

OFFICE OF PLANNING
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LAND USE COMMISSION
STATE OF HAWAII

2014 NOV 17 P 12:42

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A92-683
)	
HALEKUA DEVELOPMENT)	OFFICE OF PLANNING'S SECOND
CORPORATION)	AMENDED LIST OF EXHIBITS;
)	EXHIBITS 12 AND 13; CERTIFICATE
To Amend the Agricultural Land Use)	OF SERVICE
District Boundary into the Urban Land Use)	
District of Approximately 504.886 Acres of)	
Land at Waikele and Hoaeae, Ewa, Island of)	
Oahu, Hawaii, Tax Map Key Nos: (1) 9-4-)	
002: 001; por. of 052, 070 and 071)	
)	

OFFICE OF PLANNING'S SECOND AMENDED LIST OF EXHIBITS,
EXHIBITS 12 AND 13, AND CERTIFICATE OF SERVICE

LAND USE COMMISSION

DOCKET NO./PETITIONER: A92-683 HOOHANA SOLAR 1, LLC
PARTY: OFFICE OF PLANNING (OP)

**SECOND AMENDED
LIST OF EXHIBITS**

EXHIBIT NUMBER	DESCRIPTION	PARTY: OBJECTIONS	ADMIT
1	Map, <i>Petition Location and Regional Overview</i> , OP		
2	State Department of Land and Natural Resources (DLNR), State Historic Preservation Division (SHPD) Letter to Russel Tsuji and Leo R. Asuncion, dated September 19, 2014		
3	State Department of Transportation (DOT) Letter to Leo R. Asuncion, dated September 17, 2014		
4	State Department of Agriculture (DOA) Letter to Leo R. Asuncion, dated September 23, 2014		
5	U.S. Department of the Interior Fish and Wildlife Service Letter to Leo R. Asuncion, dated September 23, 2014		
6	State Department of Land and Natural Resources (DLNR), Land Division Letter to Leo R. Asuncion, dated September 18, 2014		
7	State Department of Agriculture (DOA), Agricultural Resource Management Division Email Correspondence to Jenny Lee, dated October 2, 2014 including the Amendment and Restatement of MOU (3/2/2007), First Amendment to Amend. & Restate. of MOU, and Second Amendment to Amend. & Restate. of MOU		

LAND USE COMMISSION

DOCKET NO./PETITIONER: A92-683 HOOHANA SOLAR 1, LLC
 PARTY: OFFICE OF PLANNING (OP)

SECOND AMENDED
LIST OF EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	PARTY: OBJECTIONS	ADMIT
8	Carlsmith Ball LLP Letter to Bryan C. Yee, dated September 26, 2014 including a Status Report on the Applicant's Compliance with Conditions of Amended Decision and Order, and Natural Resources Survey for the Hoohana Solar Farm Site in Kunia, Oahu		
9	Memorandum of Understanding between the State Department of Agriculture and Halekua Development Corporation, dated March 30, 1993		
10	Stipulation between the Office of Planning and HRT Entities regarding the 150 acre Agricultural Park Site, dated December 29, 2003		
11	State Department of Education (DOE) Letter to Rodney Y. Funakoshi, dated October 31, 2014		
<u>12</u>	<u>State Department of Agriculture, Royal Kunia Agricultural Park Chronology</u>		
<u>13</u>	<u>State Department of Agriculture, Royal Kunia Agricultural Park Conceptual Site Plan</u>		

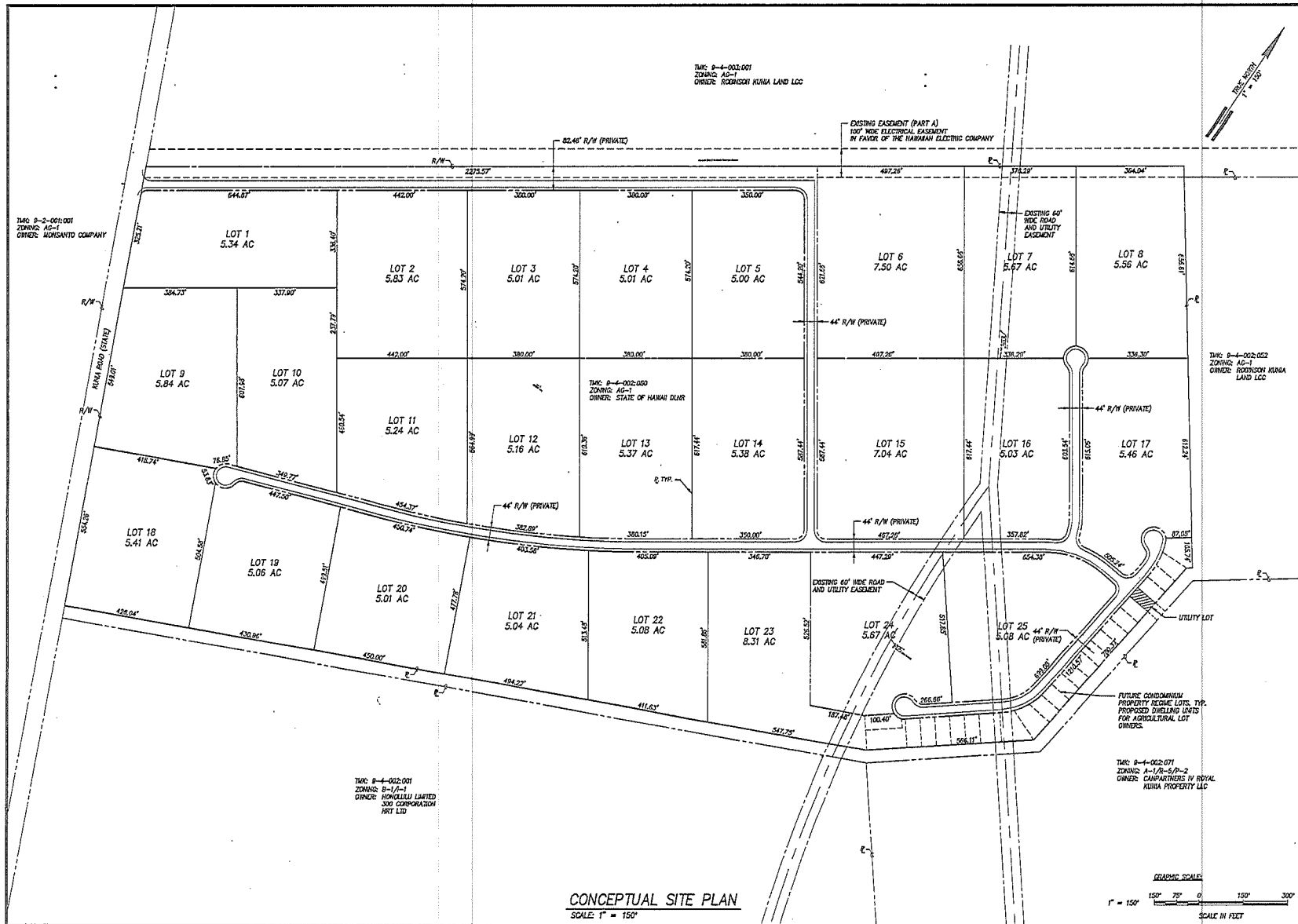
**ROYAL KUNIA PHASE II
ROYAL KUNIA AGRICULTURAL PARK**

HISTORY:

	<u>Date</u>	<u>Commence Date</u>	<u>Completion Date</u>
1. A report entitled, "Royal Kunia Phase II: Impact on Agriculture" was prepared by Decision Analysts Hawaii, Inc. The report stated "The agricultural value of the Property is high. The Property has all the natural attributes necessary for the successful cultivation of agricultural commodities. It has fertile soils, low incidences of cloud cover, high levels of insolation, and access to inexpensive irrigation water."	July 1992		
2. Memorandum of Understanding ("MOU") Halekua Development and the Department of Agriculture ("DOA"):	03/30/1993		
a. Jointly prepare a site plan with DOA.			
b. Convey 150-acre site within six (6) months of receiving all necessary land approvals or 12/31/1997, whichever occurs sooner.			12/31/1997
c. Initiate infrastructure improvements within one (1) year of conveyance of the property and shall complete the improvements within thirty (30) months thereafter.		12/31/1997	06/30/2001
3. Findings of Fact, Conclusions of Law, and Decision and Order; Condition No. 22	12/09/1993		
4. Findings of Fact, Conclusions of Law, and Decision and Order; Condition No. 19	10/01/1996		

	<u>Date</u>	<u>Commence Date</u>	<u>Completion Date</u>
<p>5. Stipulation between the Office of Planning and the HRT Ltd., 300 Corporation and Honolulu, Ltd.</p> <p>a. In the event Halekua fails to perform its obligation to convey 150 acres of agricultural land to the State of Hawaii by January 31, 2004, then, HRT, Ltd. shall proceed to acquire the 150 acres no later than February 28, 2004.</p> <p>b. The Office of Planning agrees to enter an Order providing that (1) the HRT Lands shall not be reclassified for any use other than the presently designated uses, unless such reclassification is made at the request of HRT; (2) that Halekua's failure to fulfill any of the terms and conditions of the 1996 LUC Order shall have no adverse effect upon the HRT Lands; (3) that should Halekua fail to comply with any other condition of the 1996 LUC Order, then in such event, the Land Use Commission shall give notice to HRT, and HRT shall have the right to cure, at its sole discretion, such default on behalf of Halekua.</p>	12/29/2003		02/28/2004
<p>6. Warranty Deed with Reversion, recorded in the Bureau of Conveyances as Document as 2004-040601</p>	02/27/2004		

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|--|------------|------------|------------|
| 7. Amendment and Restatement of MOU | 03/02/2007 | | |
| a. Acknowledges conveyance of 150 acres to DOA. | | | |
| b. Halekua shall incorporate the state agricultural park into its land plan for the Royal Kunia Phase II subdivision and jointly with the DOA shall prepare a preliminary site plan for the state agricultural park. | | | 12/31/2008 |
| c. Substantially complete the construction and installation of the off-site infrastructure to service the ag park. | | | 12/31/2011 |
| 8. First Amendment to Amendment and Restatement of MOU | 02/19/2009 | | |
| a. Extends the requirement for Halekua to complete and submit the preliminary site plan to DOA from 12/31/2008 to 12/31/2009. | | 12/31/2008 | 12/31/2009 |
| b. By extension, substantially complete the construction and installation of the off-site infrastructure. | | | 12/31/2011 |
| 9. Second Amendment to Amendment and Restatement of MOU | 09/12/2012 | | |
| a. Extends the requirement for Halekua to complete and submit the preliminary site plan to DOA from 12/31/2009 to 12/31/2013. | | 12/31/2009 | 12/31/2013 |
| b. By extension, substantially complete the construction and installation of the off-site infrastructure. | | | 12/31/2016 |



OP EXHIBIT 13
Docket No. A92-683

Docket No. A92-683

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by regular mail.

STEVEN S.C. LIM, Esq.
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Department of Planning and Permitting
City and County of Honolulu
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DON S. KITAOKA, Esq.
RICHARD LEW ALLEN, Esq.
Department of the Corporation Counsel
Honolulu Hale, Room 110
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c/o RUSH MOORE LLP
ATTN: MR. STEPHEN K.C. MAU, Esq.
Pacific Guardian Center, Mauka Tower
737 Bishop Street, Suite 2400
Honolulu, Hawaii 96813

FOREST CITY SUSTAINABLE RESOURCES, LLC
ATTN: ANN BOUSLOG
5173 Nimitz Road
Honolulu, Hawaii 96818

HANWHA HAWAII LLC
ATTN: THE CORPORATION COMPANY, INC.
1136 Union Mall, Suite 301
Honolulu, Hawaii 96813

HANWHA Q CELLS USA COPR.
ATTN: LAURENCE GREEM
8001 Irvine Center Drive, #1250
Irvine, CA 92618

HALEKUA DEVELOPMENT CORPORATION
ATTN: THE HORITA GROUP, INC.
MR. JOSHUA HORITA
98-150 Kaonohi Street, B128
Aiea, Hawaii 96701

CANPARTNERS IV ROYAL KUNIA PROPERTY LLC.
c/o MATSUBARA – KOTAKE
ATTN: MR. WYETH M. MATSUBARA, ESQ.
888 Mililani Street, 8th Floor
Honolulu, Hawaii 96813

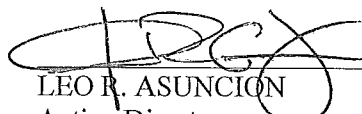
HRT REALTY, LLC
c/o LAW OFFICES OF REUBEN WONG
ATTN: MR. DELWYN H.W. WONG
1164 Bishop Street, Suite 1006
Honolulu, Hawaii 96813

300 CORPORATION
c/o LAW OFFICES OF REUBEN WONG
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HONOLULU LIMITED
c/o LAW OFFICES OF REUBEN WONG
ATTN: MR. DELWYN H.W. WONG
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RKES, LLC
ATTN: MR. PATRICK K. KOBAYASHI
1288 Ala Moana Boulevard, Suite 201
Honolulu, Hawaii 96814

DATED: Honolulu, Hawaii, this 17th day of November 2014.


LEO R. ASUNCION
Acting Director
Office of Planning