&O.pdf) Hearings Officer's Proposed Findings of Fact, Conclusions of Law, & Decision and Order (10.5 MB)
Aug. 3, 2015	Minute Order 15 (http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-MO015.pdf) : Deadline to Submit Proposed Findings of Fact (FOF), Conclusions of Law (COL), and Decision and Order (D&O)

Feb. 10, 2015 Minute Order 14
(<http://files.hawaii.gov/dlnr/cwrp/cch/cchma1301/CCHMA1301-MO014.pdf>) : Prehearing conference scheduled for February 20, 2015.

Jan. 7, 2015 Minute Order 13
(<http://files.hawaii.gov/dlnr/cwrp/cch/cchma1301/CCHMA1301-MO013.pdf>) : Caption for the Contested Case Hearing

Dec. 4, 2014 Minute Order 12
(<http://files.hawaii.gov/dlnr/cwrp/cch/cchma1301/CCHMA1301-MO012.pdf>) : Second Amended Hearing Schedule and Notice of Hearing.

Dec. 4, 2014 Minute Order 11
(<http://files.hawaii.gov/dlnr/cwrp/cch/cchma1301/CCHMA1301-MO011.pdf>) : Order re Standing of Paisner, Blumer-Buell, and Nikhilananda

Oct. 28, 2014 Minute Order 10
(<http://files.hawaii.gov/dlnr/cwrp/cch/cchma1301/CCHMA1301-MO010.pdf>) : Notice of Standing Hearing for November 13, 2014

Sep. 9, 2014 Minute Order 9
(<http://files.hawaii.gov/dlnr/cwrp/cch/cchma1301/CCHMA1301-MO009.pdf>) : Amended Scope of Hearing, Case Caption, and Hearing Schedule

Jun. 9, 2014 Minute Order 8
(<http://files.hawaii.gov/dlnr/cwrp/cch/cchma1301/CCHMA1301-MO008.pdf>) : Reinstatement of Maui Tomorrow Foundation, Inc. as a Party in the Contested Case Hearing Proceedings

May 28, 2014 Minute Order 6
(<http://files.hawaii.gov/dlnr/cwrp/cch/cchma1301/CCHMA1301-MO006.pdf>) : Withdrawal of Maui Tomorrow Foundation, Inc. from the Contested Case Proceedings.

May 1, 2014 Minute Order 5
(<http://files.hawaii.gov/dlnr/cwrp/cch/cchma1301/CCHMA1301-MO005.pdf>) : Prehearing Conference Scheduled for May 14, 2014

Apr. 21, 2014 Minute Order 4
(<http://files.hawaii.gov/dlnr/cwrp/cch/cchma1301/CCHMA1301-MO004.pdf>) : Hearing Schedule.

Apr 21, 2014

	Minute Order 3 (http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-MO003.pdf) : Notice of Hearing
Apr. 21, 2014	Minute Order 2 (http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-MO002.pdf) : Parties granted standing to participate in the contested case hearing.
Feb. 25, 2014	Minute Order 1 (http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-MO001.pdf) : Prehearing conference scheduled for March 4, 2014.

Hearing Information

***For large PDF files, it is recommended that the file be saved to your hard drive before opening. Right-click on the file link and select "Save Target As" or "Save Link As."*

<u>Date</u>	<u>Action</u>
Aug. 26, 2016	Motions to Reconsider the Order Regarding the Scope of the Re-Opened Hearing to Address the Cessation of Sugar Operations by HC&S . - Maui Tomorrow Foundation, Inc. (http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20160826-MTF-HACSO.pdf) - Native Hawaiian Legal Corporation (http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20160826-NHLC-HACSO.pdf)
Jul. 18, 2016	Commission issues Order Re Interim Restoration of Stream Flow (http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20160718-CWRM.pdf) .
Jun. 10, 2016	Response to Hearings Officer's Amended Recommendation re Interim Restoration of Stream Flow (dated May 31, 2016) - County of Maui, Department of Water Supply (http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20160610-COM-HOAR.pdf) - Maui Tomorrow Foundation, Inc. (http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20160610-MTF-HOAR.pdf)

	Native Hawaiian Legal Corporation (http://files.hawaii.gov/dlnr/cwrp/cch/cchma1301/CCHMA1301-20160610-NHLC-HOAR.pdf)
Jun. 9, 2016	Motions on Scope of Re-Opened Hearing (Set forth in Minute Order No. 20 (http://files.hawaii.gov/dlnr/cwrp/cch/cchma1301/CCHMA1301-MO020.pdf) , dated May 31, 2016) - County of Maui, Department of Water Supply (http://files.hawaii.gov/dlnr/cwrp/cch/cchma1301/CCHMA1301-20160609-COM-MSRH.pdf) - Maui Tomorrow Foundation, Inc. (http://files.hawaii.gov/dlnr/cwrp/cch/cchma1301/CCHMA1301-20160609-MTF-MSRH.pdf) - Native Hawaiian Legal Corporation (http://files.hawaii.gov/dlnr/cwrp/cch/cchma1301/CCHMA1301-20160609-NHLC-MSRH.pdf)
May 31, 2016	Hearing Officer's Amended Recommendation Re Interim Restoration of Stream Flow (http://files.hawaii.gov/dlnr/cwrp/cch/cchma1301/CCHMA1301-20160531-HO.pdf)
Apr. 21, 2016	Response to the Hearings Officer's Recommendation (dated April 1, 2016). Hawaiian Commercial & Sugar Company (http://files.hawaii.gov/dlnr/cwrp/cch/cchma1301/CCHMA1301-20160421-HC&S.pdf)
Apr. 18, 2016	Response to the Hearings Officer's Recommendation (dated April 1, 2016). - Native Hawaii Legal Corporation (http://files.hawaii.gov/dlnr/cwrp/cch/cchma1301/CCHMA1301-20160418-NHLC.pdf) - Maui Tomorrow Foundation, Inc. (http://files.hawaii.gov/dlnr/cwrp/cch/cchma1301/CCHMA1301-20160418-MTF.pdf)
Apr. 1, 2016	Hearings Officer's Recommendation Re Interim Restoration of Stream Flow (http://files.hawaii.gov/dlnr/cwrp/cch/cchma1301/CCHMA1301-20160401-HO.pdf)
Feb. 29, 2016	Written Exceptions to the Hearings Officer's Proposed Findings of Fact, Conclusions of Law, & Decision and Order due to the Commission.

- Hawaiian Commercial & Sugar
(<http://files.hawaii.gov/dlnr/cwrw/cch/cchma1301/CCHMA1301-20160229-HC&S.pdf>)
- Maui Tomorrow Foundation, Inc.
(<http://files.hawaii.gov/dlnr/cwrw/cch/cchma1301/CCHMA1301-20160229-MTF.pdf>)
- Native Hawaiian Legal Corporation
(<http://files.hawaii.gov/dlnr/cwrw/cch/cchma1301/CCHMA1301-20160229-NHLC.pdf>)

Jan. 15, 2016 Hearings Officer's Proposed Findings of Fact, Conclusions of Law, & Decision and Order
(<http://files.hawaii.gov/dlnr/cwrw/cch/cchma1301/CCHMA1301-20160115-HO-D&O.pdf>) (10.5 MB)

Feb. 10, 2015 Rebuttal Briefs, Witness Lists, Witness Statements, and Exhibits due to the Commission.

Maui Department of Water Supply (MDWS)

- Rebuttal Brief
(<http://files.hawaii.gov/dlnr/cwrw/cch/cchma1301/CCHMA1301-20150210-MDWS-RBB.pdf>)
- Declarations
(<http://files.hawaii.gov/dlnr/cwrw/cch/cchma1301/CCHMA1301-20150210-MDWS-DE.pdf>)
- Second Supplemental Exhibit List
(<http://files.hawaii.gov/dlnr/cwrw/cch/cchma1301/CCHMA1301-20150210-MDWS-EL.pdf>) (5.0 MB)
- Exhibits
(<http://files.hawaii.gov/dlnr/cwrw/cch/cchma1301/CCHMA1301-20150210-MDWS-EX.pdf>) (13.3 MB)

Hawaiian Commercial & Sugar Company (HC&S)

- Rebuttal Brief
(<http://files.hawaii.gov/dlnr/cwrw/cch/cchma1301/CCHMA1301-20150210-HC&S-RBB.pdf>)
- Second Amended Witness List
(<http://files.hawaii.gov/dlnr/cwrw/cch/cchma1301/CCHMA1301-20150210-HC&S-WL.pdf>)
- Second Amended Exhibit List
(<http://files.hawaii.gov/dlnr/cwrw/cch/cchma1301/CCHMA1301-20150210-HC&S-EL.pdf>)

- Exhibits
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20150210-HC&S-EX.pdf>) (66.5 MB)

Maui Tomorrow Foundation, Inc. (MTF)

- Rebuttal Statement and Brief
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20150210-MTF-RBB.pdf>)
- Declarations
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20150210-MTF-DE.pdf>)
- Exhibit List
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20150210-MTF-EL.pdf>)
- Exhibits
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20150210-MTF-EX.pdf>)

Native Hawaiian Legal Corporation (NHLC)

- Rebuttal Brief
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20150210-NHLC-RBB.pdf>)
- Declarations
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20150210-NHLC-DE.pdf>)
- Rebuttal Exhibit List
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20150210-NHLC-EL.pdf>)
- Exhibits
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20150210-NHLC-EX.pdf>) (4.4 MB)

Jan. 27, 2015

Responsive Briefs, Witness Lists, Witness Statements and Exhibits due to the Commission.

Maui Department of Water Supply (MDWS)

- Responsive Brief
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20150127-MDWS-RSB.pdf>)
- Supplemental Witness List
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20150127-MDWS-WL.pdf>)

- Declarations
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20150127-MDWS-DE.pdf>)
- Supplemental Exhibit List and Exhibits
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20150127-MDWS-ELEX.pdf>)

Hawaiian Commercial & Sugar Company (HC&S)

- Responsive Brief
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20150127-HC&S-RSB.pdf>)
- First Amended Witness List
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20150127-HC&S-WL.pdf>)
- First Amended Exhibit List
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20150127-HC&S-EL.pdf>)
- Exhibits
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20150127-HC&S-EX.pdf>) (147.1 MB)

Maui Tomorrow Foundation, Inc. (MTF)

- Responsive Statement and Brief
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20150127-MTF-RSB.pdf>)
- Exhibit List
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20150127-MTF-EL.pdf>)
- Exhibits
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20150127-MTF-EX.pdf>)

Native Hawaiian Legal Corporation (NHLC)

- Responsive Brief
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20150127-NHLC-RSB.pdf>)
- Declarations
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20150127-NHLC-DE.pdf>)
- First Supplemental Exhibit List
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20150127-NHLC-EL.pdf>)

- Exhibits
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20150127-NHLC-EX.pdf>) (10.8 MB)

Dec. 30, 2014

Opening Statements, Opening Briefs, Witness Lists, Witness Statements, and Exhibits due to the Commission.

John Blumer-Buell

- Opening Statement
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20141230-JBB-OS.pdf>) (5.5 MB)
- Exhibits
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20141230-JBB-EX.pdf>)

Maui Department of Water Supply (MDWS)

- Opening Statement and Opening Brief
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20141230-MDWS-OSB.pdf>) (3.0 MB)
- Witness List
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20141230-MDWS-WL.pdf>)
- Declarations
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20141230-MDWS-DE.pdf>) (1.7 MB)
- Exhibit List
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20141230-MDWS-EL.pdf>)
- Exhibits
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20141230-MDWS-EX.pdf>) (54.2 MB)

Hawaiian Commercial & Sugar Company (HC&S)

- Opening Brief
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20141230-HC&S-OB.pdf>)
- Witness List
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20141230-HC&S-WL.pdf>)
- Exhibit List
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20141230-HC&S-EL.pdf>)

- Exhibits
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20141230-HC&S-EX.pdf>) (207.8 MB)

Maui Tomorrow Foundation, Inc. (MTF)

- Cover Letter
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20141230-MTF-CL.pdf>)
- Opening Statement and Opening Brief
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20141230-MTF-OSB.pdf>)
- Witness List
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20141230-MTF-WL.pdf>)
- Declarations
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20141230-MTF-DE.pdf>) (1.2 MB)
- Exhibit List
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20141230-MTF-EL.pdf>)
- Exhibits
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20141230-MTF-EX.pdf>) (47.6 MB)

Native Hawaiian Legal Corporation (NHLC)

- Opening Statement and Opening Brief
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20141230-NHLC-OSB.pdf>)
- Witness List
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20141230-NHLC-WL.pdf>)
- Declarations
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20141230-NHLC-DE.pdf>)
- Exhibit List
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20141230-NHLC-EL.pdf>)
- Exhibits
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20141230-NHLC-EX.pdf>)

Jeffrey Paisner

- Witness List
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20141230-JP-WL.pdf>)
- Declarations
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20141230-JP-DE.pdf>)
- Exhibit List
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20141230-JP-EL.pdf>)
- Exhibits
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20141230-JP-EX.pdf>)

Testimony requested by the Hearings Officer, Dr. Lawrence H. Miike.

- Testimony by the Commission on Water Resource Management
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20141230-CWRM.pdf>) (53.9 MB)
- Testimony by the Division of Aquatic Resources
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20141230-DAR.pdf>) (12.5 MB)
- Testimony by Dr. James E. Parham
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20141230-Parham.pdf>) (6.6 MB)
- Testimony by the U.S. Geological Survey
(<http://files.hawaii.gov/dlnr/cwrn/cch/cchma1301/CCHMA1301-20141230-USGS.pdf>)