



# The County of Maui

Council Chamber  
200 South High Street, 8th  
Floor  
Wailuku, Hawaii 96793

## Legislation Details (With Text)

<b>File #:</b>	GREAT-26 CC 19-178	<b>Version:</b>	5
<b>Type:</b>	County Communication	<b>Status:</b>	Agenda Ready
<b>File created:</b>	4/24/2019	<b>In control:</b>	Government Relations, Ethics, and Transparency Committee
<b>On agenda:</b>	2/1/2022	<b>Final action:</b>	
<b>Title:</b>	HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, CIVIL 12-00198 SOM-KJM, U.S. DISTRICT COURT, DISTRICT OF HAWAII (GREAT-26)		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	<p>1. County Communication 19-178, 2. Testimony from Amanda Waters 04-25-2019, 3. Correspondence from Corporation Counsel 05-02-2019, 4. Testimony from Jeff Porter 05-03-2019, 5. Testimony from Michele Lincoln 05-06-2019, 6. Correspondence from Corporation Counsel 05-10-2019, 7. Testimony from Michael Spalding 05-13-2019, 8. Correspondence to Earthjustice 05-15-2019, 9. Correspondence from Earthjustice 05-17-2019, 10. Testimonies 05-15-2019, 11. Testimony from Amanda Waters 05-16-2019, 12. Testimony from Colleen Doyle 05-16-2019, 13. Testimony from Adam Link 05-16-2019, 14. Testimony from Jon Nishimura 05-16-2019, 15. Testimony from James Kumagai 05-16-2019, 16. Testimony from Benjamin Rasa 05-16-2019, 17. Testimony from Wendy Wiltse 05-16-2019, 18. Testimony from Juan Rivera 05-16-2019, 19. Testimonies 05-16-2019, 20. Earthjustice Presentation 05-17-2019, 21. Correspondence from Corporation Counsel - Amicus brief log - Zip Files, 22. 01-Zip File 05-17-2019, 23. 02-Zip File 05-17-2019, 24. 03-Zip File 05-17-2019, 25. 04-Zip File 05-17-2019, 26. 05-Zip File 05-17-2019, 27. 06-Zip File 05-17-2019, 28. 07-Zip File 05-17-2019, 29. 08-Zip File 05-17-2019, 30. 09-Zip File 05-17-2019, 31. 10-Zip File 05-17-2019, 32. 11-Zip File 05-17-2019, 33. 12-Zip File 05-17-2019, 34. 13-Zip File 05-17-2019, 35. 14-Zip File 05-17-2019, 36. 15-Zip File 05-17-2019, 37. 16-Zip File 05-17-2019, 38. 17-Zip File 05-17-2019, 39. 18-Zip File 05-17-2019, 40. 19-Zip File 05-17-2019, 41. 20-Zip File 05-17-2019, 42. 21-Zip File 05-17-2019, 43. 22-Zip File 05-17-2019, 44. 23-Zip File 05-17-2019, 45. 24-Zip File 05-17-2019, 46. 25-Zip File 05-17-2019, 47. 26-Zip File 05-17-2019, 48. 27-Zip File 05-17-2019, 49. 28-Zip File 05-17-2019, 50. 29-Zip File 05-17-2019, 51. 30-Zip File 05-17-2019, 52. 31-Zip File 05-17-2019, 53. 32-Zip File 05-17-2019, 54. 33-Zip File 05-17-2019, 55. Testimonies 05-17-2019, 56. Testimonies 05-18-2019, 57. Testimonies 05-19-2019, 58. Testimonies 05-20-2019, 59. Correspondence from Corp Counsel 05-20-2019, 60. Earthjustice Presentation 05-20-2019, 61. Environmental Management Presentation 05-20-2019, 62. meeting handouts 05-20-2019, 63. Testimonies 05-21-2019, 64. Testimonies 05-22-2019, 65. Correspondence from Corporation Counsel 05-23-2019, 66. Correspondence from Corporation Counsel (Mayor) 05-23-2019, 67. Testimonies 05-23-2019, 68. meeting handouts 05-23-2019, 69. Testimonies 06-12-2019 through 06-24-2019, 70. Testimonies 07-16-2019 through 07-24-2019, 71. Correspondence from Councilmember Kama 07-17-2019, 72. Correspondence from Ian Hodges 07-22-2019, 73. Correspondence from Earthjustice 07-25-2019, 74. Correspondence from Committee Chair 08-07-2019, 75. Testimonies 08-02-2019 through 08-09-2019, 76. Testimonies 08-12-2019 through 08-16-2019, 77. Testimonies 08-19-2019, 78. Testimonies 08-20-2019, 79. Testimonies 08-21-2019, 80. Testimonies 08-22-2019, 81. Correspondence from Committee Chair 08-23-2019, 82. Correspondence from Governor 08-23-2019, 83. Testimonies 08-23-2019, 84. Testimonies 08-26-2019, 85. Correspondence to State Department of Health 08-26-2019, 86. Correspondence to United States EPA 08-27-2019, 87. Correspondence from United States EPA 08-29-2019, 88. Correspondence from Mayor 08-27-2019, 89. Testimonies 08-27-2019, 90. Testimonies 08-28-2019, 91. Testimonies 08-29-2019 Part-1, 92. Testimonies 08-29-2019 Part-2, 93. Testimonies 08-30-2019 Part-1, 94. Testimonies 08-30-2019 Part-2, 95. Correspondence from Corporation Counsel 08-30-2019, 96. Testimonies 08-31-2019, 97. Correspondence from Corporation Counsel 09-02-2019, 98. Testimonies 09-02-2019, 99. Correspondence from Corporation Counsel 09-03-2019, 100.</p>		

Testimonies received at 09-03-2019 meeting, 101. Testimonies 09-03-2019, 102. Correspondence from Planning 09-04-2019, 103. Testimonies 09-04-2019, 104. Correspondence from Department of Health 09-05-2019, 105. Correspondence to Mayor 09-05-2019, 106. Correspondence from Public Works 09-05-2019, 107. Testimonies 09-01-2019, 108. Testimonies 09-05-2019, 109. Testimonies 09-06-2019, 110. Correspondence to Corporation Counsel 09-11-2019, 111. Correspondence from Corporation Counsel 09-12-2019, 112. Testimonies 09-08-2019 through 09-24-2019, 113. Correspondence to Corporation Counsel 06-25-2020, 114. Correspondence from Corporation Counsel 06-30-2020, 115. Testimonies 07-06-2020, 116. Correspondence to Corporation Counsel 07-27-2020, 117. Correspondence from Corporation Counsel 08-04-2020, 118. Correspondence from Committee Chair 08-04-2020, 119. Testimonies 08-07-2020, 120. Correspondence from Corporation Counsel 01-19-2022, 121. Correspondence from Environmental Management 01-28-2022, 122. Correspondence to Environmental Management 02-03-2022, 123. Correspondence to Corporation Counsel 02-03-2022, 124. Correspondence from Environmental Management 02-03-2022, 125. Copy of Resolution 22-47

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

## HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, CIVIL 12-00198 SOM-KJM, U.S. DISTRICT COURT, DISTRICT OF HAWAII (GREAT-26)

The Committee is in receipt of the following:

1. County Communication 19-178, from Council Chair Kelly T. King, transmitting a proposed resolution requiring settlement offers in Hawaii Wildlife Fund, et al. v. County of Maui, relating to the Clean Water Act, to be transmitted to the Council for approval or disapproval.
2. Correspondence dated January 19, 2022, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled "AUTHORIZING SETTLEMENT IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, CIVIL NO. 12-00198 SOM-KJM, U.S. SUPREME COURT CASE NO. 18-260," and attaching a copy of the Settlement Agreement and Order Re: Remedies, filed on November 17, 2015 (Exhibit "A"). The purposes of the proposed resolution are to: (1) authorize the construction phase of a new distribution system main line into the Kaanapali Resort Expansion Project in satisfaction with paragraph nine of the Settlement Agreement and Order Re: Remedies; and (2) approve settlement of the claim under the terms set forth in a meeting before the Government Relations, Ethics, and Transparency Committee.

The Committee may recommend adoption of the proposed resolution, with or without revisions. The Committee may also consider the filing of County Communication 19-178 and other related action.

With reference to this agenda item, one or more executive meetings are anticipated in accordance with Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.