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COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I

PETITION TO AMEND INTERIM
INSTREAM FLOW STANDARDS FOR
HONOPOU, HUELO (PUOLUA),
HANEHOI, WAIKAMOI, ALO,
WAHINEPEE, PUOHOKAMOA,
HAIPUAENA, PUNALAU/KOLEA,
HONOMANU, NUAAILUA, PIINAAU,
PALAUHULU, 'ŌHI'A (WAIANU),
WAIOKAMILO, KUALANI, WAILUANUI,
WEST WAILUAIKI, EAST WAILUAIKI,
KOPILIULA, PUAKAA, WAIOHUE,
PAAKEA, WAIAAKA, KAPAULA,
HANAWI and MAKAPIPI STREAMS

CASE NO. CCH-MA13-01

REBUTTAL DECLARATION OF
TERESA "TERI" M. GOMES; EXHIBITS
"A-160" – "A-166"

REBUTTAL DECLARATION OF TERESA "TERI" M. GOMES

I, TERESA M. ("TERI") GOMES, under penalty of perjury hereby state:

The statements I made below are based upon my personal knowledge and the results of my research.

1. I have been involved in researching Hawaiian land titles and family genealogies for over 35 years.

2. The Native Hawaiian Legal Corporation (hereafter, “NHLC”) is counsel of record for NA MOKU AUPUNI O KO‘OLAU HUI, LURLYN SCOTT and SANFORD KEKAHUNA (hereafter, “NA MOKU”).

3. To address the number of parcels and acres utilized by NA MOKU versus the number of parcels and acres assessed by the County of Maui, Real Property Tax Assessment Office, I was tasked with drafting a rebuttal declaration.

4. To address the breakdown of the parcels by stream source, I was tasked with creating a rebuttal spreadsheet to include the stream(s) appurtenant to the parcels listed therein, additional names of Na Moku farmers, and two (2) additional parcels.

5. This declaration supplements any previous declaration(s) signed by me concerning the petition to amend interim instream flow standards.

6. I was initially assigned the task of researching, from 1845, the original land title records for one hundred sixty-two (162) parcels of land located in Honopou, Ke‘anae, and Wailua on the Island of Maui. Thereafter, but prior to submission, NHLC omitted twenty-seven (27) parcels based on land use at the time of the Great Māhele of 1848. I was then tasked with producing a spreadsheet on the remaining one hundred thirty-five (135) parcels for submission.

7. **Exhibit “A-138”** is County of Maui, Second Division, Tax Map Key (hereafter, “TMK (2)”) 2-9-01, showing seventy-two (72) parcels of land containing approximately 272 acres, more or less. The total acreage assessed to NA MOKU is 23.99 acres, more or less, for three (3) parcels of land demonstrating a historical, present, and/or potential capacity for cultivation and/or farming.

8. **Exhibit “A-139”** is TMK (2) 2-9-14, showing thirty (30) parcels of land containing approximately 8,217 acres, more or less. The total acreage assessed to NA MOKU is 2.07 acres, more or less, for two (2) parcels of land demonstrating a historical, present, and/or potential capacity for cultivation and/or farming.

9. **Exhibit “A-140”** is TMK (2) 1-1-03, showing eighty-eight (88) parcels of land containing approximately 91 acres, more or less. The total acreage assessed to NA MOKU is 29.695 acres, more or less, for thirty-four (34) parcels of land with thirty-three (33) parcels demonstrating a historical, present, and/or potential capacity for cultivation and/or farming.

10. **Exhibit “A-141”** is TMK (2) 1-1-07, showing twenty-four (24) parcels of land containing approximately 203 acres, more or less. The total acreage assessed to NA MOKU is 160.50 acres, more or less, for two (2) parcels of land with one (1) parcel demonstrating a historical, present, and/or potential capacity for cultivation and/or farming.

11. **Exhibit “A-142”** is a consolidation of three (3) separate tax maps, i.e., TMK (2) 1-1-04; TMK (2) 1-1-05; and TMK (2) 1-1-06. For this rebuttal declaration, each tax map is treated as a separate item.

12. **Exhibit “A-160”** attached hereto, and made a part hereof, is tax map TMK (2) 1-1-04 showing thirty-seven (37) parcels of land containing approximately 50 acres, more or less. The total acreage assessed to NA MOKU is 28.274 acres, more or less, for twenty-three (23) parcels of land demonstrating a historical, present, and/or potential capacity for cultivation and/or farming.

13. **Exhibit “A-161”** attached hereto, and made a part hereof, is tax map TMK (2) 1-1-05 showing fifty-two (52) parcels of land containing approximately 71 acres, more or less. The total acreage assessed to NA MOKU is 33.035 acres, more or less, for twenty-six (26) parcels of land demonstrating a historical, present, and/or potential capacity for cultivation and/or farming.

14. **Exhibit “A-162”** attached hereto, and made a part hereof, is tax map TMK (2) 1-1-06 showing sixty-six (66) parcels of land containing approximately 51 acres, more or less. The total acreage assessed to NA MOKU is 30.227 acres, more or less, for thirty-nine (39) parcels of land with thirty-seven (37) parcels demonstrating a historical, present, and/or potential capacity for cultivation and/or farming.

15. **Exhibit “A-143”** is TMK (2) 1-1-08, showing twenty-four (24) parcels of land containing approximately 984 acres, more or less. The total acreage assessed to NA MOKU is 397.41 acres, more or less, for five (5) parcels of land with one (1) parcel demonstrating a historical, present, and/or potential capacity for cultivation and/or farming.

16. **Exhibit “A-163”** is tax map TMK (2) 1-2-02, showing fifty-four (54) parcels of land containing approximately 314 acres, more or less. The total acreage assessed to NA MOKU is 4.17 acres, more or less, for one (1) parcel of land demonstrating a historical, present, and/or potential capacity for cultivation and/or farming.

17. **Exhibit "A-164"** is TMK (2) 1-1-04-10, containing 0.544 acres, more or less, being (a) LCA 5054 (Volume 7 Pages 440-441); (b) NR Volume 6 Page 234 (Hawaiian and English); (c) NT Volume 6 Page 366 (Hawaiian and English); (d) FT Volume 8 Page 232; (e) RP 3278 (Volume 14 Pages 349-350); (e) Translation of Apana 1 LCA 5054; and (f) Derivation Instrument(s).

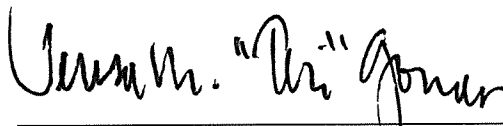
18. As adjudicated, LCA 5054 is a kuleana award for lands claimed by a native tenant pursuant to the "Kuleana Act." As described by testimony thereto, the lot was a pahale (house lot).

19. **Exhibit "A-165"** is TMK (2) 2-9-01-16, as shown on **Exhibit A-138**, containing 0.34 acres, more or less, being Apana 2 of RP 3241, LCA 5459-X to IMIHIA, more fully described in CWRM Instream Flow Standard Assessment Report, Island of Maui, Hydrologic Unit 6034, Honopou, March 2008, Public Review Draft, Page 59, attached hereto and made a part hereof.

20. **Exhibit "A-166"** attached hereto, and made a part hereof, is the Rebuttal 2014 Exhibits By TMK spreadsheet identifying the stream source, as shown on tax maps, for each parcel listed, the additional names of Na Moku farmers, and two (2) additional parcels.

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

DATED: Honolulu, Hawai'i, on February 10, 2015.


TERESA M. "TERI" GOMES