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Ref. No. P-15621

June 02, 2017

Ms. Kathy K. Sokugawa, Acting Director
Department of Planning and Permitting
City and County of Honolulu
650 S. King Street, 7th Floor
Honolulu, Hawaii 96813

Dear Ms. Sokugawa:

Subject: Waiawa Solar Energy Facility
Project No.: 2014/SUP-3 and SP15-405
Tax Map Keys: 9-1-003: 017 (por.)
Location: Waipio, Central Oahu, Hawaii

Thank you for the opportunity to review the subject application for a modification to the Special Use Permit. The Petitioner is requesting modifications to amend an existing Special Permit to modify the proposal and some of the conditions of the approval dated March 25, 2015.

The Office of Planning (OP) has the following comments.

1. The Special Permit Application was originally filed by Waipio PV, LTD, a subsidiary of SunEdison. SunEdison filed for bankruptcy and the project has been acquired by NRG Renew, LLC (NRG).
2. NRG has reinstated the Power Purchase Agreements with Hawaiian Electric Company. NRG will finance, construct, and connect the project to the electrical grid by 2019.
3. The Petitioner is requesting to:
 - a. Change the ownership and property owner from SunEdison to NRG;
 - b. Modify condition 5 requesting an extension of time to establish the project from the original two years from the date of the decision and order (March 25, 2017) to December 31, 2019, in line with the Power Purchase Agreements;
 - c. Some technical changes with the types of solar panels to be utilized, which will result in a change in the number of solar panels. The area to be covered by the panels would be approximately the same area, and in fact may decrease by about 11 acres. The panels would also be changed from a fixed-tilt rack to tracking racks;
 - d. The perimeter fence material would be changed from a four (4) -foot high steel mesh to a six (6) -foot high chain-link mesh, but with no barbed wire;
 - e. Modify other conditions, as explained below.
4. OP has no objection to the change in ownership and property owner from SunEdison to NRG.

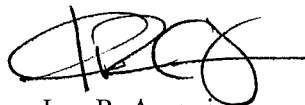
5. The following comments are based on Petitioner's Exhibit G, however, we note that there are some errors in Exhibit G, referring to the conditions as stated in the Land Use Commission's Decision and Order dated March 25, 2015.
 - a. Condition 3. Modification requested to include the word approximately, four million dollars. OP objects to inserting the word approximately into this condition, and suggests the wording be revised to say, no less than four million dollars.
 - b. Condition 3. 2. Requesting modification of the time to establish the project. OP is in support of this modification to extend the time limit by 30 months or December 2019.
6. Condition 4. Change to the major modification from significant increases in the number of panels to the area covered by the panels. OP would support this modification to this condition.
7. Exhibit F Reflectivity Report for Tracking Racks, dated April 18, 2017 indicates that there would be no glare at the nine selected observation points and the two approach paths to Wheeler Army Airfield. We also note that condition 10 would mitigate adverse impacts to pilots or motorists from the PV panels.
8. Land Use Commission condition 11. Petitioner shall obtain approval of the draft archaeological assessment dated August 2014, from the State Historic Preservation Division (SHPD) prior to commencement of construction of the solar farm.

We note that Petitioner's annual report to the Commission dated February 9, 2016 includes a letter from SHPD accepting the document, dated January 16, 2015. Thus, OP recommends that this condition be deleted.

Also, in line with SHPD recommendations for unanticipated archaeological resources found during construction activities, that condition 12 be retained.

If you have any questions, please contact Lorene Maki of our Land Use Division at (808) 587-2888.

Sincerely,



Leo R. Asuncion
Director

Attachment

c: Land Use Commission