



June 10, 2026

Daniel Orodenker, Executive Officer
State of Hawai'i Land Use Commission
Department of Business, Economic Development and Tourism
P.O. Box 2359
Honolulu, Hawai'i 96804-2359

Dear Mr. Orodenker:

**Re: Petition for Land Use Commission District Boundary Amendment for
Property situated at Wailuku and Makawao District, Maui, Hawai'i; Maui
Electric Company, Limited; LUC Docket No. A97-722; Tax Map Key: (2) 3-
8-003:023 and 024**

Enclosed is the Twenty-Sixth Annual Report of Hawaiian Electric¹ (original and one copy).

We would appreciate receiving a file stamped copy of the above. Enclosed is a stamped, self-addressed envelope for this purpose.

Thank you for your consideration and assistance in this matter.

Sincerely yours,

Michael R. DeCaprio

Michael R. DeCaprio
Vice President

Enclosures

cc. Mary Alice Evans – Office of Planning and Sustainable Development (Director)
Jacky Takakura – County of Maui Planning Department (Director)
Daniel E. Orodenker – Land Use Commission (Executive Officer), electronically

¹ Hawaiian Electric Company, Inc., Maui Electric Company, Limited, and Hawai'i Electric Light Company, Inc. ("Company" or "Companies") are each doing business as "Hawaiian Electric" and have jointly registered "Hawaiian Electric" as a trade name with the State of Hawai'i Department of Commerce and Consumer Affairs, as evidenced by Certificate of Registration No. 4235929, dated December 20, 2019.

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In the Matter of the Petition of	)	Docket No. A97-722
	)	
MAUI ELECTRIC COMPANY, LIMITED, a	)	
Hawai'i corporation	)	
	)	
To Amend the Agricultural Land Use	)	
District Boundary into the Urban	)	
Land Use District for Approximately	)	
65.7 Acres of Land at Wailuku and	)	
Makawao Districts, Island of Maui,	)	
State of Hawai'i, Tax Map Key No.	)	
3-8-03: 23 and 24	)	

TWENTY-SIXTH ANNUAL REPORT
OF HAWAIIAN ELECTRIC

and

CERTIFICATE OF SERVICE

TWENTY-SIXTH¹ ANNUAL REPORT OF HAWAIIAN ELECTRIC

TO THE HONORABLE LAND USE COMMISSION OF THE STATE OF HAWAI‘I:

COMES NOW MAUI ELECTRIC COMPANY, LIMITED, a Hawai‘i corporation (“Hawaiian Electric”), Petitioner herein, and pursuant to Condition No. 14 of the Findings of Fact, Conclusion of Law, and Decision and Order issued on June 22, 1998 (“LUC Decision and Order”), hereby submits its Twenty-Sixth annual report of compliance with the conditions established by said approval to the Land Use Commission of the State of Hawai‘i as follows:

I. General Progress on the Project from November 2023 to April 2026

On May 19, 2023, Hawaiian Electric issued the Stage 3 Request for Proposals (“RFP”) for Renewable Dispatchable Generation and Energy Storage Maui. The intent of the RFP was to procure sufficient energy and capacity resources to enable the retirement of the Kahului Generation Station and to continue progress toward the State’s 100% renewable energy goal. Hawaiian Electric’s Waena site was offered to developers as a potential site as part of the RFP. On January 26, 2024, under the Competitive Bidding Framework rules, the Company made a final bid selection and the Ukiu Energy project, to be developed by Ameresco, Inc., was awarded. Information on the selected project can be found at the Ukiu Energy website: [40 MW Firm Renewable Power | ‘Ūkiu Energy](#)

The Ukiu Energy Amended and Restated Power Purchase Agreement between Hawaiian Electric and Ukiu Energy LLC (“Ukiu Energy”) was executed on February 27, 2026, and filed with the Hawai‘i Public Utilities Commission (“PUC”) for approval on March 11, 2026. The proposed 40 MW firm generation facility would provide Hawaiian Electric with a greater level of flexibility so that it could, among other goals, (a) maintain grid reliability while allowing the decommissioning of older generating units elsewhere on Maui, and (b) accommodate a greater percentage of variable, renewable, dispatchable generation on the grid. The Unilateral Agreement and Declaration for Conditional Zoning

¹ This is the Twenty-Sixth Annual Report, the Twenty-Fifth Annual Report was submitted on October 27th of 2023.

dated June 16, 2000 (“Unilateral Agreement”)/Maui County Ordinance No. 2879 were entered into at the time of the zoning change on the Waena property and in the mid-1990s, Hawaiian Electric proposed a generating station (232 MW) at the subject site. The current proposed Ukiu Energy project is a smaller generation project (40 MW), is intended to operate on renewable fuels, and will continue to be in substantial compliance with the conditions set forth in the LUC Decision and Order and the Unilateral Agreement/Maui County Ordinance No. 2879.

A. Waena BESS

In addition, in order to support renewable sources on Maui that tend to be intermittent, Hawaiian Electric received final PUC approval on December 22, 2023 to build a load-shifting 40 MW/160 MWH battery energy storage system (“BESS”) at the Waena site. The PUC issued Decision & Order No. 41841 approving the commitment of funds for the Waena BESS project on July 28, 2025. A blessing was held at the project site on November 25, 2025, and construction began on January 12, 2026. Commercial operation is targeted to begin on April 30, 2027. Information on the Waena BESS project can be found at the Hawaiian Electric website:

<https://www.hawaiianelectric.com/about-us/our-vision-and-commitment/investing-in-the-future/development-team-projects>

B. Waena Switchyard

A switchyard that is ancillary to the Hawaiian Electric system was also constructed on the Waena site and completed in 2023. The switchyard is an ancillary facility that is intended to support the transmission of energy, including energy from renewable sources that will facilitate the retirement of the fossil fuel generating units such as the Company’s Kahului Power Plant facility. It will also be ancillary to any generating facility located on the site.

C. Additional Uses

The Company is also temporarily using a portion of the property for the storage of poles and other

equipment related to energy delivery and its response to the 2023 wind storm.

II. Report on Compliance with Conditions Imposed by the Land Use Commission

The following addresses whether the conditions of the LUC Decision and Order have been or will be substantially complied with or are not applicable.

1. Petitioner shall participate in an air quality monitoring program, coordinated with and approved by DOH to monitor air quality impacts attributable to the operations of the Waena Generating Station. Mitigation measures for air quality impacts attributable to the operations of the Waena Generating Station shall be implemented by Petitioner if, based on applicable State and Federal air quality standards, the results of the monitoring program warrant them. Mitigation measures shall be developed in coordination with DOH and implemented by Petitioner.

Ukiu Energy submitted an Initial Covered Source Permit (CSP) application to the State of Hawaii Department of Health (“DOH”) and will comply with whatever requirements are contained therein. The DOH monitors particulate matter (PM2.5) parameter using its two ambient air quality monitoring stations located in Kīhei and Kahului. The results of the monitoring are published annually in the State of Hawai‘i Annual Summary Air Quality Data Books (available for public at: <https://health.hawaii.gov/cab/hawaii-air-quality-data-books/>). The Waena BESS and switchyard elements do not have the potential to generate PM2.5. Ukiu Energy will comply with and coordinate with the DOH regarding this condition and implement an air quality monitoring program if deemed warranted by the DOH.

2. Petitioner shall consult with DOH and, if necessary, Petitioner shall participate in a groundwater quality monitoring program in consultation with the County Department of Water and approved by DOH to monitor groundwater quality impacts directly attributable to the operations of the Waena Generating Station. Petitioner shall implement mitigation measures should the results of the monitoring program warrant them based on applicable State and Federal water quality standards. Mitigation measures shall be developed in coordination with DOH and implemented by Petitioner.

The project discussed in the 1997 Final EIS, which consisted of four dual-train combined-cycle phases of power generation, included the installation of production wells and injection wells. The proposed Ukiu Energy project would require much less water and no production or injections wells would be necessary. After consultation with the relevant agencies, a permitted onsite septic system is

contemplated for domestic services and any production of wastewater will be stored in a tank and disposed of properly offsite. Ukiu Energy will comply with and coordinate with the DOH and County regarding this condition.

3. Petitioner shall provide at its own expense, adequate non-potable water source, storage, and transmission facilities and improvements to accommodate the proposed project. The non-potable water improvements shall meet all applicable County, State, and Federal standards and shall be consistent with the County of Maui adopted water use and development plan.

Ukiu Energy will comply with this condition.

4. Petitioner shall consult with DOH and, if necessary, prepare a wastewater disposal plan subject to review and approval by DOH. Petitioner shall provide at its own expense adequate wastewater treatment, transmission, and disposal facilities for wastewater directly attributable to the operations of the Waena Generating Station.

Ukiu Energy will comply with and coordinate with the DOH regarding this condition.

5. Petitioner shall establish appropriate systems to contain spills and prevent materials associated with heavy industrial uses attributable to the operations of the Waena Generating Station, such as petroleum products, chemicals or other pollutants, for leaching or draining into above ground or subsurface storm drainage collection areas. Based on applicable State and Federal standards, Petitioner shall use best management practices to minimize non-point source pollution into irrigation ditches. Petitioner shall consult with DOH and County Department of Public Works and Waste Management and obtain any permits required or construct improvements required for storm water discharge on the Property.

Ukiu Energy will comply with this condition, including obtaining necessary permits and consulting with the DOH and the County of Maui ("County") as applicable.

6. Petitioner shall consult with DOH regarding hazardous waste storage and, if necessary, prepare a hazardous waste storage plan.

Ukiu Energy will comply with and consult with the DOH regarding this condition, including through the identification of appropriate BMPs for ammonia (if any), sludge, and other potentially hazardous materials or waste. To the extent any such materials or waste are present, Ukiu Energy will also comply with applicable laws and regulations. All Ukiu Energy project components, such as the engines, batteries, and transformers, will be designed to applicable code.

7. Petitioner shall participate in the funding and construction of local and regional

transportation improvements and programs attributable to the operations of the Waena Generating Station as determined by the State Department of Transportation (DOT) and the County of Maui.

Ukiu Energy will comply with this condition, and is preparing an updated Traffic Impact Analysis that considers whether local and regional transportation improvements and programs are warranted due to the operation of the proposed, planned, and built improvements. The analysis will be shared with the DOT and the County.

8. Petitioner shall coordinate with the surrounding property owner to ensure that the proposed project will not adversely impact the use of cane haul roads and irrigation ditches or adversely impact the continued agricultural operation of adjoining sugar cane cultivation areas.

Ukiu Energy and Hawaiian Electric will continue to coordinate with the surrounding property owners to ensure uses and activities associated with the Waena site will not adversely affect surrounding agricultural uses and activities.

9. Petitioner shall participate in the pro rata funding and construction of adequate civil defense measures as determined by the State of Hawai‘i and County of Maui civil defense agencies.

Ukiu Energy will comply with this condition, including pro rata funding and construction of adequate civil defense measures determined by the State of Hawai‘i and County civil defense agencies to the extent these measures are relevant to the proposed, planned, and built uses of the Waena site.

10. Petitioner shall implement effective soil erosion and dust control measures during and after construction in compliance with the applicable rules and regulations of the DOH and the County of Maui.

Ukiu Energy will comply with this condition, including through consultation with the DOH and County, and application for applicable permits.

11. Should any human burials or any historic artifacts, such as charcoal deposits, stone platforms, pavings or walls be found, Petitioner shall stop work in the immediate vicinity and contact the State Historic Preservation Division (SHPD). The significance of these finds shall then be determined and approved by SHPD and, if applicable, an acceptable mitigation plan shall be approved by SHPD. SHPD must verify that the fieldwork portion of the mitigation plan has been successfully executed prior to work proceeding in the immediate vicinity of the find. Burials must be treated under specific provisions of Chapter 6E, HRS.

Ukiu Energy will comply with this condition.

12. Petitioner shall develop the Property in substantial compliance with the representations made to the Commission. Failure to develop the Property may result in reversion of the Property to its former classification or change to a more appropriate classification.

The Ukiu Energy project and accessory uses by Hawaiian Electric will be in substantial compliance with the LUC Decision and Order. Further, the proposed and planned energy generation and storage capacity are much smaller, will run primarily on biodiesel, and consequently, are expected to have less impact than the project that was initially contemplated. The LUC Decision and Order also expressly contemplated a switchyard, and use of new technologies on the site, such as a BESS.

13. 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 Property, prior to development of the Property.

Hawaiian Electric understands its obligation to comply with this condition and currently has no plans that would alter its ownership interests in the Waena site.

14. Petitioner shall timely provide without any prior notice, annual reports to the Commission, the Office of Planning, and the County of Maui Planning Department 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.

Hawaiian Electric understands its obligation to comply with this condition and has filed Annual Reports with the Commission since 1999.

15. The Commission may fully or partially release the conditions provided herein as to all or any portion of the Property upon timely motion and upon the provision of adequate assurance of satisfaction of these conditions by Petitioner.

Hawaiian Electric understands the Commission's authority in this condition.

16. Within 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 Property is subject to conditions imposed herein by the Commission in the reclassification of the Property, and (b) shall file a copy of such recorded statement with the Commission.

Hawaiian Electric has recorded a Notice of Imposition of Conditions by the Land Use Commission

pursuant to Commission Rule Section 15-15-92. The notice was dated June 25, 1998, and recorded in the Bureau of Conveyances of the State of Hawai‘i as Document No. 98-094602. A copy of the notice was transmitted to the Land Use Commission on July 1, 1998.

17. Petitioner shall record the conditions imposed herein by the Commission with the Bureau of Conveyances pursuant to Section 15-15-92 Hawai‘i Administrative Rules.

Hawaiian Electric recorded a Document Listing Conditions to Reclassification of Land pursuant to Section 15-15-92 of the State of Hawai‘i Land Use Commission Rules. The document was dated July 23, 1998, and recorded in the Bureau of Conveyances of the State of Hawai‘i as Document No. 98-112111. A copy of the document was transmitted to the Commission on August 4, 1998.

III. Conclusion

The proposed, planned, and built uses of the Waena site can and will substantially comply with the conditions imposed by the Commission. Hawaiian Electric will continue to coordinate with the Land Use Commission, County, DOH, Ukiu Energy, and other applicable stakeholders to ensure that compliance is achieved and maintained.

Dated: Kahului, Hawai‘i, June 9, 2026.

MAUI ELECTRIC COMPANY, LIMITED
Petitioner

CERTIFICATE OF SERVICE

I hereby certify that due service of a copy of the within document will be made by depositing the same with the U.S. mail, postage prepaid, within (5) days of the date on this report, addressed to:

MARY ALICE EVANS

BY MAIL

Director

Office of State Planning and Sustainable Development

State of Hawai'i

P.O. Box 2359

Honolulu, Hawai'i 96804

Kathleen Aoki

BY MAIL

Director

County of Maui Planning Department

2200 Main Street

One Main Plaza Building, Ste 315

Wailuku, Hawai'i 96793

Dated: Kahului, Hawai'i, June 10, 2026.