

FRIENDS OF
MAHA'ULEPU



NĀ HOA O MAHA'ULEPU



Friends of Maha'ulepu

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Friends of Maha'ulepu (FOM) co-founder of the water hui, Kia'i Wai `o Wai`ale`ale, received an Order today from the Hawaii State Supreme Court granting their Application to transfer this important environmental case involving protection of the East Wailua watershed from the Intermediate Court of Appeals (ICA) to the Supreme Court for their deliberation and decision. The Supreme Court's Order today terminates any further action by the ICA. Today's Order is important because it validates the significance of water and shortens the appellant process.

When FOM and Kia'i Wai received a Judgment of Dismissal from the Circuit Court ending their challenge to the failure of Kauai Department of Water to conduct an environmental review of the source waters that would feed nearly 2 miles of an 18 inch main, they appealed that Dismissal. After all briefs were filed with the ICA, we applied for a transfer to the Supreme Court, an available process for particularly important issues. In Civil cases like this, the right of appeal to the ICA is automatic. While the ICA has to take every appeal filed in a Civil case, the State Supreme Court does not. In terminating the ICA's jurisdiction today, the unanimous Supreme Court Order granting Kia'i Wai's application for transfer significantly shortens the appellant process and underscores the importance of the case. The Members of FOM and Kia'i Wai appreciate the Court's Order today and look forward to the Court's decision. Water is life and a failure to follow federal law and the Hawaii Environmental Protection Act when diverting the water from our streams without permit cannot continue.

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