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Attorney for Successor Petitioner  
**KAMEHAMEHA SCHOOLS**

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

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

TRUSTEES OF THE ESTATE OF BERNICE  
PAUHI BISHOP, DBA KAMEHAMEHA  
SCHOOLS' THIRD LIST OF EXHIBITS;  
DECLARATION OF DEREK B. SIMON;  
EXHIBITS 48 - 57; CERTIFICATE OF  
SERVICE

**TRUSTEES OF THE ESTATE OF BERNICE PAUHI BISHOP,  
DBA KAMEHAMEHA SCHOOLS' THIRD LIST OF EXHIBITS**

Successor Petitioner LANCE KEAWE WILHELM, ELLIOT K. MILLS, ROBERT K.W.H. NOBRIGA, CRYSTAL KAUILANI ROSE and JENNIFER NOELANI GOODYEAR-KA'ŌPUA, as TRUSTEES OF THE ESTATE OF BERNICE PAUHI BISHOP, dba KAMEHAMEHA SCHOOLS ("KS"), by and through its legal counsel, hereby respectfully submits to the Land Use Commission of the State of Hawai'i its *Third List of Exhibits* and Exhibits 48-57 in support of its *Motion for Modification, Time Extension, and Release and Modification of Conditions*, filed December 10, 2021.

KS reserves the right to amend its list of exhibits and identify additional exhibits not expressly noted herein in response to any pleadings, arguments, exhibits or witnesses identified by any party.

DATED: Honolulu, Hawai'i, May 2, 2022.

*/s/ Derek B. Simon*

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JENNIFER A. LIM  
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DEREK B. SIMON

Attorneys for Successor Petitioner  
KAMEHAMEHA SCHOOLS

**LAND USE COMMISSION DOCKET NO. A87-610**  
**SUCCESSOR PETITIONER KAMEHAMEHA SCHOOLS' THIRD LIST OF EXHIBITS**

KS EX. NO.	DESCRIPTION	PARTY OBJECTIONS	ADMIT
Kamehameha Schools (“ <b>KS</b> ”) Exhibits 1-12 were filed with the State of Hawai‘i Land Use Commission (“ <b>Commission</b> ”) on December 10, 2021, with the Motion for Modification, Time Extension, and Release and Modification of Conditions.			
1.	Graphic showing the Tax Map Key parcels comprising the 1,395-acre Petition Area in Docket No. A87-610 and the State Land Use Districts of the Petition Area		
2.	Conceptual Site Plan Map for the solar farm proposed within a portion of the Petition Area dated August 5, 2021		
3.	Graphic showing City and County of Honolulu zoning districts of the Petition Area, dated August 5, 2021		
4.	Graphic showing Central O‘ahu Sustainable Communities Plan Map A-2: Urban Land Use, showing designations within the Petition Area, Source City & County of Honolulu, 2021		
5.	Mobility Assessment for the Proposed Waiawa Phase 2 Solar Plus Storage Project (Oahu, HI), dated August 11, 2021, by Fehr & Peers		
6.	Waiawa Phase 2 Solar + Storage Project Visual Simulations, dated August 2021, by Tetra Tech, Inc.		
7.	Glare Analysis Report for the Waiawa Phase 2 Solar Plus Storage Project, dated August 2021, by Tetra Tech		
8.	State Historic Preservation Division letter dated April 24, 2015 accepting 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, prepared by TCP Hawai'i LLC		
9.	State Historic Preservation Division letter dated September 14, 2015, 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, prepared by TCP Hawai'i LLC		
10.	Waiawa Phase 2 Solar + Storage Project Biological Resources Survey Report, dated August 2021, by Tetra Tech		
11.	Act 97 (2015) of the Hawai'i State Legislature		
12.	KS Motion to Amend Service of Process Checklist, dated December 10, 2021		
KS Exhibits 13-41 were filed with the Commission on February 25, 2022, with KS' First List of Exhibits.			
13.	Updated Conceptual Site Plan		
14.	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 (2015), prepared by TCP Hawai'i LLC		
15.	Letter from City & County of Honolulu Department of Planning & Permitting to KS, dated April 29, 2014		
16.	Resume of Nicholas J. Molinari		
17.	Resume of Lisa S. Kettley		
18.	Resume of Jason Alapaki Jeremiah		

19.	Resume of Christopher M. Monahan		
20.	Resume of Shane Peters		
21.	Resume of Sohrab Rashid		
22.	Resume of Sam Ley		
23.	Resume of Paul T. Matsuda		
24.	Resume of Maya Lani LeGrande		
25.	Resume of Thomas Snetsinger		
26.	Written Direct Testimony of Dana K. N. Sato, dated February 24, 2022		
27.	Written Direct Testimony of Nicholas Molinari, dated February 25, 2022		
28.	Written Direct Testimony of Lisa S. Kettlely, dated February 25, 2022		
29.	Written Direct Testimony of Jason A. Jeremiah, dated February 25, 2022		
30.	Written Direct Testimony of Christopher M. Monahan, dated February 24, 2022		
31.	Written Direct Testimony of Sohrab Rashid, dated February 23, 2022		
32.	Community Outreach Report prepared by Peters Communications, dated October 15, 2021		
33.	Supplemental Community Outreach Report prepared by Peters Communications, dated February 22, 2022		
34.	Petitioner's Proposed Order Granting Petitioner's Motion for Modification, Time Extension, and Release and Modification of Conditions		

35.	Letter Memo – Completion of Installation/Marking Temporary (Construction) Preservation Buffer around SIHP # 50-80-09-2273, Features 14 (por.) & 19 in Support of Waiawa 2 Solar Project, from TCP Hawai‘i, LLC to Tetra Tech, Inc., dated November 15, 2021		
36.	Excerpt from Table 21-3 (Master Use Table), Chapter 21 of the Revised Ordinances of Honolulu		
37.	Waiawa Master Plan Exhibit 1 (Waiawa Master Planning Area and Potential State Land Use Districts Boundary Amendment Area), dated October 4, 2019		
38.	Waiawa Master Plan Exhibit 3 (Conceptual Land Use Plan Phase A and B (TOD Increment) w/ Solar), dated October 4, 2019		
39.	2021 Kamehameha Schools Annual Report		
40.	File-stamped Stipulated Proposed Conditions of Approval, dated and filed February 25, 2022		
41.	Preliminary Civil Engineering Considerations, prepared by Group 70 International, Inc., dated August 2021		
KS Exhibits 42-47 were filed with the Commission on April 7, 2022, with KS’ Second List of Exhibits.			
42.	Kamehameha Schools Revised Master Plan and Schedule for Development with Exhibits 1-3, filed with the Commission on October 7, 2019		
43.	Waiawa, A Community for a Better Tomorrow, Land Use Commission Update (PowerPoint), filed with the Commission on January 9, 2020		
44.	Honolulu Star-Advertiser article entitled “Waiawa landowner seeks to expand plans; A Kamehameha Schools project looks to develop 11,000 homes and cost \$4B”, Andrew Gomes, dated January 10, 2020		

45.	Honolulu Star-Advertiser editorial entitled “Waiawa hopes high for housing, energy”, dated January 15, 2020		
46.	Master Plan Gantt Chart, April 2022 (updated April 7, 2022)		
47.	Synergy Between Solar & Master Plan Development at Waiawa (PowerPoint), April 2022		
KS Exhibits 48-57 are filed with this Third List of Exhibits.			
48.	Findings of Fact, Conclusions of Law and Decision and Order, filed in Docket No. A87-670 on May 17, 1988		
49.	Order Granting Motion to Amend Condition No. 6 of the Decision and Order Dated May 17, 1988, dated November 30, 1990, filed in Docket No. A87-670		
50.	Act 261 of the Hawai‘i State Legislature (1990)		
51.	Act 187 of the Hawaii State Legislature (1972)		
52.	Senate Standing Committee Report 803-72, 1972 Senate Journal		
53.	Excerpts of the City and County of Honolulu 2021 Central O‘ahu Sustainable Communities Plan		
54.	Aerial photographs of the Phase 2 Solar project and gen-tie line taken on April 15, 2022		
55.	Copies of Hawai‘i Administrative Rules §§ 11-200.1-11 and 11-200.1-12		
56.	Excerpts of Version 2.0 Rationale, Final Proposed Hawaii Administrative Rules, Title 11, Chapter 200.1, Environmental Impact Statement Rules, prepared by the State of Hawaii Environmental Council		

57.	Timelines of Certain Environmental Assessments and Environmental Impact Statements and excerpts from <i>The Environmental Notice</i>		
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of 7 and Portion of 14

DOCKET NO. A87-610

DECLARATION OF DEREK B. SIMON

**DECLARATION OF DEREK B. SIMON**

I, DEREK B. SIMON, declare under penalty of law as follows:

1. I am an attorney with Carlsmith Ball LLP, co-counsel 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 (“KS”), in Land Use Commission (“**Commission**”) Docket No. A87-610.

2. Attached hereto as **Exhibit 48** is a true and correct copy of the Findings of Fact, Conclusions of Law and Decision and Order, filed in Docket No. A87-670 on May 17, 1988, obtained from the Commission's website on April 28, 2022.

3. Attached hereto as **Exhibit 49** is a true and correct copy the Order Granting Motion to Amend Condition No. 6 of the Decision and Order Dated May 17, 1988, filed in Docket No. A87-670 on November 30, 1990, obtained from the Commission's website on April 28, 2022.

4. Attached hereto as **Exhibit 50** is a true and correct copy of Act 261 (1990) obtained from the 1990 Hawaii Sessions Laws.
5. Attached hereto as **Exhibit 51** is a true and correct copy of the 1972 Haw. Sess. Laws Act 187 § 2, obtained from the 1972 Hawaii Sessions Laws.
6. Attached hereto as **Exhibit 52** is a true and correct copy of S. Stand. Comm. Rep. 803-72, in 1972 S. Journal, pages 1084-1085, obtained from the 1972 Senate Journal.
7. Attached hereto as **Exhibit 53** is a true and correct copy of relevant excerpts from the Central Oahu Sustainable Communities Plan, obtained from [https://www.honolulu.gov/rep/site/dpp/pd/pd\\_docs/CentralOahuSCP\\_2021.pdf](https://www.honolulu.gov/rep/site/dpp/pd/pd_docs/CentralOahuSCP_2021.pdf), on April 28, 2022.
8. Attached hereto as **Exhibit 54** is a true and correct copy of aerial photographs of the Clearway solar project taken by Clearway representatives on or about April 15, 2022.
9. Attached hereto as **Exhibit 55** is a true and correct copy of excerpts from Hawai'i Administrative Rules §§ 11-200.1-11 and 11-200.1-12, obtained from the Environmental Review Program's ("**ERP**") website on April 28, 2022.
10. Attached hereto as **Exhibit 56** is a true and correct copy of excerpts from Version 2.0 Rationale, Final Proposed Hawaii Administrative Rules, Title 11, Chapter 200.1, Environmental Impact Statement Rules, prepared by the State of Hawaii Environmental Council, obtained from the ERP website on April 28, 2022.
11. Attached hereto as **Exhibit 57** is a true and correct copy of the Timelines of Certain Environmental Assessments and Environmental Impact Statements, generated by KS counsel from publicly available information on the ERP website, and excerpts from *The Environmental Notice*, obtained from the ERP website on April 28, 2022.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Honolulu, Hawai'i, May 2, 2022.

*/s/ Derek B. Simon*

DEREK B. SIMON

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DOCKET NO. A87-610

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that a filed copy of the foregoing document was served upon the  
following by depositing the same in the U.S. Postal Service, postage prepaid.

Mary Alice Evans, Director  
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DATED: Honolulu, Hawai‘i, May 2, 2022.

*/s/ Derek B. Simon*

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JENNIFER A. LIM  
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