

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

**In the Matter of the Petition of**

**TOM GENTRY AND GENTRY-PACIFIC,  
LTD**

To Amend the Agricultural Land Use District Boundary into the Urban Land Use District for Approximately 1,395 Acres at Waiawa, 'Ewa, O'ahu, State of Hawai'i, Tax Map Key Nos.: 9-4-06: Portion of 26; 9-6-04: Portion of 1 and Portion of 16; and 9-6-05: Portion of 1, Portion of 7 and Portion of 14

DOCKET NO. A87-610

AFFIDAVIT OF DEREK B. SIMON

**AFFIDAVIT OF DEREK B. SIMON**

STATE OF HAWAI'I

)

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 Bank 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 LANCE KEAWE WILHELM, ROBERT K.W.H. NOBRIGA, ELLIOT K. MILLS, and CRYSTAL KAUILANI ROSE, as TRUSTEES OF THE ESTATE OF BERNICE PAUAHI BISHOP, dba KAMEHAMEHA SCHOOLS in the above-referenced Docket (hereinafter referred to as "KS").

2. I have personal knowledge of the matters set forth herein and am qualified and competent to make this affidavit.

3. Attached hereto as **KS Exhibit 1** is a true and correct copy of a graphic showing the Tax Map Key parcels comprising the Petition Area and the State Land Use Districts of the

Petition Area and surrounding lands, which was prepared by Group 70 International, Inc. (“G70”) and provided to my office by Waiawa Phase 2 Solar, LLC (“WP2S”).

4. Attached hereto as **KS Exhibit 2** is a true and correct copy of a Conceptual Site Plan Map for the solar farm proposed within a portion of the Petition Area, which was prepared by G70 and provided to my office by WP2S.

5. Attached hereto as **KS Exhibit 3** is a true and correct copy of a graphic depicting the City and County of Honolulu zoning district designations for the Petition Area, which was prepared by G70 and provided to my office by WP2S.

6. Attached hereto as **KS Exhibit 4** is a true and correct copy of a graphic depicting the City and County of Honolulu Central O‘ahu Sustainable Communities Plan designations for the Petition Area, which was provided to my office by WP2S.

7. Attached hereto as **KS Exhibit 5** is a true and correct copy of the *Mobility Assessment for the Proposed Waiawa Phase 2 Solar Plus Storage Project (Oahu, HI)*, dated August 11, 2021, which was prepared by Fehr & Peers and provided to my office by WP2S.

8. Attached hereto as **KS Exhibit 6** is a true and correct copy of the *Waiawa Phase 2 Solar + Storage Project Visual Simulations*, dated August 2021, prepared by Tetra Tech, Inc. (“Tetra Tech”) and provided to my office by WP2S.

9. Attached hereto as **KS Exhibit 7** is a true and correct copy of the *Glare Analysis Report for the Waiawa Phase 2 Solar Plus Storage Project*, dated August 2021, prepared by Tetra Tech and provided to my office by WP2S.

10. Attached hereto as **Exhibit 8** is a true and correct copy of a letter dated April 24, 2015, from the State of Hawai‘i Department of Land and Natural Resources, State Historic Preservation Division (“SHPD”) to TCP Hawai‘i LLC (“TCP”), accepting the *Archaeological*

*Inventory Survey of 1,395 Acres of Kamehameha Schools' Land in Waiawa and Waipi'o Ahupua'a, 'Ewa District, O'ahu Island, Hawai'i, dated September 2014 and prepared by TCP.*

11. Attached hereto as **Exhibit 9** is a true and correct copy of a letter dated September 14, 2015, from SHPD to TCP, accepting the *Archaeological Preservation Plan State Site No. 50-80-09-2273 Features 14 (Portion), 19, 22 & 23 (Portion) Kamehameha Schools' Land in Waiawa Ahupua'a, 'Ewa District, O'ahu Island, Hawai'i TMK (1) 9-6-004:024 (Portion)*, dated May 2015 and prepared by TCP.

12. Attached hereto as **KS Exhibit 10** is a true and correct copy of the *Waiawa Phase 2 Solar + Storage Project Biological Resources Survey Report*, dated August 2021, prepared by Tetra Tech and provided to my office by WP2S.

13. Attached hereto as **KS Exhibit 11** is a true and correct copy of Act 97 (2015) of the Hawai'i State Legislature, which was obtained by my office from the Legislature's website.

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

Further affiant sayeth naught.

DATED: December 10, 2021.



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DEREK B. SIMON

The attached document:  
Affidavit of Derek B. Simon,  
dated this 10<sup>th</sup> day of December, 2021,  
which consists of four  
( 4 ) pages (including this page), was  
executed by Derek B. Simon who was  
subscribed and sworn to before me  
this 10<sup>th</sup> day of December, 2021 in the First  
Judicial Circuit of the State of Hawai'i.



\_\_\_\_\_  
[Notary Signature]

Printed Emi Akutsu  
Name: \_\_\_\_\_

My commission expires: DEC 11 2024

