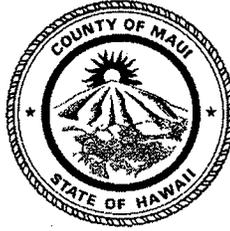


MICHAEL P. VICTORINO
Mayor

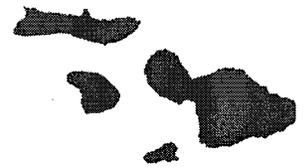
MOANA M. LUTEY
Corporation Counsel

EDWARD S. KUSHI, JR.
First Deputy

LYDIA A. TODA
Risk Management Officer



DEPARTMENT OF THE CORPORATION COUNSEL
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March 11, 2020

Tamara Paltin, Chair
Planning and Sustainable Land Use Committee
County Council
200 S. High Street
Wailuku, Hawaii 96793

RECEIVED
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COUNTY OF MAUI
CORPORATION COUNSEL

Re: **AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO RESOURCE EXTRACTION OR PROCESSING (PSLU-16)**

Dear Member Paltin:

After reviewing your February 24, 2020 request for an update on legal matters related to “resource extraction” (attached) with my office, I have determined the following matters are responsive to your request:

Malama Kakanilua, Clare Apana, et al v. MLP, County of Maui, and State of Hawaii, Civil No. 17-1-0311(3)

- The complaint alleged that Maui Lani Partners (“MLP”) had violated their grading permit and zoning ordinance via resource extraction, and the archeological monitoring plan (“AMP”) in grading phase 9 of the project district. The County was voluntarily dismissed out of the action (there was no allegation against the COM).

Malama Kakanilua, Clare Apana, et al v. County of Maui and MLP, Civil No. 18-1-0122(3)

- The complaint alleged the County had unlawfully extended a grading permit to MLP phase 9, and the case was dismissed by motion. The matter is on appeal and fully briefed.

Jennifer Ahia v. HBT of Maui Lani LLC, et al, Civil No. 19-1-0071(1)

- The Plaintiff sued the County and other entities seeking to stop the disturbance of burials in Maui Lani Phase 6 and to require certain actions to comply with Hawaii Revised Statutes Chapter 6E. Currently, HBT is required to assess anomalies and prepare a report for circulation among the parties when complete, and the Plaintiff is permitted to observe such activities.

Department of Planning Notice of Warning re: Resource Extraction in Maui Lani Phase 9

- The Department issued a Notice of Warning to Maui Lani Partners for “resource extraction” activity that it witnessed at phase 9 of the project district on April 28, 2017 and May 1, 2017. The Department and MLP have exchanged ongoing correspondence with respect to the issue.

Please let me know if you require additional information.

Sincerely,



MICHAEL J. HOPPER
Deputy Corporation Counsel