

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT
STATE OF HAWAII

FRIENDS OF MĀHĀ‘ULEPŪ, et. al,)	Civil No. 5CCV-24-0000021
)	
Plaintiffs,)	DECLARATION OF BRIDGET
)	HAMMERQUIST
vs.)	
)	
5425 PAU A LAKA, LLC, et. al,)	
)	
Defendants.)	

DECLARATION OF BRIDGET HAMMERQUIST

I, BRIDGET HAMMERQUIST, declare under penalty of law that the following is true and correct.

1. I make this declaration based upon my personal knowledge, information, and belief.
2. I was born in Hilo in 1947, was raised on the Big Island until my family and I moved to Kaumakani, Kaua‘i in 1964. I currently reside in Kōloa on the island of Kaua‘i.
3. I am president of Plaintiff FRIENDS OF MĀHĀ‘ULEPU, a nonprofit corporation (“FOM”). FOM is based on Kaua‘i and is comprised of Kaua‘i citizens who advocate for a clean and healthful environment for Kaua‘i, the exercise of Kānaka Maoli traditional and customary rights, and the protection of natural, historic, and cultural resources on Kaua‘i. FOM’s mission includes supporting and protecting historic and culturally significant sites, including Kāneiolouma.
4. FOM officers, directors, and members (collectively “FOM”) are and include Kānaka Maoli traditional and customary practitioners who utilize areas within, adjacent, and near to the subject property. FOM utilizes impacted areas for recreational and aesthetic purposes, including hiking along Hapa Trail and enjoying scenic views and native wildlife species, including but not limited to endangered sea birds, the Newell Shearwater and ua‘u and ‘ akē‘akē. FOM utilizes the coastline area of Kōloa for ocean-going recreation and Kānaka Maoli traditions and customs, including surfing, gathering limu, fishing, and caretaking for Kāneiolouma heiau and its associated features, including fishponds.
5. FOM and Plaintiff SAVE KŌLOA (collectively “Plaintiffs”) filed a lawsuit for declaratory and injunctive relief against Defendants 5425 PAU A LAKA, LLC, a Hawai‘i limited

liability company, MP ELKO II, LLC, a Nevada limited liability company, MP FINANCIAL GROUP LTD. dba Meridian Pacific, a Nevada profit corporation, MP ELK GROVE LLC, a California limited liability company, a Nevada limited liability company, KAUI HALE, INC., a Delaware profit corporation (collectively “Developers”), DEPARTMENT OF PUBLIC WORKS, COUNTY OF KAUI (“County”), and DOES 1-27 (collectively, “Defendants”) concerning their failure to follow procedures for obtaining a grading and grubbing permit for development of a luxury vacation condominium project named Kauanoe o Kōloa situated on approximately 27.8 acres in Kōloa, Kaua‘i, Hawai‘i, designated by Tax Map Key Nos. (4) 2-8-014-032:0001- 0019 (the “property” or “project”).

6. Attached as **Exhibit “01”** is a true and correct copy of the letter from K. Hull, Director, Kaua‘i Planning Dep’t, to D. Esaki, Subject: (S-2021-7, 5425 Pau a Laka LLC, formerly Yellow Hale, LLC), dated August 11, 2021, obtained from Developers, through a lawsuit brought by Plaintiffs in a separate case, Civil No. 5CCV-22-0000036, as exhibit named “DMP-21”.

7. Attached as **Exhibit “05”** is a true and correct copy of the email from Shelea Koga, Kaua‘i Planning Dept, to FOM’s attorney, Bianca Isaki, Esq. subject: UIPA Kauanoa o Koloa Subdivision (Feb. 28, 2024) , which I obtained as a cc’d party on the email and from Ms. Isaki.

8. On December 5, 2023, DPW produced all public “records, documents, permit applications or permits issued, emails or correspondence pertaining to the status of any grading permit for 5425 P‘au [sic] A Laka Street and/or Gary Pinkston’s Meridian Pacific LLC development on Kiahuna Plantation Drive, Subdivision [sic] Application No. S-2021-7, in Koloa, Hawaii.” Attached as **Exhibit “06”** is a true and correct copy of the “Notice to Requester” from Yukari Mikami, County of Kaua‘i, Department of Public Works (DPW), to B. Hammerquist, Friends of Māhā‘ulepū, dated Dec. 5, 2023, obtained via email from Yukari Mikami enclosed with a link to documents responsive to my Nov. 2, 2023 request for: “Any and all records, documents, permit applications or permits issued, emails or correspondence pertaining to the status of any grading permit for 5425 Pau A Laka Street and/or Gary Pinkston’s Meridian Pacific LLC development on Kiahuna Plantation Drive, Subdivision Application No. S-2021-7, in Koloa, Hawaii”, which was made pursuant to Hawai‘i Revised Statutes (HRS) chapter 92 (“UIPA”). The only grading permit included in the return was dated March 23, 2022.

9. Attached as **Exhibit “07”** is a true and correct copy of the DPW grading permit no. 22-0716, issued to 5425 Pau a Laka, LLC on March 23, 2022 obtained as part of my UIPA

request response from Y. Mikami dated Dec. 5, 2023 (excerpts)

10. Attached as **Exhibit “08”** is a true and correct copy of a filestamped copy of excerpts of Petitioners Friends of Māhā‘ulepu and Save Kōloa’s Petition to Intervene and, Alternatively For Denial of Application, filed with the Kaua‘i Planning Commission on January 23, 2024, exclusive of declarations and exhibits

11. Attached as **Exhibit “09”** is a true and correct copy of minutes of the Meeting of the Kaua‘i Planning Comm’n, Sep. 12, 2023 downloaded from <https://www.kauai.gov/files/assets/public/v/1/boards-and-commissions/planning-commission/planning-commission-meeting-minutes/pc-09.12.23-open-session-minutes.pdf> (excerpts).

12. Attached as **Exhibit “10”** is a true and correct copy of the Kaua‘i Planning Commission Agenda Packet, Sep. 12, 2023 downloaded from <https://www.kauai.gov/files/assets/public/v/1/boards-and-commissions/planning-commission/planning-commission-meeting-agendas/2023-9-12-planning-commission-agenda-packet.pdf> (excerpts)

13. Attached as **Exhibit “11”** is a true and correct copy of the letter from B. Isaki, FOM Attorney, to Troy Tanigawa, County Engineer, Boyd Gayagas, Deputy County Engineer, Dep’t Public Works, County of Kaua‘i, dated September 15, 2023, Re: FOM’s request to the County to RESCIND grading permits for 5425 PA‘U A LAKA, LLC at Kauanoe o Kōloa project, TMK No. (4) 2-8-014:032 (Job No. 22-0716) because the tentative subdivision approval for this site was void as of August 10, 2022 per the Director of the Kauai County Planning Department.

14. Attached as **Exhibit “12”** is a true and correct copy of the letter from B. Isaki, FOM Attorney, to 5425 PAU A LAKA, LLC and MERIDIAN PACIFIC, Re: HRS § 607-25 notice of violation of grading permits for 5425 PA‘U A LAKA, LLC at Kauanoe o Kōloa project, TMK No. (4) 2-8-014:032 (Job No. 22-0716), sent February 16, 2024, without enclosures.

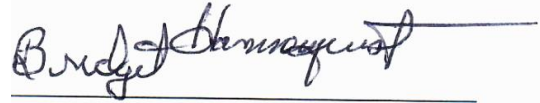
15. Attached as **Exhibit “13”** is a true and correct copy of the letter from B. Isaki, FOM Attorney, to Troy Tanigawa, County Engineer, Boyd Gayagas, Deputy County Engineer, Dep’t Public Works, County of Kaua‘i, Re: HRS § 607-25 notice of violation of grading permits for 5425 PA‘U A LAKA, LLC at Kauanoe o Kōloa project, TMK No. (4) 2-8-014:032 (Job No. 22-0716), sent February 16, 2024, without enclosures.

16. FOM is concerned about improper development and use of lands within and affected by the property, and their impacts on the environment, nearshore areas, water resources, Native Hawaiian burials on the property, the exercise and passing on of Kānaka Maoli traditions and customs, archaeological and cultural resources, public welfare and safety, and other impacts to the surrounding area, as well as enforcement of proper public involvement in the enforcement of laws meant to protect Hawai'i's natural and cultural public trust resources.

DECLARANT FURTHER SAYETH NAUGHT

DATED: Kōloa, Hawai'i

March 3, 2024

A handwritten signature in black ink, reading "Bridget Hammerquist", is written over a horizontal line. The signature is cursive and includes a long horizontal stroke extending to the right.

BRIDGET HAMMERQUIST
DECLARANT