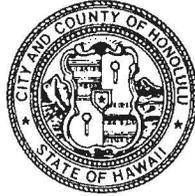


DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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March 18, 2019

Mr. Daniel E. Orodenker
Executive Officer
Land Use Commission
Department of Business, Economic
Development & Tourism
State of Hawaii
P.O. Box 2359
Honolulu, Hawaii 96804

2019 MAR 21 A 8:27
LAND USE COMMISSION
STATE OF HAWAII

Dear Mr. Orodenker:

SUBJECT: 2018 Annual Compliance Report for Docket No. SP15-406/Kawailoa Solar, LLC

This is in response to your letter of January 2, 2019, requesting the Department of Planning and Permitting's (DPP) comments on the 2018 Annual Compliance Report submitted by Mr. von Allmen of the Clearway Energy Group (Applicant). We also received a copy on December 27, 2018, directly from Mr. von Allmen. Our comments are as follows:

1. We have no objections to the format of the subject Annual Report. However, the report's pages should be paginated.
2. Section 2.1, Special Use Permit (SUP) Condition No. 1, and any subsequent re-statement of conditions should be stated verbatim pursuant to the Land Use Commission's (LUC) Decision and Order dated August 14, 2017. Condition No. 1's deadline for the establishment of compatible agricultural operations is six months from the start of commercial energy generation, not one year. Also missing from the Annual Report's re-statement of Condition No. 1 is the last sentence of Condition No. 1 as follows:

"Also, the Applicant shall provide, in writing, a letter from Kualoa Ranch stating that the proposed amendments to the SUP will not have any adverse effect on its planned ranching operation within the Project Area."

3. Section 2.2 SUP Condition No. 2 was also misstated in the Annual Report. References to the "Commission" should be corrected to the "Planning Commission". The Applicant's response to Condition No. 2 should also be corrected to the Planning Commission.

Mr. Daniel E. Orodener
March 18, 2019
Page 2

4. Sections of the Annual Report referring to SUP Condition Nos. 4, 5, 6, 9, and 14 also misstated said conditions and should be corrected per LUC Decision and Order. Responses regarding the Applicant's progress towards their satisfaction may need to be revised accordingly.

We note that Condition No. 1 is ongoing throughout the life of the project and progress towards its satisfaction is acknowledged. For your information, the Kualoa Ranch letter, dated June 16, 2017, regarding the effect of the proposed amendments, was submitted to the DPP on June 19, 2017, in compliance with Condition No. 1.

We also recommend that the Applicant submit a corrected Annual Report addressing the above concerns.

We also note that there appears to be portions of the project that may exceed the boundaries of the approved SUP, especially along the northern boundary of Site 3's mid-section. Our assessment is based on the survey map that was approved by the DPP on January 18, 2018, and comparison of the survey map with 2018 aerial imagery (see attached map). The Applicant should provide clarification with appropriate documentation that all improvements and construction activities, including any construction yards, are contained within the approved SUP area.

Should you have any further questions, please contact Raymond Young, of our staff, at 768-8049.

Very truly yours,



Kathy K. Sokugawa
Acting Director

KKS:ah

Attachment

cc: Don von Allmen, Development Project Manager
Clearway Energy Group

Doc. 1679333

