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MEETING OF THE PLANNING COMMISSION

MINUTES

WEDNESDAY, July 10, 2024

The Planning Commission held a meeting on Wednesday, July 10, 2024, 1:30 p.m. In-person and remote meeting at Fasi Municipal Building, 6th Floor Conference Room, 650 South King Street, Honolulu Hawaii. Vice Chair Kamo presided.

COMMISSIONERS PRESENT: Ryan Kamo, Vice Chair
Hilarie Alomar, Member
Kai Nani Kraut, Member
Melissa May, Member
Joy Kimura, Member

COMMISSIONERS EXCUSED: Pane Meatoga III, Chair
[prior notice given]
Nathaniel Kinney, Member
[prior notice given]

DEPUTY CORPORATION COUNSEL: Rozelle A. Agag
(Advistor to the Commission)

P R O C E E D I N G

1
2
3 22 "Vice Chair Kamo" (2576487424)

4 00:08:37.579 --> 00:09:03.409

5 Okay. Aloha everyone and welcome fellow Commission members
6 to the July 10th, 2024 meeting of the planning commission.
7 For our listeners and for the record, I am Vice Chair of
8 Ryan Kamo. The following members are physically present
9 here in the 6th floor Conference Room, Fasi Municipal
10 Building,

11
12 23 "DIT SX80 - Conference Center" (2576487424)

13 00:09:03.409 --> 00:09:24.919

14 and it is just myself. Joining us remotely, we have
15 Commissioner Alomar, Commissioner Kai Nani Kraut,
16 Commissioner Melissa May and Commissioner Elena Bryant. Just
17 a reminder per Sunshine Law, we require all board members
18 participating remotely to be visible and

19
20 24 "DIT SX80 - Conference Center" (2576487424)

21 00:09:24.919 --> 00:09:44.249

22 audio recorded at all times during the meeting. Also here
23 today is Planning Commission and DIT staff to manage and
24 support the Webex audio-visual platform. Joining us today is
25 also Commission attorney deputy corporation council, Rozelle

1 Agag.

2

3 Council Agag: Good afternoon, Chair and Commissioners.

4

5 25 "Vice Chair Kamo" (2576487424)

6 00:09:44.249 --> 00:10:03.329

7 Thank you. A couple of housekeeping items. For those
8 present in the Conference Room, bathrooms are located on the
9 ground floor next to the elevators; at 3:30 p.m. King Street
10 becomes a tow away zone, and we have this conference room
11 until 04:00 p.m.. At this point in time, I'd like to
12 officially open the public hearing.

13

14 26 "DIT SX80 - Conference Center" (2576487424)

15 00:10:03.329 --> 00:10:22.289

16 And for the record, it is now 01:39 p.m. A reminder for us
17 Commissioners, we do need to identify ourselves first before
18 we speak and or make any motions. And this meeting is being
19 audio and visually recorded, which will be posted at a later
20 day.

21

22 27 "DIT SX80 - Conference Center" (2576487424)

23 00:10:22.289 --> 00:10:47.095

24 With that said, the first item on the agenda is the approval
25 of the minutes. Do I--Commissioner Kimura is not here, so we

1 will skip that one. Do I have a motion to approve the
2 minutes of the May 29th, 2024 meeting as previously
3 circulated to the Planning Commission.

4

5 Commissioner Alomar: Commissioner Alomar, I approve the
6 minutes.

7

8 Vice Chair Kamo: ANd do I have a second?

9

10 Commissioner Kraut: Commissioner Kraut, second.

11

12 28 "Vice Chair Kamo" (2576487424)

13 00:10:57.516 --> 00:11:09.779

14 It's moved and seconded to approve the May 29th, 2024
15 regular Commission meeting minutes and executive session
16 minutes as previously circulated.

17

18 29 "DIT SX80 - Conference Center" (2576487424)

19 00:11:09.779 --> 00:11:27.299

20 Is there any discussion or objections or reservations to
21 approval of the minutes? [no response] Hearing and seeing
22 none, Vice Chair votes aye and the Planning Commission May
23 29th, 2024 regular and executive session meeting minutes are
24 approved.

25

1 30 "DIT SX80 - Conference Center" (2576487424)

2 00:11:27.299 --> 00:11:46.829

3 Next on the agenda is item No. 3. Just to note that June
4 26th, 2024 meeting was canceled and rescheduled, and a
5 public hearing notice was published in the Honolulu Star
6 Advertiser on Monday, May 27th, 2024.

7

8 31 "DIT SX80 - Conference Center" (2576487424)

9 00:11:46.829 --> 00:12:02.369

10 The Commission will take action on each agenda item after
11 the public hearing has been closed. Right now we'll look at
12 the Ewa District Special Use Permit (SUP), 2020/SUP-7 (FK)
13 Mahi Solar, LLC.

14

15 32 "DIT SX80 - Conference Center" (2576487424)

16 00:12:02.369 --> 00:12:18.119

17 The Applicant is Mahi Solar, LLC, Landowner Monsanto
18 Technology, LLC; Bayer Production Supply, LLC; Mahi Land
19 Holdings, LLC; and Fat Law's Farm Inc.

20

21 33 "DIT SX80 - Conference Center" (2576487424)

22 00:12:18.119 --> 00:12:33.749

23 Pursuant to Condition No. 4 of the Land Use Commission
24 (LUC), Docket No. SP21-412, the Applicant is required to
25 establish the 120-megawatt solar energy generation facility

1

2 34 "DIT SX80 - Conference Center" (2576487424)

3 00:12:33.749 --> 00:12:53.749

4 and 480-megawatt-hour battery energy storage facility within

5 three years of the date of the LUC's approval, or by

6 September 17, 2024. Construction of the project has not yet

7 begun due to unforeseen circumstances that were beyond the

8 control of the Applicant and accordingly

9

10 35 "DIT SX80 - Conference Center" (2576487424)

11 00:12:53.749 --> 00:13:19.939

12 the Applicant is requesting to modify Condition No. 4 to

13 extend the deadline to establish the project by three

14 additional years. At this point in time, do we have a

15 presentation by DPP and or the Applicants?

16

17 Mr. Krantz: Yes, by DPP.

18

19 Vice Chair Kamo: Perfect.

20

21 Mr. Krantz: Okay. Ready? Well, thank you Vice Chair Kamo,

22 members of the Commission. My name is Franz Krantz. I'm

23 chief of the Community Planning Branch within the Planning

24 Division of the

25

1 36 "DIT SX80 - Conference Center" (2576487424)

2 00:13:19.939 --> 00:13:44.639

3 Department of Planning and Permitting. Actually your
4 preamble of the Notice for the public hearing took away
5 about one or two of my paragraphs in my speech, so we'll cut
6 right to it. As you mentioned, Condition No. 4 did set a
7 timeline, a deadline for the establishment of the project
8 which due to unforeseen circumstances, which I believe the
9 Applicant will be much better prepared to explain what
10 happened, but largely

11

12 37 "DIT SX80 - Conference Center" (2576487424)

13 00:13:44.639 --> 00:13:59.819

14 due to the COVID pandemic, the project was not established,
15 and they are now here before us to extend that deadline. You
16 mentioned at first it was three years. We did receive a
17 letter from the attorney,

18

19 38 "DIT SX80 - Conference Center" (2576487424)

20 00:13:59.819 --> 00:14:16.799

21 the representative some time ago requesting more of an open
22 ended time frame, which we somewhat were discouraged about
23 and had a counter proposal. But since that time, I think
24 we've come to an agreement that five years

25

1 39 "DIT SX80 - Conference Center" (2576487424)

2 00:14:16.799 --> 00:14:33.149

3 is suitable and necessary and ample for the establishment of
4 the project. So we're comfortable with that arrangement. The
5 application itself for the solar project in and of itself is

6

7 40 "DIT SX80 - Conference Center" (2576487424)

8 00:14:33.149 --> 00:14:53.149

9 virtually the same as what was presented and approved
10 unanimately by the Planning Commission back in June of 2021,
11 as well as the Land Use Commission because it's over 15
12 acres in September of that same year. The only thing that
13 has changed although albeit insignificant to the SUP process

14

15 41 "DIT SX80 - Conference Center" (2576487424)

16 00:14:53.149 --> 00:15:08.729

17 is somewhat of a reconfiguration of the battery energy
18 storage system as well as some of the land ownership. Now I
19 was confident coming into this the meeting this morning
20 saying there was no opposition given the extents of outreach
21 that we did

22

23 42 "DIT SX80 - Conference Center" (2576487424)

24 00:15:08.729 --> 00:15:24.149

25 to the government agencies in the community. However, at the

1 last minute at 10:30 a.m., and I believe the Commission
2 received an email from a constituent concerned about the
3 pueo.

4
5 43 "DIT SX80 - Conference Center" (2576487424)

6 00:15:24.149 --> 00:15:40.589

7 But we feel the Appendix D of the Applicants--I'm sorry, the
8 application, which is the biological resource report,
9 adequately covers the avoidance and mitigation measures, so
10 that the

11

12 44 "DIT SX80 - Conference Center" (2576487424)

13 00:15:40.589 --> 00:15:56.339

14 threat is minimized and as long as the conditions are all
15 met, which actually a condition of both the D&O of the
16 Planning Commission as well as the Land Use Commission
17 Condition 9, if those are all met, then the risks should be
18 minimized

19

20 45 "DIT SX80 - Conference Center" (2576487424)

21 00:15:56.339 --> 00:16:12.522

22 to that endangered species. That's really all I have for our
23 stance and presentation.

24

25 Vice Chair Kamo: Thank you for your presentation.

1 Commissioners, do we have any questions for DPP?

2

3 46 "Commissioner Kraut" (2153483264)

4 00:16:12.522 --> 00:16:14.707

5 Commissioner Kraut--

6

7 47 "Vice Chair Kamo" (2576487424)

8 00:16:14.707 --> 00:16:16.109

9 Go ahead Commissioner Kraut.

10

11 48 "Commissioner Kraut" (2153483264)

12 00:16:16.109 --> 00:16:32.302

13 I have a question on the timeline since that's the point of
14 this, and I'm not sure I have the pueo email? I got one
15 yesterday. Did, did everybody else get it? I might have to
16 look--

17

18 49 "Commissioner Alomar" (1655899392)

19 00:16:32.302 --> 00:16:40.852

20 It looks like it was sent this morning at 9:11 a.m.

21 Commissioner Alomar, sorry speaking.

22

23 50 "Commissioner Kraut" (2153483264)

24 00:16:40.852 --> 00:16:56.069

25 Okay. Commissioner Kraut. So I will look for that. I did

1 not see that today. So originally, so right now we're
2 thinking five years will be adequate. Obviously it's been
3 three or four years since the pandemic.

4

5 51 "Commissioner Kraut" (2153483264)

6 00:16:56.069 --> 00:17:16.069

7 Feels excessive, but maybe if you were gonna present some
8 information on why you feel that's adequate. I guess I just
9 want some more information on the timeline. I know in the
10 past we've dealt with these kind of deadlines. One, from
11 DPP why

12

13 52 "Commissioner Kraut" (2153483264)

14 00:17:16.069 --> 00:17:24.889

15 they feel it's an appropriate timeline, and then maybe from
16 the Applicant how they are for sure gonna meet that
17 timeline.

18

19 53 "Mr. Kraintz" (2576487424)

20 00:17:24.889 --> 00:17:52.109

21 Sure. I could start with that. In the first instance when
22 the Application was initially submitted, the Purchase Power
23 Agreement was in place, and it was felt by the Applicant
24 that three years to construct the the entire solar farm.
25 This time it's a little bit different. We understand that it

1 may take up to two years to get the Purchase Power Agreement

2

3 54 "DIT SX80 - Conference Center" (2576487424)

4 00:17:52.109 --> 00:18:12.109

5 finalized, negotiated and finalized, and then again another
6 three years for the construction. That's how it arrived at
7 the five years. The Applicant may be able to elaborate more
8 on that.

9

10 Mr. Wescoatt: Yeah. Hello, Commissioners. Wren Wescoatt,
11 Vice President of Development for Longroad Energy, which is

12

13 55 "DIT SX80 - Conference Center" (2576487424)

14 00:18:12.109 --> 00:18:43.549

15 the parent company of Mahi solar. We have--we are aiming to
16 complete the project in three years, but as Mr. Kraintz
17 mentioned this time around we do not have the benefit of
18 having that Power Purchase Agreement in place with Hawaiian
19 Electric. They have also because of the Maui fires, they're
20 in some--their financial situation, their credit has been
21 downgraded and that is--has--that

22

23 56 "DIT SX80 - Conference Center" (2576487424)

24 00:18:43.549 --> 00:19:05.149

25 may cause a delay. I believe three years is our best case to

1 complete, but because of that financial circumstance of the
2 utility that the utility is currently in, we're not able to
3 go out and get financing from lenders, because of the
4 utility's credit rating. So we can't borrow the funds we
5 need to buy the

6
7 57 "DIT SX80 - Conference Center" (2576487424)

8 00:19:05.149 --> 00:19:29.449

9 equipment to build the project and so that our timeline
10 might be delayed. I think everyone is hopeful that's very
11 temporary and that the utilities credit rating will improve.
12 But I think what we're seeking to do by requesting an
13 additional two years just in case, is not having to come
14 back here in case, you know it takes a little bit longer
15 than

16
17 58 "DIT SX80 - Conference Center" (2576487424)

18 00:19:29.449 --> 00:19:41.374

19 we anticipate. So that's why we request to go from three
20 years previously to five years this time just for that sort
21 of unprecedented circumstance.

22
23 59 "Commissioner Kraut" (2153483264)

24 00:19:41.374 --> 00:19:43.595

25 Thank you.

1

2 60 "Commissioner Alomar" (1655899392)

3 00:19:43.595 --> 00:19:47.338

4 Commissioner Alomar, question.

5

6 61 "Vice Chair Kamo" (2576487424)

7 00:19:47.338 --> 00:19:49.694

8 Go ahead, Commissioner Alomar.

9

10 62 "Commissioner Alomar" (1655899392)

11 00:19:49.694 --> 00:20:21.232

12 As it relates, and I don't know if this is a corp council
13 question or DPP question, but what's typical, I guess? I
14 mean, you asked for three years previously for this type,
15 you know, what is typical, I mean, there's a reason for a
16 time limit, right, and that's because so many things can
17 change, right, as years go by. So, I guess I'm just looking
18 to understand for this type of approval what is the
19 precedent for time?

20

21 63 "Mr. Krantz" (2576487424)

22 00:20:21.232 --> 00:20:51.659

23 From our standpoint, precedent for time ought to be that the
24 project is started and completed in a timely manner. I think
25 that's why we were hesitant about any consideration about an

1 open ended thing because the motivation kind of gets lost,
2 if I can call it that, and this really just helps keep the
3 Applicant's feet to the fire, if I can use that terminology.

4

5 Vice Chair Kamo: Thank you. We'll take a quick pause. I
6 would like to recognize that Commissioner Kimura

7

8 64 "DIT SX80 - Conference Center" (2576487424)

9 00:20:51.659 --> 00:21:07.949

10 has joined us, and for the record it is 01:50 p.m..

11

12 Mr. Kraintz: As for the actual number of years, we really
13 relied on the Applicant's determination as to, you know,
14 what it would take to actually

15

16 65 "DIT SX80 - Conference Center" (2576487424)

17 00:21:07.949 --> 00:21:24.539

18 procure the equipments and materials and in order to
19 construct on site. So, in that case it was really reliant on
20 them.

21

22 Vice Chair Kamo: Great. Any other questions from the
23 commissioners before we move on to the Applicant's
24 presentation? [no response]

25

1 66 "DIT SX80 - Conference Center" (2576487424)

2 00:21:24.539 --> 00:21:44.539

3 Thank you. I understand you have a PowerPoint presentation
4 you'd like to share?

5

6 Mr. Sakamoto: Yes, we do.

7

8 Vice Chair Kamo: Great.

9

10 67 "Mr. Sakamoto" (2576487424)

11 00:21:44.539 --> 00:22:11.729

12 Mr. Wescoatt is here with me this afternoon from Mahi Solar.

13 I think the discussion that's taken place so far actually
14 covered most of my introductory remarks, but what I did want
15 to say is that since I believe none of the Commissioners,
16 none of the Commissioners that are on the Planning
17 Commission right now were actually on the Commission

18

19 68 "DIT SX80 - Conference Center" (2576487424)

20 00:22:11.729 --> 00:22:28.259

21 when we presented this project in 2021. We thought it might
22 be helpful to give you a brief summary of the project itself
23 and cover some of the, you know key events that happened
24 between the time of the approval and the present.

25

1 69 "DIT SX80 - Conference Center" (2576487424)

2 00:22:28.259 --> 00:22:48.259

3 So, with that being said, I'm gonna turn it over to Mr.
4 Wescoatt.

5

6 Mr. Wescoatt: Okay. Just by way of a high level overview.
7 Again, my name is Wren Wescoatt, VP of Development for
8 Longroad Energy, parent of Mahi Solar.

9

10 70 "DIT SX80 - Conference Center" (2576487424)

11 00:22:48.259 --> 00:23:08.299

12 I originally am from Molokai and have lived on a Oahu for a
13 long time now. I've been in education and now in renewable
14 energy since about 2007. Longroad Energy used to be First
15 Wind, and we have

16

17 71 "DIT SX80 - Conference Center" (2576487424)

18 00:23:08.299 --> 00:23:25.829

19 continued to develop sort of energy project, renewable
20 energy projects. So that's a little bit about my
21 background, which is not on the slide. The Mahi solar
22 project is located in Kunia. It's a 120-megawatt project
23 AC.

24

25 72 "DIT SX80 - Conference Center" (2576487424)

1 00:23:25.829 --> 00:23:45.829

2 Enough power, it will produce enough power yearly for about
3 37,000 homes. It also includes a 480-megawatt hours of
4 batteries to store solar energy that's produced during the
5 day and release them to Hawaiian Electric and dispatch that
6 power to the grid to provide power at night after the sun
7 has gone down. The

8

9 73 "DIT SX80 - Conference Center" (2576487424)

10 00:23:45.829 --> 00:24:11.689

11 project site shown on the map here is located west of Kunia
12 Road and mauka of Royal Kunia and then makai of Kunia Loa
13 Ridge Farmlands. And it would connect to the high voltage
14 01:38 KV power lines that are already located in the area.
15 And the blue shaded area is where the panels, the solar
16 panels themselves are and other

17

18 74 "DIT SX80 - Conference Center" (2576487424)

19 00:24:11.689 --> 00:24:14.579

20 abilities are intended to be built.

21

22 75 "DIT SX80 - Conference Center" (2576487424)

23 00:24:14.579 --> 00:24:34.579

24 Okay. Next slide please. Just a quick recap of what
25 happened. Back in 2021, we received approval of the Special

1 Use Permit, both from the Honolulu Planning Commission and
2 the State Land Use Commission, and then subsequently a
3 Conditional Use Permit was approved by DPP.

4

5 76 "DIT SX80 - Conference Center" (2576487424)

6 00:24:34.579 --> 00:24:57.859

7 We had signed a Power Purchase Agreement with Hawaiian
8 Electric, it was approved by the PUC. All, everything was
9 going well. Then, the pandemic was followed by a global
10 supply chain crisis that really drove up the costs for a lot
11 of the equipment that we needed, both the equipment and the
12 shipping costs, batteries went, the price

13

14 77 "DIT SX80 - Conference Center" (2576487424)

15 00:24:57.859 --> 00:25:19.159

16 escalated really sharply. So the bottom line is we just
17 could not afford to build the project anymore because we had
18 already established the price in the, and it was approved in
19 the Power Purchase Agreement. So the Public Utilities
20 Commission said you'll need to rebid into the next RFP. So,
21 it was very disappointing. It was a good project, and we
22 had fully intended

23

24 78 "DIT SX80 - Conference Center" (2576487424)

25 00:25:19.159 --> 00:25:41.689

1 to keep going and try again. All the project is essentially
2 the same. We just needed to rebid into the next procurement
3 opportunity. In the meantime, because this project was
4 intended, has to integrate agriculture in addition to solar
5 throughout the project area. We said we would be

6

7 79 "DIT SX80 - Conference Center" (2576487424)

8 00:25:41.689 --> 00:26:03.959

9 starting research on agrivoltaic crops, what they call it
10 when you grow crops or livestock along with solar. So we
11 contracted with Hawaii Agriculture Research Center to start
12 crop testing. They started, and we're now in year four of
13 the crop testing. Year three now, but we funded three or
14 four.

15

16 80 "DIT SX80 - Conference Center" (2576487424)

17 00:26:03.959 --> 00:26:23.959

18 We have also--and so that's exciting. They tested over 30
19 crops to see what grows well under and between solar panels.
20 We also--we purchased part of the land from the previous
21 landowner. So, my affiliate, Mahi Land Holdings purchased
22 about 220 acres of the total site.

23

24 81 "DIT SX80 - Conference Center" (2576487424)

25 00:26:23.959 --> 00:26:44.689

1 We have rebid into the RFP. We were (inaudible) last April;
2 we were selected in December, and then we started PPA
3 negotiations with Hawaiian Electric. So, we're back into
4 the process; fingers crossed. We also recently signed a
5 first sublease

6
7 82 "DIT SX80 - Conference Center" (2576487424)

8 00:26:44.689 --> 00:27:11.689

9 with the farmer for about 45 acres of the total site. The
10 idea is we're going to sort of sublease different sections
11 of the project to farmers and ranchers, local farmers and
12 ranchers, so that they can conduct agriculture on the land
13 where the solar project is and that's sort of the intent
14 behind this, the Special Use Permit that we're pursuing. So
15 that's kind of a recap of where we are, how we got to this
16 point.

17

18 83 "DIT SX80 - Conference Center" (2576487424)

19 00:27:11.689 --> 00:27:30.869

20 Not a straight road. Okay. Next slide, please. This map
21 here just shows shaded in purple the sections of property
22 that we purchased.

23

24 84 "DIT SX80 - Conference Center" (2576487424)

25 00:27:30.869 --> 00:27:46.439

1 Okay. Next slide. The agrivoltaic research work that's
2 going on, we have funded four years of research work and now
3 we have

4
5 85 "DIT SX80 - Conference Center" (2576487424)

6 00:27:46.439 --> 00:28:06.439

7 actually worked with some other solar companies to chip in
8 as well. So, this research is being done at an existing
9 solar farm in Mililani, and they are working to identify
10 crops that can be farmed either underneath or between

11

12 86 "DIT SX80 - Conference Center" (2576487424)

13 00:28:06.439 --> 00:28:33.959

14 solar panels. And this photos just shows some of the
15 examples of the produce that they, asparagus, carrots,
16 jalapenos, kind of a cool purple celery, and some other
17 crops that have been grown. I think they're passed 30
18 different crops now. And we're sharing those results as we
19 said, the idea is we research it and then

20

21 87 "DIT SX80 - Conference Center" (2576487424)

22 00:28:33.959 --> 00:28:53.959

23 hopefully scale that research up into actual commercial
24 farming so that the land can be used for farmers to produce
25 local food and, it's intended to be done at a larger scale.

1 So, and then we also want to share the results of the
2 research on the farming with other farmers and other solar
3 companies. So that this is not

4

5 88 "DIT SX80 - Conference Center" (2576487424)

6 00:28:53.959 --> 00:29:08.519

7 just an isolated lab, kind of experiment, that it really, we
8 show that it it is truly a way to use the land for both
9 energy production and solar energy production and
10 agriculture production.

11

12 89 "DIT SX80 - Conference Center" (2576487424)

13 00:29:08.519 --> 00:29:24.629

14 We, as I mentioned, we signed our first sublease for 45
15 acres and the goal is to continue to sublease out the entire
16 project. Okay. Next slide please. And I will turn it back
17 to Mr. Sakamoto.

18

19 90 "Mr. Sakamoto" (2576487424)

20 00:29:24.629 --> 00:29:43.349

21 So this next slide helps to visualize when the original
22 Power Purchase Agreement was established. You can see at the
23 very far left, followed by an unsuccessful attempt that the
24 first amendment to the PPA

25

1 91 "DIT SX80 - Conference Center" (2576487424)

2 00:29:43.349 --> 00:30:01.709

3 and similarly second amendment to the PPA in 2022 and
4 ultimately for the reasons which Mr. Wescoatt explained
5 earlier, the PPA was declared null and void in May of 2022.

6

7 92 "DIT SX80 - Conference Center" (2576487424)

8 00:30:01.709 --> 00:30:18.239

9 But as he explained also what followed thereafter was a new
10 RFP being put out by HECO, and then Mahi Solar successfully
11 responding to that RFP and being awarded

12

13 93 "DIT SX80 - Conference Center" (2576487424)

14 00:30:18.239 --> 00:30:38.239

15 the RFP in December of 2023. The line at the bottom shows
16 basically the impact of the COVID-19 pandemic throughout
17 this entire process. Okay. Next slide. As noted earlier,
18 the Land Use Commission's Decision and

19

20 94 "DIT SX80 - Conference Center" (2576487424)

21 00:30:38.239 --> 00:30:57.059

22 Order was approved on September 17, 2021. Condition No. 4 of
23 that D&O and Condition No. 4 of the Planning Commission's
24 D&O both require that the project be established within
25 three years of the date of the Land Use Commission D&O.

1

2 95 "DIT SX80 - Conference Center" (2576487424)

3 00:30:57.059 --> 00:31:13.019

4 Next slide, please. You may have seen our letter dated June

5 19, 2024. We had proposed the specific language change to

6 the wording of Condition No. 4

7

8 96 "DIT SX80 - Conference Center" (2576487424)

9 00:31:13.019 --> 00:31:31.979

10 that's shown on this slide. You can see that we were trying

11 to acknowledge the time needed to establish the project as

12 well as the somewhat unpredictable nature of the PPA process

13 and in this slide, and in our letter we had proposed that

14 the

15

16 97 "DIT SX80 - Conference Center" (2576487424)

17 00:31:31.979 --> 00:31:51.979

18 project deadline for being established be the ladder of

19 three years after the LUC's D&O or three years after

20 execution of the PPA with HECO. The intent was to build in

21 some flexibility

22

23 98 "DIT SX80 - Conference Center" (2576487424)

24 00:31:51.979 --> 00:32:12.709

25 to the approval so that we would not have to come back

1 before the Commission again and seek another extension. Of
2 course since submitting that letter, DPP expressed its
3 concern to us with an open ended nature of the suggestion
4 that we're making, and as

5

6 99 "DIT SX80 - Conference Center" (2576487424)

7 00:32:12.709 --> 00:32:27.929

8 Mr. Krantz explained earlier today that in discussions with
9 DPP and its council, we are agreeable to a five year time
10 period in which to establish a project. In other words

11

12 100 "DIT SX80 - Conference Center" (2576487424)

13 00:32:27.929 --> 00:32:44.159

14 the language of Condition 4 would be that petitioner shall
15 establish the project within five years from the date of the
16 LUC's Decision and Order, approving the requested amendment
17 to the SUP.

18

19 101 "DIT SX80 - Conference Center" (2576487424)

20 00:32:44.159 --> 00:33:01.499

21 I think in closing, the only thing I'd like to say is Mahi
22 Solar is very grateful that the commission recognized the
23 importance of the project and gave its approval in 2021, and
24 in spite of all of the challenges that they faced

25

1 102 "DIT SX80 - Conference Center" (2576487424)

2 00:33:01.499 --> 00:33:16.499

3 resulting from the pandemic, they continue to believe in the

4 merits of the project and continue to invest time, energy

5 and money securing land control, engaging Hawaii

6 Agricultural Research Center,

7

8 103 "DIT SX80 - Conference Center" (2576487424)

9 00:33:16.499 --> 00:33:35.129

10 and on top of that going through the RFP process for a

11 second time, now they're going through the PPA process for a

12 2nd time, but hopefully, you know, you can see that Mahi

13 Solar remains very committed to making this project happen.

14

15 104 "DIT SX80 - Conference Center" (2576487424)

16 00:33:35.129 --> 00:33:51.059

17 And for that reason we respectfully ask that you grant the

18 extension. Thank you very much.

19

20 Vice Chair Kamo: Thank you for your presentation.

21 Commissioners, do you have any questions for the applicant?

22

23 105 "Commissioner Bryant" (3898458624)

24 00:33:56.748 --> 00:34:15.649

25 Hi. This is Commissioner Bryant. I just had a question

1 hoping the applicant can point me in the right direction.
2 There was some mention that we received testimony this
3 morning about concerns to the pueo, and I'm just curious. I
4 saw that there's a reporting requirement. You folks will
5 submit annual

6

7 106 "Commissioner Bryant" (3898458624)

8 00:34:15.649 --> 00:34:33.971

9 reports to DOFAW and Fish and Wildlife, but are there any
10 other mitigation measures in place other than just reporting
11 to, you know, in, in the event that I think it was pueo and
12 ope'ape'a are in the petition area and could be impacted by
13 the solar farm?

14

15 107 "Mr. Sakamoto" (2576487424)

16 00:34:33.971 --> 00:35:05.479

17 So Commissioner, I'm looking at the report that was prepared
18 and submitted with the Application. This was a report
19 prepared by SWCA, referred to as the Biological Resources
20 Report, and there were recommended mitigation measures
21 specifically as to pueo.

22

23 108 "DIT SX80 - Conference Center" (2576487424)

24 00:35:05.479 --> 00:35:26.069

25 Just to go over, they appear on page 4-18 of the

1 Application, No. 1, a biological monitor will be present
2 when clearing vegetation in pueo nesting habitat. No. 2, if
3 a pueo nest is discovered

4
5 109 "DIT SX80 - Conference Center" (2576487424)

6 00:35:26.069 --> 00:35:42.929

7 all activities within 150 feet of the nest will cease and
8 the DLNR will be contacted. Work will not resume until
9 directed by the DLNR. And No. 3, barbless wire, chain link
10 fencing with a height of 8 feet will be used

11

12 110 "DIT SX80 - Conference Center" (2576487424)

13 00:35:42.929 --> 00:36:13.429

14 for fence construction around the perimeter of all areas to
15 avoid entanglement of the pueo. Chain link fencing around
16 the switch yard, substation, BESS in area three, will
17 require the use of barbed wire. This portion of the project
18 is a high voltage area and the use of barbed wire in such
19 areas is a standard requirement for safety and security
20 reasons. So that is what was submitted in our Application.

21

22 111 "Commissioner Bryant" (3898458624)

23 00:36:13.429 --> 00:36:29.447

24 Thank you for pointing me to that. Is that an attachment to
25 the app--because I was trying to look for that report. I

1 didn't see it in the attachments listed on the Application,
2 but maybe I missed it.

3
4 112 "Mr. Sakamoto" (2576487424)

5 00:36:29.447 --> 00:36:34.186

6 It's an appendix to the Application.

7

8 Mr. Krantz: "D".

9

10 113 "Commissioner Bryant" (3898458624)

11 00:36:34.186 --> 00:36:38.668

12 Oh, Appendix D. Okay. Thank you.

13

14 114 "Vice Chair Kamo" (2576487424)

15 00:36:38.668 --> 00:37:06.809

16 Thank you for your response. Commissioners, any other
17 questions for the applicant at this time? [no response]

18 Okay. Hearing none, we're going to start public testimony
19 on this item. Telephone participants can press *6 to unmute
20 and re mute themselves. Please mute your devices except when
21 to testify. We ask for your patience as there maybe a delay.

22

23 115 "DIT SX80 - Conference Center" (2576487424)

24 00:37:06.809 --> 00:37:26.809

25 We also ask that you state your full name, spell both both

1 your first and last names, and then start your testimony. If
2 you have already submitted written testimony, please do not
3 repeat it, instead summarize or you may add or you may add
4 anything new. Each speaker may not have anyone read their
5 statement and will be limited to one

6

7 116 "DIT SX80 - Conference Center" (2576487424)

8 00:37:26.809 --> 00:37:55.139

9 minute for public testimony. Let's 1st begin with public
10 testifiers present here in the Auditorium [sic], and next we
11 will move on to remote testifiers. Is there anyone here
12 that wishes to testify? Seeing none, do we have anyone
13 remotely scheduled to testify? Does anyone on the remote
14 platform wish to testify? [no response]

15

16 117 "DIT SX80 - Conference Center" (2576487424)

17 00:37:55.139 --> 00:38:10.289

18 You can use the raise hand feature to identify yourself.

19 Seeing none

20

21 118 "DIT SX80 - Conference Center" (2576487424)

22 00:38:10.289 --> 00:38:28.210

23 at this point, do I have a motion to close the public
24 testimony portion of the public hearing?

25

1 Commissioner Kimura: Commissioner Kimura I'll make a
2 motion.

3
4 Vice Chair Kamo: Commissioner Kimura makes a motion. Do I
5 have a second?

6
7 Commissioner Kraut: Commissioner Kraut seconds.

8
9 119 "Vice Chair Kamo" (2576487424)
10 00:38:31.027 --> 00:38:48.770

11 Thank you, Commissioner Kraut. Any discussions, objections
12 or reservations with closing the public testimony portion of
13 the public hearing? Hearing and seeing none, Chair votes
14 aye, and the public testimony portion of the public hearing
15 is now closed.

16
17 120 "DIT SX80 - Conference Center" (2576487424)
18 00:38:48.770 --> 00:39:04.410

19 At this point, we will move on to voting on agenda item No.
20 3, a motion to approve or deny or approve with conditions,
21 item No. 3 as it relates

22
23 121 "DIT SX80 - Conference Center" (2576487424)
24 00:39:04.410 --> 00:39:28.292
25 to 2020/SUP-7 (FK) Mahi Solar, LLC.

1

2 122 "Commissioner Kraut" (2153483264)

3 00:39:28.292 --> 00:39:32.129

4 Commissioner Kraut, I move to approve.

5

6 123 "Vice Chair Kamo" (2576487424)

7 00:39:32.129 --> 00:39:38.100

8 Thank you, Commissioner Kraut. Do I have a second?

9

10 124 "Commissioner Kimura" (2576487424)

11 00:39:38.100 --> 00:39:58.100

12 Commissioner Kimura, I'll make a second.

13

14 Vice Chair Kamo: Commissioner Kimura seconds. Is there any
15 discussion with regards to the motion? Any objections or
16 reservations? [no response] Hearing none,

17

18 125 "DIT SX80 - Conference Center" (2576487424)

19 00:39:58.100 --> 00:40:14.963

20 Chair votes aye and the motion passes. Next up on the
21 agenda is adjournment. Do I have a motion to adjourn the
22 Planning Commission meeting?

23

24 126 "Commissioner May" (3182404096)

25 00:40:14.963 --> 00:40:18.982

1 Commissioner May motion to adjourn.

2

3 127 "Vice Chair Kamo" (2576487424)

4 00:40:18.982 --> 00:40:39.244

5 Before we do that, can we ask the Applicant to prepare a
6 draft D&O for approval?

7

8 Mr. Sakamoto: Yes, Vice Chair, we'll be happy to do that.

9 Thank you very much.

10

11 Vice Chair Kamo: Now, do I have a motion to adjourn the
12 Planning Commission July 1, 2024 meeting.

13

14 128 "Commissioner May" (3182404096)

15 00:40:39.244 --> 00:40:45.147

16 Commissioner May, I make a motion to adjourn the Planning
17 Commission July 10, 2004 meeting.

18

19 129 "Vice Chair Kamo" (2576487424)

20 00:40:45.147 --> 00:40:56.610

21 Thank you, Commissioner May. Do I have a second?

22

23 Commissioner Kimura: Commissioner Kimura, I'll second.

24

25 Vice Chair Kamo: Thank you, Commissioner Kimura. Any

1 discussions, objections or reservations? [no response]

2

3 130 "DIT SX80 - Conference Center" (2576487424)

4 00:40:56.610 --> 00:41:12.768

5 Hearing none, Chair votes aye, and the Planning Commission

6 July 10, 2024 meeting is adjourned. It is now 02:10 p.m.

7

8 I certify that the foregoing is a

9 true and correct transcript of the

10 proceedings, prepared to the best

11 of my ability of the meeting held

12 on Wednesday, July 10, 2024.

13

14 Gloria Takara

15 Secretary-Reporter

16 Planning Commission

17

18

19

20

21

22

23

24

25