



Kamehameha Schools®



June 25, 2026

Daniel E. Orodener, Executive Officer
Land Use Commission
235 South Beretania Street, Suite 406
Honolulu, Hawaii 96813

Subject: **Docket No. A87-610, Trustees of the Estate of Bernice Pauahi Bishop
dba Kamehameha Schools,
Successor Petitioner to Tom Gentry and Gentry-Pacific, Ltd.**

Dear Executive Officer Orodener:

On behalf of Successor Petitioner Trustees of the Estate of Bernice Pauahi Bishop, dba Kamehameha Schools (“KS”), we hereby submit this 2026 Annual Status Report to the State of Hawai‘i Land Use Commission (“**Commission**”).

By *Findings of Fact, Conclusions of Law and Decision and Order* filed May 17, 1988, the Commission reclassified approximately 1,395 acres of land situate at Waiawa, Ewa, Oahu (the “**KS Property**”), from the State Land Use Agricultural District to the State Land Use Urban District, subject to 10 conditions of approval. By Order dated November 30, 1990, the Commission amended Condition No. 6 and reaffirmed all other conditions to the 1988 Decision and Order (the 1988 Decision and Order, as amended in 1990, shall hereinafter be referred to as the “**Waiawa Order**”).¹

On November 26, 2014, the Commission issued its *Order Granting Motion for Order Amending Findings of Fact, Conclusions of Law and Decision and Order Dated May 17, 1988*, subject to 16 conditions of approval (the “**2014 Order**”) amending the Waiawa Order to: (1) expressly authorize the use of appropriately 655 acres of the KS Property, comprised of approximately 387 acres in the northern/makai portion of the KS Property (the “**Phase 1 Site**”),

¹ After the Commission approved the Urban District reclassification in 1988, rezoning approvals were sought from the Honolulu City Council. In 1998 the City Council passed Ordinance 98-55, amending a portion of the Development Plan Land Use Map to support the Waiawa project. Next, the City Council approved the rezoning of approximately 1,049 acres within the KS Property. Ordinance Nos. 98-01, effective January 15, 1998 (as amended by Ordinance 98-69, effective December 17, 1998) rezoned 874 acres within the KS Property from Restricted Agriculture (AG-1) to Neighborhood Business District (B1), Community Business District (B2), Low Density Apartment District (A1), Industrial-Commercial Mixed-Use District (IMX1), Residential (RS) and General Preservation (P-2). Ordinance No. 03-01, effective February 12, 2003, rezoned 175.43 acres within the KS Property from AG-1 to R-5, A-1, Medium Density Apartment District (A-2) and P-2. Copies of these zoning ordinances were previously transmitted for your files.

and approximately 268 acres in the mauka portion of the KS Property approximately located within the Zone of Contribution (the “**Phase 2 Site**”) for solar farm development for an interim period not to exceed 35 years from the issuance of the 2014 Order, *i.e.*, a period terminating as of November 26, 2049, and (2) recognize KS as the successor Petitioner in this Docket.

KS sought approval from the Commission to utilize the Petition Area for the development of renewable energy so that KS could have time to reevaluate the development proposal that had been presented to the Commission by the original Petitioner. KS also sought to have the Petition Area, for an interim period, to be used to generate some financial return in a manner consistent with KS’ five values of: (1) culture; (2) environment; (3) education; (4) economics; and (5) community. Circa 2014, KS had determined that development of renewable energy on the KS Property would be consistent with the values, vision, mission, guiding principles, and strategic goals under KS’ Strategic Plan and Strategic Agricultural Plan.

As previously reported, SunEdison, the intended solar developer for the two solar farms approved under the 2014 Order, faced difficulty obtaining the necessary approvals from the Hawai‘i Public Utilities Commission for its power purchase agreement with Hawaiian Electric Company, Inc. Shortly thereafter, SunEdison went bankrupt. Accordingly, KS cancelled its agreements with SunEdison. However, consistent with its original goals, KS continued to seek new renewable energy opportunities for the KS Property.

To that end, on July 24, 2019, KS filed a Motion for Modification and Time Extension, requesting Commission approval of certain amendments to the 2014 Order. The request would allow a new renewable energy developer, Waiawa Solar Power LLC (a wholly owned indirect subsidiary of Clearway Energy Group LLC), to develop a solar farm within a portion of the previously approved Phase 2 Site. By its *Findings of Fact, Conclusions of Law, and Decision and Order Granting with Modification Motion for Modification and Time Extension*, issued February 11, 2020 (“**2020 Order**”) the Commission granted the requested amendments to the 2014 Order. Under the 2020 Order, the new solar developer was authorized to use 200 acres of the original Phase 2 Site for a solar farm to include all related utility and other infrastructure for an interim period not to exceed November 26, 2049. The 2020 Order also stipulated that the use of that portion of the Phase 2 Site was subject to 18 conditions “which shall replace all other conditions imposed relative to SunEdison’s former Phase 2 site in the [2014 Order].”

With respect to the Phase 1 Site, on December 10, 2021, KS filed a Motion for Modification, Time Extension, and Release and Modification of Conditions, requesting approval of certain amendments to the 2014 Order to reauthorize the use of the Phase 1 Site for renewable energy development. KS proposed to bifurcate the Phase 1 Site into “Parcel A” and “Parcel B” (collectively, the “**Updated Phase 1 Project**”), and presented Waiawa Phase 2 Solar, LLC (“**WP2S**”), a subsidiary of The AES Corporation, as the proposed solar developer for the Updated Phase 1 Project.

On June 30, 2022, the Commission issued its *Findings of Fact, Conclusions of Law and Decision and Order Granting with Modification Motion for Modification, Time Extension, and Release and Modification of Conditions of Order Dated November 26, 2014* (the “**2022 Order**”), granting KS’ 2021 Motion with modifications and amendments to certain conditions of the 2014 Order relating to the 387-acre Phase 1 Site and imposed new conditions.

A matrix of all applicable Commission conditions imposed in this Docket and the status of those conditions is enclosed. Please feel free to contact me at (808) 534-3840 if you have any questions regarding this annual report.

Very truly yours,



Jeremy Shorenstein
KAMEHAMEHA SCHOOLS
Planning & Development Manager, Commercial Real
Estate

Enclosure

cc:

Mary Alice Evans, Director, Office of Planning and Sustainable Development

Dawn Takeuchi Apuna, Director, Honolulu Department of Planning and Permitting

James K. Tokioka, Director of Business, Economic Development and Tourism (DBEDT)

State Land Use Commission Docket No.: A87-610
Status of Compliance with Conditions of Approval

Here follows three matrices, one for each of the three Land Use Commission orders that are applicable to all or limited portions of the Petition Area. Those Commission orders are:

1. The Waiawa Order: Findings of Fact, Conclusions of Law and Decision and Order, filed May 17, 1988 (the “**1988 Order**”), as amended on November 30, 1990, as to Condition No. 6 of the 1988 Order, by that certain Order Granting Motion to Amend Condition No. 6 of the Decision and Order Dated May 17, 1988 (the “**1990 Order**”). The 1988 Order and the 1990 Order are collectively herein referred to as the “**Waiawa Order**.”
2. The 2022 Order: Order Granting With Modification Motion for Modification, Time Extension, and Release and Modification of Conditions of Order Dated November 26, 2014, filed June 30, 2022 (the “**2022 Order**”).
3. The 2020 Order: Findings of Fact, Conclusions of Law, and Decision and Order Granting with Modification Motion for Modification and Time Extension, filed February 11, 2020 (the “**2020 Order**”).

Conditions Nos. 1 - 10 of the 1988 Order, as amended by the 1990 Order as to Condition No. 6 (the “Waiawa Order”)			
No.	Condition	Status	Comments
1. (1988)	A study funded by the U.S. Department of the Navy to review the potential for groundwater contamination resulting from the urbanization of the Property shall be completed prior to any site development and construction unless the Department of Health after consultation with the United States Navy and after review of the proposed study scope makes a determination that development and construction within a specified area will not cause groundwater contamination to wells in the area. Petitioner shall not proceed with the project until the study shows to the satisfaction of the Department of Health that groundwater contamination will not occur as a result of the proposed project, or until the Department of Health	Satisfied	Condition 1 has been satisfied. In compliance with Condition 1, the State Department of Health (“ DOH ”) prepared a study for the purposes of identifying the potential for groundwater contamination (see Report to the Office of State Planning by the Department of Health Safe Drinking Water Branch on the Delineation of the Hydrologic Zone of Contribution for the U.S. Navy Waiawa Shaft (Revised Dec. 1990)) (the “ ZOC Study ”). The ZOC Study was undertaken to identify the zone of contribution of the Waiawa Shaft. The Navy concurred with the methodology of the ZOC Study and the location of the zone of contribution. DOH sent a copy of the ZOC Study to the State Office of Planning on January 2, 1991.

Conditions Nos. 1 - 10 of the 1988 Order, as amended by the 1990 Order as to Condition No. 6 (the “Waiawa Order”)			
No.	Condition	Status	Comments
	makes a determination that development or partial development may be allowed.		
2. (1988)	Any urban development within the Property shall be subject to further review and subsequent approval by the Department of Health. The Department of Health may require appropriate mitigated measures and conditions relating to the proposed development's impact on the groundwater resources in the area.	On-going	Successor Petitioner acknowledges this condition and continues to comply. In 2018, KS consulted with the DOH about KS’s proposed master plan development, including development within the Petition Area. DOH confirmed the proposed development would be acceptable, subject to several standard conditions related to the various divisions within DOH.
3. (1988)	For the first 1,000 dwelling units which may be constructed on the Property, Petitioner shall provide housing opportunities for low, low-moderate, and moderate income Hawaii residents by offering for sale at least thirty percent (30%) of the units at prices which families with an income range of 80 to 120 percent of Oahu's median income can afford and thirty percent (30%) of the units which families with an income range of 120 to 140 percent of Oahu's median income can afford. This condition may be fulfilled through projects, under such terms as may be mutually agreeable, between Petitioner and the Housing Finance and Development Corporation of the State, or other appropriate governmental agency. This condition may also be fulfilled, with the approval of the Housing Finance and Development Corporation, through the construction of rental units to be made available at rents which families in the specified income ranges can afford.	On-going	Successor Petitioner acknowledges this condition.

Conditions Nos. 1 - 10 of the 1988 Order, as amended by the 1990 Order as to Condition No. 6 (the “Waiawa Order”)			
No.	Condition	Status	Comments
4. (1988)	For the balance of the Property, the affordable housing requirements shall be satisfied in a manner that meets with the approval of the City and County of Honolulu and the State Housing Finance and Development Corporation. Said requirements shall take into consideration affordable on-site or off-site housing units or cash payments that satisfy the then current housing needs, or other necessary or desirable community facilities as determined above.	On-going	Successor Petitioner acknowledges this condition.
5. (1988)	Petitioner shall fund and construct the necessary improvements as determined by the State Department of Transportation which would mitigate impacts from the subject project. These improvements shall be implemented on a schedule acceptable to and approved by the Department of Transportation.	Partially satisfied	No traffic impacts have occurred from development within the Petition Area. Nevertheless, as stated in the July 1, 2013 annual report to the Commission, substantial steps have been taken toward satisfaction of this condition. As previously reported, lands valued in excess of \$637,000 were dedicated for the construction of Waipio Interchange. Prior to 2012, \$1.4 million dollars were paid by the developer to the State of Hawaii for improvements to Ka Uka Boulevard and for the construction of HOV lanes between the Waiawa and Waipio Interchanges of the H-2 Freeway. At this stage of the planning process, it is premature for KS to provide detailed transportation plans for the KS Property. Those plans will be developed in detail (and appropriate improvements identified) prior to implementation of master plan development at the KS Property.
6. (1990)	Petitioner shall appoint and fund a transportation manager whose function is the formulation, use, and continuation of alternative transportation opportunities	Satisfied and on-going	As previously reported, until its dissolution, KS had been an active participant in the Leeward Oahu Transportation Management Association (LOTMA), a regional program that

Conditions Nos. 1 - 10 of the 1988 Order, as amended by the 1990 Order as to Condition No. 6 (the “Waiawa Order”)			
No.	Condition	Status	Comments
	that would maximize the use of existing and proposed transportation systems. This will include construction and operation of a park and ride facility or other activities to encourage transit use or ridesharing. These activities and facilities shall be implemented on a schedule acceptable to and approved by the State Department of Transportation. In the alternative, Petitioner may participate in a regional program for the transportation management with other developers and/or landowners. This program shall address the formulation, use and continuation of alternative transportation opportunities that would optimize the use of existing and proposed transportation systems.		sought to promote alternative transportation opportunities and to optimize the capacity and use of existing and proposed transportation systems. While LOTMA may no longer be active, KS continues to be a willing participant with LOTMA or any other suitable programs for regional transportation management. In addition, KS has retained a consultant to explore transportation management solutions for the anticipated KS master plan. It is premature for KS to appoint and fund a transportation manager at this point in time, considering the status of the KS Property. As noted above, KS will be a willing participant in LOTMA or any other suitable regional transportation management programs.
7. (1988)	Petitioner shall participate in an air quality monitoring program as specified by the State Department of Health.	On-going	Successor Petitioner acknowledges this condition.
8. (1988)	Petitioner shall immediately stop work and contact the State Historic Preservation Office should any archaeological resources such as artifacts, shell, bone, or charcoal deposits, human burial, rock or coral alignments, pavings or walls be encountered during the project's development.	On-going	Successor Petitioner acknowledges this condition.
9. (1988)	Petitioner shall provide public access to the Conservation District land mauka of the Property.	Satisfied	There are no Conservation District lands adjacent to the KS Property. Moreover, as determined by the State Department of Land and Natural Resources by letter dated June 21, 2000, the only feasible means of accessing any Conservation District lands in the vicinity is via the Waiawa Correctional Facility,

Conditions Nos. 1 - 10 of the 1988 Order, as amended by the 1990 Order as to Condition No. 6 (the “Waiawa Order”)			
No.	Condition	Status	Comments
			and there are no public hiking trails or hunting areas that required public access over the KS Property.
10. (1988)	Petitioner shall provide annual reports to the Land Use Commission, the Department of Business and Economic Development and the City and County of Honolulu Department of General Planning in connection with the status of the project and Petitioner's progress in complying with the conditions imposed.	On-going	Successor Petitioner has and will continue to comply with this condition.

Conditions Nos. 1 – 18 of the 2022 Order ¹			
No.	Condition	Status	Comments
1. (2022)	Revised Master Plan. Petitioner shall submit to the Commission a revised master plan and schedule for development for the approximately 1,395-acre Petition Area by February 11, 2025; provided, however, that this condition may be satisfied by publication of a Draft Environmental Impact Statement that addresses the Petition Area prior to February 11, 2025.	Satisfied	KS submitted its Revised Waiawa Master Plan and Schedule to the Commission by transmittal dated February 10, 2025. In May 2025, KS presented the Revised Waiawa Master Plan and Schedule to the Commission. KS filed a copy of its PowerPoint presentation with the Commission on May 6, 2025.
2. (2022)	Access to the Waiawa Correctional Facility. Petitioner shall cause the solar farm facility operator to ensure that the construction and installation of the solar farm within the KS Property shall not prevent roadway access to the Waiawa Correctional Facility.	On-going	The developer of the Updated Phase 1 Project is Waiawa Phase 2 Solar, LLC (“ WP2S ”), a wholly owned indirect subsidiary of The AES Corporation. Petitioner shall cause WP2S to comply with this condition.
3. (2022)	Previously Unidentified Burials and Archaeological/Historic Sites. Petitioner shall implement, or cause the solar farm operator to implement, the Preservation Plan approved by SHPD by letter dated September 14, 2015 within the vicinity of the Phase 1 Site prior to operation. In the event that historic resources, including human skeletal remains, are identified during construction activities, all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance, and the SHPD, shall be contacted immediately. Without any limitation to any other condition found herein, if any burials or archaeological or historic sites, such as artifacts, marine shell concentrations, charcoal deposits, stone platforms, paving, and walls not previously	Satisfied	Interim fencing was erected in accordance with the SHPD approved Preservation Plan dated September 14, 2015. Permanent fencing was installed in June 2024, consistent with the SHPD-approved Preservation Plan. WP2S has confirmed that construction is completed and that no historic resources or human skeletal remains were identified during construction.

¹ See ORDER GRANTING WITH MODIFICATION MOTION FOR MODIFICATION, TIME EXTENSION, AND RELEASE AND MODIFICATION OF CONDITIONS OF ORDER DATED NOVEMBER 26, 2014, filed June 30, 2022 (the “**2022 Order**”).

Conditions Nos. 1 – 18 of the 2022 Order ¹			
No.	Condition	Status	Comments
	identified in studies referred to herein, are discovered during the course of construction of the solar farm project, all construction activity in the vicinity of the discovery shall stop until the issuance of an archaeological clearance from the SHPD that mitigative measures have been implemented to its satisfaction.		
4. (2022)	Protection and Preservation of Native Hawaiian Traditional and Customary Practices (Article XII, Section 7). Petitioner has conducted an archeological inventory survey, an archaeological preservation plan, a cultural impact assessment, cultural resources preservation plan, and an ethno-historic study that included the Petition Area. Although no cultural resources or practices have been identified within the Petition Area that would be adversely impacted by the proposed interim solar farm, this finding is limited to the Phase 1 Site (Parcels A and B), and the Phase 2 Site within the Petition Area.	On-going	Petitioner acknowledges the limitations imposed by this condition.
5. (2022)	Aircraft Hazard. If glint or glare from the photovoltaic array creates a hazardous condition for pilots, Petitioner shall cause the solar farm facility operator to be prepared to immediately mitigate the hazard upon notification by the Department of Transportation Airports Division or the Federal Aviation Administration. If the PV systems emit RFI to aviation dedicated radio signals, disrupting the reliability of air- to-ground communications, Petitioner shall cause the solar farm facility operator to be	On-going	Petitioner shall cause WP2S to comply with this condition.

Conditions Nos. 1 – 18 of the 2022 Order ¹			
No.	Condition	Status	Comments
	prepared to immediately mitigate the hazard upon notification by the DOT, Airports Division, or the FAA.		
6. (2022)	Traffic Impacts. Prior to the start of construction of the Updated Phase 1 Project, Petitioner shall cause the solar farm operator to submit a traffic construction management plan for review and acceptance by the State Department of Transportation.	Satisfied	WP2S submitted its Transportation Management Plan (TMP) to the Hawaii Department of Transportation, Highways Division on March 30, 2023, which was prior to the start of construction of the Updated Phase 1 Project. At the same time it was submitted to the DOT, a copy of the TMP was provided to Messrs. Lance Watanabe and Kamakaokalani Andrade of the Traffic Review Branch within the Department of Planning and Permitting. By letter dated May 30, 2023 (copy enclosed), the Director of the State of Hawaii Department of Transportation confirmed that the TMP satisfied the requirements of the LUC's condition of approval under the 2022 Order.
7. (2022)	Development Schedule. Both portions of the Updated Phase 1 Project solar farm (Parcel A and Parcel B) shall be substantially completed within five (5) years from the date of the Commission's issuance of this Decision and Order.	Satisfied	WP2S received land use permits and construction related permits from the City Department of Planning and Permitting, such that WP2S was able to start construction in August 2023. As shown in the PowerPoint KS submitted to the Commission in May 2025, the entire WP2S Updated Phase 1 Project solar farm was substantially completed by that time (well in advance of the Commission's deadline of June 30, 2027). WP2S has now confirmed that construction of the Updated Phase 1 Project is completed.

Conditions Nos. 1 – 18 of the 2022 Order ¹			
No.	Condition	Status	Comments
			The Commercial Operation Date for the Updated Phase 1 Project is targeted to occur in the second half of 2026 after all testing, interconnections, permitting, and easement requirements are met.
8. (2022)	Interim and Temporary Use of the Petition Area. The interim and temporary use of the approximately 387-acre portion of the Petition Area as shown in Petitioner’s Revised Master Plan and Schedule for Development filed on October 7, 2019, shall be limited to a utility-scale solar energy development, or solar farm. However, this proposed Updated Phase 1 Project, and the previously approved Phase 2 solar farm, is not “substantial commencement with use of the land in accordance with subject representations” pursuant to HRS §205-4(g). No other use shall be permitted without the prior written approval of the Commission, except for “compatible agricultural activities” as that term is used in HRS §205-4.5(a)(21)(A).	On-going	Petitioner shall comply with this condition.
9. (2022)	Timeframe of Interim Use. The interim use of Parcel A for the proposed solar farm, including any and all permitting, construction, operation, and decommissioning activities associated with the solar farm, shall not exceed December 31, 2044, without the prior written approval of the Commission. The interim use of Parcel B for the proposed solar farm, including any and all permitting, construction, operation, and decommissioning activities associated with the solar farm, shall not exceed December 31, 2054, without the prior written approval of the Commission; provided,	On-going	Petitioner is aware of these time limitations and shall require the solar farm developer to comply.

Conditions Nos. 1 – 18 of the 2022 Order ¹			
No.	Condition	Status	Comments
	however, that in the event the solar farm project owner fails to secure a PUC-approved extension to the PPA, or a new PPA, within 12 months after the expiration of the current PPA, the project owner will immediately commence with the decommissioning of the solar farm on Parcel B and complete decommissioning within two years after the expiration of the current PPA.		
10. (2022)	Motion to Amend. Petitioner shall file a motion to amend the Waiawa Order by December 31, 2030.	On-going	Petitioner acknowledges the obligations under this condition.
11. (2022)	Waiawa Master Plan Infrastructure Deadline. Petitioner shall complete construction of the backbone infrastructure for the proposed Waiawa Master Plan Phase A, consisting of the primary roadways and access points, internal roadways, on-and off- site water and electrical system improvements, and storm water/drainage and other utility system improvements, by December 31, 2030. In addition, Petitioner shall complete construction of similar backbone infrastructure for the proposed Waiawa Master Plan Phase B by December 31, 2038.	On-going	Petitioner acknowledges the obligations under this condition. As reported to the Commission in KS’ 2025 Revised Waiawa Master Plan and Schedule, KS does not anticipate having the ability to meet these infrastructure installation deadlines. The significant infrastructure demands projected for the Waiawa Master Plan and the persistent ambiguity as to progress of the governmental lead on or contribution to those infrastructure requirements, together with the conditions of approval that have been imposed upon the KS Waiawa property under existing entitlements, remain a major challenge for the feasibility of the Waiawa Master Plan. As previously reported, at this time KS anticipates requesting appropriate modifications to these deadlines under the Motion KS is required to file under Condition 10. KS takes its land stewardship obligations very seriously and continues to work toward those requirements within the complex realities related to economic feasibility and constraints and potential legislative opportunities that could present new opportunities for

Conditions Nos. 1 – 18 of the 2022 Order ¹			
No.	Condition	Status	Comments
			partnerships to support Hawaii-specific infrastructure development, including at Waiawa.
12. (2022)	Decommissioning of the Solar Farm. Both portions of the Updated Phase 1 Project solar farm (Parcel A and Parcel B) shall be decommissioned following their respective operational timeframes. The decommissioning activities shall include, but not be limited to, the complete removal of the foundational piers and modules and all associated components. The decommissioning shall be in accordance with all laws and rules in effect at the time, potentially including the Department of Health HAR Chapter 11-273.1. Any other future uses of the Petition Area, including future uses of the solar farm sites following the decommissioning of the solar farms, shall require the filing of a motion to amend the Decision and Order with the Commission. Such motion to amend shall include a revised master development plan of the proposed uses and shall further include, but not be limited to, a revised Traffic Impact Analysis Report, Engineering Report, Socio-Economic Analysis Report, and AIS (if required). As applicable, said future uses of the Petition Area shall also be subject to the environmental review process promulgated under HRS Chapter 343 and its related administrative rules.	On-going	Petitioner shall require the solar farm developer, WP2S, to comply with these decommissioning obligations. Petitioner acknowledges the obligations required to be satisfied for any future uses of the Petition Area.
13. (2022)	Wildlife Protection. The Petitioner shall cause the operator of the Updated Phase 1 Project to implement the following measures regarding landscaping		WP2S has confirmed to KS that all work done at the Updated Phase 1 Project has been done in compliance with all parts of condition 13. Additionally, Tetra Tech provided Wildlife

Conditions Nos. 1 – 18 of the 2022 Order ¹			
No.	Condition	Status	Comments
	vegetation and the protection of endangered Hawaiian hoary bat, Hawaiian short-eared owl, and endangered and threatened Hawaiian water bird and shorebird species at the Phase 1 Site: a. If landscaping is installed as part of the solar farm project, non-invasive plants and native plant species shall be utilized to the maximum extent practicable, and a landscape plan describing the non-invasive plants and native plant species to be utilized shall be submitted to the Department of Planning and Permitting for approval prior to the issuance of any grading permit. b. Invasive species minimization measures shall be implemented to avoid the unintentional introduction or transport of new invasive species to the area. This would include utilizing on-site gravel, rock, and soil (or purchasing from a local supplier) when practicable, utilizing certified, weed-free seed mixes; and washing construction equipment and/or visually inspecting for excessive debris, plant materials, and invasive or harmful non-native species. c. To minimize the spread of the fungal pathogen responsible for Rapid Ohia Death (CTAHR 2020), the most recent Rapid Ohia Death	On-going On-going On-going	Education and Observation Program (WEOP) training on February 10, 2023, which is included in the Site Specific Safety Orientation for all construction and regular on-site staff. All construction and on-site staff are required to attest to compliance with the program requirements. 13.a. Additional landscaping is not expected to be installed as part of the Updated Phase 1 Project because the existing topography and vegetation provides the necessary screening. A landscape screening plan noting the existing vegetation to be maintained as a visual buffer was submitted as part of the building permit plan set to the Department of Planning and Permitting in February 2023. 13.b When practicable, measures such as the use of on-site gravel and soil, certified weed-free mixes and equipment inspection for excessive debris and plant material, have been implemented to minimize invasive species at the project. This requirement has also been included in the WEOP training (see response to Condition 13.f). 13.c Rapid ‘Ōhi‘a Death (ROD) protocols have been implemented including the avoidance of sourcing heavy equipment from known ROD areas like Hawai‘i island. This

Conditions Nos. 1 – 18 of the 2022 Order ¹			
No.	Condition	Status	Comments
	decontamination protocols recommended by United States Fish and Wildlife Service (“USFWS”) and the Department of Land and Natural Resources, Division of Forestry and Wildlife (“DOFAW”) shall be implemented.		requirement and ROD decontamination procedures have also been included in the WEOP training (see response to Condition 13.f).
	d. No trees or shrubs greater than 15 feet tall shall be disturbed, trimmed or removed during the Hawaiian hoary bat birthing and pupping season (June 1 through September 15).	On-going	13.d Throughout construction, trees or shrubs greater than 15 feet tall were not disturbed, trimmed or removed during the bat pupping season (June 1 through September 15). This requirement was also included in the WEOP training (see response to Condition 13.f).
	e. Any fences that are erected as part of the Project shall not have barbed wire to prevent entanglements of the Hawaiian hoary bat.	Satisfied	13.e. No barbed wire has been or will be installed on any fence that is part of the Updated Phase 1 Project. This requirement has also been included in the WEOP training (see response to Condition 13.f.).
	f. A wildlife education and observation program (WEOP) shall be implemented for all construction and regular on-site staff. Staff shall be trained to identify listed species that may be found on-site (including Hawaiian hoary bat, pueo, Hawaiian seabirds and waterbirds) and to take appropriate steps if these species are observed. If a federally or state-listed species is observed to be impacted by the project, the USFWS and DOFAW shall be notified, and a systematic post- construction monitoring program shall be developed and implemented.	On-going	13.f. Tetra Tech provided Wildlife Education and Observation Program (WEOP) training and materials on February 10, 2023, detailing avoidance and minimization measures to comply with conditions 13(b) through 13(i). The WEOP is included in the Site Specific Safety Orientation for all construction and regular on-site staff. All construction and on-site staff are required to attest to compliance with the program requirements.

Conditions Nos. 1 – 18 of the 2022 Order ¹			
No.	Condition	Status	Comments
	g. Construction activities shall be restricted to daylight hours as much as possible during the seabird peak fallout period (September 15-December 15) to avoid the use of nighttime lighting that could attract seabirds.	On-going	13.g. Construction activities have been restricted to daylight hours. In the event of any nighttime construction, the avoidance and minimization measures will be implemented per Condition 13.i. This requirement has also been included in the WEOP training (see response to Condition 13.f).
	h. Speed limits shall be established and enforced within the Phase 1 Site and along the access road to the Phase 1 Site within the Petition Area.	On-going	13.h. Speed limits have been established and enforced within the Phase 1 Site and along the access road to the Phase 1 Site within the Petition Area.
	i. Should nighttime construction be required during the seabird peak fallout period, a biological monitor shall be present in the construction area from approximately 0.5-hour before sunset to 0.5-hour after sunrise to watch for the presence of seabirds. Should a seabird (or other listed species) be observed and appear to be affected by the lighting, the monitor shall notify the construction manager to reduce or turn off construction lighting until the individual(s) move out of the area.	On-going	13.i. Construction activities have been restricted to daylight hours. If nighttime construction is needed during seabird peak fallout period (September 15-December 15), a biological monitor will be present 0.5-hour before sunset to 0.5-hour after sunrise to monitor and implement all avoidance and minimization measures per Condition 13.i. This requirement has also been included in the WEOP training (see response to Condition 13.f).
	j. Any on-site lighting shall be fully shielded, triggered by motion detector, and fitted with light bulbs having a correlated color temperature of four thousand Kelvin or less, to the extent possible. Lighting shall also be directed away from the solar arrays to minimize the potential	Satisfied	13.j. On-site lighting specifications per this condition have been included in the design to the extent possible and have been implemented at the Updated Phase 1 Project. This requirement has also been included in the WEOP training (see response to Condition 13.f).

Conditions Nos. 1 – 18 of the 2022 Order ¹			
No.	Condition	Status	Comments
	for reflection and shall only be used when necessary.		
	k. Construction of overhead lines shall be minimized to reduce the collision risk for seabird species.	On-going	13.k. Overhead lines have been minimized to the extent possible.
	l. Prior to clearing vegetation within the Phase 1 Site, pre-construction pueo surveys shall be conducted by a qualified biologist following the Pueo Project survey protocol.	Satisfied	13.l. A pre-construction pueo survey based on the Pueo Project protocol was conducted by Tetra Tech over four dates between March 5 and March 22, 2023. No pueo were detected.
	m. If a pueo is observed in the Phase 1 Site at any time (prior to construction, during construction, or during operation), all activities in the immediate area shall stop immediately. The location of the bird should be reported to a designated representative, and a qualified biologist should check the area for the presence of a pueo nest. If a ground nest or a pueo nesting on the ground is observed at any time (prior to construction, during construction, or during operation), an approximately 100-foot buffer shall be established around the nest and marked in the field by a qualified biologist. DOFAW should be contacted immediately. If the nest is confirmed as a pueo nest, no work should occur in the buffer area until pueo nesting is complete.	On-going	13.m. In the event a pueo or pueo nest is observed, the protocol and DOFAW recommendations will be followed in accordance with this condition. This requirement has also been included in the WEOP training (see response to Condition 13.f).

Conditions Nos. 1 – 18 of the 2022 Order ¹			
No.	Condition	Status	Comments
	No vegetation clearing shall occur until pueo nesting ceases. n. No rodent baiting shall take place within the Phase 1 Site to prevent secondary poisoning from toxins in pueo prey.	On-going	13.n. Rodent baiting has not been occurring at the site. This requirement has also been included in the WEOP training (see response to Condition 13.f).
14. (2022)	Compliance with Representations. Petitioner shall cause the solar farm operator to develop and operate the Updated Phase 1 Project, including the implementation of measures to mitigate potential impacts of the development, in substantial compliance with the representations made to the Commission as reflected in this Decision and Order. Such mitigation measures include, but are not limited to, the use of temporary and permanent BMPs to ensure that the development and operation of the solar farm do not result in an increase in stormwater runoff that adversely impacts downstream properties. Failure to do so may result in reversion of the Petition Area to its former classification, or change to a more appropriate classification.	On-going	Construction of the Updated Phase 1 Project is complete. WP2S has confirmed that permanent BMPs are installed to mitigate adverse impacts of stormwater runoff from the project. Final stabilization and permanent BMP installation was completed in July 2025 and temporary BMPs were removed in August 2025.
15. (2022)	Notice of Change of Ownership. Petitioner shall give notice to the Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interests in the Petition Area, prior to development of the Petition Area.	Satisfied & On-going	There have been no changes to ownership of the Petition Area. As previously reported to the Commission, KS has granted easements to both Waiawa Solar Power, LLC and Waiawa Phase 2 Solar LLC (i.e., WP2S). Both easements authorize the operations of the solar farms approved by the Commission. Petitioner shall comply with this condition.

Conditions Nos. 1 – 18 of the 2022 Order ¹			
No.	Condition	Status	Comments
16. (2022)	Annual Reports. Petitioner shall timely provide without any prior notice, annual reports to the Commission, Office of Planning and Sustainable Development, and the Department of Planning and Permitting in connection with the status of the subject project and Petitioner's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission.	On-going	Petitioner shall continue to comply with this condition.
17. (2022)	Release of Conditions. The Commission may fully or partially release the conditions provided herein as to all or any portion of the Petition Area upon timely motion and upon the provision of adequate assurance of satisfaction of these conditions by Petitioner.	N/A	Petitioner understands that it may pursue through the Commission modifications to and releases of conditions.
18. (2022)	Notice of Imposition of Conditions. Within seven (7) days of the issuance of the Commission's Decision and Order granting the Motion to Amend, Petitioner shall: (a) record with the Bureau of Conveyances a statement that the Petition Area is subject to conditions imposed herein by the Commission in the granting of the Motion to Amend; and (b) shall file a copy of such recorded statement with the Commission.	Satisfied	Petitioner recorded a Notice of Imposition of Conditions by the Land Use Commission on July 7, 2022 (Bureau of Conveyances Document No. A-82230778). Petitioner then recorded a Declaration of Conditions Imposed by the State Land Use Commission on August 24, 2022 (Bureau of Conveyances Document No. A-82710697).

Conditions Nos. 1 - 18 of the 2020 Order, Making Certain Amendments to the 2014 Order Pertaining to the Phase 2 Solar Project ²			
No.	Condition	Status	Comments
1. (2020)	Revised Master Plan. Petitioner shall submit to the Commission a revised master plan and schedule for development for the approximately 1,395-acre KS Property within five (5) years from the date of the Commission's issuance of an order approving the Motion to Amend.	Satisfied	Satisfied. The 2020 Order was issued Feb. 11, 2020, making Feb. 11, 2025, the deadline under this Condition. KS submitted its Revised Waiawa Master Plan and Schedule to the Commission by transmittal dated Feb. 10, 2025. In May 2025, KS presented the Revised Waiawa Master Plan and Schedule to the Commission.
2. (2020)	Access to the Waiawa Correctional Facility. Petitioner shall cause the solar farm facility operator to ensure that the construction and installation of the solar farm within the KS Property shall not prevent roadway access to the Waiawa Correctional Facility.	Satisfied	The developer of the Phase 2 Solar Project is Waiawa Solar Power, LLC, a wholly owned indirect subsidiary of Clearway Energy Group LLC (“WSP”). Construction of the Phase 2 Solar Project was completed in 2022 and the project came on-line in January 2023. WSP was required to pursue its construction consistent with this condition.
3. (2020)	Previously Unidentified Burials and Archaeological/Historic Sites. A supplemental AIS for the entire 1,395-acre Petition Area shall be prepared by a qualified archaeologist to determine potential impacts and to ensure that appropriate mitigation is implemented as needed. The supplemental AIS shall be submitted to the SHPD and accepted prior to the start of construction. In the event that historic resources, including human skeletal remains, are identified during construction activities, all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance, and the SHPD, O‘ahu Island Section, shall	Satisfied and on-going	An Archaeological Inventory Survey of 1,395 Acres of Kamehameha Schools' Lands, Waiawa and Waipi‘o Ahupua‘a, ‘Ewa District, Island of O‘ahu was prepared by TCP Hawai‘i LLC, and accepted by SHPD by letter dated April 24, 2015. SHPD approved the Archaeological Site Preservation Plan for State Site No. 50-80-09-2273 by letter dated September 14, 2015. WSP has completed its construction of the Phase 2 Solar Project in compliance with this condition. Successor Petitioner will continue to comply with the on-going portions of this condition.

² See Findings of Fact, Conclusions of Law, and Decision and Order Granting with Modification Motion for Modification and Time Extension, filed February 11, 2020 (the “2020 Order”).

Conditions Nos. 1 - 18 of the 2020 Order, Making Certain Amendments to the 2014 Order Pertaining to the Phase 2 Solar Project²			
No.	Condition	Status	Comments
	be contacted immediately. Without any limitation to any other condition found herein, if any burials or archaeological or historic sites, such as artifacts, marine shell concentrations, charcoal deposits, stone platforms, paving, and walls not previously identified in studies referred to herein, are discovered during the course of construction of the solar farm project, all construction activity in the vicinity of the discovery shall stop until the issuance of an archaeological clearance from the SHPD that mitigative measures have been implemented to its satisfaction.		
4. (2020)	Aircraft Hazard. If glint or glare from the PV array creates a hazardous condition for pilots, Petitioner shall cause the solar farm facility operator to be prepared to immediately mitigate the hazard upon notification by the DOT, Airports Division, or the FAA. If the PV systems emit RFI to aviation dedicated radio signals, disrupting the reliability of air-to-ground communications, Petitioner shall cause the solar farm facility operator to be prepared to immediately mitigate the hazard upon notification by the DOT, Airports Division, or the FAA.	On-going	Successor Petitioner will ensure that WSP complies with this condition.
5. (2020)	Traffic Impacts. Petitioner shall submit a Traffic construction management plan for review and acceptance by the DOT prior to the start of construction.	Satisfied	Satisfied. The State Department of Transportation approved WSP's construction traffic management plan on May 25, 2021.
6. (2020)	Development Schedule. The solar farm shall be substantially completed within five (5) years from the date of the Commission's issuance of this Decision and Order.	Satisfied.	Satisfied. Moreover, WSP commenced commercial operations of the solar farm in January 2023.

Conditions Nos. 1 - 18 of the 2020 Order, Making Certain Amendments to the 2014 Order Pertaining to the Phase 2 Solar Project²			
No.	Condition	Status	Comments
7. (2020)	Interim Use of the Petition Area. The interim use of the approximately 200-acre portion of the Petition Area as shown in Petitioner's Revised Master Plan and Schedule for Development filed on October 7, 2019, shall be limited to a utility-scale solar energy development, or solar farm. No other use shall be permitted without the prior written approval of the Commission.	On-going	The applicable portion of the Petition Area will be utilized in accordance with this condition.
8. (2020)	Timeframe of Interim Use. The interim use of the approximately 200-acre portion of the Petition Area as shown in Petitioner's Revised Master Plan and Schedule for Development filed on October 7, 2019, for the proposed solar farm, including all permitting, construction, operation, and decommissioning activities associated with the solar farm, shall not exceed November 26, 2049. If WSP or its successor can demonstrate before November 26, 2049, that it has secured a PUC-approved PPA for extension of the operation of the solar farm and a lease extension with Petitioner, the interim use of the approximately 200-acre site for the proposed solar farm shall be extended to December 31, 2059.	On-going	Petitioner is aware of these time limitations and shall require the solar farm developer, WSP, to comply.
9. (2020)	Waiawa Master Plan Infrastructure Deadline. Petitioner shall complete construction of the backbone infrastructure for the proposed Waiawa Master Plan Phase A, consisting of the primary roadways and access points, internal roadways, on- and off-site water and electrical system improvements, and stormwater / drainage and other utility system improvements, by December 31, 2030.	On-going	Petitioner acknowledges the obligations under this condition. As noted above in response to Condition 11 of the 2022 Order, and as reported in KS' 2025 Revised Waiawa Master Plan and Schedule, KS does not anticipate meeting these infrastructure installation deadlines. The significant infrastructure demands projected for the Waiawa Master Plan and the persistent ambiguity as to

Conditions Nos. 1 - 18 of the 2020 Order, Making Certain Amendments to the 2014 Order Pertaining to the Phase 2 Solar Project ²			
No.	Condition	Status	Comments
			progress of the governmental lead on or contribution to those infrastructure requirements, together with the conditions of approval that have been imposed upon the KS Waiawa property under existing entitlements, remain a major challenge for the feasibility of the Waiawa Master Plan. As previously reported, KS anticipates requesting appropriate modifications to these deadlines under the Motion KS is required to file under Condition 10. KS takes its land stewardship obligations very seriously and continues to work toward those requirements within the complex realities related to economic feasibility and constraints and potential legislative opportunities that could present new opportunities for partnerships to support Hawaii-specific infrastructure development, including at Waiawa. At this time, KS anticipates requesting appropriate modifications to these deadlines through the Motion KS is required to file under Condition 10 of the 2022 Order.
10. (2020)	Metes and Bounds Map Description. The proposed solar farm shall be limited to the acreage and boundaries identified in Petitioner's Revised Master Plan and Schedule for Development filed on October 7, 2019. Petitioner shall provide a metes and bounds map and description of the solar farm site to the Commission within one year from the date of this Decision and Order.	Satisfied	Satisfied. A map and metes and bounds of the Solar Phase 2 solar farm site was submitted to the Commission on February 2, 2021.
11. (2020)	Groundwater Resource Protection. The operator of the solar farm to be developed in the central/eastern	On-going	KS has required the Phase 2 Solar Project developer to maintain compliance with this condition.

Conditions Nos. 1 - 18 of the 2020 Order, Making Certain Amendments to the 2014 Order Pertaining to the Phase 2 Solar Project²			
No.	Condition	Status	Comments
	portion of the Petition Area shall implement mitigative measures to prevent the introduction of contamination to the ZOC from the solar farm's operations, consistent with the representations made and relied upon by the DOH in its letter of March 28, 2019, to Petitioner and the Navy in its letter to the solar farm operator dated September 30, 2019, in reference to the solar farm operator's representations in its letter dated July 22, 2019.		
12. (2020)	Decommissioning of the Solar Farm. The solar farm shall be decommissioned following its operational timeframe. The decommissioning activities shall include, but not be limited to, the complete removal of the foundational piers and modules and all associated components. All metal components shall be recycled to the extent possible and no solar farm components shall be disposed of in any landfill in the State of Hawaii. Any future use of the Petition Area following the decommissioning of the solar farm shall be subject to the environmental review process promulgated under HRS chapter 343, as applicable, and shall require the filing of a motion to amend the Decision and Order with the Commission. Such motion to amend shall include a revised master development plan of the proposed use and shall further include, but not be limited to, a revised Traffic Impact Analysis Report, Engineering Report, Socio-Economic Analysis Report, Environmental Report, and AIS.	On-going	Petitioner shall require the Phase 2 Solar Project developer to comply with these decommissioning obligations. Petitioner acknowledges the obligations required to be satisfied for any future uses of the Phase 2 Solar Project site post-decommissioning.
13. (2020)	Compliance with Representations. Petitioner shall cause the solar farm facility operator to develop and	On-going	Petitioner shall continue to require the Phase 2 Solar Project developer to comply with this condition.

Conditions Nos. 1 - 18 of the 2020 Order, Making Certain Amendments to the 2014 Order Pertaining to the Phase 2 Solar Project²			
No.	Condition	Status	Comments
	operate the solar farm, including the implementation of measures to mitigate potential impacts of the development, in substantial compliance with the representations made to the Commission as reflected in this Decision and Order. Such mitigation measures include, but are not limited to, the use of temporary and permanent BMPs to ensure that the development and operation of the solar farm do not result in an increase in stormwater runoff that adversely impacts downstream properties. Failure to do so may result in reversion of the Petition Area to its former classification or change to a more appropriate classification.		
14. (2020)	Notice of Change of Ownership. Petitioner shall give notice to the Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interests in the Petition Area, prior to development of the Petition Area.	On-going	There have been no changes to ownership of the Petition Area. As previously reported to the Commission, KS has granted easements to Waiawa Solar Power, LLC and to Waiawa Phase 2 Solar LLC. These easements authorize the operations of the solar farms approved by the Commission. Petitioner shall comply with this condition.
15. (2020)	Annual Reports. Petitioner shall timely provide without any prior notice, annual reports to the Commission, OP, and the DPP in connection with the status of the subject project and Petitioner's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission.	On-going	Petitioner has and will continue to comply with this condition.
16. (2020)	Release of Conditions. The Commission may fully or partially release the conditions provided herein as to all or any portion of the Petition Area upon timely motion	N/A	Petitioner understands that it may pursue through the Commission modifications to and releases of conditions.

Conditions Nos. 1 - 18 of the 2020 Order, Making Certain Amendments to the 2014 Order Pertaining to the Phase 2 Solar Project²			
No.	Condition	Status	Comments
	and upon the provision of adequate assurance of satisfaction of these conditions by Petitioner.		
17. (2020)	Notice of Imposition of Conditions. Within seven (7) days of the issuance of the Commission's Decision and Order for the subject reclassification, Petitioner shall: (a) record with the Bureau of Conveyances a statement that the Petition Area is subject to conditions imposed herein by the Commission in the granting of this Decision and Order; and (b) shall file a copy of such recorded statement with the Commission.	Satisfied	On February 18, 2020, Petitioner filed a Notice of Imposition of Conditions with the Bureau of Conveyances as Document No. A73530848.
18. (2020)	Recordation of Conditions. Petitioner shall record the conditions imposed herein by the Commission with the Bureau of Conveyances pursuant to HAR § 15-15-92.	Satisfied	On April 8, 2020, Petitioner filed a Declaration of Conditions with the Bureau of Conveyances as Document No. A74030801.

JOSH GREEN, M.D.
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

EDWIN H. SNIFFEN
DIRECTOR

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IN REPLY REFER TO:

DIR 0402
HWY-PL 2.1327

May 30, 2023

Ms. Kelcee Fujimoto
Austin Tsutsumi & Associates
1871 Wili Pa Loop, Suite A
Wailuku, Hawaii 96793

Dear Ms. Fujimoto:

Subject: Request for Traffic Management Plan (TMP) Review
AES Waiawa Phase 2 Solar Project
Waiawa, Oahu, Hawaii
Tax Map Key: (1) 9-4-006: 034, 035 (Por) and 037 (Por)
(1) 9-6-004: 024 (Por), 025 and 026

Thank you for your letter dated March 30, 2023 requesting for our review and acceptance of the TMP pursuant to the fulfillment of the Land Use Commission (LUC) decision and order under Case No. A87-610.

The applicant proposes to install a 30-megawatt alternating current/60-megawatt direct current ground-mounted solar photovoltaic array, including a 240-megawatt-hour battery energy storage system, a substation, and related interconnection and ancillary facilities.

The LUC approved solar farm project is broken down into Phase 1 and Phase 2 sites under the LUC description. During the review, our staff reached out to the applicant (AES) and confirmed the request is for the project's work related to Phase 2 even though it is shown as Phase 1 in the LUC report.

The project site will be accessed from Ka Uka Boulevard and east of the Ka Uka Boulevard and H-2 Interchange.

The Hawaii Department of Transportation (HDOT) has the following comments:

1. The HDOT has completed the review of the TMP. At this preliminary level review in absence of any construction submittal, we find that the document is adequate and satisfies the LUC decision and order condition. However, it shall be subject to the final acceptance by the HDOT Highways, Construction and Maintenance Branch, and the Oahu district during construction permit review.
2. The HDOT reviewed the last request (see attached letter STP 8.3339 dated January 22, 2022) related to the LUC's motion to modify conditions, including Condition 5. This was based on the 2020 Condition 5 modifications approved for Phase 2, which states that: "Prior to the start of construction, Petitioner shall submit a Traffic Consultation Management Plan for review and acceptance by the DOT."

If you have any questions, please contact Jeyan Thirugnanam, Land Use Planning Engineer, Highways Planning Branch at (808) 587-6336 or by email at jeyan.thirugnanam@hawaii.gov. Please reference file review number PL 2023-028.

Sincerely,



EDWIN H. SNIFFEN
Director of Transportation

Attachment

c: Land Use Commission