



Friends of Maha'ulepu

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Contacts

Bridget Hammerquist, Friends of Maha'ulepu - ph: 360-607-5770 | e: friendsofmahaulepu@gmail.com

Charlie Tebbutt, Esq., Law Offices of Charles M Tebbutt, P.C. - ph: 541-285-3717 | e: charlie@tebbuttlaw.com

alternate ph: 541-344-3505 (Sarah Matsumoto)

COURT FINDS HAWAII DAIRY FARMS AND ULUPONO INITIATIVE VIOLATED FEDERAL CLEAN WATER ACT

Case against billionaire investor Pierre Omidyar's flawed plan to go to trial

Honolulu, HI -- On December 1, the federal district court of Hawaii issued a decision finding that Hawaii Dairy Farms (“HDF”), Ulupono Initiative, LLC and Maha'ulepu Farm, LLC, owned by internet billionaires Pierre Omidyar and Steve Case, violated the federal clean water laws by beginning construction of a proposed 2,000-head dairy on the south shore of the Garden Island of Kauai without first obtaining proper construction permits.

Judge Kobayashi found that the construction Friends of Maha'ulepu objected to on Defendants' proposed dairy site “identifies a point source under the Clean Water Act.” In addition, the Court found that “Defendants engaged in activities pre- and post-Complaint that required an NPDES permit.” The Court also recognized that “it is undisputed that Defendants have never had an NPDES permit.”

“This decision confirms that Friends of Maha'ulepu has been correct all along. Hawaii Dairy Farms, Ulupono, and Maha'ulepu Farm, owned by Grove Farm, have been ignoring the law for years, a fact the Department of Health has failed to adequately address,” said Bridget Hammerquist, President of Friends of Maha'ulepu. “Hopefully, the parties proposing this project will now recognize that the chosen site is dangerously close to a popular beach, the ocean, and its precious reefs and marine life, and to drinking water that services thousands on the South shore. Nothing further should be done at that location.”

“This decision sets the stage for the inevitable conclusion that Hawaii Dairy Farms and its principal investor, Pierre Omidyar, have polluted Kauai's sensitive waters,” said Charlie Tebbutt, attorney for Friends of Maha'ulepu. “We will now proceed to trial in February and prove the remaining claims.”

HDF can no longer hide behind its false claims that the project construction activities are exempt from federal law. The court found that “because Defendants' activities were undertaken as a common plan of development, they needed an NPDES permit for all of their activities.” The Court also found that because the activities “are part of a common plan of development...any agricultural exclusion does not apply.”

A court-ordered pre-trial settlement conference was held on December 1 in Honolulu, but no resolution was reached.

View the decision at: <http://friendsofmahaulepu.org/wp-content/uploads/2016/12/Summary-Judgment-Order.pdf>

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