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COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

In re Petitions to Amend Interim Instream Flow Standards for Honopou, Huelo (Puolua), Hanehoi, Waikamoi, Alo, Wahinepe'e, Puohokamoa, Haipua'ena, Punalau/Kōlea, Honomanu, Nu'ailua, Pi`ina`au, Palauhulu, Ohia (Waianu), Waiokamilo, Kualani, Wailuanui, West Wailuaiki, East Wailuaiki, Kopili'ula, Puaka`a, Waiohue, Pa`akea, Waiaka`a, Kapa`ula, Hanawī and Makapipi streams.	Case No. CCH-MA13-01 RESPONSIVE STATEMENT AND BRIEF OF MAUI TOMORROW FOUNDATION, INC. AND ITS SUPPORTERS FOR RE-OPENED HEARING; CERTIFICATE OF SERVICE

MTF/responsivestatement2

RESPONSIVE STATEMENT AND BRIEF OF MAUI TOMORROW FOUNDATION, INC. AND ITS SUPPORTERS FOR RE-OPENED HEARING

Maui Tomorrow Foundation, Inc., on behalf of itself and its supporters ("MTF"), through counsel, hereby files this Responsive Statement and Brief for the Re-Opened Hearing, pursuant to Minute Order 22.

I. RESPONSE TO OPENING BRIEF OF HC&S

The *Waiahole* cases were litigated on Oahu in the same factual circumstances in which we find ourselves now on Maui. The Oahu Sugar Company had closed, diversified agriculture was in its "embryonic" stages and interim stream flow standards were in the process of being implemented. Here, HC&S closed its plantation on December 31, 2016 and the vast majority of its fields now lie fallow. The Hawaii Supreme Court held in *In re Water Use Permit Applications*, 94 Hawai`i 97 at 138, 9 P.3d 409 at 450 (2000) *(Waiahole I)* that:

> ... **the close of sugar operations in Central O`ahu has provided the Commission** [Commission on Water Resource Management] **a unique and valuable opportunity to restore previously diverted streams while rethinking the future of O`ahu's water uses. The Commission should thus take the initiative in planning for the appropriate instream flows before demand for new uses heightens the temptation simply to accept renewed diversions as a foregone conclusion.** (Emphasis added)

The Board of Land and Natural Resources ("BLNR") has issued an Order further limiting the diversions by the East Maui Irrigation Company, Ltd. ("EMI") that transmit surface waters arising on state ceded lands in East Maui to the mostly fallow former plantation lands in Maui's central isthmus.

In its Opening Brief, HC&S, EMI and Alexander & Baldwin, Inc. ("A&B") supply no reliable evidence on the amounts of water needed to grow any crops actually now being cultivated on the former plantation lands. In this Opening Brief, no reliable evidence is presented on the actual future water needs for crops that will be cultivated on the former plantation lands. HC&S, EMI and A&B have failed to demonstrate the existence of any legally recognizable off-stream water uses for its former plantation lands.

In 2014, the Hawaii Supreme Court, clearly and plainly enunciated the tests that must be satisfied before an allocation of surface waters can be determined to be consistent with the public trust doctrine. In *Kauai Springs v. Planning Com'n of Kauai*, 130 Hawai'i 407, 324 P. 3d 951 (2014), the Hawaii Supreme Court ruled, as follows:

> To assist agencies in the application of the public trust doctrine, we distill from our prior cases the following principles:
>
> a. The agency's duty and authority is to maintain the purity and flow of our waters for future generations and to assure that the waters of our land are put to reasonable and beneficial use. *In re Water Use Permit Applications*, 94 Hawai`i 97 at 138, 9 P.3d 409 at 450 (2000) *(Waiahole I);*
>
> b. The agency must determine whether the proposed use is consistent with the trust purposes:
>
> i. the maintenance of waters in their natural state;
> ii. the protection of domestic water use;
> iii. the protection of water in the exercise of Native Hawaiian and traditional and customary rights; and
> iv. the reservation of water enumerated by the State Water Code.
>
> c. The agency is to apply a presumption in favor of public use, access, enjoyment, and resource protection. *Id.* at 142, 154 n. 59, 9 P.3d at 454, 466 n. 59.
>
> d. The agency should evaluate each proposal for use on a case-by-case basis, recognizing that there can be no vested rights in the use of public water. *Id.* at 141, 9 P.3d at 453; *Kukui (Molokai), Inc.,* 116 Hawai`i 481 at 490, 174 P.3d 320 at 329 (2007);

e. If the requested use is private or commercial, the agency should apply a high level of scrutiny. *Waiahole I,* 94 Hawai`i at 142, 9 P.3d at 454.

f. The agency should evaluate the proposed use under a "reasonable and beneficial use" standard, which requires examination of the proposed use in relation to other public and private uses. *Id.* at 161, 9 P.3d at 473.

Applicants have the burden to justify the proposed water use in light of the trust purposes. *Kukui (Molokai), Inc.,* 116 Hawai`i at 490, 174 P.3d at 329 (2007).

a. Permit applicants must demonstrate their actual needs and the propriety of draining water from public streams to satisfy those needs. *Waiahole I,* 94 Hawai`i at 162, 9 P.3d at 474.

b. The applicant must demonstrate the absence of a practicable alternative water source. *Id.* at 161, 9 P.3d at 473.

c. If there is a reasonable allegation of harm to public trust purposes, then the applicant must demonstrate that there is no harm in fact or that the requested use is nevertheless reasonable and beneficial. *Kukui (Molokai), Inc.,* 116 Hawai`i at 499, 174 P.3d at 338.

d. If the impact is found to be reasonable and beneficial, the applicant must implement reasonable measures to mitigate the cumulative impact of existing and proposed diversions on trust purposes, if the proposed use is to be approved. *Waiahole I,* 94 Hawai`i at 143, 161, 9 P.3d at 455, 473.

The uses proposed by HC&S – private commercial diversified agricultural uses - are not protected by the public trust. As the Hawaii Supreme Court ruled in the *Kauai Springs* case:

> Private commercial use is not protected by the public trust. "[T]he public trust has never been understood to safeguard rights of exclusive use for private commercial gain." *Waiahole I,* 94 Hawai`i at 138, 9 P.3d at 450. The very meaning of the public trust is to recognize separate and enduring public rights in trust resources superior to any private interest. *Id.* In accordance with the fundamental principles of the public trust and the fact that private commercial use is not one of the uses the public trust protects, a "higher level of scrutiny" is therefore employed when considering proposals for private commercial use. *Id.* at 142, 9 P.3d at 454.

These public trust doctrine principles are applicable to Interim Instream Flow Stream determinations, even when a duty of the Commission on Water Resource Management ("CWRM") is to balance instream and offstream uses. See, *In re Water Use Permit Applications*, 94 Hawai`i 97, 9 P.3d 409 (2000) *(Waiahole I).* As the Hawaii Supreme Court held in that case:

> **Having recognized the necessity of a balancing process**, we do not suggest that the state's public trust duties amount to nothing more than a restatement of its prerogatives, *see Robinson,* 65 Haw. at 674 n. 31, 658 P.2d at 310 n. 31, nor do we ascribe to the constitutional framers the intent to enact laws devoid of any real substance and effect, *see supra* notes 29, 36 & 40. Rather, we observe that the constitutional requirements of "protection" and "conservation," **the historical and continuing understanding of the**

> **trust as a guarantee of public rights**, and the common reality of the "zero-sum" game between competing water uses **demand that <u>any balancing between public and private purposes begin with a presumption in favor of public use, access, and enjoyment</u>**. (Emphasis added)

And:

> ... under the common law, "[t]he burden of demonstrating that any transfer of water was not injurious to the rights of others rested wholly upon those seeking the transfer."

And that:

> ... existing uses are not automatically "grandfathered" under the constitution and the Code, especially in relation to public trust uses.

When public trust stream waters are proposed to be diverted for private commercial uses a "higher level of scrutiny" is required.

The Hawaii Supreme Court made it clear that there are "no vested rights to water." Yet, underlying these proceedings has been the presumption that EMI, A&B and HC&S do, indeed, have "vested rights to water." There is no other way to explain the state's indulgence in the unsubstantiated desires of EMI, A&B and HC&S which causes harm to instream users and especially instream uses. This is true now that EMI, A&B and HC&S are seeking the allocation of so much water for thousands of acres of fallow land, without any showing that these amounts of water are warranted.

The Hawaii Supreme Court did clarify that in water use permit application cases that the Water Code places the burden of proof on the applicant for the water use permit whereas in IIFS contested case proceedings the primary duty of the CWRM is to balance the requests or demands for instream uses and the requests or demands for offstream uses. *In Re Īao Ground Water Management Area*, 128 Hawai`i 228, 287 P. 3d 129 (2012). This clarification does not address the equally important issue of the character of proof – the degree or type of proof – that it takes to tip the scales (if you will) in this balancing process. The Hawaii Supreme Court has discussed the character of proof allowable in this balancing in both the context of water use permit proceedings and IIFS contested case proceedings. In a footnote in the *Kauai Springs* case, in another context, the Hawaii Supreme Court, demonstrated how "balancing" is affected by the character of proof required of a party:

> An instructive demonstration of the burden on the applicant is provided by *Wai'ola O Moloka`i*. In that case, notwithstanding our ultimate remand, this court found that **the Water Commission *had* met its public trust duty to balance an existing use against**

> **the proposed use only after the Water Commission found that the applicant had provided two hydrologic studies that showed that the impact of the proposed use would have no or relatively small impact on the existing use.** *Wai'ola O Molokai`i,* 103 Hawai`i at 432-33, 83 P.3d at 695-96 (remanded to the Water Commission on other grounds).

A. HC&S Has Not Demonstrated a "Reasonable and Beneficial" Use for the Water

The Hawaii Supreme Court has established certain standards for the type of proof required to substantiate a request for an allocation of water for offstream uses. The applicability of these standards is not limited to water use permit application cases. It will not suffice to summarily relieve a party seeking surface water for offstream uses in an IIFS contested case proceeding, particularly for currently fallow, unused lands, of any obligation to objectively justify that allocation. A person or entity who has intervened in and been accepted as a party in an IIFS contested case proceeding in order to seek an allocation of water for offstream uses for currently fallow, unused lands must also present evidence justifying those offstream uses that satisfies the public trust doctrine and the caselaw established by the Hawaii Supreme Court. This is not purely an issue of the allocation of the burden of proof as between the diverter and the downstream user as a matter of what quantum of proof is required to sustain any claim for an allocation of water for fallow, unused lands – irrespective of whether this situation arises in the context of a water use permit application case or an IIFS contested case proceeding.

As the Court held in *Waiahole I*, "...**the public trust effectively creates this burden through its inherent presumption in favor of public use, access, and enjoyment.**" (Emphasis added). The caselaw developed in water use permit application cases regarding why the allocation of water to fallow lands offends the public trust doctrine must be equally applicable to IIFS contested cases in which a party has intervened seeking an allocation of water for currently fallow lands. The public trust doctrine principles are equally applicable in both circumstances. The Hawaii Supreme Court, in *Kauai Springs*, supra, relying upon *Waiahole* I, supra, ruled:

> The agency should evaluate the proposed use under a "reasonable and beneficial use" standard, which requires examination of the proposed use in relation to other public and private uses.

And:

> **Permit applicants must demonstrate their actual needs and the propriety of draining water from public streams to satisfy those needs.** (Emphasis added)

In *Waiahole I,* the CWRM had allocated a particular amount of water based upon the total acreage possessed by a farmer. One of the parties objected that this allocation of water for fallow lands could not be allowed. In *Waiahole I* the Hawaii Supreme Court ruled:

> **WWCA specifically contests the Commission's provision of 2,500 gallons per acre per day (gad) for every acre of land in diversified agriculture, where only a fraction of such land is in actual cultivation at any given time.** WWCA does not dispute the reasonableness of the 2,500 gad figure as applied to acreage actually in cultivation. Parties testified in support of lower and higher amounts, but the Commission selected this "more conservative" figure as a "starting point," noting that "it is an adjustable number and will be evaluated periodically or upon request, based on the best available data and field experience." *Id.* at 6. **WWCA asserts, however, that the application of this per-acre figure to every acre of agricultural land, including those lying fallow, resulted in a "gross over-allocation" of water far exceeding actual need.** (Emphasis added).
>
> The uncontroverted evidence at the hearing establishes that leeward farmers cultivate only one-third to one-half of their land at any given time.
>
> The Commission, nevertheless, assigned 2,500 gallons per day to as much as two or three times the acreage actually planted, resulting in a per-acre duty apparently approaching that of sugar and contradicting the Commission's description of 2,500 gad as a "more conservative figure."
>
> Because the Commission has failed to provide this minimal analysis, we vacate its adoption of the 2,500 gad figure and remand for further proceedings consistent with this opinion.

In *Waiahole I,* the Hawaii Supreme Court further held that an allocation of water for offstream uses should be deferred until the "actual use of water will commence," ruling that:

> In its permit application, KSBE requested 4.2 mgd for, *inter alia,* golf course and landscaping uses in connection with its proposed "Waiawa by Gentry" development. The Commission denied the request without prejudice to reapplication "at such time that [KSBE] obtains the proper land use classification, development plan approvals, and zoning changes, and **when it may be determined that the actual use of water will commence within a reasonable time frame for a proposed project.** (Emphasis added).

Thus, any consistency with land use classifications, development plans approvals or zoning, along the lines attested to by the Department of Water Supply of the County of Maui ("DWS") here, is not pertinent. What is significant is **when the actual use of water will commence** for any particular proposed diversified agricultural use.

In *In re Water Use Permit Applications*, 105 Hawai`i 1, 93 P.3d 643 (2004) ("*Waiahole* II) the Hawaii Supreme Court ruled:

> In *Waiãhole I,* this court noted that the uncertainty of water needs for diversified agriculture "appears to stem largely from the embryonic state of diversified agricultural operations." *Id.* at 162, 9 P.3d at 474. Notwithstanding this uncertainty, this court held that permit applicants must still justify "their proposed uses insofar as circumstances allow. **At the very minimum, applicants must prove their own actual water needs.**" *Id.* at 161, 9 P.3d at 473. Restated, "permit applicants must ... demonstrate their actual needs and, within the constraints of available knowledge, the propriety of draining water from public streams to satisfy those needs." *Id.* at 162, 9 P.3d at 474. This court also held that the Water Commission "must articulate its factual analysis with reasonable clarity...." *Id.* at 164, 9 P.3d at 476. **This court then vacated the Water Commission's adoption of the 2,500 gad figure for diversified agriculture because the Water Commission failed to address and explain contradictions in the record regarding the Water Commission's assignment of "2,500 gallons per day to as much as two or three times the acreage actually planted, resulting in a per-acre duty apparently approaching that of sugar...."** *Id.* at 163, 9 P.3d at 475. (Emphasis added)

Allocating public trust waters to **lands** that are **not actually planted and that lie fallow**, such as the HC&S former plantation lands, cannot be justified under the public trust doctrine. The *Waiahole II* Court instructed:

> On remand, the Water Commission addressed this court's concerns. The Water Commission first clarified the terms "arable," "cultivated," and "planted" as follows:
>
> *Arable* land is land that is able to be cultivated but not necessarily in cultivation. *Cultivated* land goes through the cycle of being plowed, planted, harvested, plowed under and left to rest (either with or without cover crop), then plowed and planted, etc. *Planted* means when the plants are actually present. So you may be planted three or four months a year, but you're in cultivation continuously throughout the year.
>
> D & O II at 74. In analyzing the difference between applying gallons of water per acre per day to planted acres and cultivated acres, the Water Commission noted that "the evidence that farming practices involved rotation among fields made it difficult to specify what a particular acreage's water needs were. Thus, the Water Commission decided an average water use of acreage under *cultivation* was the most appropriate method to use." D & O II at 77-78 n. 59.
>
> Based on the foregoing, the Water Commission concluded that "2,500 gad for acres under *cultivation* or planned to be under *cultivation* is a reasonable water duty for leeward diversified agriculture." D & O II at 136 (emphases added).
>
> **An applicant must be able to present evidence of, and the Water Commission may consider, projected water needs that are real and supported by evidence.** (Emphasis added).

HC&S has not supplied any such evidence. **There is no legal basis for allocating public trust waters for private uses for fallow lands.** HC&S claims that it has had inquiries from interested farmers who want to know that water will be available on a reliable, low cost basis. This is not a sufficient demonstration of future actual use of water to satisfy the "reasonable and beneficial" test.

B. The Interests Asserted by HC&S Are Not "Reasonable and Beneficial Uses"

HC&S posited some interests in its Application to the Board of Land and Natural Resources ("BLNR") for Revocable Permits or "Holdover Permits" that are similar to claims asserted in their Opening Brief. These cannot even be recognized as "reasonable and beneficial uses" warranting an allocation of public trust waters arising on East Maui state lands.

- HC&S requested that the permits to divert be granted so that EMI can have access to the state lands to maintain its roads. This is not a "reasonable and beneficial use" of water. EMI can apply for a "Right of Access" from the State for this purpose without "draining water from public streams" in East Maui.

- HC&S requested that the permits to divert be granted so that EMI can maintain the ditches alleging that some water must flow in them to maintain their structural integrity. There is no factual basis for this assertion. This is not a "reasonable and beneficial use" of water and cannot justify "draining water from public streams" in East Maui.

- HC&S alleged, and now alleges, that the permits to divert should be granted because agricultural use of the plantation lands is consistent with County plans and the Agricultural Lands of Importance ("ALI") designation. Such designations cannot substitute for proof of an actual need for water. See, *Waiahole I,* above.

C. HC&S, EMI and A&B Have Ample Practical Alternative Water Sources

The Hawaii Supreme Court, in *Kauai Springs*, supra, relying upon *Waiahole* I, supra, also ruled:

> The applicant must demonstrate the absence of a practicable alternative water source.

HC&S has not satisfied this test. There are ample alternative sources of water to satisfy any HC&S current or reasonable future needs at this time, as follows:

1. Surface Waters Arising on its Own East Maui Lands

The total East Maui watershed is 56,000 acres in size, by some calculations, 38,000 acres belonging to the State of Hawaii and 18,000 acres allegedly owned by EMI. While the four Water Licenses were in effect, in EMI's accountings to the State, the total amount of water received by the Ditches at the Honopou Boundary was quantified and then, for each License Area, the amount of water arising on EMI's lands was subtracted from the total, leaving the amount of water arising on State lands. EMI then only paid for the amount of water arising on State lands and HC&S received at no cost the waters arising on the alleged EMI lands. The State and EMI agreed in 1987 that 30% of the waters arose on EMI's lands and 70% of the waters diverted arose on EMI's lands.

The total delivery capacity of the EMI system is alleged by EMI to be 445 mgd and the average daily water delivery under median weather conditions is alleged by EMI to be 160 mgd. Thirty percent of 445 mgd is 133.5 mgd. Thirty percent of 160 mgd is 48 mgd. Surely these amounts of water arising on the alleged EMI lands are sufficient to meet any HC&S current or reasonable future needs at this time, without requiring any water arising on state lands.

2. Surface Waters Arising Between Honopou and Maliko

There is a large watershed between Honopou (the western-most boundary of the License Areas) and Maliko (the eastern boundary of the HC&S plantation) across which the EMI ditches pass and significant amounts of water are diverted into these ditches. This is another existing source of surface water that can be used to meet any HC&S current or reasonable future needs at this time.

3. Wells on Plantation Lands

There are brackish groundwater wells on the HC&S plantation that have already been found to be able to provide a maximum of 83.32 mgd. Admittedly, this water is only available for plantation lands at certain elevations; nevertheless this water is an available alternative to meet the needs of a large portion of any HC&S current or reasonable future needs at this time.

II. RESPONSE TO OPENING BRIEF OF DWS

The Department of Water Supply of the County of Maui ("DWS") has filed an Opening Brief asserting interests that exceed the scope permitted by the Hearings Officer and the CWRM and that includes proposed proof that has already been rejected by the Hearings Officer. The CWRM has restricted the MDWS to the already existing evidentiary record in the re-opened

contested case. This evidentiary record supports no more than the current recommended allocation. MTF does not oppose the amounts of water that the Hearings Officer has already proposed to allocate to the DWS. MTF opposes any allocation that would exceed this amount.

The MDWS has infrastructural constraints preventing delivery of any increased amounts, in any event. The Kamole Weir Water Treatment Facility has a current maximum capacity that prevents it from delivering greater amounts to Upcountry areas. The MDWS has not yet constructed a large reservoir at Kamole Weir that would increase capacities. Repairs to the Waikamoi Flume were anticipated to supply additional amounts to Upcountry residents.

There must be an actual and documented full and permanent restoration of stream flow to East Maui streams before any amounts greater than the current recommended allocation of water to the DWS may be allowed or allocated.

The Hawaii Supreme Court, in *Kauai Springs*, supra, relying upon *Waiahole I*, supra, also ruled:

> The applicant must demonstrate the absence of a practicable alternative water source.

DWS has not satisfied this test. There are ample alternative sources of water to satisfy any DWS current or reasonable future needs at this time, as already found by the Hearings Officer:

The County of Maui has water sources available to it for Upcountry use, independent of Wailoa Ditch sources. The Upper Waikamoi Flume diverts an average of 1.6 mgd. The Lower Waikamoi Flume diverts an average of 2.5 mgd. EMI has available to it, without state waters, sufficient amounts to satisfy the established needs of the County of Maui for Upcountry.

Not only has DWS failed to prove "the absence of a practicable alternative water source" to the waters arising on state land, it can be easily demonstrated that there exist practicable alternative water sources to meet any of the actual needs of the DWS.

III. THERE IS HARM TO PUBLIC TRUST RESOURCES

The Hawaii Supreme Court, in *Kauai Springs*, supra, relying upon *Waiahole* I, supra, also ruled:

> If there is a reasonable allegation of harm to public trust purposes, then the applicant must demonstrate that there is no harm in fact or that the requested use is nevertheless reasonable and beneficial.

HC&S includes self-serving statements about the lack of harm to instream users, instream values and public trust resources. In fact, EMI is dragging its feet in fully restoring the taro streams. These streams have not come close to being fully restored as intended. At this rate it

may be years before this complete restoration takes place.

The DWS has not demonstrated lack of harm to instream users.

IV. CONCLUSION

MTF presents its Rebuttal positions here without prejudice to its ability to refine these positions further in its Responses. MTF joins the Rebuttal Brief filed by Na Moku Aupuni O Koolau Hui ("Na Moku").

A line will need to be drawn by the Hearings Officer and the CWRM regarding how attenuated, how speculative and how tenuous "potential" claims are before they are not ripe enough to warrant a present allocation of water. A line will need to be drawn by the Hearings Officer and the CWRM regarding whether EMI or HC&S or A&B can assign or lease or grant any alleged "rights" or "entitlements" to East Maui water to third parties, either on its plantation lands or elsewhere. The CWRM cannot permit EMI or HC&S or A&B to provide this water to others for value without EMI or HC&S or A&B becoming a purveyor of water for which prior approval of the Public Utilities Commission ("PUC") is required.

MTF and Na Moku are entitled to a "full hearing" on any claims by HC&S or A&B to "potential" uses of water on Plantation lands. When these are claims to "potential," without "present," uses of this water and land and will prevent a fuller restoration of East Maui streams, they must be supported by the best evidence.

The components of such a "full hearing" are set forth in the following statutory requirements, among others. HRS § 91-9(5)(c) provides that:

> **Opportunities shall be afforded all parties to present evidence** and argument **on all issues involved.** (Emphasis added).

HRS § 91-10(3) states:

> **Every party shall have the right to conduct such cross-examination as may be required for a full and true disclosure of the facts,** and shall have the right to submit rebuttal evidence. (Emphasis added).

HC&S, EMI and A&B cannot be allocated East Maui water based upon overly-facile factual determinations. Documentary evidence must be required to substantiate claims to "potential" uses of water and reliance upon testimonial speculation without any documentary support must be disallowed. Any ability to cross-examine to elicit a full and complete disclosure of the facts is undermined if the author of studies and test protocols is not made available.

Na Moku and MTF are still struggling to have amounts of water restored to East Maui streams to which they are entitled based on "present" needs and "present" instream values. The amounts of water which have been required and recognized by law to remain in East Maui streams for many years have still not yet been restored to them.

HC&S, EMI and A&B, without any demonstrable "present" needs, ask the Hearings Officer and the CWRM, to allocate diverted water to closed plantation lands for speculative, now non-existent, "potential" future uses. MDWS, having had its reasonable "present" needs recognized, also seeks additional water for speculative, now non-existent "potential" future uses.

In any balancing by the Hearings Officer and ultimately by the CWRM, it could not be plainer that long-ignored and unsatisfied legitimate "present" riparian, appurtenant and instream needs must have priority over speculative, now non-existent "potential" future offstream uses. HRS §174C-71(2)(D).

We have waited far too long to hear the sounds of our streams alive once again in our valleys.

DATED: Wailuku, Maui, Hawaii 1.6.17

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CERTIFICATE OF SERVICE

I hereby certify that one copy of the foregoing document was duly served upon the parties listed below by email, on January 6, 2017.

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