

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of
HALEKUA DEVELOPMENT
CORPORATION, a Hawaii corporation

DOCKET NO. A92-683

To Amend the Agricultural Land Use District
Boundary into the Urban Land Use District for
Approximately 503.886 Acres at Waikele and
Ho'ae'ae, 'Ewa, O'ahu, City and County of
Honolulu, State of Hawai'i, Tax Map Key No.
9-4-02: 1, portion of 52, 70 and 71

AFFIDAVIT OF DEREK B. SIMON

STATE OF HAWAII)
)
CITY AND COUNTY OF HONOLULU) ss.

DEREK B. SIMON, being first sworn on oath, deposes and says that:

1. I am an attorney at the firm of Carlsmith Ball LLP, located at 1001 Bishop Street, Suite 2100, American Savings Tower, Honolulu, Hawai'i, 96813, am duly admitted to practice law in the State of Hawai'i and am one of the attorneys for Successor Petitioner Ho'ohana Solar 1, LLC in the above-referenced Docket (hereinafter referred to as "**Ho'ohana**").
2. I have personal knowledge of the matters set forth herein and am qualified and competent to make this affidavit.
3. Attached hereto as Petitioner's Exhibit 1 is a true and correct copy of a graphic prepared by Group 70 International, Inc., dba G70 ("**G70**"), showing the Tax Map Key ("**TMK**") Nos. comprising the Petition Area, including TMK No.: (1) 9-4-002:052 ("**Parcel 52**"), and the State Land Use Districts of the Petition Area and surrounding properties.
4. Attached hereto as Petitioner's Exhibit 2 is a true and correct copy of a Fee Owner's Letter of Authorization executed by Robinson Kunia Land LLC, as fee owner of Parcel 52.

5. Attached hereto as Petitioner's Exhibit 3 is a true and correct copy of a graphic prepared by G70 showing the current City and County of Honolulu zoning designation for Parcel 52.
6. Attached hereto as Petitioner's Exhibit 4 is a true and correct copy of a graphic prepared by G70 showing the current City and County of Honolulu Central Oahu Sustainable Communities Plan designations for Parcel 52.
7. Attached hereto as Petitioner's Exhibit 5 is a true and correct copy of the Site Plan prepared by G70 for Ho'ohana's proposed solar project on Parcel 52.
8. Attached hereto as Petitioner's Exhibit 6 is a true and correct copy of an email dated March 11, 2015, from Ho'ohana's prior project manager to Aaron Nadig, Island Team Manager at the United States Fish and Wildlife Service.
9. Attached hereto as Petitioner's Exhibit 7 is a true and correct copy of *An Archaeological Inventory Survey Report for the Ho'ohana Solar Farm Project in Kunia, Waikele Ahupua'a, 'Ewa District, Island of O'ahu, Hawai'i [TMK: (1) 9-4-002:052]* ("**AIS**"), prepared by Scientific Consultant Services, Inc.
10. Attached hereto as Petitioner's Exhibit 8 is a true and correct copy of a State of Hawai'i Department of Land and Natural Resources, State Historic Preservation Division letter dated February 19, 2015, approving the AIS.
11. Attached hereto as Petitioner's Exhibit 9 is a true and correct copy of a graphic prepared by G70 showing the distances from Parcel 52 to the Daniel K. Inouye International Airport and Kalaeloa Airport.
12. Attached hereto as Petitioner's Exhibit 10 is a true and correct copy of the *Construction Traffic Assessment for the Proposed Hoohana Solar Farm (Oahu, HI)*, dated June 8, 2020, prepared by Fehr & Peers.
13. Attached hereto as Petitioner's Exhibit 11 is a true and correct copy of a view study, dated May 15, 2020, prepared by G70 for the proposed Ho'ohana solar project.
14. Attached hereto as Petitioner's Exhibit 12 is a true and correct copy of the *Cultural Impact Assessment of Ho'ohana Solar Energy Facility, Waikele and Hō'ae'ae Ahupua'a, Ewa District, O'ahu, Island of Hawai'i*, dated July 2020, prepared by TCP Hawai'i, LLC.
15. Attached hereto as Petitioner's Exhibit 13 is a true and correct copy of the *Natural*

Resources Survey for the Ho'ohana Solar Farm Site in Kunia, O'ahu, dated September 24, 2014, prepared by AECOS, Inc.

16. Attached hereto as Petitioner's Exhibit 14 is a true and correct copy of Act 97 (2015) of the Hawai'i State Legislature, obtained by my office.

I make this affidavit under Hawai'i Administrative Rules, § 15-15-70(c).

Further affiant sayeth naught.

DATED: August 17, 2020.



DEREK B. SIMON

The attached document:

Affidavit of Derek B. Simon, dated this ____ day of August 14, 2020,

which consists of _____ (31) pages (including this page), was (not including exhibits)

executed by Derek B. Simon who was subscribed and sworn to before me this 14 day of August, 2020 in the First Judicial Circuit of the State of Hawai'i.



[Notary Signature]



Printed Name:

VIMI WELLS-KRAUSE

My commission expires: SEP - 5 2022