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March 20, 2023

Mr. Daniel W. Lum
Senior Manager of Development
Haseko Royal Kunia LLC
91-1001 Kaimalie Street Suite 205
Ewa Beach, HI 96706

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LAND USE COMMISSION
STATE OF HAWAII

Dear Mr. Lum:

**Subject: LUC Docket No. A92-683
Amendment to the Memorandum of Understanding
Royal Kunia Agricultural Park, Oahu, Hawaii**

The Hawaii Department Agriculture, Agricultural Resource Management Division (HDOA) reviewed the Haseko Royal Kunia, LLC (Haseko) Annual Status Report to the State of Hawaii Land Use Commission (LUC). The HDOA notes Item 19, which states that Haseko intends to fully comply with the conditions of the revised LUC Order as amended on September 29, 2021.

The HDOA also acknowledges your submission to us dated December 2, 2021. Although our stance has been provided informally, we would like to take this opportunity to specifically respond to a few items.

1. Your cover letter states that "the permanent infrastructure (and not the Interim Infrastructure) will be utilized to provide the appropriate utility connections to the boundary of the Ag Park." The LUC Order requires construction of infrastructure by June 30, 2023. The HDOA is amenable to the construction of either the Interim or Permanent infrastructure, provided that infrastructure construction is completed by the June 30, 2023 deadline.
2. The HDOA received the Memorandum of Understanding (MOU) Regarding Irrigation Facilities, which divides responsibilities for construction of the irrigation infrastructure between Robinson Kunia Land LLC, Hoohana Solar 1, LLC, and Haseko Royal Kunia, LLC. The HDOA does not need to be a party to this MOU for Irrigation Facilities. Please also note that Exhibits C, D, and E were missing from this document.



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3. The HDOA also received the redlined version of the Fifth Amendment to Amendment and Restatement of Memorandum of Understanding (Fifth MOU). It is our understanding the Haseko and Hoohana Solar 1, LLC (Hoohana) wanted to complete their MOU for irrigation infrastructure, prior to Haseko entering the Fifth MOU with HDOA. Since the (Irrigation) MOU has not yet been finalized, we are bringing the following items to your advanced attention regarding the redlined version of the Fifth MOU. These items change the LUC Order requirements.
 - a. Item E.
 - i. The HDOA disagrees with proposed changes that delay completed construction of infrastructure past June 30, 2023.
 - ii. HDOA disagrees that the Irrigation Infrastructure and any associated water commitment is excluded from Haseko's obligation.
 - b. Item M is not limited to Hoohana.

Thank you for your attention to this matter. If you have any questions regarding this letter, please contact Ms. Janice Fujimoto of my staff at 808-973-9473.

Sincerely,



BRIAN KAU, P.E.
Administrator and Chief Engineer
Agricultural Resource Management Division

C:

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