

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lieutenant Governor

LUIS P. SALAVERIA
Director

MARY ALICE EVANS
Deputy Director



17 MAR 17 AM 10:24
LAND USE COMMISSION
Department of Business, Economic Development & Tourism
State of Hawai'i

DANIEL E. ORODENKER
Executive Officer

BERT K. SARUWATARI
Planner

SCOTT A.K. DERRICKSON, AICP
Planner

FRED A. TALON
Drafting Technician

RILEY K. HAKODA
Chief Clerk/Planner

March 14, 2017

Dear Ms. Sokugawa:

The Land Use Commission was recently contacted by a representative, Wren Westcoatt, of the company that currently owns/controls two projects that are covered by State Special Permits SP15-405 (Waipi'o PV, Ltd.) and SP15-406 (Kawailoa Solar, LLC). Mr. Westcoatt was inquiring about the process to follow in order to request and obtain an extension to the start dates for establishing the two projects.

Staff provided information regarding the two-step process for making amendments to a Decision and Order covering a State Special Permit ("SP") found in Sections 15-15-96.1 and 15-15-95, Hawai'i Administrative Rules ("HAR").

The petitioner's representative informed us that the County Planning Commission had already heard and acted upon the extension request for SP15-405 in February 2017 and the request for an extension for SP15-406 was scheduled for March 29, 2017.

Commission staff followed up with Department of Planning and Permitting (DPP) staff to coordinate receipt of the County Planning Commission's complete record and decisions for both dockets at the same time in order to process them on a single hearing date in the future. At that time DPP staff indicated that SP15-405 was not processed as a modification of a SP but as a minor change that DPP believed the County Planning Commission was empowered to grant.

DPP had determined that the language contained in Condition 5 (SP15-405) directed that requests for extension of the project start date be submitted to the DPP Director and then that the County Planning Commission was able to grant such a request. However, the County was mistaken in this regard as the petitioner's request in both cases is for a modification of a condition of the SP, which is subject to the requirements of section 15-15-96.1, HAR.

Condition 5 states:

"5. The Applicant shall establish the Project within two years of the date of the State Land Use Commission's (LUC) Decision and Order approving the SP. Requests for extension of this deadline shall be submitted to the Director of DPP prior to the expiration of the deadline. The Commission may grant an extension to the deadline to establish the Project due to unforeseen circumstances that were beyond the control of the Applicant. This SP shall be valid for a period of thirty-five (35) years from the date of the State LUC's Decision and Order approving the SP, subject to further extensions upon a

timely request for extension filed with the Commission at least one-hundred twenty (120) days prior to the SP's expiration."

Reading the document in its entirety, the use of the term "*(T)he Commission*" is intended to refer to the State Land Use *Commission*. DPP and the County Planning Commission have mistakenly read the language of the condition to allow the County Planning Commission the authority to grant any requested extension to the deadline to establish a project. Such a request must therefore be made consistent with the process outlined in our administrative rules.

Section 15-15-96.1, HAR, indicates that requests for modification, release or deletion of a condition is first submitted to the county planning commission and then the Land Use Commission, and shall comply with Section 15-15-95, HAR. That section spells out the notice and information requirements, guidelines for determining "unusual and reasonable uses," compliance with county planning commission rules, and ability to impose protective including time limits for establishing and ending the proposed use. Specifically, Section 15-15-95(f), HAR, states "(t)he county planning commission, with the concurrence of the commission, may extend the time limit if it deems that circumstances warrant the granting of the extension."

The time for establishing the proposed use in SP15-405 must also follow the procedures outlined in the Land Use Commission's administrative rules. This would include: notice of the request to the Land Use Commission, the State Office of Planning, and the State Department of Agriculture for review and comment; a decision by the County Planning Commission of their decision along with a complete record and transcript of the proceedings. Should the Land Use Commission receive a recommendation for a time extension request that did not follow the appropriate process or was not supported by the record, then the Land Use Commission may remand the request to the County Planning Commission for further proceedings.

The Land Use Commission and its staff would like to work with the County Planning Commission and the Petitioner to determine the most efficient way to proceed forward to preserve the legal integrity of the SP process. Should you have any questions please contact me at 587-3822.

Sincerely,



Daniel E. Orodenker
Executive Officer

Cc: Dean I. Hazama, Chair - City & County Planning Commission
Leo Asuncion, State Office of Planning
Scott Enright, State Department of Agriculture
Wren Westcoatt, NRG Energy LLC via e-mail <wren.wescoatt@nrg.com>



925 Bethel Street
5th Floor
Honolulu, HI 96813
808.523.5866
www.g70.design

May 10, 2017
Kathy Sokugawa, Acting Director
City and County of Honolulu
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, HI 96813

Attn: Raymond Young

Subject: Kawailoa Solar Project – Information Addendum
Modification of Special Use Permit (2014/SUP-6; SP15-406)
TMK 6-1-006:001 and 6-1-005:001
Kawailoa, O’ahu, Hawai’i

Dear Ms. Sokugawa:

We are providing an update of the Modification of Special Use Permit (SUP) (2014/SUP-6; SP15-406) Application (April 21, 2017), which was submitted to the City and County of Honolulu, Department of Planning and Permitting. We are also providing additional information for the project in response to correspondence received from Raymond Young received on April 28, 2017.

- 1. The appropriate filing fee is included with this submittal and has been noted as such on the Master Application form.**
- 2. Original signatures on the application form are included with this submittal as Attachment 1.**
- 3. This addendum letter supersedes a prior letter (April 11, 2017) to the Planning Commission requesting withdraw of its approval of the extension of time from consideration by the Land Use Commission. A copy of the April 11, 2017 letter is provided as Attachment 2.**
- 4. Map E200 has been revised in the updated Modification Application (May 5, 2017) to show the approved SUP area per surveyed metes and bounds.**
- 5. The submittal letter dated May 5, 2017, for Modification of Special Use Permit (2014/SUP-6; SP15-406), has been revised to reflect the Applicant (Kawailoa Solar, LLC), as shown on the executed Master Application Form.**
- 6. One hard copy and one electronic copy of the Application and this letter addendum is provided. Please advise the number of copies required for processing/distribution of the Application.**

Exhibit 2

Ms. Kathy Sokugawa, Acting Director
Department of Planning and Permitting
Information Addendum: Modification of 2014/SUP-3; SP15-405
May 10, 2017
Page 2 of 2

The Applicant is continuing to make progress on the SUP approval Conditions detailed in 2014/SUP-6; SP15-406. Condition 12 relating to submittal of an Archaeological Monitoring Plan for the State Historic Preservation Division (SHPD) review and acceptance prior to ground disturbing activities has been completed. A copy of the SHPD approval letter of the Archaeological Inventory Survey and Archaeological Monitoring Plan is provided as Attachment 3 and 4.

Please contact me at 441-2104 or Tracy Camuso at 441-2125 if you have questions.

Sincerely,
GROUP 70 INTERNATIONAL, INC., dba G70


Jeff Overton, AICP, LEED AP
Principal

Attachment(s):

1. Executed Master Application Form
2. Letter to Planning Commission
3. SHPD Approval of Archaeological Inventory Survey
4. SHPD Approval of Archaeological Monitoring Plan

City and County of Honolulu
 DEPARTMENT OF PLANNING AND PERMITTING
 650 South King Street, 7th Floor
 Honolulu, Hawaii 96813

2017 MAY -8 PM 3:47

PLANNING DIVISION MASTER APPLICATION FORM

PLANNING
 DIVISION
 CITY & COUNTY OF HONOLULU

Additional data, drawings/plans, and fee requirements are listed on a separate sheet titled "Instructions for Filing". **PLEASE ASK FOR THESE INSTRUCTIONS.**

All specified materials described in the "Instructions for Filing" and required fees must accompany this form; incomplete applications will delay processing. You are encouraged to consult with Planning Division staff in completing the application. Please call appropriate phone number given in the "Instructions for Filing".

Please print legibly or type the required information.

SUBMITTED FEE: \$ 15,000

PERMIT/APPROVAL REQUESTED (Check one or more as appropriate): (2014/SUP-6; SP15-406)

<input type="checkbox"/> GENERAL PLAN AMENDMENT	<input checked="" type="checkbox"/> SPECIAL USE PERMIT <u> </u> New <u> X </u> Modify Existing
<input type="checkbox"/> STATE LAND USE BOUNDARY AMENDMENT (<15 acres) From _____ (District) To _____ (District)	<input type="checkbox"/> ZONING DISTRICT BOUNDARY ADJUSTMENT, ADMINISTRATIVE
<input type="checkbox"/> DEVELOPMENT PLAN (DP)/SUSTAINABLE COMMUNITIES PLAN (SCP) AMENDMENT Indicate DP/SCP area _____	<input type="checkbox"/> ZONE CHANGE From _____ (District) To _____ (District) <input type="checkbox"/> AMEND UNILATERAL AGREEMENT TO ORDINANCE NO. _____
<input type="checkbox"/> PUBLIC INFRASTRUCTURE MAP REVISION (Indicate Map Symbol Request): <input type="checkbox"/> CY (Corporation Yard) <input type="checkbox"/> DSP (Desalination Plant)	
<input type="checkbox"/> D (Drainage Way (Open Channel)) <input type="checkbox"/> TS (Transit Station) <input type="checkbox"/> FS (Fire Station) <input type="checkbox"/> GB (Government Building) <input type="checkbox"/> GC (Golf Course)	
<input type="checkbox"/> P (Parks) <input type="checkbox"/> PS (Police Station) <input type="checkbox"/> PKG (Parking Facility/Transit Center) <input type="checkbox"/> RES (Water Reservoir) <input type="checkbox"/> SPS (Sewage Pump Station)	
<input type="checkbox"/> STP (Sewage Treatment Plant) <input type="checkbox"/> SW (Solid Waste Facility) <input type="checkbox"/> RTC (Rapid Transit Corridor) <input type="checkbox"/> R (Arterial & Collector Roadway) <input type="checkbox"/> W (Potable Well)	

(Project/Parcel specific information should be provided for General Plan and Development Plan amendments only if appropriate.)

TAX MAP KEY(S): 6-1-006:001 and 6-1-005:001

STREET ADDRESS/LOCATION OF PROPERTY: Ashley Road (Kawailoa), approx. 4 miles north of Haleiwa

APPLICATION/SUBJECT AREA (Acres/sq.ft.): 382.2 acres, approx.

THE PROPOSED PROJECT IS LOCATED INSIDE OUTSIDE THE:

- Urban Growth Boundary Community Growth Boundary
 Urban Community Boundary Rural Community Boundary

OF THE North Shore

ZONING DISTRICT(S): AG-1

DEVELOPMENT PLAN/SUSTAINABLE COMMUNITY PLAN STATE LAND USE DISTRICT: Agriculture

RECORDED FEE OWNER:

Name (& title, if any) Keith Chang, Land Assets Manager

Organization Kamehameha Schools

Mailing Address 567 S.King St, Suite 200

Honolulu, HI 96813

Phone Number 808-523-6200

Signature [Signature]

APPLICANT:

Name Craig Cornelius, President

Organization Kawailoa Solar LLC

Mailing Address 100 California St., #400

San Francisco, CA 94111

Phone Number 415-627-1646

Signature [Signature]

PRESENT USE(S) OF PROPERTY/BUILDING:

Cattle ranching

AUTHORIZED AGENT/CONTACT PERSON:

Name Wren Wescoatt

Mailing Address 3662 Woodlawn Terrace Pl.

Honolulu, HI. 96822

Phone Number 808-780-1000

Signature [Signature]

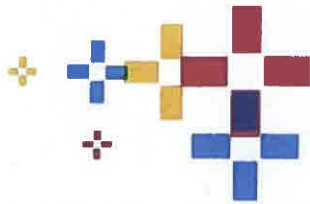
PROJECT NAME (if any): Kawailoa Solar Project

REQUEST/PROPOSAL (Briefly describe the nature of the request, proposed activity or project):

Modification of permit #2014/SUP-6; SP15-406 project dates and minor changes to equipment.

DPP/ELOG NO. _____

DPP/POSSE NO. _____



Kawailoa Solar, LLC
100 California St, Suite 400
San Francisco, CA 94111

May 2, 2017

Department of Planning and Permitting
City and County of Honolulu
650 S. King Street, 7th Floor
Honolulu, Hawaii 96813

Re: **Kawailoa Solar, LLC (2014/SUP-06; SP15-406)**
Applicant Authorization for Consultant

To Whom It May Concern:

Kawailoa Solar, LLC is the applicant and permittee involved in the above-referenced Special Use Permit (SUP). Kawailoa Solar, LLC now seeks to modify the SUP. Accordingly, Kawailoa Solar, LLC hereby authorizes its consultant, Group 70 International, Inc., to act as its agent on this application to modify the above-referenced SUP.

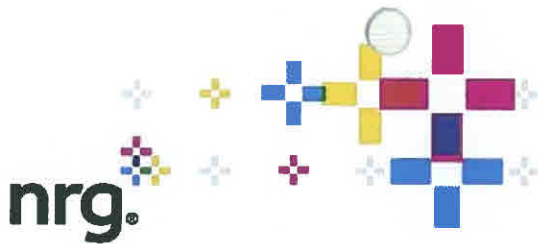
Kawailoa Solar, LLC hereby acknowledges that Kawailoa Solar, LLC and its successors shall be bound and subject to the SUP and its conditions.

If you have any questions or concerns, please do not hesitate to contact me.

Best regards,

A handwritten signature in blue ink, appearing to read "Craig Cornelius".

Craig Cornelius,
President
Kawailoa Solar, LLC



NRG Renew, LLC
100 California St, Suite 400
San Francisco, CA 94111

April 11, 2017

Attention: Planning Commission
Department of Planning and Permitting
650 S. King Street, 7th Floor
Honolulu, Hawaii 96813

Re: Kawaihoa Solar, LLC SP15-406
Waipi`o PV, Ltd. SP-405

To Whom It May Concern:

The above referenced State Special Use Permits ("SUPs") are held by Waipi`o PV, Ltd. and Kawaihoa Solar, LLC, ("Waipio Project" and "Kawaihoa Project", respectively), wholly owned subsidiaries previously held by SunEdison. As you may know, SunEdison filed for bankruptcy and NRG purchased both the Waipio and Kawaihoa Projects.

NRG has worked with Hawaiian Electric Company ("HECO") to reinstate the Power Purchase Agreements ("PPAs") for both Projects, and will need to finance, construct and interconnect both projects to the Oahu electrical grid by 2019. Based on the additional time required to establish the Projects, NRG is requesting a modification of the permit conditions (SP15-405, condition #5; SP15-406, condition #6) to extend the deadline to complete the projects from 2017 to 2019. Additionally while the respective physical footprints and output of the projects will remain similar, NRG is requesting certain minor technical modifications to the existing SUPs. For example, the panel specifications indicated in the initial application were based on panels manufactured by SunEdison. Because NRG will need to purchase panels from a different manufacturer, the panel specifications differ, though the area covered only changes slightly. In addition, the Waipio Project approved fixed-tilt panels, but NRG will request that the Waipio Project SUP be modified to allow horizontal-axis tracking panels, similar to the Kawaihoa Project. NRG believes that these minor changes will not alter the impacts of either Project beyond what was analyzed and approved by the Planning Commission and State Land Use Commission.

NRG requests that the minor modifications to the conditions be processed as a request for modification of a condition under the Rules of the Planning Commission ("PC Rule"), Subchapter 4, § 2-49. NRG will be

preparing the proper documentation to modify the above reference SUPs and will submit any other information the Planning Commission may require for its review of the condition modifications.

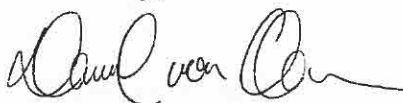
As you know, the Planning Commission acted on NRG's original request for an extension of time to establish the Waipio Project in February 2017, and the Land Use Commission has 45 days to approve or reject that extension. To simplify the review process and in light of our additional modifications to the Waipio Project's SUP conditions, NRG requests that the Planning Commission withdraw its approval of the extension of time to from consideration by the Land Use Commission.

NRG is obligated to achieve certain performance milestones in its PPAs with HECO, making the timely review and approval of these SUPs extremely important for both Projects. As such, NRG would appreciate if the DPP and the Planning Commission could use any means within its discretion to expedite the processing of these requests.

Finally, NRG respectfully requests that both SUP modifications be processed as expeditiously as possible. During prior meetings with the Department of Planning and Permitting, the parties discussed and agreed to an expedited timeline within the parameters of the rules and the simultaneous review of both SUPs by the Planning Commission. NRG must have the modifications approved in order to meet financing deadlines.

We thank you for your continued support of these energy projects. Should you have any questions, please contact NRG as soon as possible.

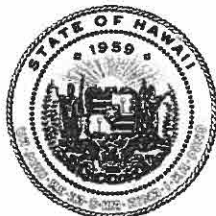
Sincerely,



Daniel von Allmen
Senior Analyst, Project Development

cc:
Land Use Commission
Ray Young, Department of Planning and Permitting

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

February 2, 2014

Robert B. Rechtman, PhD
ASM Affiliates
507A East Lanikaula Street
Hilo, HI 96720

LOG NO: 2014.05215
DOC NO: 1502SL02
Archaeology

Dear Dr. Rechtman:

**SUBJECT: Chapter 6E-42 Historic Preservation Review —
Archaeological Inventory Survey for First Wind's Kawailoa Solar Power Project
Kawailoa Ahupua'a, Waialua District, Island of O'ahu
TMK: (1) 6-1-005:001, 6-1-006:001, and 6-1-007:001**

Thank you for the opportunity to review your draft report titled *An Archaeological Inventory Survey of First Wind's Kawailoa Solar Power Project, Portions of TMKs: (1) 6-1-005:001, (1) 6-1-006:001, and (1) 6-1-007:001 Kawailoa Ahupua'a, Waialua District, Island of O'ahu* (Rechtman and Clark, November 2014). We received this submittal on November 19, 2014, and minor revisions on January 14, 2015.

The project area is located within the coastal lowlands of Kawailoa Ahupua'a. It is situated at the shoreward end of a saddle-like plateau along the western edge of the Ko'olau Mountains. ASM Affiliates, Inc. conducted the 360-acre archaeological inventory survey (AIS) of the project area at the request of First Wind Energy, LCC (First Wind). First Wind proposes to develop a solar power generation project. The project will occupy land owned by Kamehameha Schools and leased to First Wind for the specific purpose of the development of alternative energy. First Wind has already developed portions of this land as a wind power energy facility, including baseline infrastructure (i.e., roads, drainage, and power connections). The solar panels will be constructed in four arrays within former plantation fields. The former plantation roads widened and reinforced in support of the wind farm will be used for construction, operation, and maintenance purposes. A new 100-foot corridor for the placement of collection lines will be established, and two solar substations will be constructed within the existing wind power project area; an AIS for one substation (Rechtman et al. 2011) was reviewed and accepted by SHPD on March 14, 2012 (Log No. 2012.0600, Doc. No. 1203RS17/1112NN05).

The AIS field work included a pedestrian survey involving 100% coverage of the project area which is comprised of the following four separate solar array survey areas: Waimea 5 (82 acres), Waimea 6 (113 acres), Waimea 8 (38 acres) and Waimea 26 (130 acres), and the 100-foot wide *makai* Collector Line Corridor. The survey further documented previously-recorded Site 50-80-04-7171 and newly-recorded Site 50-80-04-7716, both of which are within the *makai* Collector Line Corridor. Both sites are portions of plantation ditch systems. Site 7171 (Upper Waimea Ditch Complex) was recorded by Rechtman et al. (2011). It extends beyond the current project area. Portions within the current project area have already been impacted by construction activities associated with development of the proposed Kawailoa Wind Farm (e.g., widening of Ashley Road) and other sections will potentially be impacted by the *makai* collector line, the *makai* solar substation, and the development of the Waimea 5 solar array. Site 7716 (Lower Waimea Ditch Complex) extends the entire width of the current *makai* collector line survey corridor and continues both to the north and south with an overall length of about 1.9 miles. The report indicates that both sites were assessed as significant per Hawaii Administrative Rules (HAR) §13-284-6 under Criterion "d" (have yielded, or is likely to yield, information important for research on prehistory or history). It states that the project effect recommendation is "no historic properties affected," however mitigation in the form of

Dr. Rechtman
February 2, 2015
Page 2

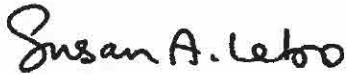
archaeological monitoring is recommended to address possible inadvertent finds. We concur with the site significance assessments. Our project effect determination is no historic properties affected. We also concur with archaeological monitoring being conducted during project construction to ensure proper documentation and treatment of any inadvertent finds, including possible additional features related to Sites 7171 and 7716.

The report meets the standards set forth in HAR §13-276-5. It is accepted by SHPD. Please send one hardcopy of the document, clearly marked **FINAL**, along with a copy of this review letter and a text-searchable PDF version on CD to the Kapolei SHPD office, attention SHPD Library.

Per HAR §13-284-8(a)(1)C), the agreed-upon mitigation measure for this project is data recovery in the form of archaeological monitoring. Pursuant to HAR §13-284-8(a)(3)(e), we look forward to receiving an archaeological monitoring plan that meets HAR §13-279-4.

Please contact me at (808) 692-8019 or Susan.A.Lebo@hawaii.gov if you have any questions or concerns regarding this letter.

Aloha,



Susan A. Lebo, PhD
Oahu Lead Archaeologist
Acting Archaeology Branch Chief

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

SUZANNE D. CASE
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BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

February 9, 2016

Russell Y. Tsuji, Land Administer
Land Division
Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

LOG NO: 2015.00284
DOC NO: 1602SL03
Archaeology

Mr. George I. Atta, Director
City and County of Honolulu
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, HI 96813

Dear Sirs:

**SUBJECT: Chapter 6E-42 Historic Preservation Review – REVISED COMMENTS
Application for a Special Use Permit-Solar Energy Facility (2014/SUP-6)
Kawailoa Ahupua'a, Waialua District, Island of O'ahu
TMK: (1) 6-1-005:001 por., 6-1-006:001 por.**

Thank you for the opportunity to update our earlier review of the subject application for a special use permit for SunEdison (formerly First Wind) to develop a 50 MW solar farm on approximately 304 acres of 3,492 acres owned by Kamehameha Schools (February 25, 2015; Log No. 2015.00284, Doc. No. 1502GC09).

In our previous letter we indicated that an archaeological inventory survey (AIS) was conducted in support of the present project which was reviewed and accepted by the SHPD on February 2, 2015 (Log No. 2014.05215, Doc. No. 1502SL02). The AIS further documented previously-recorded Site 50-80-04-7171, and newly recorded Site 50-80-04-7716, both of which are within the *makai* Collector Line Corridor. These two sites were assessed as significant pursuant to Hawaii Administrative Rules (HAR) §13-284-6 under Criterion "d" (has yielded, or is likely to yield, information important for research on prehistory or history). SHPD requested an **archaeological monitoring plan** be submitted to our office for review and acceptance pursuant to HAR §13-279-4 prior to any ground disturbance.

Based on current information, the proposed solar farm will occur within the same TMK parcels covered in the plan titled *Archaeological Monitoring Plan for the First Wind Kawailoa Wind Power Project Area (TMKs: 1-6-05:001, 003, 007, 014, 015, 016, 019, 020, 021, 022; 1-6-1-06:001; 1-6-1-07:001; 1-6-1-08:025; 1-6-2-02:001, 002, 025; 1-6-2-09:001; and 1-6-2-11:001)* (Rechtman 2012) which the SHPD reviewed and accepted on July 31, 2012 (Log No. 2011.3311, Doc. No. 1208SL18). SHPD's determination is no historic properties affected with implementation of the SHPD-accepted monitoring plan. The permit issuance process may proceed.

Please contact me at (808) 692-8019 or at Susan.A.Lebo@hawaii.gov if you have any questions regarding this letter.

Aloha,

Susan A. Lebo

Susan A. Lebo, PhD
Archaeological Branch Chief

Young, Raymond

From: Young, Raymond
Sent: Friday, April 28, 2017 1:55 PM
To: Wren Wescoatt (wren.wescoatt@nrg.com)
Cc: Jeff Overton; Krantz, Franz; Takahashi, Eugene H.
Subject: Waipio and Kawailoa PV SUP Mod Application Review of SUP Applications

Importance: High

The following items will need to be clarified or corrected before I can prepare the files for acceptance and processing:

2014/SUP-03

1. Filing fee pursuant to Ord. 14-4 (attached; I'm not aware of any provisions in the ordinance to allow collecting a reduced amount or waiver of SUP fees)
2. Correct TMK for Waipio Solar LLC is 9-5-003: 017
3. Original signatures on Master Application Form (MAF)
4. Request to Planning Commission to withdraw its recent decision on extending SUP establishment deadline (see attached)
5. Show the approved SUP area on Map E200 per metes and bounds map dated Sep 25, 2015 and approved on Sep 30, and remove or relocate any proposed improvements (panels, fencing, undisclosed hatched area west of the reservoir) that extend beyond the approved boundary (colored light blue) unless you plan to revise the approved area in this amendment. If you plan to revise the approved area, you need to describe those revisions in the SUP application. Label hatched area that is located west of the proposed reservoir. Please note that although the LUC order approved 308.8 acres, the approved survey map of the SUP area is 308.116 acres and this is the area where DPP intends to administer the requirements of the SUP (see attached).
6. Regarding the clarification of owners and authorizations, Section 15-15-95 of the LUC Rules states as follows: "Any person....may petition the county planning commission...; provided that if the person is not the owner or sole owner in fee simple of the land, the record shall include evidence that the person requesting the special permit has written authorization of all fee simple owners to file the petition, which authorization shall also include an acknowledgment that the owners and their successors shall be bound by the special permit and its conditions." To avoid confusion, the application request letter should be coming from the applicant as shown on the MAF and the land-owner is to provide written authorization to the applicant to file the petition. The applicant may file an authorization for its consultants to represent the applicant. All such documents with signatures on behalf of the applicant and owners should be originals. This is in preparation for the transmittal of required originals and a copy to the LUC when the Planning Commission had made its decision. Please check with LUC staff as to what they would like to include in your application to meet Sec. 15-15-95 of their rules.
7. Figure 2, page 2, of the glare analysis is illegible.
8. 10 paper copies, one paper original, and one digital copy on electronic media of the revised SUP application will be needed for agency review.

2014/SUP-06

1. Filing fee pursuant to Ord. 14-4 (attached)
2. Original signatures on Master Application Form
3. Show the approved SUP area on Map E200 per metes and bounds survey map dated Feb 11, 2016 and approved on Feb 26, 2016. Please note that although the LUC Order approved 382.2 acres, the approved survey map of the SUP area is 299.809 acres and this area is where DPP intends to administer the requirements of the SUP (see attached).

4. Regarding the clarification of owners and authorizations, please refer to Item 6 above.

The above is my comments and is unofficial. If you want this in writing I will prepare letters based on the above comments for Director's approval.

Raymond Young
Staff Planner, Community Planning Branch
Department of Planning and Permitting
650 S. King St., 7th Flr.
Honolulu, Hawaii 96813
Ph. (808) 768-8049
Fax (808) 768-6743
Email rcsyoung@honolulu.gov



04/01/2014 4:11:00 PM [C:\Users\raymond\Documents\Raymond\2014\04\01\04-01-14\04-01-14-001.pdf] [C:\Users\raymond\Documents\Raymond\2014\04\01\04-01-14\04-01-14-002.pdf] [C:\Users\raymond\Documents\Raymond\2014\04\01\04-01-14\04-01-14-003.pdf] [C:\Users\raymond\Documents\Raymond\2014\04\01\04-01-14\04-01-14-004.pdf]

Young, Raymond

From: Wescoatt, Wren <Wren.Wescoatt@nrg.com>
Sent: Friday, April 21, 2017 12:37 PM
To: Kraintz, Franz; Young, Raymond
Cc: Joshi, Aarty; von Allmen, Daniel; Sarah M. Simmons; Benjamin A. Kudo; Jeff Overton
Subject: Modifications of 2014/SUP-3 and 2014/SUP-6
Attachments: Waipio SUP Mod Letter_DPP_Final-CompleteApplication_red.pdf; Kawaioloa SUP Mod Letter_DPP_Final_CompleteApplication_red.pdf

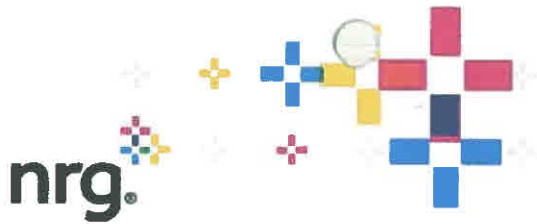
Aloha Raymond & Franz,

Today, I will be submitting hard copies of applications for Modifications of the existing Special Use Permits for Waipio and Kawaioloa Solar projects (2014/SUP-3 and 2014/SUP-6, respectively). Attached are electronic copies of both submittals for your convenience. Since these are modifications, we have included information specific to the changes being requested. Unless addressed in this application, other aspects of the projects have not changed from what was previously evaluated and approved.

As previously discussed, the applicant requests that both applications be processed in parallel, so that they may be considered at the same hearing by the Planning Commission and later by the State Land Use Commission. Timing of permit approval is critical for the financing and PPA milestones of these projects, so any additional costs are incurred in expediting processing, the applicant is willing to cover those costs. Please confirm receipt of this email and advise if further information is needed, so that the applications may be officially accepted as soon as practical.

Thanks,
Wren

Wren Wescoatt
Director of Project Development
NRG
wren.wescoatt@nrg.com
808-780-1000



NRG Energy LLC
100 California St, Ste 400
San Francisco, CA 94111

2017 APR 21 PM 3:29

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

April 21, 2017

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

Re: Modification of Kawaihoa Solar Project (2014/SUP-6; SP15-406)

Dear Acting Director Sokugawa:

Pursuant to the Special Use Permit granted for the **Kawaihoa Solar Project (2014/SUP-6; SP15-406)** ("Project"), Kawaihoa Solar, LLC ("Permittee") is applying for a modification of the existing permit, to accommodate certain updates, time extensions and minor technical changes to the Project. This application explains the planned changes in reference to the existing permit and identifies, for the Department's consideration, suggested revisions to the previous Findings of Fact and Decision and Order. Updated exhibits are provided on the Project which include updated drawings of the Solar Energy Facility ("SEF"). None of the proposed changes are expected to materially affect the potential impacts of the Project as evaluated and described in the existing SUP.

This request for modification includes the following proposed changes:

1. Change of Ownership, Change of Property Owner

In March of 2015, the Permittee's ultimate parent company, SunEdison filed for bankruptcy. NRG Renew LLC ("NRG") purchased three of the subsidiary companies that were developing solar projects on Oahu: Waipio PV, LLC, Kawaihoa Solar, LLC and Lanikuhana Solar, LLC, through a court-approved acquisition in October 2016. The Permittee for this project remains Kawaihoa Solar, LLC, though it is now owned by NRG. Permittee provided notice of this change in ownership in an Annual Compliance Report, which was submitted in February 2017 to DPP with copies to the State Land Use Commission and State Office of Planning. This may require updating the Findings of Fact to document this change in ownership.

2. Extension of Time to Establish Project, Term of Permit

Previously, the Project had executed a Power Purchase Agreement (“PPA”) with Hawaiian Electric Company (“HECO”) which was approved by the Public Utilities Commission (“PUC”) and was scheduled to start construction in 2015, with completion planned in late 2016. The SUP required that the SEF be established no later than July 29, 2017 (2014/SUP-06, condition #6; SP15-405, condition #6), two years after the permit approval date. Construction on the Project was halted in February 2015, as a result of the termination of the Power Purchase Agreement (“PPA”) by Hawaiian Electric Company (“HECO”) and the subsequent bankruptcy of SunEdison, which were circumstances beyond the control of the Permittee.

The Permittee has resumed work on the development of substantially the same Project, but requires the previous deadline to be extended in order to complete the SEF. NRG is in the process of re-negotiating the PPA with HECO and will proceed with engineering, permitting and financing, to be followed by construction in 2018 and completion in 2019. To enable NRG to pick up where the previous developer left off, and complete essentially the same Project that was previously approved, and provide the same benefit of Hawaii residents, the Permittee is requesting a modification of the time to establish the SEF, from July 31, 2015 to December 31, 2019.

The term of the SUP was previously 35 years from the date of approval. Modern solar photovoltaic projects are typically designed to operate for a period of 35 years. In conjunction with this request to extend the time to construct the Project, the Permittee is also seeking to maintain the SUP’s term of 35 years, to begin at the approval date of this modification. Since the Project will begin operation 2-3 years later than previously anticipated, updating the start date of the SUP would maintain the same 35-year period that was authorized in the existing permit and would not alter the potential impacts of the Project that were previously considered. Both of these extensions would require updating the Findings of Fact and condition #6 of the Decision and Order. For convenience, a redline of the previous Decision and Order is attached with proposed revisions for your consideration.

3. Project Technical Changes

The Permittee also plans to make the following minor technical changes to the design of the Project, none of which materially alters the description or potential impacts that were previously considered.

- A. Change in the number of solar panels. Previously, the Project planned to utilize solar panels or “modules” manufactured by SunEdison. Since the bankruptcy of SunEdison, those modules are no longer available or financeable, and the Permittee is evaluating alternative solar modules from other manufacturers and will not make a final determination for several months. Modules vary in size, and while the aggregate energy generated and area covered by the panels would be approximately the same, the number of modules will vary depending on the final module selected. For example, a larger-dimension 370w QCells panel would require approximately 169,000 modules and cover approximately 89 acres to produce the same amount of energy as a smaller 122w First Solar panel which would require 525,000 modules and cover approximately 100 acres. Specifications of these two potential module types are included in this application. The following table illustrates the number of modules that was planned in 2015 in the previous design and indicates the range in number of modules planned in the proposed modification. While the number of modules would vary depending on the size of the panel selected, the aggregate area covered and potential impacts of the project would be approximately the same as was previously evaluated in 2015.

- B. Change in perimeter fencing material. Previously, the Solar arrays were to be enclosed by a perimeter fence approximately 4 feet high composed of steel “hog wire” mesh. In order to conform to industry standards for safety, the project now will use steel chain-link mash approximately 6 feet high. Chain-link is commonly used in ground mounted solar projects to restrict access to the medium-voltage electrical equipment. This change in Fencing will improve the safety of the project but will not otherwise alter the footprint or potential impacts previously considered. As specified previously, the perimeter fence will not include barbed wire.

The table below illustrates the project specifications approved in 2015, and as proposed in 2017, including the changes listed above to module count and perimeter fencing:

Kawailoa Solar Project Specifications

	2015	2017	Net Change
Net Capacity	49 MW	49 MW	No change
Module Count	196,160	*169,000 525,000	-27,000 to +329,000 modules
Covered Area (acres)	95	*90-100	+/- 5 acres
Lot Coverage	< 1%	* < 1%	No change
Permitted Area (acres)	384	384	No change
Racks	Tracking	Tracking	No change
Max Module Height (ft)	9.5	9.5	No change
Latest Completion Date	7/29/17	12/31/19	2.5 years
Perimeter Fencing	4' hog-wire	6' chain link	Up to 2'

* Module count, covered area and lot coverage will vary slightly depending on final module selected.


To facilitate the Department’s review of this application, the following exhibits are included:

- Exhibit A: DPP Master Application Form
- Exhibit B: Overall Site Layout Drawing (E200)
- Exhibit C: Tracker Detail Drawing (E300)
- Exhibit D: Module Specifications (QCells, First Solar)
- Exhibit E: Landowner Authorization Letter
- Exhibit F: Letter of Intent for Sheep Grazing
- Exhibit G: Suggested revisions to the Findings of Fact and Decision and Order

Since the original permit fee (\$15,000) was paid based on a permitted area of 384 acres, the Permittee requests that the permit fee for this modification be based on the additional acreage being requested. This modification contemplates no additional acreage in permit area. Also, given the relatively minor scope of changes, Permittee respectfully requests that this SUP modification be accepted and processed as expeditiously as possible. During prior meetings with the Department of Planning and Permitting, the parties discussed and agreed to an expedited timeline within the parameters of the rules and the simultaneous review of both the Kawailoa Solar and Waipio Solar SUPs by the Planning Commission. NRG must have the modifications approved in order to meet financing deadlines.

For questions or further information about this application, please contact Aarty Joshi at NRG (aarty.joshi@nrg.com; 415-627-4656) or Wren Wescoatt (wren.wescoatt@nrg.com; 808-780-1000).

Best regards,



Aarty Joshi
Senior Manager, Environmental Permitting

CC:

Wren Wescoatt, Director of Project Development
Raymond Young, Planning Division
Ben Kudo, Ashford & Wriston, LLC

Attached Exhibits:

- A DPP Master Application Form
- B Overall Site Plan
- C Tracker Detail Drawing (E300)
- D Module Specifications (QCells, First Solar)
- E Landowner Authorization Letter
- F Letter of Intent for Sheep Grazing
- G Suggested revisions to the Findings of Fact and Decision and Order

PLANNING DIVISION MASTER APPLICATION FORM

Additional data, drawings/plans, and fee requirements are listed on a separate sheet title "Instructions for Filing". **PLEASE ASK FOR THESE INSTRUCTIONS.**

All specified materials described in the "Instructions for Filing" and required fees must accompany this form; incomplete applications will delay processing. You are encouraged to consult with Planning Division staff in completing the application. Please call appropriate phone number given in the "Instructions for Filing".

Please print legibly or type the required information.

SUBMITTED FEE: \$ Pending

PERMIT/APPROVAL REQUESTED (Check one or more as appropriate): (2014/SUP-6, SP15-406)

<input type="checkbox"/> GENERAL PLAN AMENDMENT	<input checked="" type="checkbox"/> SPECIAL USE PERMIT <u> </u> New <input checked="" type="checkbox"/> Modify Existing
<input type="checkbox"/> STATE LAND USE BOUNDARY AMENDMENT (<15 acres) From _____ (District) To _____ (District)	<input type="checkbox"/> ZONING DISTRICT BOUNDARY ADJUSTMENT, ADMINISTRATIVE
<input type="checkbox"/> DEVELOPMENT PLAN (DP)/SUSTAINABLE COMMUNITIES PLAN (SCP) AMENDMENT Indicate DP/SCP area _____	<input type="checkbox"/> ZONE CHANGE From _____ (District) To _____ (District)
<input type="checkbox"/> PUBLIC INFRASTRUCTURE MAP REVISION (Indicate Map Symbol Request): <input type="checkbox"/> CY (Corporation Yard) <input type="checkbox"/> DSP (Desalination Plant)	
<input type="checkbox"/> D (Drainage Way (Open Channel)) <input type="checkbox"/> TS (Transit Station) <input type="checkbox"/> FS (Fire Station) <input type="checkbox"/> GB (Government Building) <input type="checkbox"/> GC (Golf Course)	
<input type="checkbox"/> P (Parks) <input type="checkbox"/> PS (Police Station) <input type="checkbox"/> PKG (Parking Facility/Transit Center) <input type="checkbox"/> RES (Water Reservoir) <input type="checkbox"/> SPS (Sewage Pump Station)	
<input type="checkbox"/> STP (Sewage Treatment Plant) <input type="checkbox"/> SW (Solid Waste Facility) <input type="checkbox"/> RTC (Rapid Transit Corridor) <input type="checkbox"/> R (Arterial & Collector Roadway) <input type="checkbox"/> W (Potable Well)	

(Project/Parcel specific information should be provided for General Plan and Development Plan amendments only if appropriate.)

TAX MAP KEY(S): 6-1-006.001 and 6-1-005.001
 STREET ADDRESS/LOCATION OF PROPERTY: Ashley Road (Kawailoa), approx. 4 miles north of Haleiwa
 APPLICATION/SUBJECT AREA (Acres/sq.ft.): 384.2 acres, approx.
 THE PROPOSED PROJECT IS LOCATED INSIDE OUTSIDE THE:

- | | |
|---|---|
| <input type="checkbox"/> Urban Growth Boundary | <input checked="" type="checkbox"/> Community Growth Boundary |
| <input type="checkbox"/> Urban Community Boundary | <input type="checkbox"/> Rural Community Boundary |

OF THE North Shore
 ZONING DISTRICT(S): AG-1

DEVELOPMENT PLAN/SUSTAINABLE COMMUNITY PLAN
 STATE LAND USE DISTRICT: Agriculture

RECORDED FEE OWNER:

Name (& title, if any) Keith Chang, Land Assets Manager
 Organization Kamehameha Schools
 Mailing Address 567 S. King St. Suite 200
Honolulu, HI 96813
 Phone Number 808-523-6200
 Signature *Keith Chang*

APPLICANT:

Name Craig Cornelius, President
 Organization Kawailoa Solar LLC
 Mailing Address 100 California St., #400
San Francisco, CA 94111
 Phone Number 415-627-1646
 Signature *Craig Cornelius*

PRESENT USE(S) OF PROPERTY/BUILDING:

Cattle ranching

AUTHORIZED AGENT/CONTACT PERSON:

Name Wren Wescoatt
 Mailing Address 3662 Woodlawn Terrace Pl
Honolulu, HI, 96822
 Phone Number 808-780-1000
 Signature *Wren Wescoatt*

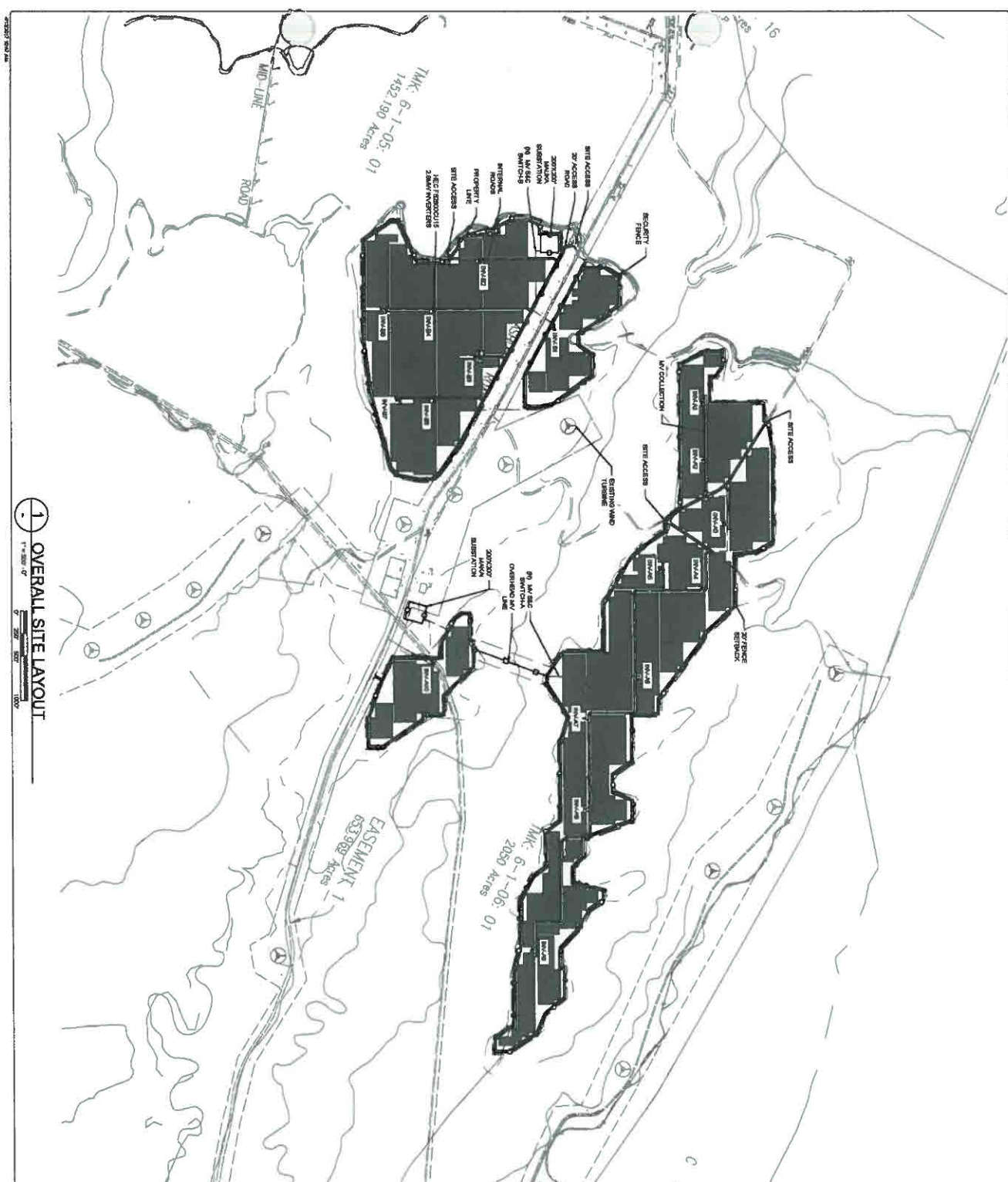
PROJECT NAME (if any): Kawailoa Solar Project

REQUEST/PROPOSAL (Briefly describe the nature of the request, proposed activity or project):

Modification of permit #2014/SUP-6, SP15-406 project dates and minor changes to equipment

DPP/ELOG NO. _____

DPP/POSSE NO. _____
 P:\FORMS\MASTERAPPLICATION-03/31/14.DOC

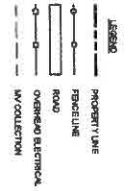


1 OVERALL SITE LAYOUT



PRELIMINARY - NOT FOR CONSTRUCTION

SHEET NOTES
 1. LOCATIONS SHOWN ARE FROM ORIGINAL, QUADRAWN ONLY. EASEMENTS OF THE SITE ARE NOT SHOWN AND LOCATIONS MAY BE DIFFERENT ON THE FIELD SURVEY MAPS.



REVAMP <small>RENEWABLES, INC.</small> 3010 Kono Rd San Francisco, CA 94102 www.revamp.com	nrp <small>ENERGY SERVICES</small>	PROJECT NAME KAWAIOLOA SOLAR
		SITE LOCATION NORTH SHORE, HI 21°36'51.37"N, 158° 3'15.53"W
DRAWING REVISIONS 5. 02/07/2011 4. 02/07/2011 3. 02/07/2011 2. 02/07/2011 1. 02/07/2011		
PROJECT NO.: 1025 DRAWING NO.: OVERHEAD P/W/S OVERALL SITE LAYOUT		
DESIGNER: [Blank] CHECKER: [Blank] DATE: [Blank]		

powered by
Q.ANTUM

Q.PEAK L-G4.2 365-370

Q.ANTUM SOLAR MODULE

The new solar module Q.PEAK L-G4.2 with power classes up to 370 Wp is the strongest module of its type on the market globally. Powered by 72 Q.ANTUM solar cells Q.PEAK L-G4.2 was specially designed for large solar power plants to reduce BOS costs. Only Q CELLS offers German engineering quality with our unique Q CELLS Yield Security.



LOW ELECTRICITY GENERATION COSTS

Higher yield per surface area and lower BOS costs thanks to higher power classes and an efficiency rate of up to 18.8%.



INNOVATIVE ALL-WEATHER TECHNOLOGY

Optimal yields, whatever the weather with excellent low-light and temperature behavior.



ENDURING HIGH PERFORMANCE

Long-term yield security with Anti PID Technology¹, Hot-Spot Protect and Traceable Quality Tra.Q™.



EXTREME WEATHER RATING

High-tech aluminum alloy frame, certified for high snow (5400 Pa) and wind loads (2400 Pa).



A RELIABLE INVESTMENT

Inclusive 12-year product warranty and 25-year linear performance guarantee².



THE IDEAL SOLUTION FOR:



Ground-mounted
solar power plants

Engineered in Germany

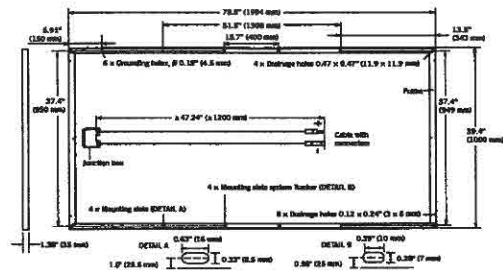
¹ APT test conditions: Cells at -1500V against grounded, with conductive metal foil covered module surface, 25 °C, 168 h

² See data sheet on rear for further information.

Q CELLS

MECHANICAL SPECIFICATION

Format	78.5 in × 39.4 in × 1.38 in (including frame) (1994 mm × 1000 mm × 35 mm)
Weight	52.9 lbs (24 kg)
Front Cover	0.13 in (3.2 mm) thermally pre-stressed glass with anti-reflection technology
Back Cover	Composite film
Frame	Anodized aluminum
Cell	6 × 12 monocrystalline Q.ANTUM solar cells
Junction box	3.35-4.37 in × 2.36-3.15 in × 0.59-0.75 in (85-111 × 60-80 × 15-19 mm), Protection class IP67, with bypass diodes
Cable	4 mm ² Solar cable; (+) ≥ 47.24 in (1200 mm), (-) ≥ 47.24 in (1200 mm)
Connector	Amphenol UTX, IP68



ELECTRICAL CHARACTERISTICS

POWER CLASS			365	370
MINIMUM PERFORMANCE AT STANDARD TEST CONDITIONS, STC ¹ (POWER TOLERANCE +5 W / -0 W)				
Minimum	Power at MPP ²	P _{MPP} [W]	365	370
	Short Circuit Current ⁴	I _{SC} [A]	9.83	9.89
	Open Circuit Voltage ⁴	V _{OC} [V]	48.00	48.28
	Current at MPP ²	I _{MPP} [A]	9.33	9.41
	Voltage at MPP ²	V _{MPP} [V]	39.10	39.32
	Efficiency ²	η [%]	≥ 18.3	≥ 18.6
MINIMUM PERFORMANCE AT NORMAL OPERATING CONDITIONS, NOC ³				
Minimum	Power at MPP ²	P _{MPP} [W]	269.8	273.5
	Short Circuit Current ⁴	I _{SC} [A]	7.93	7.97
	Open Circuit Voltage ⁴	V _{OC} [V]	44.90	45.17
	Current at MPP ²	I _{MPP} [A]	7.34	7.40
	Voltage at MPP ²	V _{MPP} [V]	36.77	36.94

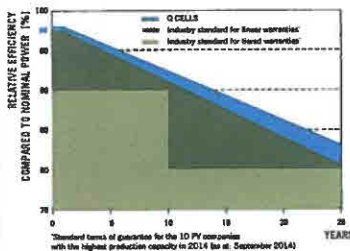
¹1000 W/m², 25 °C, spectrum AM 1.5G

²Measurement tolerances STC ±3%; NOC ±5%

³800 W/m², NOCT, spectrum AM 1.5G

⁴typical values, actual values may differ

Q CELLS PERFORMANCE WARRANTY

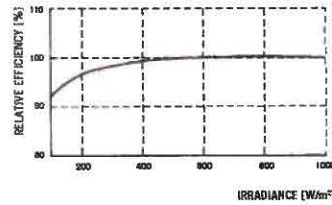


At least 98% of nominal power during first year. Thereafter max. 0.6% degradation per year.
At least 92.6% of nominal power up to 10 years.
At least 83.6% of nominal power up to 25 years.

All data within measurement tolerances. Full warranties in accordance with the warranty terms of the Q CELLS sales organization of your respective country.

Standard terms of guarantee for the 10 PV companies with the highest production capacity in 2014 (as of September 2014)

PERFORMANCE AT LOW IRRADIANCE



Typical module performance under low irradiance conditions in comparison to STC conditions (25 °C, 1000 W/m²).

TEMPERATURE COEFFICIENTS

Temperature Coefficient of I _{SC}	α	[%/K]	+0.04	Temperature Coefficient of V _{OC}	β	[%/K]	-0.28
Temperature Coefficient of P _{MPP}	γ	[%/K]	-0.39	Normal Operating Cell Temperature	NOCT	[°F]	113 ± 5.4 (45 ± 3 °C)

PROPERTIES FOR SYSTEM DESIGN

Maximum System Voltage V _{STC}	[V]	1500 (IEC) / 1500 (UL)	Safety Class	II
Maximum Series Fuse Rating	[A DC]	15	Fire Rating	C (IEC) / TYPE 1 (UL)
Design load, push (UL) ²	[lbs/ft ²]	75 (3600 Pa)	Permitted module temperature on continuous duty	-40 °F up to +185 °F (-40 °C up to +85 °C)
Design load, pull (UL) ²	[lbs/ft ²]	33 (1600 Pa)	² see installation manual	

QUALIFICATIONS AND CERTIFICATES

IEC 61215 (Ed.2), IEC 61730 (Ed.1), Application class A
This data sheet complies with DIN EN 50380.



PACKAGING INFORMATION

Number of Modules per Pallet	29
Number of Pallets per 40' Container	22
Number of Pallets per 53' Container	26
Pallet Dimensions (L × W × H)	81.3 × 45.3 × 46.9 in (2065 × 1150 × 1190 mm)
Pallet Weight	1671 lbs (758 kg)

NOTE: Installation instructions must be followed. See the installation and operating manual or contact our technical service department for further information on approved installation and use of this product.

Hanwha Q CELLS America Inc.

300 Spectrum Center Drive, Suite 1250, Irvine, CA 92618, USA | TEL +1 949 748 59 96 | EMAIL inquiry@us.q-cells.com | WEB www.q-cells.us

Engineered in Germany

Q CELLS



First Solar Series 4™ PV Module

ADVANCED THIN FILM SOLAR TECHNOLOGY



**122.5 WATT MODULE
EFFICIENCY OF 17.0%**

INDUSTRY BENCHMARK SOLAR MODULES

As a global leader in PV energy, First Solar's advanced thin film solar modules have set the industry benchmark with over 10 gigawatts (GW) installed worldwide and a proven performance advantage over conventional crystalline silicon solar modules. Generating more energy than competing modules with the same power rating, First Solar's Series 4™ and Series 4A™ PV Modules deliver superior performance and reliability to our customers.



PROVEN ENERGY YIELD ADVANTAGE

- Generates more energy than conventional crystalline silicon solar modules with the same power due to superior temperature coefficient and superior spectral response
- Anti-reflective coated glass (Series 4A™) enhances energy production



ADVANCED PERFORMANCE & RELIABILITY

- Compatible with advanced 1500V plant architectures
- Highly predictable energy in all climates and applications
- Independently certified for reliable performance in high temperature, high humidity, extreme desert and coastal environments



CERTIFICATIONS & TESTS

- PID-Free, Thresher Test¹, Long-Term Sequential Test¹, and ATLAS 25-4¹
- IEC 61646 1500V, IEC 61730 1500V, CE
- IEC 61701 Salt Mist Corrosion, IEC 60068-2-68 Dust and Sand Resistance
- ISO 9001:2008 and ISO 14001:2004
- UL 1703 Listed Fire Performance PV Module Type 10²
- CSI Eligible, FSEC, MCS, CEC Listed (Australia), SII⁴, InMetro

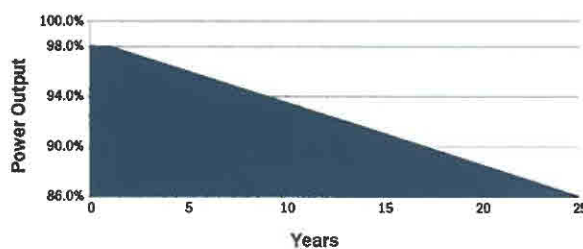


END-OF-LIFE RECYCLING

- Recycling services available through First Solar's industry-leading recycling program or customer-selected third party.



MODULE WARRANTY³



- 25-Year Linear Performance Warranty⁴
- 10-Year Limited Product Warranty

FIRST SOLAR SERIES 4™ PV MODULE

MECHANICAL DESCRIPTION	
Length	1200mm
Width	600mm
Weight	12kg
Thickness	6.8mm
Area	0.72m ²
Leadwire	2.5mm ² , 610mm
Connectors	MC4 ⁹
Bypass Diode	None
Cell Type	Thin-film CdTe semiconductor, up to 216 cells
Frame Material	None
Front Glass	3.2mm heat strengthened Series 4A™ includes anti-reflective coating
Back Glass	3.2mm tempered
Encapsulation	Laminate material with edge seal
Load Rating	2400Pa ¹⁰

MODULE NUMBERS AND RATINGS AT STANDARD TEST CONDITIONS (1000W/m², AM 1.5, 25°C)⁷

NOMINAL VALUES		FS-4110-3	FS-4112-3	FS-4115-3	FS-4117-3	FS-4120-3	FS-4122-3
		FS-4110A-3	FS-4112A-3	FS-4115A-3	FS-4117A-3	FS-4120A-3	FS-4122A-3
Nominal Power ⁸ (-0/+5W)	P _{MPP} (W)	110.0	112.5	115.0	117.5	120.0	122.5
Voltage at P _{MAX}	V _{MPP} (V)	67.8	68.5	69.3	70.1	70.8	71.5
Current at P _{MAX}	I _{MPP} (A)	1.62	1.64	1.66	1.68	1.70	1.71
Open Circuit Voltage	V _{OC} (V)	86.4	87.0	87.6	88.1	88.7	88.7
Short Circuit Current	I _{SC} (A)	1.82	1.83	1.83	1.83	1.84	1.85
Module Efficiency	%	15.3	15.6	16.0	16.3	16.7	17.0
Maximum System Voltage	V _{SYS} (V)	1500 ^{7,8}					
Limiting Reverse Current	I _R (A)	4.0					
Maximum Series Fuse	I _{CF} (A)	4.0					

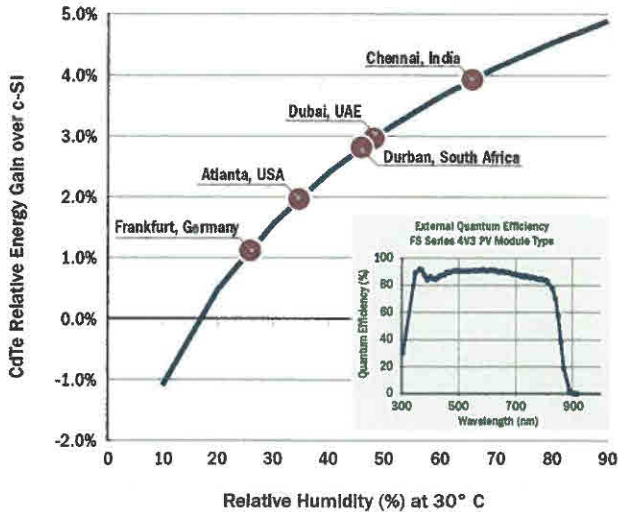
RATINGS AT NOMINAL OPERATING CELL TEMPERATURE OF 45°C (800W/m², 20°C air temperature, AM 1.5, 1m/s wind speed)⁵

Nominal Power	P _{MPP} (W)	83.2	85.1	87.0	89.0	90.8	92.7
Voltage at P _{MAX}	V _{MPP} (V)	63.5	64.5	64.9	65.9	66.3	67.2
Current at P _{MAX}	I _{MPP} (A)	1.31	1.32	1.34	1.35	1.37	1.38
Open Circuit Voltage	V _{OC} (V)	81.6	82.1	82.7	83.2	83.7	83.7
Short Circuit Current	I _{SC} (A)	1.47	1.47	1.48	1.48	1.48	1.49

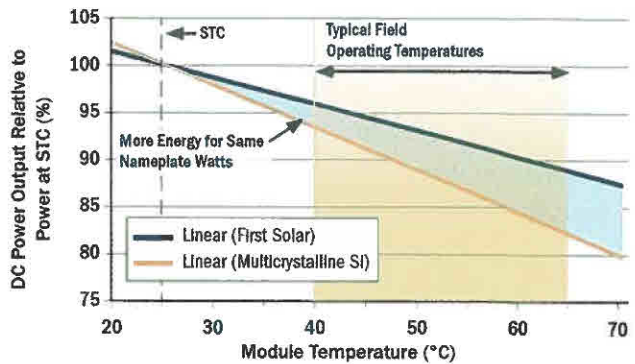
TEMPERATURE CHARACTERISTICS

Module Operating Temperature Range	(°C)	-40 to +85
Temperature Coefficient of P _{MPP}	T _K (P _{MPP})	-0.28%/°C [Temperature Range: 25°C to 75°C]
Temperature Coefficient of V _{OC}	T _K (V _{OC})	-0.28%/°C
Temperature Coefficient of I _{SC}	T _K (I _{SC})	+0.04%/°C

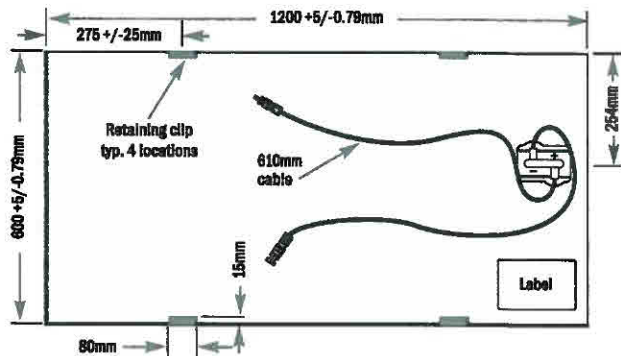
SUPERIOR SPECTRAL RESPONSE



SUPERIOR TEMPERATURE COEFFICIENT



MECHANICAL DRAWING



- Testing Certifications/Listings pending
- Class A Spread of Flame / Class B Burning Brand, Roof mounted fire rating is established by assessing rack and solar module as a unit
- Limited power output and product warranties subject to warranty terms and conditions
- Ensures 98% rated power in first year, -0.5%/year through year 25
- All ratings \pm 10%, unless specified otherwise. Specifications are subject to change
- Measurement uncertainty applies
- UL 1703 1500V Listed / ULC 1703 1000V Listed
- Application Class A for 1000V (class II), Application Class B for 1500V (class O)
- Multi-Contact MC4 (PV-KST4/PV-KBT4)
- Higher load ratings can be met with additional clips or wider clips, subject to testing

Disclaimer

The information included in this Module Datasheet is subject to change without notice and is provided for informational purposes only. No contractual rights are established or should be inferred because of user's reliance on the information contained in this Module Datasheet. Please refer to the appropriate Module User Guide and Module Product Specification document for more detailed technical information regarding module performance, installation and use.

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KAMEHAMEHA SCHOOLS®

April 14, 2017

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

Attention: Mr. Raymond Young, Senior Planner

Subject: Kawailoa Solar LLC – Kawailoa, O’ahu, HI
Landowner Authorization: Agent for Land Use Permit Modification
TMK: (1) 6-1-005, 6-1-006
Kawailoa, O’ahu, HI


Dear Acting Director Sokugawa:

We hereby authorize Kawailoa Solar LLC to submit applications for modification to the existing land use permits for solar farm use on the subject properties, including Special Use Permit (SP15-405) and Conditional Use Permit (2015/CUP-48).

Group 70 International, Inc. (dba G70) is the planning consultant for Kawailoa Solar LLC to coordinate the permitting request with the Department of Planning and Permitting (DPP). G70 will work with your office to coordinate the application requirements and processing.

If you have questions on the project, please contact Kawailoa Solar LLC project manager Wren Wescoatt (780-1000), or contact G70 planner Jeff Overton (351-4200) regarding the subject applications.

Sincerely,


Keith K.A. Chang
Land Asset Manager
Kamehameha Schools



NRG Renew LLC
100 California St, Ste 400
San Francisco, CA 94111

April 17, 2017

John Morgan
Kualoa Ranch Hawaii, Inc.
P.O. Box 650
Kaaawa, Hawaii 96730

Re: Letter of Intent for Pasture License

Dear Mr. Morgan:

Introduction. Kawailoa Solar, LLC, a Delaware limited liability company ("**Licensor**"), an affiliate of NRG Renew LLC, is pleased to provide this letter of intent ("**Letter of Intent**") to confirm its agreement to negotiate the terms of a definitive license agreement with Kualoa Ranch Hawaii, Inc. ("**Licensee**," Licensor and Licensee each referred to herein as a "**Party**" and collectively referred to herein as, the "**Parties**") for a license to use land in Kawailoa, Hawaii, collectively, the "**Property**"), which is currently being leased by the Licensor.

License. From the date of this Letter of Intent until December 31, 2018 (the "**LOI Term**"), Licensor and Licensee shall negotiate in good faith regarding the terms and provisions of a license to pasture sheep on the Property (the "**License**"), at a rate of \$10 per acre per year, not to exceed \$2,000 per year in the aggregate, and which shall also contain such other reasonable terms and provisions as the Parties may agree. The Parties recognize that successful negotiation of the License will also entail substantial definition and refinement of the concepts expressed in this LOI and final mutual agreement on all of the terms and conditions set forth herein. The LOI Term may be extended by mutual agreement of the Parties in writing.

Negotiation In Good Faith; Exclusivity. During the LOI Term, the Parties agree to negotiate exclusively with each other and in good faith to develop mutually acceptable terms and documentation for the transactions described above. Upon expiration of the LOI Term (as it may be extended by mutual agreement), these commitments of exclusivity and good faith negotiations shall terminate.

Non-Binding Letter of Intent. The above terms and conditions are provided for discussion purposes and are not intended to represent a commitment. Except with respect to the paragraphs entitled "Negotiation in Good Faith; Exclusivity" and "Non-Binding Letter of Intent," this Letter of Intent does not constitute a legally binding obligation of either Party and will not give rise to any right or obligation based on any legal or equitable theory (including any right to continue negotiations beyond the LOI Term). The terms and conditions set forth herein are intended to be an outline of terms that may be incorporated into the License. No binding obligation will be created unless, and until, the Parties execute the License.

Kawailoa Solar, LLC



By: _____

Name: Craig Cornelius

Title: President

Acknowledged and accepted this 17th day of April, 2017.

We agree to the terms of the foregoing Letter of Intent, and wish to proceed with the negotiation of the License as provided therein.

Kualoa Ranch Hawaii, Inc.

By: 
Name: John Morgan
Title: President

As part of the request for modification of the Special Use Permit ([2014/SUP-6](#); SP15-406) for the Kawaiiloa Solar Project ("Project") and the associated Solar Energy Facility ("SEF"), below for consideration are suggested revisions to the existing Planning Commission Findings of Fact, Conclusions of Law and Decision and Order issued April 1, 2015:

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER

This matter came before the Planning Commission of the City and County of Honolulu (hereinafter the "Commission"), for public hearing on April 1, 2015 which was continued to April 15, 2015, at the Mission Memorial Conference Room in Honolulu, Hawaii. Based on the record in this matter, the Commission hereby finds as follows:

FINDINGS OF FACT

1. This matter involves Kawaiiloa Solar, LLC's ("Applicant") Special Use Permit ("SUP") [modification](#) application to the Department of Planning and Permitting ("DPP") for the establishment of a solar energy facility ("SEF") within the State Land Use Agricultural District on Land Study Bureau Overall Master Productivity rating Class "A", "B", "C", and "E" lands. [In March of 2015, the Applicant's parent company SunEdison filed for bankruptcy, and Applicant was subsequently purchased by NRG Renew LLC \("NRG"\). The Applicant has applied for a modification of the SUP to extend the time to establish the SEF and make minor technical changes to the SEF.](#)
2. The site of the proposed SEF ("Project") is located in Kawaiiloa, North Shore, Oahu, in the vicinity of Ashley Road, approximately 6,000 feet south of Waimea Beach Park and 4 miles northeast of Haleiwa Town. It consists of 8 separate sites totaling approximately 382.2 acres and include portions of Tax Map Keys 6-1-005: Parcel 1 and 6-1-006: Parcel 1 ("Petition Area").
3. The Petition Area is owned by Trustees of the Estate of Bernice Pauahi Bishop dba Kamehameha Schools.

¹ A ninth site was included in the SUP application and contained subsurface improvements. The Director of the Department of Planning and Permitting has determined that the 1.9-acre ninth site which would contain underground cables located in Class A and B rated lands, and along Ashley Road, does not constitute a use requiring Special Use Permit review and is thus permitted. Therefore, the Planning Commission's Decision and Order pertains to the remaining 8 sites totaling approximately 382.2 acres.

4. The Applicant seeks [to modify the existing](#) SUP to establish an [approximately](#) 50-megawatt SEF. Sites 1 through 7 of the proposed SEF will primarily contain horizontal single-axis tracking, ground-mounted photovoltaic (PV) panels, generally facing south. Site 8 contains one of two proposed substations with the second substation proposed to be located in Site 1. Other accessory uses and structures consist of electrical equipment such as combiner boxes, below surface collector lines, inverters, transformers, weather monitoring stations, ~~and~~ [switch gear, and chain-link perimeter fencing.](#)
5. The Applicant proposes to lease a portion of the Petition Area to a local ranch to raise hair sheep in compliance with Section 205-4.5(a)(21), Hawaii Revised Statutes

("HRS") which was adopted under Act 55, 2014 Session Laws of Hawaii ("Act 55"). The sheep ranching will serve as on-site vegetation control and as a food source in compliance with the intent of Act 55 which required that the area occupied by solar energy facilities be made available for compatible agricultural activities.

6. The Petition Area is presently fallow. It was formerly in sugar cane cultivation. The Kawaihoa wind energy generation system (wind turbines) is located between and around the Petition Area. Surrounding lands to the east, west, north, and south are owned by Bernice Pauahi Bishop Trust Estate and are either fallow or in diversified agriculture. Beyond these lands to the north is Waimea Valley, managed by Hiipaka, LLC, and to the east is land used for military training.
7. Access to the site is via Ashley Road, a gated, private roadway which is maintained for the existing wind farm, and connects to Kamehameha Highway.
8. By Decision and Order dated March 5, 2015, the State Land Use Commission ("LUC") designated the Petition Area and surrounding lands as Important Agricultural Land ("IAL") pursuant to Section 205-44, HRS. The North Shore Sustainable Communities Plan designates the Petition area as Agriculture. The zoning is AG-1 Restricted Agricultural District.
9. The Petition Area comprises of Class B, C, and E soils, according to the Land Study Bureau overall master productivity rating system. The Petition Area consists of Prime Agricultural Lands pursuant to the Agricultural Lands of Importance to the State of Hawaii Classification System.
10. The Project's solar panels will be constructed about 4 1/2 to 9 1/2 feet above existing grade. Power generated by the western portion of the SEF would be connected to the Hawaiian Electric Company ("HECO") electrical grid via the existing Makai Switchyard which connects to the existing overhead Waialua-Kahuku 46 kilovolt ("kV") sub-transmission line. Power generated by the eastern portion of the SEF would be connected to the grid via the existing Mauka Switchyard which connects to the Waialua-Kuilima 46 kV sub-transmission line.
11. The energy generated by the SEF will be sold to HECO.
12. The North Shore Neighborhood Board No. 27 considered the Project at its January 27, 2014 meeting but did not take a vote on the Project.
13. The Project is subject to obtaining a Conditional Use Permit, Minor, and grading and building permits. The Project is not subject to environmental disclosure requirements of Chapter 343, HRS.
14. The Commission received a report from the Director of the DPP dated March 13, 2015. The report provides an analysis of the request and a recommendation for approval of the Application subject to conditions.
15. At the public hearing of April 1, 2014, the Commission did not receive any public testimony. The Applicant provided testimony from its staff and consultants on the Project. The Commission received into record, Applicant's Exhibits 1 through 22.
16. Due to the recent designation of the Petition Area as IAL, the Commission requested that Applicant submit an agricultural plan for the proposed sheep ranching component

and possible alternative agricultural activities and therefore, continued the public hearing to April 15, 2015.

17. On April 13, 2015, the Applicant submitted a Preliminary Agricultural Plan (Applicant's Exhibit 23 and hereafter referred to as the "PAP"). The PAP presents preliminary plans for the co-location of sheep pasturage and in the event that arrangement is not successful, other agriculture use options including Lowline cattle, free-range poultry, and beekeeping for the Petition Area.
18. At its continued public hearing of April 15, 2015, the Commission accepted the PAP into the record.

CONCLUSIONS OF LAW

The Commission hereby concludes as follows:

1. The Commission has jurisdiction to permit unusual and reasonable uses within the agricultural districts, pursuant to Section 205-6, HRS.
2. The Project is an "unusual and reasonable" use as set forth in Section 205-6, HRS, and the five guidelines established by the Commission, pursuant to Section 2-45 of the Rules of the Commission.
3. The Project would make available portions of the site for compatible agriculture in accordance with Section 205-4.5(a)(21)(A), HRS.
4. The Project complies with relevant sections of Chapter 205, Part III, the IAL Law as follows:
 - a. The use does not conflict with any part of Chapter 205, HRS;
 - b. The public benefit to be derived from the Project is justified by a need for additional lands for non-agricultural purposes,
 - c. The proposed action will have no significant impact upon the viability of agricultural operations on adjacent agricultural lands.
1. The Project would not be contrary to the objectives sought to be accomplished by the State Land Use Law.

DECISION AND ORDER

Pursuant to the foregoing Findings of Fact and Conclusions of Law, the Commission hereby **APPROVES** the Application for a [modification of](#) State Special Use Permit, File No. 2014/SUP-6, for approximately 382.2 acres, Tax Map Keys 6-1-005: Portion of 001 and 6-1-006: Portion of 001, for the establishment of a SEF, as shown on Exhibit A, subject to the following conditions:

1. Usable lands of the Petition Area, including areas under PV panels, shall be made available for compatible agricultural use at a lease rate that is at least 50 percent below the fair market rent for comparable properties, as long as the Project is in operation. Compatible agricultural operations shall be established, or Applicant shall be actively seeking to have such operations established, within 6 months of the start of commercial power generation. Extensions to this deadline may be granted by the Director of the DPP for unforeseen extenuating circumstances.

2. If at any time during the term of the SUP no compatible agricultural operations exist on the usable lands of the Petition Area for 6 months, the Applicant shall notify the Commission and the Director of the DPP in writing within 30 days of the end of the 6-month period. If requested by the Commission, the Applicant shall attend a meeting of the Commission and submit a report to the Commission detailing the Applicant's actual and reasonable efforts to actively seek the establishment of compatible agricultural operations on the usable lands of the Petition Area. The Commission shall determine whether probable cause exists to re-evaluate the SUP and to hold a hearing pursuant to Section 2-49 of the Rules of the Commission. Extensions to the 6-month deadline may be granted by the Commission for unforeseen extenuating circumstances.
3. The Applicant shall submit for review and obtain the approval of the following from the Director of the DPP, prior to the issuance of a grading or building permit:
 - a. A survey map accompanied by a metes and bounds description of the approved Petition Area.
 - b. A site plan showing the area required under Condition 1, above, relating to the minimum land area to be made available for compatible agricultural use.
4. Prior to the closing of the building permit for the SEF, the Applicant shall submit to the DPP proof of financial security, such as a posted letter of credit or similar mechanism from a creditworthy financial institution, in favor of the owner of the land subject to the SUP, in the approximate amount of four million dollars (\$4,000,000.00), which security shall remain in place for the duration of the operation of the Project, with evidence of same provided to the Director of the DPP on an annual basis, to decommission the Project and restore the Petition area to substantially the same physical condition as existed prior to the development of the SEF.
 - a. The Applicant shall decommission the SEF within twelve (12) months following the termination of operations of the SEF. A change in Project ownership or a change in ownership of the land subject to the SUP, which warrants a new proof of financial security to decommission the Project, shall be submitted to the DPP for processing through the Commission, within three (3) months of the ownership change.
5. The Applicant shall comply with the recommendations of the U. S. Fish & Wildlife Service regarding the protection of endangered or migratory bird activity at the Petition Area.
6. The Applicant shall establish the Project within ~~two (2) years~~ thirty (30) months of the date of the LUC's Decision and Order approving the SUP modification of the SUP, or within such extended time if approved as follows. Requests for extension of this deadline shall be submitted to the Director of the DPP prior to the expiration of the deadline. The LUC may grant an extension to the deadline to establish the Project due to unforeseen circumstances that were beyond the control of the Applicant. This SUP shall be valid for a period of thirty-five (35) years from the date of the LUC's Decision and Order approving the modification of the SUP, subject to further extensions upon a timely request for extension filed with the Planning Commission at least one-hundred twenty (120) days prior to the SUP's expiration.
7. On or before December 31 of each year that the SUP is in effect, the Applicant or its successor shall file an annual report to the DPP that demonstrates the Applicant's compliance with conditions of the SUP.

8. Major modifications to: (1) the Project plans, including but not limited to significant increases in the ~~number of~~ area covered by PV panels; (2) amendments to the conditions of approval; (3) significant expansions of the approved area; or (4) change in uses stated herein, shall be subject to the review and approval of the Commission and the LUC. Minor modifications including minor additions to accessory uses and structures, and new incidental uses and structures in the approved area are subject to review and approval by the Director of the DPP.
9. The Applicant and/or landowner shall notify the Director of the DPP of:
 - a. Any change or transfer of licensee on the property;
 - b. Any change in uses on the property;
 - c. Termination of any uses on the property; and/or
 - d. Transfer in ownership of the property.

The Commission, in consultation with the Director of the DPP, shall determine the disposition of this SUP, and the facilities permitted herein.