

From: Bridget Hammerquist <bridgethammerquist@hawaiiantel.net>

Date: March 2, 2015 at 2:23:27 AM PST

To: Ashly Trask <atrask@ntbg.org>

Subject: A Huge Shot in the Arm

Great news! One of our hui, Jay Kechloian, has stepped up to the plate big time! Jay has agreed to match every donation made to Friends of Maha'ulepu (FOM) between now and May 1, 2015, matching dollar for dollar up to \$100,000.00 (one hundred thousand dollars). Yes, Jay has personally promised to donate up to \$100,000.00 to our cause to save Maha'ulepu from the massive waste and environmental disaster certain to occur, If HDF's proposed industrial dairy is allowed to operate there, we may join the ranks of several similarly sized communities who can no longer drink any of their well water. In some of those communities, details on our facebook and website, their wells were further from the industrial dairy operation but were permanently contaminated. That is what nitrate pollution does. THANKS JAY!!! What a generous challenge for all of us. Please send your donations as soon as possible to Friends of Maha'ulepu, PO Box 1654, Koloa, HI 96756 and help us lighten Jay's wallet. All donations will be tax deductible. Our 501 (c)(3) application is being processed. FOM is now a "non-profit corporation" with the State of Hawaii. We are in a time crunch. As the following explains, we can't wait. We have to raise the funds now! Please forward this email to anyone you know who may be willing to help.

Currently, FOM's principle mission is to get ready to respond to HDF's Draft EIS. Once that is filed by Group 70, International, FOM and all who commented will have **just 45 days to respond**. FOM's response will be substantially more detailed than the Comments filed 2/23/15 and will require many expert opinions to support FOM's contention that the environmental harm of HDF's industrial dairy is significant enough to warrant denial of operation at the proposed location. Charlie Tebbutt, Esq. our new lead attorney just won a landmark victory in the State of Washington in a dairy case. As a result of his work, the Federal Court made two important decisions. The Judge ruled that Mr. Tebbutt's client could be awarded damages without waiting for the harm to occur where the evidence of likely harm is sufficiently compelling. He further ruled that certain provisions of the Environmental Protection Act, applicable to the management of industrial hazardous waste, was equally applicable and should be applied to regulate the management of waste produced by cows in industrial dairies. This was a big victory for Mr. Tebbutt and no doubt due to his 27 years of experience in this field. HDF has suggested that the EIS may take as long as a year. Don't be fooled for a minute. **HDF's Draft could be filed within the next few weeks.** HDF's AIS (Archeological Inventory Statement) was filed less than 24 hours after the public Comment deadline. Group 70 and HDF would not even have been able to read what was mailed Monday 2/23/15 let alone incorporate or consider the concerns people raised. For those who attended the Koloa School cafeteria meeting a week ago Thursday, you will recall people with black markers supposedly documenting community concerns that HDF claimed would be considered. One of the stations/tables that people were directed to visit, dealt with Archaeological and Historic Sites at Maha'ulepu as well as ongoing Cultural Practices

(sustenance fishing, seaweed gathering, medicinal plant use, ect.), all to be addressed by the AIS, a part of the EIS. Did that occur as promised? All public concerns/Comments had to be post marked by Monday, 2/23/15. Did HDF wait to read these? Did they even attempt to incorporate the concerns voiced?? No, instead, the final AIS was filed with the State at 9:00am, Tuesday, 2/24/15. And yes, they could file the Draft EIS in very short order as well.

So we can't wait and believe HDF's proposed timeline. Clearly they did not care to consider or respond to concerns included in anything mailed and we were not able to confirm that they even considered the concerns voiced at the Koloa School on 2/19/15. Mr. Tebbutt believes that the rapid release of the final AIS is a clear indication that HDF is not conducting their EIS in good faith. Rather, it seems that HDF has hired the very same firm, Group 70, International, (the developer of HDF's industrial dairy plan and its blueprints for its buildings), to do the EIS and make sure it rubber stamps the existing plans by finding no significant environmental impact. We can't wait. They could file their Draft EIS within 30 days based on what they did with the AIS.

Once their Draft EIS is filed, our attorneys and those who submitted comments, will have **just 45 days to respond**. Our attorney will need statements from qualified experts to expose any and all shortcomings in HDF's EIS. All who sent in timely comments will have an opportunity to object to HDF's Draft EIS in our effort to dissuade the State DOH from approving HDF's proposed industrial dairy at Maha'ulepu. The experts and the attorney time will be costly. Mr Tebbutt's work thus far has been excellent. For any who may have missed reading the comment he filed on behalf of FOM, a copy is attached. Help assure we can cover the costs of preparing the necessary experts and filing a compelling response to HDF's Draft EIS. With Jay's generous challenge, we have a real chance to stop them before any cows arrive.

Mahalo,
Bridget Hammerquist, on behalf of
Friends of Maha'ulepu
P.O.Box: 1654
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----- Original Message -----

Subject: Kauai County Council Mtng 2/25/15
Date: 2015-02-25 22:47
From: Bridget Hammerquist <bridgethammerquist@hawaiiintel.net>
To: Charlie Tebbutt <Charlie@tebbuttlaw.com>, Daniel Snyder <Dan@tebbuttlaw.com>
Cc: Jay Kechloian <kauaijk@gmail.com>, backonisland@gmail.com

Aloha,
There was some great testimony today before 4 Council members (3 are traveling with the Governor back in DC). To view some cogent testimony given

by Friends of Maha'ulepu members as well as others from the Hawaiian community and see the rather strong objections to the proposed industrial dairy in the testimony offered today to the South Kaua'i Community Plan (Plan) which will "help shape the future of our community for the next 20 years:" See Southkuaicp.com. To view today's testimony to the council, go to: <http://www.kauai.gov/tabid/400/Default.aspx> and click on Video Podcast in the lower right corner. The testimony relevant to our issue was heard in the afternoon but the meeting filmed today is illustrative of how our County governs. The issue re: how a South Shore Master Plan could be approved without any reference to the proposed HDF operation, was heard in the afternoon session. Apparently there was strong objection by Hawaiian Billy's Terrie that the Plan does not even address the water source/supply available in the area covered by the Plan.

Maha'lo,

Bridget Hammerquist, on behalf of
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