

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A92-683
	)	
HALEKUA DEVELOPMENT	)	DECLARATION OF PETER D. KWAN
CORPORATION, a Hawai'i corporation)	)	
	)	
To Amend the Agricultural Land Use	)	
District Boundary into the Urban	)	
Land Use District For Approximately	)	
503.886 acres at Waikele and Hō'ae'ae,	)	
'Ewa, O'ahu, City and County of	)	
Honolulu, State of Hawai'i, Tax Map	)	
Key No. 9-4-02: 01, portion of 52, 70 and	)	
71	)	
_____	)	

DECLARATION OF PETER D. KWAN

PETER D. KWAN states as follows:

1. I am over 18 years of age, and I am Vice President of Haseko Construction Management Group, Inc. I have personal knowledge of the matters set forth in this Declaration, and, if called upon to testify, I could and would competently testify thereto.
2. The permit sets for Road Y Phase 1, Road X Phase 1 and Road 3 have been submitted to DPP for permit review. The plans for Road X Phase 2 have been submitted to DPP for permit review. Tentative subdivision approval for Road Y Phase 1 has been obtained. The subdivision map for Road X Phase 1 and Road 3 has been

submitted to DPP for review. The subdivision map for Road X Phase 2 is near completion and will be submitted to DPP for review shortly.

3. On April 17, 2023, Haseko met with the Department of Agriculture, State of Hawai‘i (“DOA”) to discuss the Irrigation Line Plans and Utility Services Plans.

4. On April 27, 2023, Haseko transmitted the proposed Fifth Amendment to Amendment and Restatement of Memorandum of Understanding (“5<sup>th</sup> Am MOU”). Within the proposed 5<sup>th</sup> Am MOU was a proposed extension of the Agricultural Park’s Permanent Infrastructure, not including the Irrigation Infrastructure, to September 30, 2028.

5. On May 19, 2023, Haseko reached out to DOA to see if the DOA had any questions regarding the draft 5<sup>th</sup> Am MOU, and to inform DOA that Haseko Royal Kunia, LLC and Ho‘Ohana Solar 1, LLC had jointly let out a bid for the “Irrigation Line for the Royal Kunia Agricultural Park project”, with a bid due date of June 9, 2023.

6. On July 24, 2023, Haseko informed the DOA that the selected contractor, Paradigm Construction, LLC, mobilized and started installing the 12” section of the Irrigation Line for the Agricultural Park.

7. On November 6, 2023, Haseko provided DOA with an update of the Project, including the agreement with Robinson Kunia Land, LLC regarding onsite and offsite agreements and easements; agreements with Ho‘Ohana Solar 1, LLC; the ongoing construction of the offsite Irrigation Line for the Agricultural Park; the status of

the TIAR's; discussions with Jupiter regarding infrastructure; coordinating system upgrade planning with BWS; negotiating a MOU with DOT; obtaining an approved Jurisdictional Determination letter from the Army Corps of Engineers, the filing of reports with the State Historical Preservation Division, and the planning of major onsite roadways.

8. On November 27, 2023, the Office of Planning and Sustainable Development ("OPSD") coordinated a meeting between OPSD, DOA and Haseko to discuss the Project status and a time extension for the Agricultural Park Offsite Infrastructure. The DOA informed Haseko at this meeting that it needed Temporary Infrastructure consisting of functional electrical power and potable water for agricultural use only at the Agricultural Park by the end of 2025.

9. After the November 27, 2023 Zoom meeting, Haseko worked on identifying an alignment and determining the feasibility of providing electrical power and potable water ("Temporary Infrastructure") by the end of 2025 to meet the DOA's immediate needs for the Agricultural Park.

10. On November 30, 2023, Haseko requested the potable water volume and electrical power load required for the Temporary Infrastructure, and on December 1, 2023, the DOA provided the gallons per day of potable water and electrical power load needed by the Agricultural Park for both the initial agricultural use, and also for the long term full build out inclusive of its residential component.

11. On December 12, 2023, the DOA and Haseko held a Zoom meeting to discuss multiple deadlines for the different portions comprising the offsite infrastructure for the Agricultural Park. Haseko proposed completing the offsite irrigation line and pump station by the end of August 2024 (“Irrigation Infrastructure”); the electrical power and potable water for agricultural use by the end of 2025 (“Temporary Infrastructure”); and roadway access, and permanent utilities infrastructure by September 30, 2028 (“Permanent Infrastructure”). The DOA indicated its acceptance of the deadlines subject to negotiating and executing the 5<sup>th</sup> Am MOU.

12. On December 19, 2023, Haseko sent a revised draft 5<sup>th</sup> Am MOU to reflect the deadlines that were agreed to in the December 12, 2023 Zoom meeting with the DOA.

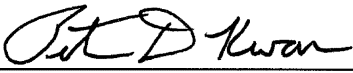
13. On December 28, 2023, the DOA sent to Haseko the draft 5<sup>th</sup> Am MOU with the DOA’s revisions.

14. On January 5, 2024, Haseko accepted all of the DOA’s revisions and transmitted the final version of the 5<sup>th</sup> Am MOU, signed by Haseko, to the DOA.

15. On January 10, 2024, the DOA returned the fully executed 5<sup>th</sup> Am MOU to Haseko.

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

Executed this 9<sup>th</sup> day of February 2024.

  
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PETER D. KWAN