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**CONSENT DECREE FILED 4/5/17 IN FOM CLEAN WATER ACT CASE AGAINST PROPOSED DAIRY**

MAHA`ULEPU, Kauai, HI – Friends of Maha`ulepu (“FOM”) is pleased to announce the resolution of their Clean Water Act case against Ulupono Initiative, LLC, Hawaii Dairy Farms, LLC (“HDF”), and Mahaulepu Farm, LLC (“Defendants”). “There is finally a Federal Court Order with a signed Consent Decree that prohibits any further development, construction, or ground disturbing activities at HDF’s proposed industrial dairy site in Maha`ulepu. The Court’s Order and Consent Decree will remain in effect unless Defendants Ulupono and HDF obtain proper permits from State and County agencies and/or these Defendants abandon their interest in the Maha`ulepu site,” said Bridget Hammerquist, President of Friends of Maha`ulepu.

[In a federal ruling in December](#), Judge Leslie E. Kobayashi found that “Defendants engaged in activities pre- and post-Complaint that required an NPDES permit.” Judge Kobayashi’s Order detailed significant unpermitted ground-disturbing activities over most of the 557 acre site. “This Order and Consent Decree require Defendants to implement Best Management Practices (BMPs) to control and prevent runoff from the areas that were illegally disturbed,” Bridget Hammerquist explained. The installation of the BMPs, as well as any future ground work necessary to perform repairs or address a sudden leak, shall be monitored by FOM to ensure water quality protections are in place. Additionally, HDF and its co-defendants have agreed to pay \$125,000 to fund a Supplemental Environmental Project (SEP), a streambank restoration and endangered species protection project to be administered by the Makauwahi Cave Reserve (MCR).

“The health of Maha`ulepu, its rich heritage, County drinking water wells, our ocean and beaches should never be compromised by massive amounts of untreated animal waste” said Bridget Hammerquist.

Defendants, Ulupono and HDF have agreed to fund the SEP as part of the final resolution of the Clean Water Act case filed by FOM nearly two years ago. Supplemental Environmental Projects (SEPs) are part of settlements reached in Clean Water Act cases. They are an alternative to civil penalties that would otherwise be paid by Defendants to the Federal Government. SEPs, on the other hand, benefit the community directly and are designed to improve, protect, or reduce risks to public health or the environment. The SEP’s activities will include removal of invasive trees and shrubs along the banks of the Waiopili, replacing them with native sedges, shrubs, and monocots.

The MCR SEP will address the concern that: “this area contains cave passages that are believed to be suitable habitat for the blind cave organisms, but they have been impacted over past decades by the destruction of vegetation by mining activities and periodic flooding from the channelized portion of the Waiopili Stream,” according to MCR. Project funds paid to MCR will also support reforestation and erosion control in the lower Maha`ulepu watershed, the creation of wetland habitat areas, and the planting of long-rooted species will benefit the Cave’s two endangered invertebrates. The SEP activities will be carried out over a 2-year period.

The Consent Decree was filed last night with Judge Leslie E. Kobayashi in the Federal District Court.