

EXHIBIT "2"

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AES LAWA'I SOLAR, LLC,
a Delaware limited liability company

BEFORE THE PLANNING COMMISSION

OF THE

COUNTY OF KAUAI

In The Matter Of The Application)	USE PERMIT NO. U-2018-1
)	CLASS IV ZONING PERMIT
Of)	NO. Z-IV-2018-1
)	SPECIAL PERMIT NO. SP-2018-2
AES LAWA'I SOLAR, LLC, a Delaware)	
limited liability company, for a Use Permit, a)	
Class IV Zoning Permit, and a Special Permit)	SUPPLEMENT TO APPLICATION;
for real property situated at Kōloa and Lāwā'i,)	EXHIBITS "E-10" THROUGH "E-13"
Kona, Kaua'i, Hawai'i, identified by Kaua'i)	
Tax Map Key No. (4) 2-6-003:001 (por).)	
)	(LĀWA'I SOLAR PROJECT)
)	
)	
)	

SUPPLEMENT TO APPLICATION

Comes now, AES LAWA'I SOLAR, LLC, a Delaware limited liability company, the Applicant in the above-captioned proceedings, by and through its undersigned attorney, and pursuant to Rule 1-3-2(e) of the Rules of Practice and Procedure of the Kaua'i County Planning Commission, hereby submits the following Supplement To Application. This Supplement amends the Application previously filed herein as follows:

1. Section 2.2 of the Application is amended and supplemented by the addition of a new Subsection 2.2(i) to read as follows:

"(i) As set forth in HRS Chapter 205A (Part I), all lands in the State of Hawaii, including the Subject Property, are located in the Coastal Zone Management Area ("CZMA") and are subject to the objectives and policies of the Coastal Zone Management Program ("CZMP"), as described in HRS Section 205A-2."

2. Section 6 of the Application is amended and supplemented by the addition of a new Section 6.13 to read as follows:

"6.13 Airports.

a. Location. The Subject Property is located approximately 10.75 miles from the Lihue Airport (a State facility), 7.14 miles from the Port Allen Airport (a State facility), and 19.5 miles from the Barking Sands Airport (a U.S. Navy facility). The Subject Property is not located near or beneath any flight paths for these airports.

b. FAA/Wildlife. The U.S. Department of Transportation, Federal Aviation Administration ("FAA") has issued an Advisory Circular (ACNO: 150/5200-33b) entitled Hazardous Wildlife Attractants On Or Near Airports. This AC provides guidance on certain land uses that have the potential to attract hazardous wildlife (avian species) within a five (5) mile range of any airports (referred to as "Air Operation Areas" or "AOA"). Because the Solar Project is not located within the five (5) mile range of any AOA, and is not located beneath any flight paths, it is not subject to the AC. In any event, the Applicant does not anticipate that the Solar Project will attract any more

wildlife than is already present on the Subject Property in its current condition. It should be noted that "photovoltaic and solar farms" are not among the enumerated land-use practices in the AC that have the potential for attracting hazardous wildlife.

c. DOT-AIR/Noise Exposure. The State Department of Transportation, Airports Division ("DOT-AIR"), has issued a Lihue Airport 5-Year (2011) Noise Exposure Map for areas located beneath flight paths for the Lihue Airport. Because the Subject Property is not located within five (5) miles of the Lihue Airport or any other airport, and is not beneath flight paths for any of these airports, it will not be subject to noise impacts associated with such operations.

d. OP TAM/Glint-Glare. The State Office of Planning has issued Technical Assistance Memorandum TAM-2016-1 ("TAM") pursuant to FAA Order 5190.6B. The TAM discusses the State's obligation to restrict land uses adjacent to or in the immediate vicinity of airports (which have received federal funds) to activities and purposes compatible with normal airport operations. The TAM adopts the five (5) mile range (discussed above in the AC) in evaluating adjacent land uses. One of the concerns is the ocular impact (referred to as "Glint/Glare") of solar panels on aircraft use, especially as solar facilities are being incorporated into current airport operations. As discussed in the FAA Technical Guidance for Evaluating Selected Solar Technologies On Airports (Report No. FAA-ARP-TR-10-1), the primary concern is that light reflection (Glint/Glare) from solar facilities does not cause the temporary loss of vision to pilots on arrival or departure from airports, or to Air Traffic Control personnel in the control tower. This concern affects solar facilities located adjacent to or near the AOA (i.e., within the 5 miles range) or within the flight paths for the airport.

e. Solar Project Compliance. Because the Solar Project is not located within the 5 mile range of any AOA, and is not located beneath any flight paths, it will not create any Glint/Glare issues for any airport uses. In addition, the solar panels which will be used for the Solar Project have Anti-Reflective Coating ("ARC") surfaces to minimize reflection and maximize the absorption of light. Finally, the solar arrays will be mounted on solar trackers which are aligned in a north to south direction and which move with the sun to maximize absorption and minimize reflection. The Solar Project's compliance with Glint/Glare issues are more fully discussed and described in the following exhibits, all of which are attached hereto:

(i) SunPower E-Series Commercial Solar Panels [Exhibit "E-10"]. The Solar Panels for the Solar Project, which are constructed by SunPower Corporation, are described in this brochure, including their ARC characteristics.

(ii) Letter from Matt Campbell, Vice President, Power Plan Products, SunPower Corporation, dated June 8, 2017 [Exhibit "E-11"]. In his letter, Mr. Campbell opines that the use of the SunPower Solar Panels will not result in flight interference issues from Glint/Glare.

(iii) SunPower Product Awareness Notification #008.01.08 [Exhibit "12"]. Entitled "Possible Glare and Reflection in PV Systems", this report concludes that possible glare and reflection from photovoltaic systems are at safe levels, are usually decisively lower than other standard residential and commercial reflective services, and do not pose a hazard to air navigation.

(v) Glare Guage Glare Analysis Results [Exhibit "E-13"]. This Analysis contains the Glare/Glint analysis for the Solar Project on the Subject Property. This Analysis concludes that there will be no Glare/Glint effects generated by the Solar Project."

3. Section 7 of the Application is amended and supplemented by the addition of new Sections 7.6 through 7.16 to read as follows:

7.6 Coastal Zone Management Area. As set forth in HRS Chapter 205A (Part I), all lands in the State of Hawaii (including the Subject Property) are located in the CZMA and subject to the objectives and policies of the CZMP. HRS Section 205A-2 describes these objectives and policies, all of which seek to protect and preserve the following public resources; recreational resources; historic resources; scenic and open space resources; coastal ecosystems; economic uses; coastal hazards; managing development; public participation; beach protection; and marine resources.

7.7 Location Within CZMA.

a. The Subject Property is an approximately 196.33 acre parcel located within and surrounded by a larger 1,062.91 acre agricultural parcel referred to as the Master Lot. The Subject Property at its closest point (south/makai) is located approximately 1.14 miles from the shoreline, at an elevation of approximately 330 feet above mean sea level ("MSL"). The Subject Property rises in the northerly (mauka)

direction to an elevation of approximately 465 feet above MSL. At its mauka side, the Subject Property is located approximately 1.26 miles from the State's Forest Reserve Lands.

b. Lāwa'i Road, a County road, runs along the coastline to the south (makai) of the Subject Property and Master Lot. As a result, access to the shoreline to the south of the Subject Property is provided from Lāwa'i Road.

c. Koloa Road and Kaumuali'i Highway (both of which are State Highways) are located to the north (mauka) of the Subject Property. As a result, access to mountain areas and the Forest Reserve are provided from Kaumuali'i Highway.

d. The Subject Property was formerly licensed to third-parties for cattle pasture purposes. The areas of the Master Lot adjacent to the Subject Property are currently being licensed to third-parties for cattle pasture. Because of these ongoing agricultural activities, the Subject Property has not been made available for public, recreational uses.

e. Lāwa'i Stream is located at its closest point approximately 4,267 feet (.81 miles) to the west of the Subject Property. Lāwa'i Stream is a perennial stream that runs from the mountains through Lāwa'i Valley to the ocean.

7.8 Recreational Resources. There are no public recreational opportunities taking place on the Subject Property. The proposed Solar Project will have no impacts on the public's access rights to the Shoreline or Forest Reserve areas. The construction of the Solar Project will not overburden the use of, nor restrict access to, the Shoreline or the Forest Reserve areas.

7.9 Historic Resources. As discussed in Section 6.2 and Section 14, the proposed Solar Project will not have any significant impacts on the Historic Sites in the vicinity, or on any other known historic, cultural or archaeological resources located on or near the Subject Property. The Applicant will continue to protect and preserve the Historic Sites identified in the AIS. As discussed in Section 14 and in the Cultural Assessment Report ("CAR"); there are no known traditional or customary practices of native Hawaiians (including gathering or religious practices) presently occurring on the Subject Property; there are no pre-contact cultural or historic sites or resources located on the Subject Property; and there are no known native Hawaiian burials on the Subject

Property. In addition, the Solar Project will not detrimentally affect access to streams, to the shoreline, or to mountain areas.

7.10 Scenic and Open Space Resources. As discussed in Section 3.5 and Section 6.12, the proposed Solar Project will have only minor impacts on the scenic and open space resources on and around the Subject Property. The Solar Project will be compatible with and blend into the surrounding area. The Solar Project will not interfere with any views to or along the Shoreline. The Applicant will use additional landscaping, if necessary, to provide reasonable mitigation to the visual impacts the Solar Project may have on the scenic quality of the Subject Property and on views from surrounding areas.

7.11 Coastal Ecosystems. The Subject Property is not located near or along the Shoreline and is not part of the coastal ecosystem of this area. The proposed Solar Project will have no impact on the coastal ecosystem. The Solar Project will be constructed and maintained so that any erosion or increased runoff will be maintained on site, and will not be allowed to enter into the Shoreline, the ocean, the Lāwa'i Stream, or any drainageways leading to the ocean. No aspect of the Solar Project will endanger the coastal ecosystem or have any negative impacts on it.

7.12 Economic Uses. As discussed in Section 6.9, the Solar Project will create short term economic benefits associated with the construction of the Solar Project and long-term economic benefits associated with maintenance and operational activities on the Subject Property. The proposed Solar Project will not have any negative impacts on the economy. As discussed in Section 3.9, the Solar Project will: provide an estimated 11% of Kauai's electric demand; reduce Kauai's dependency on fossil fuels; resulting cost savings for KIUC's customers; and provide benefits to human health and the environment through the use of an alternative "green energy" source.

7.13 Coastal Hazards. The Subject Property is not located near or along the Shoreline and will not be subject to any coastal hazards. As discussed in Section 4.2e., the Subject Property is located in Flood Zone X and will not be exposed to flooding. As discussed in Section 6.4, the proposed Solar Project will have no contributory impact on flooding on or around the Subject Property. Any additional surface water flows caused by the Solar Project will be maintained on site.

7.14 Managing Development/Public Participation. As discussed in Section 3.8, Section 10.2, and Section 12, the Solar Project and other proposed activities on the Subject Property are complimentary to, and

consistent with, present and future coastal zone development in this area of Kauai.

7.15 Beach Protection/Marine Resources. The Subject Property is not located near or along the Shoreline. The Solar Project will have no impact on any shoreline or beach areas, or any open space areas along the Shoreline. The Solar Project will not involve any development within the beach or coastal area which would have any negative impact on marine or coastal resources. The Applicant is not aware of any existing fishponds, seawalls or revetments in the vicinity of the Subject Property.

7.16 Impacts Within CZMA. The Solar Project on the Subject Property will have no negative impact on the CZMA and will be consistent with and non-violative of the objectives and policies of the CZMP in the following respects:

a. The Solar Project will be compatible with existing uses in areas on or around the Subject Property.

b. The Solar Project will not negatively impact scenic or open space resources within the CZMA.

c. The Solar Project will not increase runoff or otherwise endanger the coastal ecosystem.

d. The Solar Project on the Subject Property will not be located in a coastal hazard area.

e. The Solar Project will have no detrimental impact on recreational, historic, or economic resources.

f. The Solar Project will not have detrimental impacts on beach or marine resources.

g. Approval of the Solar Project will not result in the foreclosure of future management options for development in the area.

h. The design, siting, and landscaping of the Solar Project as proposed will ensure that the proposed Solar Project will recognize, preserve, maintain and contribute to the characteristics of the surrounding lands. In particular, the Solar Project will be compatible with, and will protect, the unique natural forms of, biologic systems contained within, and aesthetic characteristic of, the CZMA."

4. Section 16 of the Application is amended and supplemented to read as follows:

"SECTION 16. CONCLUSION.

The Applicant respectfully requests that the Planning Commission:

1. Find that the Solar Project complies with standards for Use Permits contained in CZO Section 8-20.5(a).
2. Find that the Solar Project meets the requirements contained in HRS Section 205-6 and HAR Section 15-15-95 for SLUC Special Permits.
3. Find that the Solar Project is consistent with uses in the SLUC Agricultural District, the Kauai General Plan, the Koloa-Poipu-Kalaheo Community Development Plan, and the CZO.
4. Find that the Solar Project is in compliance with the provisions of HRS Chapter 6E and Title 13, Subtitle 13, Chapter 284 of the Hawaii Administrative Rules.
5. Find that the Solar Project is consistent with the provisions of HRS Sections 1-1 and 7-1 and Article 12, Section 7 of the Hawaii State Constitution and will have no negative impacts on any traditional or customary practices of native Hawaiians.
6. Find that the Solar Project is consistent with the objectives and policies governing uses in the Coastal Zone Management Area as set forth in HRS Chapter 205A (Part I).
7. Approve the issuance of a Use Permit for the Solar Project on the Subject Property as described herein, subject to such reasonable conditions as the Planning Commission shall impose.
8. Approve the issuance of a Class IV Zoning Permit for the Solar Project on the Subject Property.
9. Recommend approval of a Special Permit for the Solar Project."

5. The Application is amended and supplemented by the addition of Exhibit "E-10", Exhibit "E-11", Exhibit "E-12", and Exhibit "E-13", all of which are attached hereto and incorporated herein.

DATED: Lihue, Kauai, Hawaii, _____.

BELLES GRAHAM PROUDFOOT
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By _____
MAX W. J. GRAHAM, JR.
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AES LAWA'I SOLAR, LLC,
a Delaware limited liability company

In The Matter Of The Application Of AES LAWA'I SOLAR, LLC, a Delaware limited liability company, for a Use Permit, a Class IV Zoning Permit, and a Special Permit for real property situated at Kōloa and Lāwa'i, Kona, Kaua'i, Hawai'i, identified by Kaua'i Tax Map Key No. (4) 2-6-003:001 (por.); *SUPPLEMENT TO APPLICATION; EXHIBITS "E-10" THROUGH "E-13" (LĀWA'I SOLAR PROJECT)*