



**Annual Compliance Report
In the Matter of:**

Special Use Permit (Docket No. SP21-412) for a 120 Megawatt Solar and
Energy Storage Facility

Prepared by:

Mahi Solar, LLC

November 2025

Contents

1.0	Introduction	1
2.0	Annual Compliance Report on Conditions of Special Use Permit.....	1
2.1	SUP Condition #1	1
2.1.1	Response to Condition #1	2
2.2	SUP Condition #2	2
2.2.1	Response to Condition #2	2
2.3	SUP Condition #3	3
2.3.1	Response to Condition #3	3
2.4	SUP Condition #4	3
2.4.1	Response to Condition #4	3
2.5	SUP Condition #5	3
2.5.1	Response to Condition #5	4
2.6	SUP Condition #6	4
2.6.1	Response to Condition #6	4
2.7	SUP Condition #7	5
2.7.1	Response to Condition #7	5
2.8	SUP Condition #8	5
2.8.1	Response to Condition #8	5
2.9	SUP Condition #9	6
2.9.1	Response to Condition #9	6
2.10	SUP Condition #10	6
2.10.1	Response to Condition #10.....	7
2.11	SUP Condition #11	8

2.11.1 Response to Condition #11.....	8
2.12 SUP Condition #12	8
2.12.1 Response to Condition #12.....	8
2.13 SUP Condition #13	8
2.13.1 Response to Condition #13.....	8
2.14 SUP Condition #14	9
2.14.1 Response to Condition #14.....	9
2.15 SUP Condition #15	9
2.15.1 Response to Condition #15.....	9
2.16 SUP Condition #16	10
2.16.1 Response to Condition #16.....	10
2.17 SUP Condition #17	10
2.17.1 Response to Condition #17.....	11
2.18 SUP Condition #18	11
2.18.1 Response to Condition #18.....	11

1.0 Introduction

This Annual Compliance Report has been prepared in compliance with the State Land Use Commission's Decision and Order (D&O), Special Use Permit, Docket No. SP21-412, approved by the Land Use Commission (LUC) on (September 9, 2021) (the "Special Use Permit" or "SUP") and modified by the Land Use Commission on November 13, 2024. This Annual Report by Mahi Solar, LLC ("Permittee") provides an update on land ownership, project schedule, and agricultural activities which demonstrate the status of compliance of the Mahi Solar Project ("Project") with the conditions of the SUP. This report covers the period from October 1, 2023 through September 30, 2025.

2.0 Annual Compliance Report on Conditions of Special Use Permit

2.1 SUP Condition #1

Usable lands of the Petition Area, as required under Section 205-4.5(a)(21)(A), shall be made available for compatible agricultural use at a lease rate that is at least 50 percent below the fair market rent for comparable properties, as long as the Project is in operation. Compatible agricultural operations shall be established, or the Petitioner shall be actively seeking to have such operations established, within six months of the start of commercial power generation (referred to as the "initial six-month period"). Extensions to this deadline may be granted by the Director of the DPP for unforeseen circumstances that were beyond the control of the Applicant. The Agricultural Plan, approved by the Director of the DPP, shall include the following:

- a. The Agrivoltaics Program as outlined in the Petition as "proof-of-concept" to determine the suitability of the to-be-determined agricultural activities to be researched and field trialed by the HARC.*
- b. A collaborative process establishing an organization or association between the Petitioner and the individual agricultural operators interested in and working in the Petition Area for agricultural productions including livestock, crops, or hydroponics.*
- c. An irrigation system proposed for future agricultural activities that may occur under and adjacent to the solar panel arrays.*
- d. Fencing and gating to be in place prior to full operation of the Project to prepare for the needs of the anticipated agricultural activities.*

2.1.1 Response to Condition #1

By way of overall project update, the Hawaiian Electric Company (HECO) procurement of power from Mahi Solar has been delayed which also has delayed initiation of the agricultural use plan with the solar facility in operation. As a result of the Covid-19 pandemic and the subsequent global supply chain crisis, the project was required to bid into a subsequent HECO procurement in 2023 and to seek a modification of the SUP in 2024. The project was selected again by HECO, and is now moving forward. The current land is still in agricultural use and will be until construction start which is anticipated in 2027. A portion of the land (TMK (1)9-2-004:003:0002 and (1)9-2-004:003:0004) was purchased by Mahi Land Holdings, LLC, which is a wholly owned affiliate of Longroad Energy (LRE). Additionally, LRE has been funding the Hawaii Agricultural Research Center (HARC) to research crop production at the Mililani Solar site which is in the third year of study. The results of the HARC study will help develop the Agricultural Plan at Mahi Solar once in operation. The lease rate for agricultural use will be below 50% of the rental market once farming has started.

2.2 SUP Condition #2

If at any time during the term of the SUP no compatible agricultural operations exist on the usable lands of the Petition Area for six months after the initial six-month period (referred to as the "subsequent six-month periods"), the Petitioner shall notify the Planning Commission and the Director of the DPP in writing within 30 days of the end of any subsequent six-month periods. If requested by the Planning Commission, the Petitioner shall attend a meeting of the Planning Commission detailing the Petitioner's actual and reasonable efforts to actively seek the establishment of compatible agricultural operations on the usable lands of the Petition Area. The Planning Commission shall determine whether probable cause exists to re-evaluate the SUP and to hold a hearing pursuant to Section 2-49 of the Rules of the Planning Commission for unforeseen extenuating circumstances.

2.2.1 Response to Condition #2

See response to Condition #1.

2.3 SUP Condition #3

This SUP operational period shall be valid for a period of 25 years plus a 10-year extension preceded by three-years of construction and 12 months of decommissioning from the date of the State LUC Decision and Order approving the SUP, subject to further extensions upon a timely request for extension filed with the Planning Commission at least 120 days prior to the SUP's 39-year expiration. Approval of time extensions shall be required from the Land Use Commission.

2.3.1 Response to Condition #3

See response to Condition #1.

The LUC's D&O approving the Special Use Permit (SUP) was issued on September 17, 2021. In 2024, a request for a time extension for the Project was submitted to the Planning Commission. On November 13, 2024, Mahi Solar received approval for a modification to Condition No. 4 of the D&O, granting an extension of the Project's deadline until September 17, 2029, along with extensions to other relevant deadlines, such as the operational period, and others associated with the establishment of the Project.

2.4 SUP Condition #4

The Petitioner shall establish the Project within three years of the date of the LUC's Decision and Order approving the SUP. Requests for extension of this deadline shall be submitted to the Director of the DPP prior to the expiration of the deadline. The Land Use Commission may grant an extension to the deadline to establish the Project due to unforeseen circumstances that were beyond the control of the Petitioner.

2.4.1 Response to Condition #4

See response to Condition #1.

The LUC's D&O approving the Special Use Permit (SUP) was issued on September 17, 2021. In 2024, a request for a time extension for the Project was submitted to the Planning Commission. On November 13, 2024, Mahi Solar received approval for a modification to Condition No. 4 of the D&O, granting an extension of the Project's deadline until September 17, 2029,

along with extensions to other relevant deadlines associated with the establishment of the Project.

2.5 SUP Condition #5

Approval of the AIS from the SHPD shall be obtained prior to the issuance of building permits. Any specific required conditions of such approval may be added to the CUP or grading permit or building permit at the discretion of the Director of DPP.

2.5.1 Response to Condition #5

An Archaeological Inventory Survey (AIS) was conducted by ASM Affiliates in April 2021 and subsequently reviewed and accepted by SHPD on September 8, 2021 (Project No. 2021PR00380, Doc No. 2109SL01). The Hawai'i Revised Statutes (HRS) Chapter 6E-42 determination of effect for the proposed Mahi Solar project is "effect with agreed upon mitigation." As mitigation for this effect, archaeological monitoring will occur during ground-disturbing activities pursuant to an Archaeological Monitoring Plan (AMP) that was prepared in accordance with HAR §13-279-4 and accepted by the State Historic Preservation Division (SHPD) on October 14, 2025 (Project No. 2021PR00380, Doc No. 2510SN14) prior to initiating ground-disturbing activity.

2.6 SUP Condition #6

The Petitioner shall submit for review and obtain the approval of the following from the Director of the DPP, prior to any subdivision action or the issuance of a grading or building permit:

- a. The Agricultural Plan listed in the Condition No. 1 with a site plan showing the minimum land area to be made available and the types of agricultural activity proposed for compatible agricultural use.*
- b. A revised landscape plan showing a proposed landscape treatment to screen the Project along the southern (makai) boundary of the Petition Area Number 5, adjacent to Honouliuli National Historic site. If the Project creased a negative visual impact to the Honouliuli National Historic site in the future, and vegetative visual screening is requested by the National Park Service, the Petitioner shall install such screening.*

2.6.1 Response to Condition #6

See response to Condition #1.

2.7 SUP Condition #7

Upon the conclusion of Project operations, the Petitioner, its assignees, or the landowner, shall cause the decommissioning of the Project at the Petitioner's, assignee's, or owner's expense by removing all of the equipment related to the SEF by no more than 12 months of the conclusion or operation or its useful life and the restoration of the disturbed earth to substantially the same physical condition as existed prior to the development of the SEF.

2.7.1 Response to Condition #7

The decommissioning plan will be implemented at the end of project operations.

2.8 SUP Condition #8

Prior to the closing of a building permit for the SEF, the Petitioner shall submit to the DPP proof of financial security to decommission the Project and restore the Petition Area to substantially the same physical condition as existing prior to development of the Project. Such proof may include, but not be limited to, a posted letter of credit, performance bond, escrow account, or similar mechanism from a creditworthy financial institution. This shall be in favor of the owners of the land subject to the SUP, in the amount based on the used acreage of that landowner by the Project multiplied by the 2020 estimated rate of decommissioning established by the Petitioner's consultant, Engineering Analytics, Incorporated (\$6,830 per acre of the constructed Project, escalated per year for inflation), which security shall remain in place for the duration of the SUP.

2.8.1 Response to Condition #8

See response to Condition #1.

A reclamation cost estimate will be completed prior to the closing of a building permit for the project, and Mahi Solar will post financial security in the form of a bond, letter of credit, or similar instrument in favor of the landowner to ensure that the decommissioning funds will be available at the time that the project is decommissioned, should the project owner be unable to complete the decommissioning.

2.9 SUP Condition #9

The Petitioner shall comply with the recommendations of the State of Hawaii, Department of Land and Natural Resources, Division of Forestry and Wildlife ("DOFAW"), regarding the protection of endangered, threatened, and native flora and fauna species and their associated habitat should be monitored and observed. If identified in the Petition Area, the Petitioner shall follow the mitigation, monitoring, and avoidance measures contained in the Biological Resource Report prepared for the Project.

2.9.1 Response to Condition #9

See response to Condition #1.

At the appropriate time, the Permittee will ensure compliance with recommendations of the State of Hawai'i, Department of Land and Natural Resources, Division of Forestry and Wildlife ("DOFAW"), are adequately met.

2.10 SUP Condition #10

On or before December 31 of each year that the SUP is in effect, the Petitioner or its successor shall file an annual report to the DPP, the State Office of Planning and Sustainable Development, the State Department of Agriculture and the Land Use Commission that demonstrates the Petitioner's compliance with conditions of the SUP. The annual report shall also include, but not be limited to:

- a. The total acreage per type of agricultural activity, their yields, amount sold locally and out-of-state, revenues in aggregate for each agricultural activity.*
- b. Evidence of proof of financial security for decommissioning of the Project.*
- c. Detailed records of inspection of decreased wildlife as a result of natural causes or facility operations; the hours spent by specialists training operations staff in the proper response, documentation, and reporting of any downed wildlife observed; the results of the established and implemented Downed Wildlife Observation Program; the recorded fatalities of state-listed species, federally-listed species, or species protected under the Migratory Bird Treaty Act that were reported to the DOFAW and the United States Fish and Wildlife Service; and invasive species found in the Petition Area that were reported to the Oahu Invasive Species Committee.*
- d. Avoidance and mitigation measures conducted to protect and preserve historic, cultural, and archaeological features, sites, and resources.*
- e. Quantities of water demand, storage, pumping, delivery, availability by sources for each of the five Project Areas prior to Phase Two of the Agrivoltaics Program of the Agricultural Plan.*

2.10.1 Response to Condition #10

See response to Condition #1. This SUP Compliance Report will be provided to the Department of Planning and Permitting (DPP), the State Office of Planning and Sustainable Development (OPSD), and the State Department of Agriculture (DOA) and the LUC prior to December 31, 2025, noting the project status and overall delay relating to the HECO procurement of Power from Mahi Solar.

2.11 SUP Condition #11

Major modifications to: (1) The Project plans, including but not limited to significant increases in the number of PV panels; (2) Amendments to the conditions of approval; (3) Significant expansions of the approved area; or (4) Change in uses stated herein, shall be subject to the review and approval of the Planning Commission and the LUC. Minor modifications including minor additional to accessory uses and structures, and new incidental uses and structures in the approved area are subject to review and approval by the Director of DPP.

2.11.1 Response to Condition #11

See response to Condition #1.

2.12 SUP Condition #12

The Petitioner and/or landowner shall notify the Director of DPP of:

- a. Any change or transfer of licensee on the property;*
- b. Any change in uses on the property;*
- c. Termination of any uses on the property; and/or*
- d. Transfer in ownership of the property.*

The Planning Commission, in consultation with the Director of the DPP, shall determine the disposition of this SUP, and the facilities permitted herein.

2.12.1 Response to Condition #12

See response to Condition #1.

2.13 SUP Condition #13

Enforcement of the conditions of the SUP shall be pursuant to the Rules of how the Planning Commission and the Land Use Commission, including the issuance of an order to show cause as to the reason the SUP should not be revoked if the Planning Commission has reason to believe that there has been a failure to perform consistent with representations made by the Petitioner or the conditions imposed herein.

2.13.1 Response to Condition #13

See response to Condition #1.

2.14 SUP Condition #14

The Applicant shall develop and operate the facility, including the implementation of measures to mitigate potential impacts of the Project, in substantial compliance with the representations made to the Planning Commission and the LUC 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 facility does not result in an increase in stormwater runoff that adversely impacts downstream properties. Failure to develop the Petition Area may result in revocation of the SP.

2.14.1 Response to Condition #14

See response to Condition #1.

At the appropriate time, the "Permittee" will ensure the Project is developed and operated, including the implementation of measures to mitigate potential impacts in compliance with representations made to the Planning Commission and LUC as reflected in the D&O.

2.15 SUP Condition #15

In the event that historic resources, including skeletal remains, structural remains, cultural deposits, artifacts, sand deposits, or sink holes, are identified during demolition and/or construction activities, all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance, and the SHPD and O'ahu Island Burial Council, as applicable, shall be contacted immediately. Without any limitation to any other condition found herein, if any burials or archaeological or historic sites are discovered during the course of construction of the facility, all construction activity in the vicinity of the discovery shall stop until the issuance of an archaeological clearance from the SHPD that mitigation measures have been implemented to its satisfaction. An Archaeological Monitoring Plan ("AMP") that satisfies the requirements of HAR section 13-279-4, shall be prepared to guide monitoring and be reviewed and accepted by SHPD before work begins.

2.15.1 Response to Condition #15

See response to Condition #1.

As part of the Project's future construction activities, the Permittee will comply with established mitigation processes relating to the potential identification of historic resources.

An AIS was conducted by ASM Affiliates in April 2021 and subsequently reviewed and accepted by SHPD on September 8, 2021 (Project No. 2021PR00380, Doc No. 2109SL01). The HRS Chapter 6E-42 determination of effect for the proposed Mahi Solar project is "effect with agreed upon mitigation." As mitigation for this effect, archaeological monitoring will occur during ground-disturbing activities pursuant to an AMP that was prepared in accordance with HAR §13-279-4 and accepted by SHPD on October 14, 2025 (Project No. 2021PR00380, Doc No. 2510SN14) to guide monitoring prior to initiating ground-disturbing activity.

2.16 SUP Condition #16

The Applicant will comply with the recommendations made in the Archaeological Inventory Survey with regards to the:

- *Waiahole Ditch – avoidance and protection during development activities*
- *Oahu Sugar Company irrigation infrastructure – conduct archaeological monitoring during development activities and prepare an archaeological monitoring plan subject to acceptance by the State Historic Preservation Division prior to ground-disturbing activities.*

2.16.1 Response to Condition #16

See response to Condition #1.

As part of the Project's future development, the Permittee will comply with recommendations made in the AIS.

2.17 SUP Condition #17

The Applicant and its successors shall (1) maintain the surface and aboveground areas of the easement of the Waiahole Ditch where it traverses the Petition Area and shall have non-exclusive access to such areas; and (2) not interrupt or impair delivery of Waiahole Ditch water during construction and operation of the Project.

2.17.1 Response to Condition #17

See response to Condition #1.

At the appropriate time, conditions relating to the Waiahole Ditch will be met as part of the Project's development.

2.18 SUP Condition #18

As recommended by Petitioner's Ka Paakai O Ka Aina analysis to mitigated impacts to traditional and customary practices, Petitioner shall consult with appropriate agencies and persons who have knowledge of the Pohakea trail's historical location and possible status and incorporate consultation recommendations in its development plans. Petitioner shall also identify and avoid all native plant communities and their associated habitats.

2.18.1 Response to Condition #18

See response to Condition #1.

At the appropriate time, the Permittee will meet mitigation measures as recommended in the Ka Paakai O Ka Aina analysis.